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AUG 10 2009
GENERAL COUNSEL'S OFFICE

BEFORE THE
NATIONAL FUTURES ASSOCIATION

In the Matter of:	)	
	)	
NICHOLAS P. PAYNE	)	NFA Case No. 09-REG-018
(NFA ID #399018)	)	
	)	
Registrant.	)	

Response to Notice of Intent to Revoke Registration

Now Comes Nicholas P. Payne by and though his attorneys Gardiner Koch Weisberg & Wrona and for his response to the Notice of Intent to Revoke Registration states as follows;

1. Registrant admits the allegations of paragraph one.

2. Registrant admits the allegations of paragraph two.

3. Registrant admits the allegations of paragraph three.

4. Registrant admits that English is the primary language that he speaks during business hours and further states that he requested an extra hour to complete the Series 3 Examination as an accommodation and not with the intent to mislead the NFA.

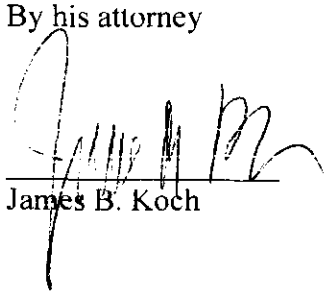
5. Registrant denies the allegations of paragraph five.

6. Registrant has timely filed this response within 20 days of the date of service.

7. Respondent has attached hereto the disqualification fee of $1000.00 required by Rule 203 (a) (11)

8. **b.** The Registrant intends to show that, not withstanding the allegations contained in the Notice of Intent, his registration does not pose a substantial risk to the public. Mr. Payne requested an additional hour because the test instructor informed him that it was permissible and commonplace. Mr. Payne did not intend to mislead anyone and apologizes and takes responsibility for his actions.

Respectfully submitted,
Nicholas P. Payne
By his attorney



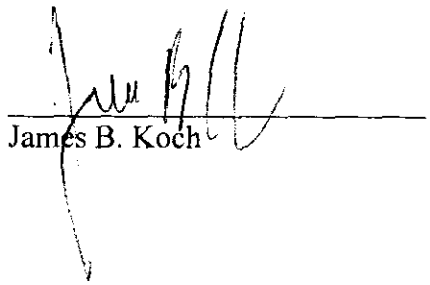
James B. Koch

CERTIFICATE OF SERVICE

I, James B. Koch, an attorney, certify that I caused to be served a copy of the attached Response to Notice of Intent to Revoke Registration on the parties named below, by hand delivery to:

National Futures Association
300 S. Riverside Plaza
Suite 1800
Chicago, IL 60606
Attn: Legal Department-Docketing

On this 10th day of August, 2009



James B. Koch

BEFORE THE
NATIONAL FUTURES ASSOCIATION

In the Matter of:	)
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NICHOLAS P. PAYNE	) NFA Case No. 09-REG-018
(NFA ID #399018)	)
	)
Registrant.	)

NOTICE OF FILING

PLEASE TAKE NOTICE that on August 10, 2009, I caused to be filed by hand delivery with the National Futures Association, the attached **RESPONSE TO NOTICE OF INTENT TO REVOKE REGISTRATION**, a copy of which is hereby served upon you.

National Futures Association
300 S. Riverside Plaza
Suite 1800
Chicago, IL 60606
Attn: Legal Department-Docketing

Submitted By: _____
James B. Koch

James B. Koch
Gardiner Koch Weisberg & Wrona
53 W. Jackson Suite 950
Chicago, IL 60604

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