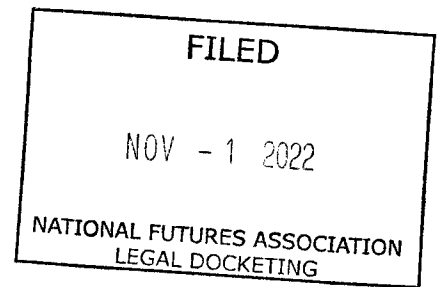


**NATIONAL FUTURES ASSOCIATION  
BEFORE THE  
BUSINESS CONDUCT COMMITTEE**



In the Matter of: )  
)  
EMPIRE ENERGY GROUP LLC )  
(NFA ID #458928), )  
)  
and )  
)  
MARK STEPHEN FAIRCHILD )  
(NFA ID #445404), )  
)  
Respondents. )

NFA Case No. 22-BCC-011

**DECISION**

Having reviewed all matters relevant to the Complaint issued by the Business Conduct Committee (Committee) of National Futures Association (NFA) against Empire Energy Group LLC (Empire Energy) and Mark Stephen Fairchild (Fairchild) in the present case, and having found that Empire Energy and Fairchild 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 Empire Energy and Fairchild.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On August 29, 2022, this Committee issued a Complaint against Empire Energy, an introducing broker (IB) and former NFA Member located in Houston, Texas. The Complaint also named Fairchild, a principal and associated person (AP) of Empire Energy, and former NFA Associate. The Complaint alleged that Empire Energy failed to file its 2021 audited financial statement, in violation of NFA Financial Requirements Section 5. The Complaint also alleged that Empire Energy and Fairchild

failed to cooperate fully and promptly with an NFA examination, in violation of NFA Compliance Rule 2-5.

## II

### **FAILURE TO RESPOND**

The Complaint was served on Empire Energy and Fairchild by first class and overnight mail to their address listed in NFA's Online Registration System (ORS), and by electronic mail to two email addresses listed in ORS. Pursuant to NFA Compliance Rules 3-4 and 3-6, the Complaint gave Empire Energy and Fairchild notice that they were required to file a written Answer with NFA within 30 days of the date of the Complaint. The Complaint further informed Empire Energy and Fairchild that a failure to file an Answer would be deemed an admission of the facts and legal conclusions contained in the Complaint and a waiver of their right to a hearing.

Because NFA had not received an Answer within 30 days from the date of the Complaint, NFA sent Empire Energy and Fairchild another copy of the Complaint by the same methods on September 30, 2022, along with a reminder letter. The reminder letter advised them that an Answer had not been filed; that a failure to file an Answer would be deemed an admission by them of the facts and legal conclusions contained in the Complaint; and that if they intended to file an Answer, they should do so by October 7, 2022. The reminder letter further informed Empire Energy and Fairchild that their failure to file an Answer could result in a default Decision imposing penalties against them. To date, neither Empire Energy nor Fairchild have filed an Answer or otherwise responded to the Complaint or to NFA's reminder letter.

### III

#### **FINDINGS AND CONCLUSIONS**

The Committee finds that Empire Energy and Fairchild were duly served with the Complaint at the addresses they provided to NFA. The Committee further finds that Empire Energy and Fairchild failed to file an Answer to the Complaint. Pursuant to NFA Compliance Rule 3-6(c), Empire Energy and Fairchild are, therefore, deemed to have admitted the facts and legal conclusions alleged in the Complaint and have waived their right to a hearing.

Based on the foregoing, the Committee finds that Empire Energy failed to file its 2021 audited financial statement, in violation of NFA Financial Requirements Section 5, and that Empire Energy and Fairchild failed to cooperate fully and promptly with an NFA examination, in violation of NFA Compliance Rule 2-5.

### IV

#### **PENALTY**

The charges in the instant case demonstrate a serious disregard of NFA's regulatory requirements. Such serious violations warrant equally serious sanctions. Therefore, this Committee orders Empire Energy not to reapply for NFA membership or act as a principal of an NFA Member at any time in the future. The Committee further orders Fairchild not to reapply for NFA membership status (as a Member or an Associate) or act as a principal of an NFA Member for a period of five years. If Fairchild reapplies for NFA membership status or seeks to become a principal of a Member after expiration of the five years, he shall pay to NFA a fine of \$30,000, which fine is due and payable in full at the time he applies for NFA membership status or seeks to become a

principal. The Committee further prohibits Fairchild from acting as the sole AP/principal of a Member at any time in the future.

V

APPEAL

Empire Energy and Fairchild may appeal this Decision to NFA's Appeals Committee by filing a written notice of appeal with NFA's Secretary within fifteen days (15) 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.

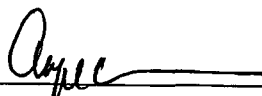
VI

INELIGIBILITY

Pursuant to the provisions of Commodity Futures Trading Commission (CFTC) Regulation 1.63, this Decision and the sanctions imposed herein render Fairchild 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 five (5) 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  
BUSINESS CONDUCT COMMITTEE**

Date: 11/01/2022

By:   
Chairperson