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NATIONAL FUTURES ASSOCIATION
LEGAL DOCKETING

**NATIONAL FUTURES ASSOCIATION**
**BEFORE THE**
**BUSINESS CONDUCT COMMITTEE**

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| In the Matter of: | ) | |
| | ) | |
| ATLANTAS GROUP, INC., ET AL. | ) | |
| (Atlantas Group, Inc., NFA ID #366450, | ) | NFA Case No. 12-BCC-023 |
| and Edmund K. Hysni, NFA ID #183604), | ) | |
| | ) | |
| Respondents. | ) | |

## DECISION

Having reviewed all matters relevant to the Complaint issued by this Committee in the above-captioned case, and having considered the Offer of Settlement (Offer) submitted by Atlantas Group, Inc. (Atlantas) and Edmund K. Hysni (Hysni) and having accepted their Offer, the Committee issues this Decision as to Atlantas and Hysni.

## I

## ALLEGED VIOLATIONS OF NFA REQUIREMENTS

On June 29, 2012, this Committee issued a Complaint against Atlantas, an independent introducing broker Member of National Futures Association (NFA) located in West Bloomfield Hills, Michigan, and Hysni, the owner, president, and sole associated person (AP) and listed principal of Atlantas, and an NFA Associate. The Complaint alleged that Atlantas and Hysni violated NFA Compliance Rule 2-4 by failing to uphold high standards of commercial honor and just and equitable principles of trade by engaging in abusive trading practices, by permitting an individual – who was not registered as an AP of Atlantas – to, nevertheless, act as an AP of the firm and conceal payments to that individual, and by instructing a customer to falsify account information.

The Complaint also alleged that Atlantas and Hysni violated NFA Compliance Rule 2-2(f) by willfully providing misleading information to NFA concerning payments the firm made to the above-mentioned individual; violated NFA Compliance Rules 2-2(a) and 2-29(a)(1) by making misleading sales solicitations; and violated NFA Compliance Rule 2-8(a) by exercising discretion over customer accounts without obtaining written authority to exercise such discretion. In addition, the Complaint charged Atlantas with violating NFA Bylaw 301(b) for permitting the above-mentioned individual to act as an AP of Atlantas without being properly registered as an AP of the firm. The Complaint also charged Atlantas and Hysni with violating NFA Compliance Rule 2-9(a) for failing to diligently supervise the firm's operations and its agent in the conduct of the firm's commodity futures business.

## II

## OFFER OF SETTLEMENT

Without admitting or denying the allegations of the Complaint, Atlantas and Hysni submitted an Offer in which they agreed to settle the charges against them on the following terms:

1. Atlantas agreed to withdraw from NFA membership within 30 days of the effective date of a Decision accepting its Offer and to never reapply for NFA membership or act as a principal of an NFA Member.

2. Hysni agreed to withdraw from NFA associate membership and principal status within 30 days of the effective date of a Decision accepting the Offer and not apply for NFA membership or reapply for NFA associate membership or principal status with an NFA Member, for seven years from the date of his withdrawal. During this period, Hysni agreed not to act in any capacity requiring registration, nor act as a principal of an NFA Member.

3. Hysni further agreed that if, after the expiration of the seven-year membership bar, he applies for NFA membership or reapplies for NFA associate membership, or seeks to again become a principal

of an NFA Member, then, in any such event, (a) he shall pay a fine of $100,000 to NFA, due and payable at the same time he applies for NFA membership or reapplies for associate membership or seeks to again become a principal of an NFA Member; and (b) agrees further that any future application by him for NFA membership, associate membership, or principal status with an NFA Member shall not be considered or approved unless and until the above fine has been paid in full.

4. Without admitting or denying the allegations in the Complaint, Atlantas and Hysni stipulated that a Decision issued by the Committee accepting their Offer shall include findings that they committed the violations alleged against them in the Complaint.

III

**FINDINGS**

Pursuant to the Offer of Atlantas and Hysni, the Committee finds that they committed the violations alleged against them in the Complaint.

IV

**PENALTY**

Having considered the matter and having accepted the Offer of Atlantas and Hysni, this Committee orders as follows:

1. Atlantas shall withdraw from NFA membership within thirty (30) days of the effective date of this Decision and, thereafter, shall never again reapply for NFA membership or act as a principal of an NFA Member.

2. Hysni shall withdraw from NFA associate membership and principal status within 30 days of the effective date of this Decision accepting this Offer and, thereafter, shall not apply for NFA membership or reapply for NFA associate membership or principal status with an NFA Member, for a period of seven years from the date of his withdrawal. During this period, Hysni shall not act in any capacity requiring registration, nor act as a principal of an NFA Member.

3. If, after the expiration of the seven-year membership bar referred to above, Hysni applies for NFA membership or reapplies for NFA associate membership, or seeks to again become a principal of an NFA Member, then, in any such event, (a) Hysni shall pay a fine of $100,000 to NFA, due and payable at the same time Hysni applies

for NFA membership or reapplies for NFA associate membership or seeks to again become a principal of an NFA Member; and (b) any future application by Hysni for NFA membership, associate membership, or principal status with an NFA Member shall not be considered or approved until the above fine has been paid in full.

Atlantas and Hysni's Offer and this Decision shall bar any future Member Responsibility Actions or Business Conduct Committee Complaints against Atlantas and Hysni for any conduct occurring, of which NFA had corporate knowledge, up to the date of their Offer, and shall resolve all complaints, investigations and audits, relative to Atlantas and Hysni, which were pending as of the date of their Offer. Notwithstanding the above, their Offer, and this Decision, may be used in an action to enforce their terms, or as evidence in aggravation in a subsequent disciplinary or regulatory action.

## V

## INELIGIBILITY

Pursuant to Commodity Futures Trading Commission (CFTC) Regulation 1.63, this Decision and the sanctions imposed herein render Hysni ineligible to serve on a disciplinary committee, arbitration panel, oversight panel or governing board of any self-regulatory organization, as that term is defined in CFTC Regulation 1.63, until the later of seven years after the effective date of this Decision, or until he has satisfied all the sanctions and conditions imposed by this Decision.

**NATIONAL FUTURES ASSOCIATION**
**BUSINESS CONDUCT COMMITTEE**

Dated: 9-21-12

By: ______________________
Chairperson

m/cxc/decisions/Atlantas and Hysni decision

## AFFIDAVIT OF SERVICE

I, Myra Lewis, on oath state that on September 21, 2012, I served a copy of the attached Decision, by sending such copy by e-mail and regular mail, first-class delivery, in an envelope addressed as follows to:

Gary Sinclair, Esq.
Attorney at Law
2043 N. Mohawk Street
Chicago, IL 60614
E-mail: gary@garyslaw.com

and sending such copies by e-mail to:

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Myra Lewis
Myra Lewis

Subscribed and sworn to before me
on this 21st day of September 2012.

Margaret A. Vandermyde
Notary Public

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OFFICIAL SEAL
MARGARET A VANDERMYDE
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 03/15/2014