

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

v.

JEFFREY A. BRADLEY and  
ROBERT L. MARTIN,

Defendants.

Case No. 05-CV-62-JHP-FHM

**CONSENT ORDER OF PERMANENT INJUNCTION, CIVIL MONETARY PENALTY  
AND OTHER EQUITABLE RELIEF AGAINST DEFENDANT ROBERT L. MARTIN**

On February 1, 2005, Plaintiff U.S. Commodity Futures Trading Commission (the "Commission") filed a Complaint against Robert L. Martin ("Martin" or "Defendant") seeking injunctive and other equitable relief for violations of the Commodity Exchange Act, as amended ("Act"), 7. U.S.C. §§ 1 *et seq.* (2002).

**I. CONSENTS AND AGREEMENTS**

To effect settlement of the matters alleged in the Complaint in this action prior to a trial on the merits or further judicial proceedings, Martin, without admitting or denying any of the allegations of the Complaint:

1. Consents to the entry of this Consent Order of Permanent Injunction, Civil Monetary Penalty and Other Equitable Relief ("Order");

2. Affirms that he has read and agreed to this Order voluntarily, and that no threat or promise other than as set forth specifically herein, has been made by the Commission or any member, officer, agent or representative thereof, or by any other person, to induce consent to this Order;

3. Acknowledges service upon him of the Summons and Complaint in this action and this Order;

4. Consents, solely for the purposes of settlement, to the jurisdiction of the Court in this action;

5. Admits that venue properly lies with this Court pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002);

6. Waives:

a. The entry of findings of fact and conclusions of law;

b. All claims which may be available under the Equal Access to Justice Act ("EAJA"), 5 U.S.C. § 504 (2000) and 28 U.S.C. § 2412 (2000), relating to, or arising from, this action and any right pursuant to EAJA to seek costs, fees and other expenses relating to or arising from this action;

c. Any claim of Double Jeopardy based upon the institution of this proceeding or the entry in this proceeding of any order imposing a civil monetary penalty or any other relief; and

d. All rights of appeal from this Order.

7. Agrees that he will not oppose enforcement of the Order on the ground that it fails to comply with Rule 65(d) of the Federal Civil Rules of Civil Procedure and waives any objections based thereon;

8. Consents to the continued jurisdiction of this Court for the purpose of enforcing the terms and conditions of this Order, to assure compliance with the Order, and for any other purposes relevant to this action, even if Martin now or in the future resides outside the jurisdiction; and

9. Agrees that neither he nor any of his agents under his control shall take any action or make any public statement denying directly or indirectly, or creating, or tending to create the impression that any allegation in the Complaint and this Order are without a factual basis; provided, however, that nothing in this provision shall affect Martin's (i) testimonial obligations; or (ii) right to take legal positions in other proceedings to which the Commission is not a party. Defendant shall take all steps necessary to ensure his agents and employees comply with this provision.

10. By consenting to the entry of this Order, Martin neither admits nor denies the allegations contained in the Complaint.

## II. ORDER FOR PERMANENT INJUNCTION

Based upon and in connection with the foregoing, **IT IS HEREBY ORDERED THAT:**

1. Martin is permanently restrained, enjoined and prohibited from directly or indirectly engaging in any conduct that violates Sections 6(c), 6(d), and 9(a)(2) of the Act, 7 U.S.C. §§ 9, 13b, and 13(a)(2) (2002), including:
  - a. Reporting any false, misleading or knowingly inaccurate information regarding crop or market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; and

b. Manipulating or attempting to manipulate the price of any commodity in interstate commerce or for future delivery on or subject to the rules of a registered entity.

2. Martin is restrained, enjoined and prohibited from applying for registration or engaging in any activity requiring such registration, or acting as a principal (as defined by the National Futures Association Registration Rule 101) of any registered entity or person, or entity or person required to be registered for a period of three (3) years from the date of this Order.

3. The injunctive provisions of this Order shall be binding on Martin, upon any person acting in the capacity of officer, agent, servant, or employee of Martin, and upon any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in active concert or participation with Martin.

**III. ORDER FOR CIVIL MONETARY PENALTY AND OTHER ANCILLARY RELIEF**

**IT IS HEREBY ORDERED** that Martin shall comply fully with the following terms, conditions and obligations relating to the payment of a civil monetary penalty.

1. A civil monetary penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) is assessed against Martin, and is due and owing upon entry of the Order, plus post-judgment interest pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1.

2. Post-judgment interest shall accrue beginning on the date payment is due and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Order pursuant to 28 U.S.C. § 1961.

3. Martin shall pay this civil monetary penalty by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to

be made other than by electronic funds transfer, Martin shall make the payment payable to the Commodity Futures Trading Commission, and send it to the address below:

Commodity Futures Trading Commission  
Division of Enforcement  
ATTN: Marie Bateman - AMZ-300  
DOT/FAA/MMAC  
6500 S. MacArthur Blvd.  
Oklahoma City, OK 73169

4. If payment is to be made by electronic transfer, Martin shall contact Marie Bateman at 405-954-6569 for instructions. Martin shall accompany the payment of the penalty with a cover letter that identifies himself and the name and docket number of this proceeding. Martin shall simultaneously transmit a copy of the cover letter and the form of payment to:

Office of Cooperative Enforcement  
Division of Enforcement  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, D.C. 20581

#### IV. MISCELLANEOUS PROVISIONS

1. Notices. All notices required by this Order shall be sent by certified mail, return receipt requested, as follows:

- a. Notice to Plaintiff Commission:  
Division of Enforcement  
Commodity Futures Trading Commission  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581
- b. Notice to Defendant Robert L. Martin:  
c/o Thomas M. Ladner, Esquire  
Norman Wohlgemuth Chandler & Dowdell  
401 South Boston Avenue  
2900 Mid-Continent Tower  
Tulsa, OK 74103-4023

2. Successors and Assigns. This Order shall inure to the benefit of and be binding on the parties' successors, assigns, heirs, beneficiaries and administrators.

3. Counterparts. This Order may be executed by the parties in counterparts and by facsimile.

4. Entire Agreement, Amendments and Severability. This Order incorporates all of the terms and conditions of the settlement among the parties. Nothing shall serve to amend or modify this Order in any respect whatsoever, unless: (1) reduced to writing, (2) signed by all parties, and (3) approved by order of the Court.

5. Invalidation. If any provision of this Order, or if the application of any provisions or circumstances is held invalid, the remainder of the Order and the application of the provisions to any other person or circumstance shall not be affected by the holding.

6. Waiver. The failure of any party hereto at any time or times to require performance of any provision hereof shall in no manner affect the right of such party at a later time to enforce the same or any other provision of this Order. No waiver in one or more instances of the breach of any provision contained in this Order shall be deemed to be or construed as a further or continuing waiver of such breach or waiver of the breach of any other provision of this Consent Order.

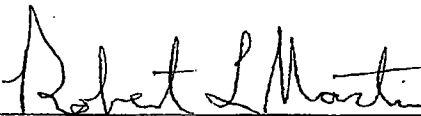
7. Continuing Jurisdiction of this Court. The Court shall retain jurisdiction of this cause to assure compliance with this Order and for all other purposes related to this action.

DONE AND ORDERED at Tulsa, Oklahoma this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

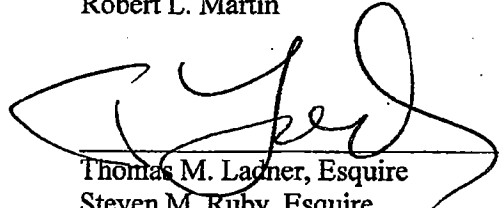
\_\_\_\_\_  
James H. Payne  
United States District Judge

Consented to and  
Approved for Entry by:

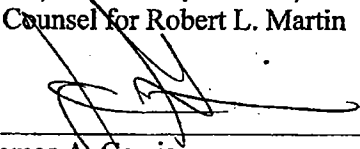
Dated: 4/30/2007  
Tulsa, Oklahoma

  
\_\_\_\_\_  
Robert L. Martin

Dated: 5/1/2007  
Tulsa, Oklahoma

  
\_\_\_\_\_  
Thomas M. Lachner, Esquire  
Steven M. Ruby, Esquire  
Norman Wohlgemuth Chandler & Dowdell  
401 South Boston Avenue  
2900 Mid-Continent Tower  
Tulsa, OK 74103-4023  
(918) 583-7571 (telephone)  
(918) 584-7847 (facsimile)  
Counsel for Robert L. Martin

Dated: 6/7/2007  
Washington, D.C.

  
\_\_\_\_\_  
James A. Garcia  
Glenn I. Chernigoff  
Kevin K. Batteh  
Michael Solinsky  
United States Commodity Futures  
Trading Commission  
1155 21<sup>st</sup> Street, N.W.  
Washington D.C. 20581  
(202) 418-5000 (telephone)  
(202) 418-5362 (facsimile)