

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

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In the Matter of

ROBERT WAYNE MANSELL,

Registrant.

: CFTC DOCKET NO. SD 12-04
:
: **OPINION AND ORDER**
: **ACCEPTING OFFER OF**
: **SETTLEMENT OF**
: **ROBERT WAYNE MANSELL**
:
:

I.

On this date, the Commodity Futures Trading Commission (“Commission”) issued a Notice of Intent to Revoke Registration (“Notice”) against Robert Wayne Mansell (“Mansell” or “Registrant”). The Notice alleged that Mansell’s registration as a floor broker is subject to statutory disqualification pursuant to Section 8a(4) of the Commodity Exchange Act (“Act”), 7 U.S.C. § 12a(4) (2006). To resolve this matter, Mansell has submitted an Offer of Settlement (“Offer”) that the Commission has determined to accept.

II.

Mansell acknowledges service of this Opinion and Order Accepting Offer of Settlement (“Order”). To effect settlement of the matters alleged in the Notice and this Order, without taking testimony and prior to any adjudication on any issue of fact or law by the Commission, Registrant consents to the entry of this Order and to the use of the findings in this Order only in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party.¹

III.

The Commission finds the following:

A. SUMMARY

On October 8, 2010, the United States Attorney for the Northern District of Illinois (“U.S. Attorney”) filed an information against Mansell alleging that he attempted to possess cocaine with the intent to distribute in violation of 21 U.S.C. § 841 (*United States v. Mansell*, No. 10-cr-864 (N.D. Ill.)). On September 7, 2011, Mansell pled guilty to a felony charge in the information. In his guilty plea, Mansell agreed to consent before sentencing to the revocation of

¹ Registrant does not consent to the use of his Offer, or the findings or conclusions in this Order consented to in the Offer, as the sole basis for any other proceeding brought by the Commission, other than a proceeding brought in bankruptcy, or to enforce the terms of this Order. Registrant does not consent to the use of the Offer or this Order, or the findings or conclusions in this Order consented to in the Offer, by any other party in any other proceeding.

his commodities floor broker registration by the Commission and to be barred from reapplying as a commodities floor broker.

These facts constitute grounds for statutory disqualification of Mansell's registration under Section 8a(4) of the Act, 7 U.S.C. § 12a(4) (2006), pursuant to which Mansell is subject to having his registration as a floor broker conditioned, suspended, restricted, or revoked.

B. REGISTRANT

Robert Wayne Mansell is registered with the Commission as a floor broker and resides in Chicago, Illinois. Mansell has been registered as a floor broker since 1989.

C. FACTS

Mansell pled guilty to a felony charge of attempting to possess with intent to distribute cocaine. Mansell's plea agreement states that on November 3, 2005 in Chicago, Mansell attempted to possess with intent to distribute approximately 2 ounces or 56 grams of cocaine. Over a period of more than four years, Mansell admits that he regularly purchased cocaine for the purpose of reselling much of the cocaine and using the remainder for his personal use. Although the quantities varied, Mansell usually purchased about 56 grams of cocaine for \$2,700.

In his guilty plea, Mansell agreed to consent before sentencing to the revocation of his commodities floor broker registration by the Commission and to be barred from reapplying as a commodities floor broker.

D. LEGAL DISCUSSION

Mansell's registration is subject to statutory disqualification under the Act. Pursuant to Section 8a(4) of the Act, 7 U.S.C. § 12a(4) (2006), the Commission may revoke the registration of any person if cause exists under Section 8a(3) of the Act which would warrant a refusal of registration of such person. Section 8a(3)(D) of the Act authorizes the Commission to refuse to register any person, if it is found, after opportunity for hearing, that "such person pleaded guilty to . . . a felony other than a felony of the type specified in paragraph 2(D) of this section." 7 U.S.C. § 12a(2)(D) (2006).

Mansell pled guilty to a violation of 21 U.S.C. § 841 on September 7, 2011. This violation is a felony other than one specified in Section 8a(2)(D) of the Act. Thus, Mansell's resulting conviction forms a basis under Section 8a(4) of the Act for statutory disqualification from registration as a floor broker.

IV.

OFFER OF SETTLEMENT

Mansell has submitted an Offer in which he (1) acknowledges service of the Notice and Order; (2) admits the jurisdiction of the Commission with respect to the matters set forth in the Order; (3) admits that he pled guilty to the felony charge of attempting to possess cocaine with the intent to distribute in violation of 21 U.S.C. § 841 in the action titled *United States v.*

Mansell, No. 09-cr-1037 (N.D. Ill.); and (4) that he is registered with the Commission as a floor broker.

Further, in his Offer, Mansell waives (1) a hearing; (2) all post-hearing procedures; (3) judicial review by any Court; (4) any and all objections to the participation by any member of the Commission's staff in the Commission's consideration of his Offer; (5) any and all claims he may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (2006) and 28 U.S.C. § 2412 (2006), and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Commission's Regulations, 17 C.F.R. §§ 148.1-30 (2011), relating to, or arising from, this proceeding; (6) any and all claims he may possess under the Small Business Regulatory Enforcement Fairness Act, Pub. L. No. 104-121, §§ 201-253, 110 Stat. 847, 857-868 (1996), as amended by Pub. L. No. 110-28, § 8302, 121 Stat. 112, 204-205 (2007), relating to or arising from this proceeding; and (7) any and all claims of Double Jeopardy based upon the institution of this proceeding or the entry in this proceeding of any order for relief.

Finally, Mansell stipulates that the record basis on which this Order is entered consists solely of the Notice and the findings in this Order, the entry of which Mansell has consented to in his Offer. Pursuant to the Offer, Mansell consents to the Commission's issuance of this Order revoking his registration with the Commission.

V.

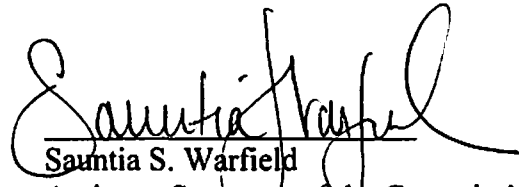
FINDING

Accordingly, IT IS HEREBY ORDERED THAT:

1. Mansell's registration with the Commission as a floor broker is hereby revoked.
2. Mansell shall comply with the following conditions and undertakings set forth in the Offer:
 - a. Mansell agrees that he shall never, directly or indirectly, apply with the Commission as a floor broker and/or engage in any activity requiring such registration.
 - b. Mansell agrees that neither he nor any of his agents or employees under his authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the Notice or the findings or conclusions in this Order, or creating or tending to create the impression that the Notice or this Order is without a factual basis; provided, however, that nothing in this provision shall affect Mansell's (i) testimonial obligations, or (ii) right to take legal positions in other proceedings to which the Commission is not a party. Mansell shall undertake all steps necessary to ensure that all of his agents and/or employees under his authority or control understand and comply with this agreement.

The provisions of this Order shall be effective immediately. A copy of this Order shall be served on Mansell at the address set forth in the Notice, on all contract markets, and on the National Futures Association.

By the Commission.



Sauntia S. Warfield
Assistant Secretary of the Commission
Commodity Futures Trading Commission

Date: April 13, 2012