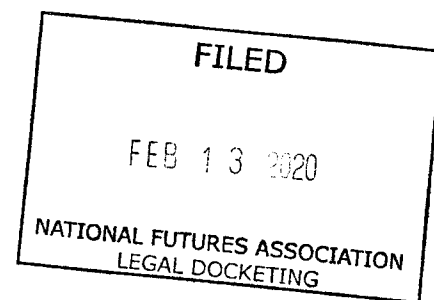


**NATIONAL FUTURES ASSOCIATION  
BEFORE THE  
BUSINESS CONDUCT COMMITTEE**



In the Matter of: )  
)  
ELKHORN INVESTMENTS LLC ) NFA Case No. 19-BCC-013  
(NFA ID #475575), )  
)  
Respondent. )

**DECISION**

Having reviewed all matters relevant to the Complaint issued by this Committee against Elkhorn Investments LLC (Elkhorn) in the present case, and having found that Elkhorn was duly served with the Complaint and that the firm did not file an Answer to the Complaint, the Committee hereby issues the following Decision as to Elkhorn.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On November 11, 2019, this Committee issued a Complaint against Elkhorn, a commodity pool operator and commodity trading advisor Member of NFA located in Chicago, Illinois. The Complaint alleged that Elkhorn failed to file certified annual statements and liquidation statements for its pools, in violation of NFA Compliance Rule 2-13.

II

**FAILURE TO RESPOND**

The Complaint was served on Elkhorn by first-class delivery and overnight mail at the last address the firm provided to NFA. Subsequently, NFA sent another

copy of the Complaint to Elkhorn, along with a reminder letter advising the firm that a timely Answer had not been filed; that a failure to file a timely Answer would be deemed an admission by the firm of all of the allegations of the Complaint; and that if the firm intended to file an Answer, it should do so immediately. Elkhorn has not filed an Answer or otherwise responded to the Complaint or to NFA's reminder letter.

Under Compliance Rule 3-6(b), a respondent's failure to file a timely Answer to a Complaint is deemed to be an admission of the facts and legal conclusions contained in the Complaint and a waiver of the respondent's right to a hearing.

### III

#### **FINDINGS AND CONCLUSIONS**

The Committee finds that Elkhorn was duly served with the Committee's Complaint at the last address the firm provided to NFA. The Committee further finds that Elkhorn failed to answer the Complaint. Pursuant to NFA Compliance Rule 3-6(b), Elkhorn is deemed to have admitted the facts, legal conclusions and allegations contained in the Complaint, and to have waived its right to a hearing. Therefore, the Committee finds that Elkhorn failed to file certified annual statements and liquidation statements for its pools, in violation of NFA Compliance Rule 2-13.

### IV

#### **PENALTY**

The charges in the instant case are extremely serious and undermine NFA's compliance program, which depends upon Members promptly filing required statements in order to operate effectively. Such serious violations warrant equally

serious sanctions. Therefore, this Committee permanently bars Elkhorn from NFA membership.

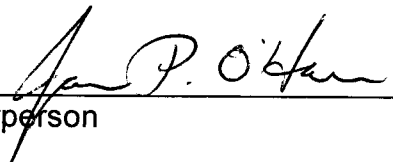
V

**APPEAL**

Elkhorn may appeal this Decision to NFA's Appeals Committee by filing a written notice of appeal with NFA's Secretary within fifteen days of the date of this Decision. Pursuant to NFA Compliance Rule 3-13(a), the notice must describe those aspects of the disciplinary action to which exception is taken and must contain any request to present written or oral argument. This Decision shall be final after the expiration of the time for appeal or review, unless it is appealed or reviewed.

**NATIONAL FUTURES ASSOCIATION  
BUSINESS CONDUCT COMMITTEE**

Date: 02/13/2020

By:   
Chairperson

m/rvh/Elkhorn default Decision