

FILED

NATIONAL FUTURES ASSOCIATION
BEFORE THE
HEARING COMMITTEE

JUL 24 2013

NATIONAL FUTURES ASSOCIATION
LEGAL DOCKETING

In the Matter of:)	
)	
FX DIRECT DEALER LLC, ET AL.)	
(James E. Green, NFA ID #209125))	NFA Case No. 12-BCC-021
)	
Respondent.)	

.....

In the Matter of:)	
)	
FX DIRECT DEALER LLC, ET AL.)	
(James E. Green, NFA ID #209125))	NFA Case No. 12-BCC-030
)	
Respondent.)	

.....

DECISION

Having reviewed all matters relevant to the Complaints issued by the Business Conduct Committee ("BCC") of National Futures Association ("NFA") in the above-captioned cases, and having considered the Offer of Settlement ("Offer") submitted by James E. Green ("Green") and having accepted his Offer, the Hearing Panel issues this Decision.

I

ALLEGED VIOLATIONS OF NFA REQUIREMENTS

On June 29, 2012, the BCC issued a Complaint against Green, a registered associated person of FX Direct Dealer LLC ("FXDD"), and an NFA Associate in NFA Case No. 12-BCC-021 (hereinafter referred to as the "June Complaint"). The June Complaint alleged that Green – as the firm's Chief Compliance Officer ("CCO") –

violated NFA Compliance Rules 2-36(b)(1) and 2-36(b)(5) by willfully submitting deceitful and misleading information to NFA and others; and that Green violated NFA Compliance Rule 2-36(c) by failing to observe high standards of commercial honor and just and equitable principles of trade in the conduct of FXDD's forex business. In addition, the June Complaint alleged that Green – as the firm's CCO and anti-money laundering ("AML") Compliance Officer – violated NFA Compliance Rule 2-36(e) by failing to supervise FXDD's operations, including the firm's AML program.

On October 23, 2012, the BCC issued a second Complaint against Green in NFA Case No. 12-BCC-030, which alleged that Green – as the firm's AML Compliance Officer – violated NFA Compliance Rule 2-36(e) by failing to adequately supervise FXDD's AML program.

II

OFFER OF SETTLEMENT

Without admitting or denying the allegations of the Complaints, Green has submitted an Offer in which he proposes to settle the charges against him by agreeing to pay to NFA a fine of \$75,000, which will be due and payable within 30 days after the date of the issuance of a Decision accepting the Offer. In addition, Green agrees, for a period of one year from the date of a Decision accepting the Offer, not to be employed as or act: a) as an AML Compliance Officer for any NFA Member, or b) in a compliance capacity by any NFA Member, unless he reports to and is supervised by another person within the Member's Compliance Department. Further, while neither admitting nor denying the allegations against him in the Complaints, he stipulates that the Hearing Panel may make findings that he failed to supervise as alleged in the Complaints.

III

FINDINGS

Although Green neither admits nor denies the allegations of the Complaints, pursuant to his stipulation, the Hearing Panel finds that Green failed to supervise as alleged in the Complaints. However, the Hearing Panel makes no findings with respect to the allegations of Count II of the June Complaint, which alleges that Green violated NFA Compliance Rules 2-36(b)(1), 2-36(b)(5) and 2-36(c).

IV

PENALTY

Having considered the matter and having accepted Green's Offer, the Hearing Panel orders Green to pay a fine to NFA in the amount of \$75,000, which shall be due and payable within 30 days after the issuance of a Decision accepting the Offer, and further orders that Green – for a period of one year from the date of this Decision accepting the Offer – shall not be employed as or act: a) as an AML Compliance Officer for any NFA Member, or b) in a compliance capacity by any NFA Member, unless he reports to or is supervised by another person within the Member's Compliance Department.

Green's Offer and this Decision accepting his Offer 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 evidence in aggravation. Green's Offer and this Decision accepting his Offer may not be used as the sole basis for any subsequent regulatory, disciplinary or registration action.

INELIGIBILITY

Pursuant to the provisions of Commodity Futures Trading Commission ("CFTC") Regulation 1.63, this Decision and the sanctions imposed herein render Green 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, until the later of three years after the effective date of this Decision, or until he has satisfied all the sanctions and conditions imposed by this Decision.

**NATIONAL FUTURES ASSOCIATION
HEARING PANEL**Date: 07/24/2013By: Michael J. Jones
Chairperson

m/cxc/decisions/James Green 06 18 13 (final)

AFFIDAVIT OF SERVICE

I, Nancy Miskovich-Paschen, on oath state that on July 24, 2013, served copies of the attached Decision, by sending such copies by e-mail and regular mail, first-class delivery, in envelopes addressed as follows to:

Christopher Kirkpatrick
Office of the Secretariat
Commodity Futures Trading
Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581
E-mail: ckirkpatrick@cftc.gov

Tempest Thomas
Office of Proceedings
Commodity Futures Trading
Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581
E-mail: tthomas@cftc.gov


James B. Koch, Esq.
Gardiner Koch Weisberg & Wrona
53 West Jackson Boulevard
Suite 950
Chicago, IL 60604
E-mail: jkoch@gkw-law.com

Dean J. Polales, Esq.
Ungaretti & Harris LLP
3500 Three First National Plaza
70 West Madison Street
Chicago, IL 60602
E-mail: djpolales@uhlaw.com

Stephen J. Senderowitz, Esq.
Winston & Strawn LLP
35 West Wacker Drive
Chicago, IL 60601
E-mail: ssenderowitz@winston.com

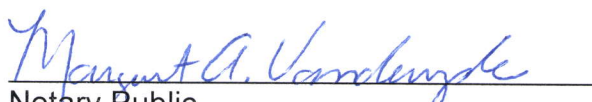
and by hand delivery to:

Cynthia Cain Ioannacci, Esq.
National Futures Association
300 South Riverside Plaza
Suite 1800
Chicago, IL 60606



Nancy Miskovich-Paschen

Subscribed and sworn to before me
on this 24th day of July 2013.



Notary Public

