

NATIONAL FUTURES ASSOCIATION  
BEFORE THE  
BUSINESS CONDUCT COMMITTEE

DEC - 9 2009

NATIONAL FUTURES ASSOCIATION  
LEGAL DOCKETING

In the Matter of:	)	
	)	
ANTHONY S. BOBBA	)	NFA Case No. 09-BCC-051
(NFA ID #340915),	)	
	)	
Respondent.	)	

**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 Anthony S. Bobba ("Bobba").

**ALLEGATIONS**

**JURISDICTION**

1. At all times relevant to this Complaint, Bobba was an NFA Associate and the chief executive officer and an associated person ("AP") of Pioneer Commodities LLC ("Pioneer"), a former independent introducing broker ("IB") in Boca Raton, Florida.

**BACKGROUND**

2. On August 27, 2009, an NFA Hearing Panel issued a Decision, which was effective on September 1, 2009, that permanently barred Pioneer from NFA membership and barred Bobba from NFA associate membership for a period of two years and from acting as a principal of an NFA Member for a period of three

years. In addition, Bobba was ordered to pay a fine of \$25,000 in the event that he reapplies for NFA membership after his two-year membership bar.

3. The above sanctions stemmed from a BCC Complaint filed against Pioneer and Bobba in March 2009 which charged them with making fraudulent requests to the testing service that administered the Series 3 Exam requesting additional time for a number of Pioneer's prospective APs to take the Series 3 Exam on the purported ground that English was not the primary language of these prospective APs. In truth, English was the primary language of many of these prospective APs.

#### **APPLICABLE RULES**

4. NFA Compliance Rule 2-5 provides 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. Each Member and Associate shall comply with any order issued by the Executive Committee, the Membership Committee, the BCC, the Appeals Committee or any NFA hearing or arbitration panel.

#### **COUNT I**

#### **VIOLATION OF NFA COMPLIANCE RULES 2-5: FAILING TO COOPERATE WITH NFA IN ITS INVESTIGATION OF WINDSOR WEALTH MANAGEMENT LLC.**

5. The allegations contained in paragraphs 1 through 4 are realleged as paragraph 5.
6. At about the time that NFA issued its Complaint against Pioneer and Bobba, Bobba ostensibly decided that he no longer wished to operate Pioneer and

transferred Pioneer's business to Windsor Wealth Management LLC ("Windsor"), another IB in Boca Raton, Florida, which was purportedly owned by Steven Huchko ("Huchko"), a former AP and principal of Pioneer and a life long friend of Bobba.

7. In March 2009, Windsor moved into Pioneer's office space, hired most of Pioneer's APs, and began servicing and acting as the IB for Pioneer's former customers, leaving Pioneer with few, if any, customer accounts and no employees other than Bobba. After the transfer of Pioneer's business to Windsor, Bobba continued to use the same private office he used when Pioneer was active. Bobba shared the use of his private office with Huchko.
8. In discussions with Huchko, NFA learned that he and Bobba had a sales agreement for the sale of Pioneer's business to Windsor, under the terms of which Bobba was to receive 90% of the commissions Huchko made at Windsor for a period of eighteen months.
9. Pursuant to the above sales agreement, Huchko paid Bobba over \$450,000, between March 13, 2009 and June 16, 2009, with fifteen more months then remaining on the payment plan. These payments seemed not only excessive but suspicious to NFA considering that the only significant asset Pioneer and Bobba transferred to Windsor was its current "book of business" which was comprised mostly of one time customers whose accounts are generally open for a short period of time.
10. Sometime after NFA learned the details of the payments from Huchko to Bobba, NFA received a call from an individual who identified himself as a former AP of

Pioneer. This individual said that he had some information concerning Windsor that he thought NFA should know about.

11. According to this individual, Huchko is the owner and operator of Windsor, in name only, and a mere front man for the real owners of Windsor who are Bobba, Justin Schumm ("Schumm") and Michael Savitsky ("Savitsky"). This individual said that Bobba, Schumm and Savitsky all came from the "Frank DeSantis tree," meaning that they all had worked for DeSantis and been trained by him.
12. NFA found this information disquieting in light of the fact that NFA permanently barred DeSantis from NFA membership in 2001 in connection with his operation of a boiler room in south Florida and, even more troubling, in light of the fact that he was sentenced to nine years in a federal penitentiary earlier this year for running several fraudulent forex operations in south Florida.
13. Schumm and Savitsky have also had legal problems of their own. In 1998, Schumm was sentenced to seven years in prison in Florida for possession of a controlled substance, trafficking in cocaine, grand theft, and related felony charges. Schumm served a little over four years of his sentence and was released from prison in July 2002.
14. In 2006, Savitsky had a permanent injunction issued against him in a federal enforcement action filed by the Commodity Futures Trading Commission ("CFTC"). The federal judge in that case found that Savitsky engaged in fraudulent and high-pressure sales practices while an AP at First American Investment Services, Inc , a south Florida telemarketing firm. The injunction permanently barred Savitsky from engaging in any commodity-related activity,

controlling or directing the trading for any commodity account, or applying for registration or seeking exemption from registration with the CFTC in any capacity or engaging in any activity requiring registration.

15. Based on the extremely large payments to Bobba and the information received from the former Pioneer AP that Bobba, Schumm, and Savitsky were all undisclosed principals of Windsor, NFA requested that Bobba produce all of his personal bank accounts, for the period from July 2008 to July 2009, including bank statements, check registers, cancelled checks, wire advices and deposit slips along with the supporting documentation necessary to demonstrate the makeup of the wires and deposits; his 2007 and 2008 tax returns; and bank records including bank statements, cancelled checks, wire advices, general ledger and cash receipts disbursements journal for all affiliates of Pioneer.
16. At the time that NFA requested these records from Bobba, Bobba was still registered as an AP of Pioneer and an NFA Associate and, therefore, obligated under NFA Compliance Rule 2-5 to produce such records to NFA.
17. One of the main purposes behind NFA's records request to Bobba was to determine if Bobba was an undisclosed principal of Windsor and if he was funneling money to Schumm and Savitsky which would indicate that they too were undisclosed principals of Windsor. However, Bobba refused to produce the requested documents making it impossible for NFA to complete its investigation into whether all of Windsor's principals are listed and fit to act as principals of a CFTC registrant.

18. By reason of the foregoing acts and omissions, Bobba 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](mailto: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:

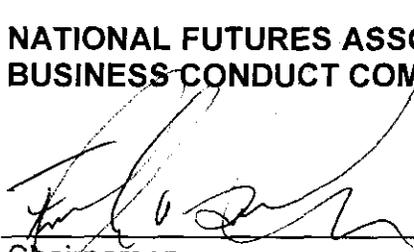
- (a) expulsion or suspension for a specified period from NFA membership;
- (b) bar or suspension for a specified period from association with an NFA Member;
- (c) censure or reprimand;
- (d) a monetary fine not to exceed \$250,000 for each violation found; and
- (e) order to cease and desist or any 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 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: 12-9-09

By:   
Chairperson

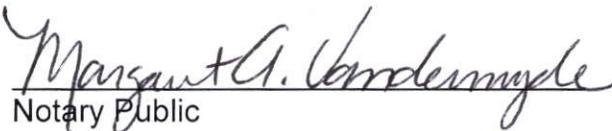
**AFFIDAVIT OF SERVICE**

I, Nancy Miskovich-Paschen, on oath state that on December 9, 2009, I served a copy of the attached Complaint, by sending such copy by regular mail, first-class delivery, and by overnight mail, in envelopes addressed as follows to:

Anthony S. Bobba  
9812 Spanish Isles Drive  
Boca Raton, FL 33496

  
\_\_\_\_\_  
Nancy Miskovich-Paschen

Subscribed and sworn to before me  
on this 9th day of December 2009.

  
\_\_\_\_\_  
Notary Public

