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NATIONAL FUTURES ASSOCIATION
LEGAL DOCKETING

NATIONAL FUTURES ASSOCIATION
BEFORE THE
BUSINESS CONDUCT COMMITTEE

In the Matter of:	)	
	)	
THE MILLER GROUP LLC	)	
(NFA ID #367351),	)	
	)	
and	)	NFA Case No. 08-BCC-020
	)	
FRANCIS PAUL MILLER	)	
(NFA ID #225842),	)	
	)	
Respondents.	)	

DECISION

Having reviewed all matters relevant to the Complaint issued by this Committee against The Miller Group LLC ("The Miller Group") and Francis Paul Miller ("Miller") in the above-captioned proceeding, and having found that The Miller Group and Miller were duly served with the Complaint and that they did not file an Answer to the Complaint, the Committee hereby issues the following Decision as to The Miller Group and MIller.

I

ALLEGED VIOLATIONS OF NFA REQUIREMENTS

On August 18, 2008, this Committee issued a Complaint against The Miller Group and Miller which alleged that The Miller Group and Miller failed to cooperate with NFA in an NFA audit, in violation of NFA Compliance Rule 2-5; and misappropriated funds belonging to the participants of a pool which The Miller Group operated, in violation of NFA Compliance Rules 2-2(a) and 2-4.

II

FAILURE TO RESPOND

The Complaint was served on The Miller Group and Miller by first-class mail and overnight delivery to the last address that they provided to NFA, as required under NFA Compliance Rule 3-3(a). Pursuant to NFA Compliance Rules 3-4 and 3-6, The Miller Group and Miller were given notice in the Complaint that they were required to file a written Answer with NFA within thirty days. They were further informed in the Complaint that a failure to file an Answer would be deemed to be an admission of the facts and legal conclusions alleged in the Complaint and a waiver of their right to a hearing.

The Miller Group and Miller failed to respond to the Complaint in any way and NFA, subsequently, sent another copy of the Complaint to them, along with a reminder letter that noted that they had not filed a timely Answer, and advised them that, under NFA Compliance Rule 3-4, their failure to answer would be deemed to be an admission of all of the allegations of the Complaint and a waiver of their right to a hearing. The letter further informed The Miller Group and Miller that if they intended to file an Answer they should do so within seven days. The Miller Group and Miller have neither filed an Answer to the Complaint nor otherwise responded to it.

III

FINDINGS AND CONCLUSIONS

The Committee finds that The Miller Group and Miller were duly served with the Committee's Complaint at the last address that they provided to NFA. The Committee further finds that they failed to answer the Complaint. Pursuant to NFA

Compliance Rule 3-6(b), The Miller Group and Miller are, therefore, deemed to have admitted the facts and legal conclusions alleged against them in the Complaint and to have waived their right to a hearing. Therefore, the Committee finds that The Miller Group and Miller committed each and every violation alleged against them in the Complaint. Specifically, the Committee finds that The Miller Group and Miller failed to cooperate with NFA in an NFA audit, in violation of NFA Compliance Rule 2-5; and misappropriated funds belonging to the participants of a pool which The Miller Group operated, in violation of NFA Compliance Rules 2-2(a) and 2-4.

IV

PENALTY

Based on the extremely serious violations committed by the Miller Group and Miller – i.e., failure to cooperate in an NFA audit and misappropriation of participants' funds – the Committee orders as follows: The Miller Group shall be permanently barred from NFA membership and from being a principal of an NFA Member; and Miller shall be permanently barred from NFA membership and associate membership and from being a principal of an NFA Member.

V

APPEAL

The Miller Group and Miller may appeal this Decision to the Appeals Committee of NFA by filing a written notice of appeal with NFA's Secretary within fifteen days of the date of this Decision. Pursuant to NFA Compliance Rule 3-13(a), the notice must describe those aspects of the disciplinary action to which exception is taken and must contain any request to present written or oral argument. This Decision shall be

final after the expiration of the time for appeal or review, unless it is appealed or reviewed.

VI

INELIGIBILITY

Pursuant to the provisions of Commodity Futures Trading Commission ("CFTC") Regulation 1.63, this Decision and the sanctions imposed herein render Miller permanently 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.

NATIONAL FUTURES ASSOCIATION
BUSINESS CONDUCT COMMITTEE

Date: 10-22-08

By: _____
Chairperson

m/rvh/Miller default Decision)

AFFIDAVIT OF SERVICE

I, Nancy Miskovich-Paschen, on oath state that on October 22, 2008, I served copies of the attached Decision, by sending such copies in the United States Mail, postage prepaid, certified mail, return receipt requested, and by regular mail, first-class delivery, in envelopes addressed as follows:

David Stawick
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

William Penner
Deputy Director
Commodity Futures Trading Commission
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The Miller Group LLC
200 NE 22nd Avenue
Pompano Beach, FL 33062
Attn: Frank Miller

Richard Foelber
Deputy Chief, Office of Cooperative Enforcement
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and by hand delivery to:

Ronald V. Hirst, Esq.
National Futures Association
300 South Riverside Plaza
Suite 1800
Chicago, IL 60606

Nancy Miskovich-Paschen

Nancy Miskovich-Paschen

Subscribed and sworn to before me
on this 22nd day of October 2008.

Mary A. Patton

Notary Public

OFFICIAL SEAL
Mary A. Patton
Notary Public, State of Illinois
MY COMMISSION EXPIRES 7-17-09