

NATIONAL FUTURES ASSOCIATION
BEFORE THE
BUSINESS CONDUCT COMMITTEE

FILED

JUN 10 2009

NATIONAL FUTURES ASSOCIATION
LEGAL DOCKETING

In the Matter of:)

ACM USA LLC)
(NFA ID #388715),)

and)

EDWARD GEORGE ANDERSON)
(NFA ID #394977),)

Respondents.)

NFA Case No. 09-BCC-011

COMPLAINT

Having reviewed the investigative report submitted by the Compliance Department of National Futures Association ("NFA"), and having found reason to believe that NFA Requirements are being, have been or are about to be violated and that the matter should be adjudicated, NFA's Business Conduct Committee ("BCC") issues this Complaint against ACM USA LLC ("ACM") and Edward George Anderson ("Anderson").

ALLEGATIONS

JURISDICTION

1. At all times relevant to this Complaint, ACM was a futures commission merchant ("FCM") NFA Member and a former forex dealer member ("FDM") located in New York City. ACM ceased operations in January 2009 when it was unable to raise sufficient capital to meet NFA's \$15 million capital requirement for an FDM.
2. At all times relevant to this Complaint, Anderson was the chief executive officer ("CEO") and an associated person ("AP") of ACM, and an NFA Associate.

APPLICABLE RULES

3. NFA Financial Requirements Section 1, in pertinent part, requires FCM Members to file monthly financial reports, no later than seventeen business days after the date for which the report is made and an annual certified financial statement no later than ninety days after the close of each year.
4. NFA Compliance Rule 2-5 provides, in pertinent part, that each Member and Associate shall cooperate promptly and fully with NFA in any NFA investigation, inquiry, audit, examination or proceeding regarding compliance with NFA requirements or any NFA disciplinary or arbitration proceeding.

COUNT I

VIOLATION OF NFA FINANCIAL REQUIREMENTS SECTION 1: FAILING TO FILE REQUIRED FINANCIAL REPORTS IN A TIMELY MANNER.

5. The allegations contained in paragraphs 1 through 4 are realleged as paragraph 5.
6. NFA Financial Requirements Section 1, in pertinent part, requires FCM Members to file monthly financial reports, no later than seventeen business days after the date for which the report is made and an annual certified financial statement no later than ninety days after the close of each fiscal year.
7. ACM was late in filing a number of monthly unaudited financial statements and its certified financial statement for 2008, as detailed in the table below.

<u>Statement</u>	<u>Type</u>	<u>Due Date</u>	<u>Date Received</u>	<u>Days Late</u>
03/31/2009	unaudited	04/24/2009	04/27/2009	1 business day
02/28/2009	unaudited	03/24/2009	03/26/2009	2 business days
01/31/2009	unaudited	02/25/2009	03/04/2009	5 business days
12/31/2008	certified	03/31/2009	04/22/2009	15 days
11/30/2008	unaudited	12/23/2008	12/24/2008	1 business day
10/31/2008	unaudited	11/25/2008	11/26/2008	1 business day

8. By reason of the foregoing acts and omissions, ACM is charged with violations of NFA Financial Requirements Section 1.

COUNT II

VIOLATION OF NFA COMPLIANCE RULE 2-5: FAILING TO SUPERVISE ACM'S OPERATIONS.

9. The allegations contained in paragraphs 1, 2 and 4 are realleged as paragraph 9.
10. Anderson is the CEO of ACM. As CEO, it was Anderson's responsibility to supervise ACM's operations to ensure that ACM prepared and filed timely financial statements with NFA. However, ACM was late, numerous times, in filing its unaudited monthly financial statements and late in filing its certified annual statement for 2008. These late statements reveal a pattern of disregard for regulatory deadlines and evidence a failure on Anderson's part to adequately supervise ACM's operations to secure the firm's compliance with NFA's financial reporting requirements.
11. By reason of the foregoing acts and omissions, Anderson is charged with violations of NFA Compliance Rule 2-5.

PROCEDURAL REQUIREMENTS

ANSWER

You must file a written Answer to the Complaint with NFA within thirty days of the date of the Complaint. The Answer shall respond to each allegation in the Complaint by admitting, denying or averring that you lack sufficient knowledge or information to admit or deny the allegation. An averment of insufficient knowledge or information may only be made after a diligent effort has been made to ascertain the relevant facts and shall be deemed to be a denial of the pertinent allegation.

The place for filing an Answer shall be:

National Futures Association
300 South Riverside Plaza
Suite 1800
Chicago, Illinois 60606
Attn: Legal Department-Docketing

E-Mail: Docketing@nfa.futures.org
Facsimile: 312-781-1672

Failure to file an Answer as provided above shall be deemed an admission of the facts and legal conclusions contained in the Complaint. Failure to respond to any allegation shall be deemed an admission of that allegation. Failure to file an Answer as provided above shall be deemed a waiver of hearing.

POTENTIAL PENALTIES, DISQUALIFICATION AND INELIGIBILITY

At the conclusion of the proceedings conducted as a result of or in connection with the issuance of this Complaint, NFA may impose one or more of the following penalties:

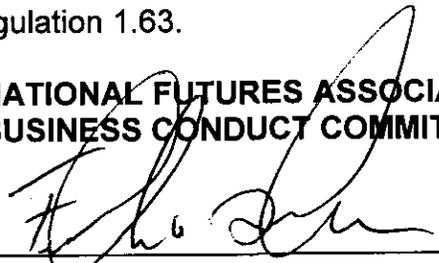
- (a) expulsion or suspension for a specified period from NFA membership;
- (b) bar or suspension for a specified period from association with an NFA Member;
- (c) censure or reprimand;
- (d) a monetary fine not to exceed \$250,000 for each violation found; and
- (e) order to cease and desist or any other fitting penalty or remedial action not inconsistent with these penalties.

The allegations in this Complaint may constitute a statutory disqualification from registration under Section 8a(3)(M) of the Commodity Exchange Act. Respondents in this matter who apply for registration in any new capacity, including as an associated person with a new sponsor, may be denied registration based on the pendency of this proceeding.

Pursuant to the provisions of Commodity Futures Trading Commission ("CFTC") Regulation 1.63 penalties imposed in connection with this Complaint may temporarily or permanently render Respondents who are individuals ineligible to serve on disciplinary committees, arbitration panels and governing boards of a self-regulatory organization, as that term is defined in CFTC Regulation 1.63.

**NATIONAL FUTURES ASSOCIATION
BUSINESS CONDUCT COMMITTEE**

Dated: 06/10/09

By: 
Chairperson

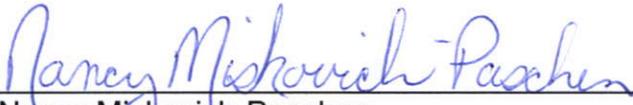
/jac(Complaints\ACM_Anderson)

AFFIDAVIT OF SERVICE

I, Nancy Miskovich-Paschen, on oath state that on June 10, 2009, I served copies of the attached Complaint, by sending such copies in the United States mail, first-class delivery, and by overnight mail, in envelopes addressed as follows:

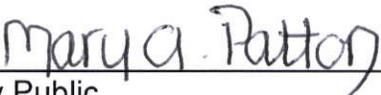
ACM USA LLC
575 Lexington Avenue
30th Floor
New York, NY 10022
Attn: Gregory LaMarca

Edward G. Anderson
116 Heritage Street
Robbinsville, NJ 08691



Nancy Miskovich-Paschen

Subscribed and sworn to before me
on this 10th day of June 2009.



Notary Public

