

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

FILED  
AUG 18 2022  
NATIONAL FUTURES ASSOCIATION  
LEGAL DOCKETING

In the Matter of: )

YAS CASTELLUM LLC )  
(NFA ID #534060), )

and )

MARCUS BRISCO )  
(NFA ID #534130), )

Respondents. )

NFA Case No. 22-BCC-008

**DECISION**

Having reviewed all matters relevant to the Complaint issued by the Business Conduct (Committee) of National Futures Association (NFA) against Yas Castellum LLC (Yas) and Marcus Brisco (Brisco), and having found that Yas and Brisco were duly served with the Complaint and that they did not file an Answer to the Complaint, the Committee hereby issues the following Decision as to Yas and Brisco.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On June 13, 2022, this Committee issued a Complaint against Yas, which is a former NFA Member and current CFTC-registered commodity pool operator. The Complaint also named Brisco, who is a former NFA Member, CFTC-registered associated person and listed principal. The Complaint alleged that Yas failed to operate the Yas Castellum Pool LP (Yas Pool or Pool) as a separate legal entity, failed to receive funds in the name of the Pool and commingled pool funds with the property of other persons, in violation of NFA Compliance Rule 2-13.

The Complaint also alleged that Yas and Brisco failed to observe high standards of commercial honor and just and equitable principles of trade by, among other things, operating the Yas Pool in a manner which showed no regard for safeguarding the money they solicited and accepted from the pool participants, contrary to NFA Compliance Rule 2-4. Further, the Complaint charged Yas and Brisco with failure to cooperate in NFA's examination by their refusal to abide by NFA's directive not to distribute participant funds until they provided NFA with documentation necessary to complete a full accounting to determine how much each pool participant was owed and review the propriety of the approximate \$476,000 in commissions allegedly earned and charged against the pool participants' funds, in violation of NFA Compliance Rule 2-5.

## II

### **FAILURE TO RESPOND**

NFA served the Complaint on Yas and Brisco by regular, electronic, and overnight mail to Yas' main office location and Brisco's residential address as listed in NFA's Online Registration System. On July 20, 2022, NFA sent another copy of the Complaint by e-mail to Yas and Brisco, together with a reminder letter that advised them that a timely Answer had not been filed; that a failure to file an Answer would be deemed an admission by Yas and Brisco of all of the allegations in the Complaint; and that if Yas and Brisco intended to file an Answer, they should do so immediately. To date, neither Yas nor Brisco have not filed an Answer or otherwise responded to any allegation in the Complaint.

Under Compliance Rule 3-6(c), 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. Compliance Rule 3-6(c) further provides that if a timely Answer is not filed, this Committee may issue a default decision.

### III

#### **FINDINGS AND CONCLUSIONS**

The Committee finds that Yas and Brisco were duly served with the Complaint. The Committee further finds that Yas and Brisco failed to file an Answer to the Complaint. Pursuant to NFA Compliance Rule 3-6(c), Yas and Brisco are, therefore, deemed to have admitted the facts and legal conclusions alleged in the Complaint and to have waived their right to a hearing. As a result, the Committee finds that Yas and Brisco committed each and every violation alleged against them in the Complaint.

Specifically, the Committee finds that Yas violated NFA Compliance Rule 2-13 by failing to operate the Yas Pool as a separate legal entity, failing to receive funds in the name of the Pool and commingling pool funds with the property of other persons. The Committee further finds that Yas and Brisco violated NFA Compliance Rule 2-4 by, among other things, operating the Yas Pool in a manner which showed no regard for safeguarding the money they solicited and accepted from the pool participants. The Committee also finds that Yas and Brisco violated NFA Compliance Rule 2-5 by their refusal to abide by NFA's directive not to distribute participant funds until they provided NFA with documentation necessary to complete a full accounting to determine how much each pool participant was owed and review the propriety of the approximate

\$476,000 in commissions allegedly earned and charged against the pool participants' funds.

#### **IV**

#### **PENALTY**

The violations in this case are extremely serious. The conduct of Yas and Brisco was not in keeping with the high standards required of NFA Members and Associates and warrants a severe penalty to prevent them—and also deter others—from engaging in such conduct in the future. Further, Yas and Brisco's failure to cooperate with NFA seriously undermines NFA's examination function, which depends upon the cooperation of its Members and Associates. Violations of this type cannot be tolerated and, therefore, warrant the most severe sanction that can be imposed in an NFA disciplinary case. Accordingly, the Committee permanently bars Yas and Brisco from NFA membership status and from acting as a principal of an NFA Member.

#### **V**

#### **APPEAL**

Yas and Brisco may appeal this Decision to NFA's Appeals Committee by filing a written notice of appeal with NFA's Secretary within fifteen days after the date of this Decision. Pursuant to NFA Compliance Rule 3-6(c), 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: 8/18/2022

By: Gu S. Wolff  
Chairperson

(Ecs/Decisions/2022:DEC\_Yas, Brisco (8.22)