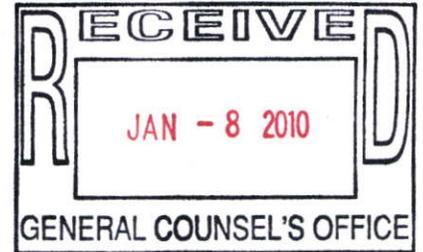


NATIONAL FUTURES ASSOCIATION
BEFORE THE
BUSINESS CONDUCT COMMITTEE



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

ANSWER

Respondent Anthony S. Bobba ("Bobba"), by counsel and pursuant to the Rules of the National Futures Association ("NFA"), hereby files his Answer to the NFA's Business Conduct Committee Complaint filed against him.

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.

ANSWER: Bobba admits the allegations in this paragraph.

BACKGROUND

2. On August 27, 2009, an NFA Hearing Panel issues 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 two-year membership bar.

ANSWER: Bobba states that the Decision in the referenced BCC action speaks for itself, and further clarifies that the Decision was entered as a result of an Offer of Settlement by Bobba and Pioneer, in which Bobba and Pioneer neither admitted nor denied the allegations in the BCC Complaint of March 2009.

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.

ANSWER: Bobba states that the BCC Complaint filed in March 2009 speaks for itself, and states further that the sanctions awarded therein were awarded by a Decision that was entered as a result of an Offer of Settlement by Bobba and Pioneer, in which Bobba and Pioneer neither admitted nor denied the allegations in the BCC Complaint of March 2009.

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.

ANSWER: Bobba admits that NFA has accurately characterized NFA Compliance Rule 2-5, but denies that he engaged in any conduct violative of NFA Compliance Rule 2-5.

COUNT I

5. The allegations contained in paragraphs 1 through 4 are realleged as paragraph 5.

ANSWER: Bobba incorporates by reference his Answers to Paragraphs 1-4 hereof.

6. At about the 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.

ANSWER: Bobba admits that, by March 2009, he had decided that he no longer wished to operate Pioneer any longer, but denies this allegation to the extent it suggests that the March 2009 BCC Complaint caused him to make this decision. Bobba admits that Pioneer's book of business was transferred to Windsor, and that Windsor is an IB located in Boca Raton, Florida, which was owned by Huchko, a former AP and principal of Pioneer, and that Bobba and Huchko have been friends for many years.

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.

ANSWER: Bobba admits the allegations in this paragraph.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the contents of communications between NFA and Huchko, but admits that NFA with reasonable accuracy characterized the substance of the deal between Windsor and Bobba.

9. Pursuant to the above sales agreement, Huchko paid Bobba over \$450,000, between March 13, 2009 and July 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.

ANSWER: Bobba lacks information sufficient to admit or deny the contents of communications between NFA and Huchko, but admits that NFA has reasonable accuracy characterized the substance of the deal between Windsor and Bobba. Bobba lacks information sufficient to admit or deny allegations regarding what might "seem excessive [or] suspicious" to NFA, but denies that there was anything inappropriate about the above-referenced deal.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph, and accordingly denies the allegations and calls for strict proof thereof.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph regarding the statements of this unidentified caller, and accordingly denies the allegations and calls for strict proof thereof. Bobba denies the truth of the allegations related to his alleged ownership of Windsor, or that he was part of any "Frank DeSantis tree." Bobba lacks information sufficient to admit or deny the remaining allegations in this paragraph.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph regarding NFA's reaction to these accusations, or regarding DeSantis, but denies any wrongdoing by Bobba.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph, and accordingly denies the allegations and calls for strict proof thereof. Bobba further states that any such records would speak for themselves.

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.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph, and accordingly denies the allegations and calls for strict proof thereof. Bobba further states that any such records would speak for themselves.

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, from 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 wires and deposits; his 2007 and 2008 tax returns; and bank records including bank statement, cancelled checks, wire advices, general ledger and cash receipts disbursements journal for all affiliates of Pioneer.

ANSWER: Bobba lacks information sufficient to admit or deny the allegations in this paragraph regarding the basis for NFA's requests. Bobba admits that NFA made certain requests to him, but denies that these requests were related to or in furtherance of any reasonable "investigation, audit, examination or proceeding regarding compliance with NFA requirements."

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.

ANSWER: Bobba admits that, at the time NFA requested these records, he was an AP of Pioneer and an NFA associate. Bobba denies that he was obliged under Rule 2-5 to produce such records to NFA, insofar as Bobba states that these requests were neither related to nor in furtherance of any reasonable "investigation, audit, examination or proceeding regarding compliance with NFA requirements."

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 possible 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.

ANSWER: Bobba lacks information sufficient to admit or deny any of the "main purposes behind NFA's records request to Bobba," but denies that the records request was in furtherance of any reasonable "investigation, audit, examination or proceeding regarding compliance with NFA requirements." Bobba admits that he refused to produce such records to NFA.

18. By reason of the foregoing acts and omissions, Bobba is charged with violations of NFA Compliance Rule 2-5.

ANSWER: Bobba denies that he violated NFA Compliance Rule 2-5.

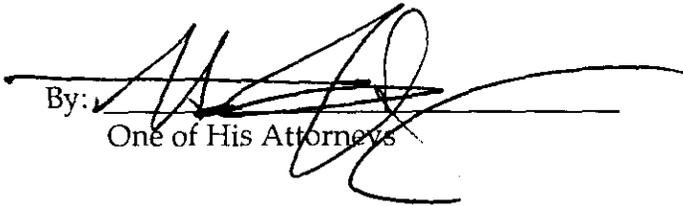
Any allegation not specifically admitted herein is hereby denied.

WHEREFORE, Anthony S. Bobba respectfully requests that the Complaint against them be dismissed in its entirety.

Dated January 8, 2010

Respectfully submitted,

Anthony S. Bobba

By: 
One of His Attorneys

Harris L. Kay
Jeffrey M. Henderson
HENDERSON & LYMAN
175 West Jackson Boulevard, Suite 240
Chicago, Illinois 60604
312-986-6960

CERTIFICATE OF SERVICE

I, Harris L. Kay, certify that on January 8, 2010, I caused to be served via email and United States mail the attached Respondents' Answer upon:

National Futures Association
300 South Riverside Plaza
Suite 1800
Chicago, Illinois 60606
Attn: Legal Department - Docketing
docketing@nfa.futures.org



Harris L. Kay