

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

FILED

FEB - 1 2023

NATIONAL FUTURES ASSOCIATION  
LEGAL DOCKETING

In the Matter of )  
 )  
PERNIX CAPITAL, LLC ) NFA Case No. 22-BCC-016  
(NFA ID #406176), )  
 )  
Respondent. )

**DECISION**

Having reviewed all matters relevant to the Complaint issued by the Business Conduct Committee (Committee or BCC) of National Futures Association (NFA) and having considered the Offer of Settlement (Offer) submitted by Pernix Capital, LLC (Pernix), and having accepted the Offer, the Committee hereby issues this Decision.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On December 7, 2022, this Committee issued a Complaint against Pernix, an NFA Member commodity pool operator located in Kearney, Nebraska. The Complaint alleged that Pernix failed to timely file annual and quarterly pool reports for a pool the firm currently operates and a pool the firm previously operated, in violation of NFA Compliance Rules 2-13 and 2-46.

II

**OFFER OF SETTLEMENT**

Without admitting or denying the allegations of the Complaint, Pernix submitted an Offer in which the firm proposed to settle the charges against it by agreeing to pay a fine of \$15,000 to NFA, in accordance with the terms of the Offer.

Pernix acknowledged in its Offer that any Decision accepting the Offer would include findings that the firm committed the violations alleged against it in the Complaint.

III

**FINDINGS**

Pursuant to the Offer, the Committee finds that Pernix, as set out in the Complaint, violated NFA Compliance Rules 2-13 and 2-26 by failing to timely file quarterly and annual pool reports with NFA.

IV

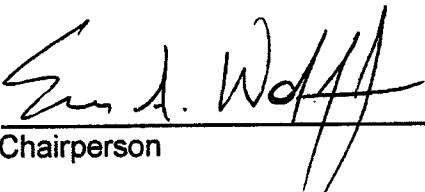
**PENALTY**

Having considered this matter and having accepted the Offer submitted by Pernix, the Committee here by orders Pernix to pay a fine of \$15,000 to NFA, due and payable in accordance with the terms of the Offer.

The Committee's acceptance of the Offer and this Decision shall settle the Complaint in this case and all matters relating to such Complaint; shall operate to bar any future MRA or BCC Complaints against Pernix for any conduct occurring prior to the date of the Offer, of which NFA has corporate knowledge; and shall resolve and terminate all complaints, investigations, examinations, and audits relating to them, which were pending as of the date of the Offer. The Offer and this Decision shall not be used as a sole basis for any other action or proceeding by NFA against Pernix, including any registration matter, except the Offer and this Decision 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 disciplinary history and as evidence in aggravation on the issue of sanctions.

**NATIONAL FUTURES ASSOCIATION  
BUSINESS CONDUCT COMMITTEE**

Date: 2/1/2023

By:   
Chairperson

m/cxc/Decisions/Pernix Capital Decision