

Request for Records Disposition Authority

Records Schedule Number DAA-0180-2012-0003
Schedule Status Modified Approved Version
Agency or Establishment Commodity Futures Trading Commission
Record Group / Scheduling Group Records of the Commodity Futures Trading Commission
Records Schedule applies to Major Subdivision
Major Subdivision Division of Enforcement
Schedule Subject Division of Enforcement Records
Internal agency concurrences will be provided No

Background Information

The Division of Enforcement investigates and prosecutes alleged violations of the Commodity Exchange Act (CEA) and Commission regulations. For example, the Division brings enforcement actions against: individuals and firms registered with the Commission; those who violate laws or regulations in connection with their trading commodity futures and options on designated domestic exchanges; those who improperly market futures and options contracts to retail investors or perpetrate Ponzi schemes; those who use manipulative or deceptive schemes in connection with commodities, futures or swaps; and those who engage in disruptive trading practices.

The Division bases investigations on information it develops independently, as well as information provided by other Commission Divisions, industry self-regulatory associations, state, federal, and international authorities, and members of the public. At the conclusion of an investigation, the Division may recommend that the Commission initiate administrative proceedings through the Reparations Program administered by the Office of Proceedings or seek injunctive and ancillary relief on behalf of the Commission in United States District Courts around the country. Administrative sanctions may include orders imposing civil monetary penalties, suspending, denying, revoking or restricting registration and exchange trading privileges, and orders of restitution. The Commission also may obtain temporary restraining orders and preliminary and permanent injunctions in Federal court to halt ongoing violations. Other relief may include appointment of a receiver, a freeze of assets, restitution, and disgorgement of unlawfully acquired benefits.

The Commission has independent litigating authority to bring civil matters before the United States District Courts (as opposed

to referring civil matters to the Department of Justice). The Commission's Office of General Counsel handles appeals of these civil matters. When the Division obtains evidence that criminal violations of the CEA have occurred, it may refer the matter to the Department of Justice for prosecution. Criminal activity involving commodity-related instruments can result in prosecution for criminal violations of the CEA and for violations of other federal criminal statutes, including commodities fraud, mail fraud, wire fraud and conspiracy.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
6	2	4	0

GAO Approval

Outline of Records Schedule Items for DAA-0180-2012-0003

Sequence Number	
1	Customer and Official Inquiry Files
1.1	Leads, preliminary inquiries, etc. that do not proceed to an Investigation. Disposition Authority Number: DAA-0180-2012-0003-0001
2	Investigatory Files
2.1	Historically-significant Investigations. Disposition Authority Number: DAA-0180-2012-0003-0002
2.2	Investigations closed without litigation. Disposition Authority Number: DAA-0180-2012-0003-0003
3	Closed Matter Summary Records Disposition Authority Number: DAA-0180-2012-0003-0004
4	Enforcement Case Files
4.1	Historically-significant Enforcement Cases. Disposition Authority Number: DAA-0180-2012-0003-0005
4.2	All other Enforcement Cases not meeting one or more of the criteria in "historical ly-significant Enforcement Cases." Disposition Authority Number: DAA-0180-2012-0003-0006

Records Schedule Items

Sequence Number	
1	<p>Customer and Official Inquiry Files Records consist of leads (which are tips, complaints, referrals; including referrals from interagency offices such as Whistleblower referrals, and other inquiries received from the public, from Federal, state or local agencies, and from other entities), preliminary inquiries, and other related records.</p>
1.1	<p>Leads, preliminary inquiries, etc. that do not proceed to an Investigation.</p> <p>Disposition Authority Number DAA-0180-2012-0003-0001</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? No</p> <p>GRS or Superseded Authority Citation N1-180-00-1, Item 405 (partial)</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Close files after last action, as defined by the Enforcement procedures. Cut off files at the end of the FY.</p> <p>Retention Period Destroy/delete 5 years after end of the FY.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Investigatory Files Records in this series include any records carried over from "Customer and Official Inquiry Files." Investigatory files document the investigation of persons or companies suspected of violating the Commodity Exchange Act or Commission regulations. Records may also include but are not limited to customer complaints, reparations claims, referrals, memos to the Commission, interview notes, affidavits, transcripts of testimony and exhibits thereto, formal orders of investigation, subpoenas, requests for confidential treatment, Wells submissions, witness statements, website captures, attorney work product, transaction records,</p>

2.1

documents received from third parties, economic analyses, documents resulting from cooperation with international regulators and authorities; and other relevant documentation.

Historically-significant Investigations.

Disposition Authority Number DAA-0180-2012-0003-0002

Historically-significant Investigations meet one or more of the following criteria: 1. Is the subject of significant public interest, as reflected in widespread news media attention, Congressional interest, and/or market participant inquiries. 2. Resulted in new legislation or regulations or substantive changes to existing legislation or regulations. 3. Prosecuted as a criminal case by the Department of Justice. The permanent records of a historically-significant Investigation may include the following: • Opening/closing reports. • Memos to the Commission (if any) and the attachments. • Requests for confidential treatment (if any). • Other records (if any) that summarize the nature and scope of the Investigation.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

Disposition Instruction

Cutoff Instruction Cut off after last action, as described in the Division of Enforcement procedures.

Transfer Electronic Records to the National Archives for Pre-Accessioning Transfer electronic records to the National Archives for pre-accessioning 5 year(s) after last action.

Transfer to the National Archives for Accessioning Transfer to the National Archives 30 year(s) after last action.

Additional Information

What will be the date span of the initial transfer of records to the National Archives? Unknown
Unknown.

How frequently will your agency transfer these records to the National Archives? Unknown
Unknown.

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	16 Cubic feet	1 Cubic feet
Microform		
Hardcopy or Analog Special Media		

2.2

Investigations closed without litigation.

Disposition Authority Number DAA-0180-2012-0003-0003

Records may include those listed in the main description of "Investigatory Files."

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation N1-180-07-1, Item 1

Disposition Instruction

Cutoff Instruction Close matter file after last action, as described in the Division of Enforcement procedures.

Transfer to Inactive Storage Transfer to offsite storage 30 days after last action.

Retention Period Destroy/delete 5 years after last action.

Additional Information

GAO Approval Not Required

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Closed Matter Summary Records

Disposition Authority Number DAA-0180-2012-0003-0004

Records in this series document the existence of matters (preliminary inquiries, investigations, and litigated cases) that have been closed and provide high-level and summary information on the outcomes and reasons for closure. Information for each matter may include but is not limited to matter closing reports and matter profile information contained in electronic case management tools. Matter profile information may include the party (ies) involved, the date the matter was opened and closed, a short description of the activity investigated, and assigned staff.

Final Disposition	Temporary
Item Status	Inactive
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
Inactive Status Explanation	This item is inactive because it was superseded by New Disposition Authority Number: DAA-0180-2015-0003-0001

Disposition Instruction

Cutoff Instruction	Close files after last action, as described in the Division of Enforcement procedures. Cut off files at the end of the FY.
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Retention Period	Destroy/delete when 15 years old.
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Additional Information

GAO Approval	Not Required
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Enforcement Case Files

Records in this series include any records carried over from "Customer and Official Inquiry Files" (Item 405b) and Investigatory Files (Item 406b). Enforcement Case Files document the prosecution of persons or companies believed in violation of the Commodity Exchange Act or Commission regulations. Enforcement Case Files may also include but are not limited to pleadings, subpoenas, exhibits, case preparation files and work papers, transcripts of depositions or court hearings, documents produced by third parties, court or Commission orders, documents that have been introduced as evidence in an injunctive or administrative proceeding; criminal referrals opinions, memoranda of law and briefs; documents resulting from cooperation with international regulators and authorities; and other documents identified by staff as important to retain which are related to the enforcement of the Commodity Exchange Act and/or Commission regulations. This series applies to

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4.1

records maintained by the Division of Enforcement and the Office of the General Counsel.

Historically-significant Enforcement Cases.

Disposition Authority Number DAA-0180-2012-0003-0005

Historically-significant Enforcement Cases meet one or more of the following criteria: 1. Is the subject of significant public interest, as reflected in widespread news media attention, Congressional interest, and/or market participant inquiries. 2. Resulted in new legislation or regulations or substantive changes to existing legislation or regulations. 3. Decision issued or sanctions imposed set precedent. 4. Prosecuted as a criminal case by DOJ. The permanent records of a historically-significant Enforcement Case may include the following: • Opening/closing reports. • Memos to the Commission and the attachments (including those from the Investigatory phase). • Requests for confidential treatment (if any). • Dispositive or Substantive Motions. • Supporting memoranda. • Dispositive Orders or Orders on Substantive Issues. • Pleadings. • Exhibits. • Trial transcripts. • Notices of appeal. • Appeal briefs.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation N1-180-00-1, Item 408a

Disposition Instruction

Cutoff Instruction Cut off after last action, as described in the Division of Enforcement procedures.

Transfer Electronic Records to the National Archives for Pre-Accessioning Transfer electronic records to the National Archives for pre-accessioning 5 year(s) after last action.

Transfer to the National Archives for Accessioning Transfer to the National Archives 30 year(s) after last action.

Additional Information

What will be the date span of the initial transfer of records to the National Archives? Unknown
Unknown.

How frequently will your agency transfer these records to the National Archives? **Unknown.**
Unknown.

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	127 Cubic feet	15 Cubic feet
Microform		
Hardcopy or Analog Special Media		

4.2 All other Enforcement Cases not meeting one or more of the criteria in "historically-significant Enforcement Cases."

Disposition Authority Number **DAA-0180-2012-0003-0006**

Records may include those listed in the main description of "Enforcement Case Files."

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **Yes**

Do any of the records covered by this item exist as structured electronic data? **No**

GRS or Superseded Authority Citation **N1-180-07-2**

Disposition Instruction

Cutoff Instruction **Cut off when final appeal is exhausted.**

Transfer to Inactive Storage **Transfer to offsite storage 30 days after final appeal is exhausted.**

Retention Period **Destroy/delete 15 years after final appeal exhausted.**

Additional Information

GAO Approval

Not Required

Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
10/31/2012	Certify	Crystal Zeh	Records Management Officer	Commodity Futures Trading Commission - Commodity Futures Trading Commission
07/20/2013	Return for Revision	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
08/20/2013	Submit For Certification	Kimberly Neutzling	Records Management Specialist	CFTC - CFTC
08/20/2013	Certify	Crystal Zeh	Records Management Officer	Commodity Futures Trading Commission - Commodity Futures Trading Commission
08/07/2014	Return for Revision	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
08/26/2014	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
08/26/2014	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
04/15/2015	Return for Revision	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
06/02/2015	Submit For Certification	Kimberly Neutzling	Records Specialist	Commodity Futures Trading Commission - Commodity Futures Trading Commission

06/02/2015	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
06/30/2015	Return for Revision	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
07/01/2015	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
07/01/2015	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
08/05/2015	Submit for Concurrence	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
08/05/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
08/05/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
08/06/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist