

III.

The Commission finds the following:

A. REGISTRANTS

Black Diamond Futures LLC is a Washington limited liability company whose listed address with the Commission is 516 6th Street South, Suite 200, Kirkland, Washington 98033. Black Diamond has been registered with the Commission as a Commodity Trading Advisor (“CTA”) since June 20, 2011.

Richard Allan Finger, Jr. is a Washington State resident who has been registered as an Associated Person (“AP”) of Black Diamond since July 19, 2011. Finger is the Chief Executive Officer and sole Principal of Black Diamond, owning at least a ten percent financial interest in Black Diamond.

B. FACTS

On September 8, 2011, the United States Attorney for the Western District of Washington filed a criminal complaint against Finger, charging him with one count of wire fraud, in violation of 18 U.S.C. § 1343. *United States v. Finger*, Crim. Case No. 11-mj-424 (W.D. Wash.) (hereinafter “*U.S. v. Finger*”). Also on September 8, 2011, the Securities and Exchange Commission (“SEC”) filed a civil injunctive action, alleging that Finger and Black Diamond Securities, LLC, a broker-dealer that Finger controls, committed fraud pursuant to Sections 10(b) and 15(c)(1)(A) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder. *SEC v. Finger and Black Diamond Securities, LLC*, Civ. Case No. 11-1479 (W.D. Wash.).

On November 21, 2011, Finger pleaded guilty to one felony count of wire fraud in violation of Title 18, Section 1343 of the United States Code. *U.S. v. Finger*, Crim. Case No. 11-382.

C. LEGAL DISCUSSION

Finger’s and Black Diamond’s registrations are subject to statutory disqualification under the Act. Pursuant to Section 8a(2)(D)(iii)-(iv) of the Act, 7 U.S.C. § 12a(2)(D)(iii)-(iv), the Commission may revoke the registration of any person if that person has been convicted of a felony that involves fraud (subsection (iii)), or a violation of Title 18, Section 1343 of the United States Code (subsection (iv)).

Pursuant to Section 8a(2)(H) of the Act, 7 U.S.C. § 12a(2)(H), the Commission may revoke the registration of any person if, in relevant part, revocation of the registration of any principal of such person would be warranted because of a statutory disqualification listed in Section 8a(2) of the Act.

Finger pleaded guilty to a violation of Title 18, Section 1343 of the United States Code on November 21, 2011. Thus, Finger’s conviction forms a basis under Section 8a(2)(D)(iii)-(iv) of the Act for revocation of his registration as an AP. Because Finger is also a principal of Black

Diamond and his registration as an AP is subject to revocation, the facts set forth above constitute a basis to revoke Black Diamond's registration as a CTA pursuant to Section 8a(2)(H) of the Act.

IV.

OFFER OF SETTLEMENT

Finger and Black Diamond have submitted an Offer in which they (1) acknowledge service of the Notice and Order; (2) admit the jurisdiction of the Commission with respect to the matters set forth in the Order; (3) admit that Finger pleaded guilty to a violation of Title 18, Section 1343 of the United States Code; (4) acknowledge that Black Diamond is registered with the Commission as a CTA; and (5) acknowledge that Finger is registered with the Commission as an AP of Black Diamond.

Further, in their Offer, Finger and Black Diamond waive (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 their Offer; (5) any and all claims they 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 they 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, Finger and Black Diamond stipulate 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 Finger and Black Diamond have consented to in their Offer. Pursuant to the Offer, Finger and Black Diamond consent to the Commission's issuance of this Order revoking their registrations with the Commission.

V.

FINDING

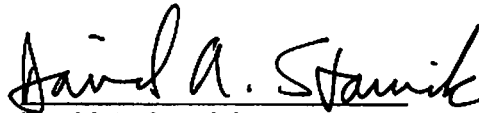
Accordingly, the Commission HEREBY ORDERS that:

1. Black Diamond's registration as a CTA is hereby revoked;
2. Finger's registration as an AP of Black Diamond is hereby revoked; and
3. Finger and Black Diamond shall comply with the following conditions and undertaking set forth in the Offer:

- a. Finger agrees that he shall never, directly or indirectly, apply to the Commission to register as an AP of a CTA and/or engage in any activity requiring such registration;
- b. Black Diamond agrees that it shall never, directly or indirectly, apply to the Commission to register as a CTA and/or engage in any activity requiring such registration; and
- c. Neither Black Diamond nor Finger nor any of their agents or employees under their authority or control shall take any action or make any public statement denying, directly or indirectly, any allegation in the Notice or 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 Black Diamond's and Finger's: (i) testimonial obligations; or (ii) rights to take legal positions in other proceedings to which the Commission is not a party. Black Diamond and Finger shall undertake all steps necessary to ensure that all of their agents and/or employees under their 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 upon Black Diamond and Finger at the address set forth in the Notice, on all contract markets, and on the National Futures Association.

By the Commission.



David A. Stawick
Secretary of the Commission
Commodity Futures Trading Commission

Dated: March 21, 2012