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JUL - 7 2009

NATIONAL FUTURES ASSOCIATION  
BEFORE THE HEARING PANEL

NATIONAL FUTURES ASSOCIATION  
LEGAL DOCKETING

In the Matter of:

VANGUARD TRADING GROUP  
(NFA ID #374694),

and

GIOVAN R. GORDON  
(NFA ID #309859),

Respondents.

NFA Case No. 08-BCC-034

**DECISION**

Having reviewed the Complaint issued by the Business Conduct Committee ("BCC") in the above-captioned case, and having considered the Offer of Settlement ("Offer") submitted by Vanguard Trading Group ("Vanguard ") and Giovan R. Gordon ("Gordon") and having accepted the Offer, the Hearing Panel issues this Decision as to Vanguard and Gordon.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On December 22, 2008, the BCC of National Futures Association ("NFA") issued a Complaint against Vanguard, a defunct introducing broker ("IB") NFA Member that was located in Pembroke Pines, Florida. The Complaint also named Gordon as a respondent. Gordon was the president and an associated person ("AP") of the firm and an NFA Associate.

The Complaint alleged that NFA requested that Vanguard and Gordon produce Gordon's personal bank records to demonstrate that Gordon provided the start-

up capital for Vanguard, and that, although they produced some of Gordon's personal bank records, they failed to produce all of his personal bank records, in violation of NFA Compliance Rule 2-5.

## II

### RESPONSE

Vanguard and Gordon submitted an Offer in which they offered to settle this case on the following terms and conditions: Vanguard agreed to withdraw from NFA membership, on the effective date of a Decision accepting its Offer, and, thereafter, be permanently barred from NFA membership and from acting as a principal of an NFA Member; Gordon agreed to be barred from NFA membership and associate membership and from acting as a principal of an NFA Member for a period of thirty months, effective on the date of a Decision accepting his Offer; Gordon further agreed that, if after expiration of the thirty-month membership bar, he reapplies for NFA membership or associate membership, or becomes a principal of an NFA Member, then in any such event, he shall pay a fine of \$10,000 to NFA, due and payable in accordance with the terms of his Offer. As part of their Offer, Vanguard and Gordon also consented to findings that they committed the violations alleged in the Complaint.

## III

### FINDINGS

Pursuant to the Offer, the Hearing Panel finds that Vanguard and Gordon violated NFA Compliance Rule 2-5 by failing to produce all of Gordon's personal bank records, which NFA had requested in order to determine if Gordon, or someone else, had provided the start-up capital for Vanguard.

## IV

### PENALTY

The Hearing Panel, having considered this matter and having accepted the Offer made by Vanguard and Gordon, hereby orders Vanguard to withdraw from NFA membership, on the effective date of this Decision, and, thereafter, be permanently barred from NFA membership and from acting as a principal of an NFA Member. The Hearing Panel further orders that Gordon be barred from NFA membership and associate membership and from acting as a principal of an NFA Member for a period of thirty months, effective on the effective date of this Decision. If after expiration of the thirty-month membership bar, Gordon reapplies for NFA membership or associate membership, or becomes a principal of an NFA Member, then in any such event, the Hearing Panel orders him to pay a fine of \$10,000 to NFA, due and payable in accordance with the terms of his Offer.

The Hearing Panel's acceptance of Vanguard and Gordon's Offer shall operate to bar any future Member Responsibility Action or BCC Complaints against Vanguard and Gordon for any conduct occurring, of which NFA had corporate knowledge, up to the date of their Offer, and shall resolve and terminate all complaints, investigations and audits, relative to Vanguard and Gordon, which were received or pending as of the date of their Offer. In addition, Vanguard and Gordon's Offer and this Decision accepting their Offer shall not be used as a sole basis for any other action or proceeding by NFA against Vanguard and Gordon, including any registration matter, except their Offer and this Decision may be used in an action to enforce the terms thereof or in a subsequent disciplinary action or regulatory action, where they may be

considered as disciplinary history and as evidence in aggravation on the issue of sanctions.

V

**INELIGIBILITY**

Pursuant to Commodity Futures Trading Commission ("CFTC") Regulation 1.63, this Decision renders Gordon ineligible, for a period of three years or until all of the sanctions and conditions imposed on him have been fulfilled, whichever is later, to serve on a disciplinary committee, arbitration panel, oversight panel or governing board of any self-regulatory organization, as defined in CFTC Regulation 1.63.

**NATIONAL FUTURES ASSOCIATION  
BUSINESS CONDUCT COMMITTEE**

Date: July 7, 2009

By: Robert A. Kuehner  
Chairperson

## AFFIDAVIT OF SERVICE

I, Myra Lewis, on oath state that on July 7, 2009, 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, Secretariat  
Office of the Secretariat  
Commodity Futures Trading  
Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581

Richard Foelber, Chief  
Office of Cooperative Enforcement  
Commodity Futures Trading  
Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581

William Penner, Deputy Director  
Compliance & Registration  
Commodity Futures Trading  
Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581

Tempest Thomas  
Proceedings Clerk  
Office of Proceedings  
Commodity Futures Trading  
Commission  
Three Lafayette Centre  
1155 21st Street, NW  
Washington, DC 20581

Vanguard Trading Group  
231 SW 120th Avenue  
Pembroke Pines, FL 33025  
Attn: Giovan R. Gordon

  
Myra Lewis

Subscribed and sworn to before me  
on this 7<sup>th</sup> day of July 2009.

  
Notary Public

