

## Request for Records Disposition Authority

Records Schedule Number      DAA-0180-2013-0005  
 Schedule Status                      Approved  
  
 Agency or Establishment          Commodity Futures Trading Commission  
 Record Group / Scheduling Group   Records of the Commodity Futures Trading Commission  
 Records Schedule applies to      Agency-wide  
 Schedule Subject                      Reparations and Enforcement Docket Files  
 Internal agency concurrences will be provided      No

Background Information              The Office of Proceedings administers the Commodity Futures Trading Commission's (Commission or CFTC) Reparations program, adjudication of Enforcement cases and Administrative Wage Garnishment actions.

The Reparations program provides a forum for resolving disputes between futures customers and futures trading professionals pursuant to the regulations in 17 CFR Part 12. Common reparations claims include: fraud; breach of fiduciary duty as required by the Commodity Exchange Act or CFTC rules; unauthorized trading; misappropriation of customer monies; churning; wrongful liquidation; and non-disclosure of risks and material facts associated with futures and options trading.

The Office of Proceedings is responsible for the adjudication of Enforcement and actions received and prosecuted by the Commission's Division of Enforcement. These actions include, the denial, suspension, revocation, conditioning, restricting or modifying of registration as a futures commission merchant, retail foreign exchange dealer, introducing broker, or associated person, floor broker, floor trader, commodity pool operator, commodity trading advisor or leverage transaction merchant pursuant to the Commodity Exchange Act, 7 U.S.C. 8, sections 6(c), 8a(2), 8a(3), 8a(4), and 8a(11).

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
6	3	3	0

## GAO Approval

## Outline of Records Schedule Items for DAA-0180-2013-0005

Sequence Number	
1	Reparations and Enforcement Docket Files
1.1	Reparations and Enforcement Docket Files filed between 1950 to 1988 Disposition Authority Number: DAA-0180-2013-0005-0001
1.2	Docket Files filed between 1987 to September 2010
1.2.1	Docket Files – Cases Appealed to the Commission Disposition Authority Number: DAA-0180-2013-0005-0002
1.2.2	Docket Files – Cases not Appealed to the Commission Disposition Authority Number: DAA-0180-2013-0005-0003
1.3	Reparations and Enforcement Cases filed between October 2010 and the Present
1.3.1	Reparations and Enforcement Case Files Disposition Authority Number: DAA-0180-2013-0005-0004
1.3.2	All Other Records in each Docket File Disposition Authority Number: DAA-0180-2013-0005-0005
2	Case Tracking Systems Disposition Authority Number: DAA-0180-2013-0005-0006



electronic format(s) other than e-mail and word processing?

GRS or Superseded Authority Citation      N1-180-00-1 / 411a

**Disposition Instruction**

Cutoff Instruction      Close docket file when final appeal is exhausted (if applicable) or if there was no appeal, close docket file once the decision becomes the final order of the Commission. If reparations sanctions were imposed, close docket file only after all sanctions are satisfied.

Transfer to the National Archives for Accessioning      Transfer to the National Archives in 5 year blocks 30 year(s) after file closed

**Additional Information**

First year of records accumulation      1950

End year of records accumulation      1988

What will be the date span of the initial transfer of records to the National Archives?      From 1950 To 1988

How frequently will your agency transfer these records to the National Archives?      Unknown  
One time transfer upon eligibility of oldest case file.

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	4.64 GB	
Paper		
Microform		
Hardcopy or Analog Special Media		

1.2

**Docket Files filed between 1987 to September 2010**  
These records include reparations and enforcement cases that were appealed to the Commission. Included are reparations cases filed between 1989-September 2010, which contain the entire record brought before Administrative Law Judges (ALJs) or Judgment Officers and the appellate matters brought before the Commission. Also included are enforcement cases filed from 1987 through

1.2.1

September 2010, which contain the entire record brought before the ALJs and the appellate matters before the Commission.

**Docket Files – Cases Appealed to the Commission**

Disposition Authority Number DAA-0180-2013-0005-0002

Records include reparations and enforcement cases that were appealed to the Commission.

Final Disposition Permanent

Item Status Active

Is this item media neutral? No

Explanation of limitation These are all textual records.

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

GRS or Superseded Authority Citation N1-180-00-001 / 411a

**Disposition Instruction**

Cutoff Instruction Close docket file when final appeal is exhausted. If reparations sanctions were imposed, close docket file only after all sanctions are satisfied.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 30 year(s) after file closed

**Additional Information**

First year of records accumulation 1987

End year of records accumulation 2010

What will be the date span of the initial transfer of records to the National Archives? From 1987 To 2010

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	75 Cubic feet	

Microform		
Hardcopy or Analog Special Media		

1.2.2

**Docket Files – Cases not Appealed to the Commission**

Disposition Authority Number      DAA-0180-2013-0005-0003

**This series consists of reparations and enforcement case files for cases not appealed to the Commission.**

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?      No

GRS or Superseded Authority Citation      N1-180-00-1 / 411b  
N1-180-00-1 / 411c

**Disposition Instruction**

Cutoff Instruction                      Close docket file once the decision issued by the presiding official or the Commission becomes the final order of the Commission and any requested relief has been exhausted. If reparations sanctions were imposed, close docket file only after all sanctions are satisfied. Cut off at the end of the FY in which the docket file is closed.

Transfer to Inactive Storage          Transfer to offsite storage 3 years after cutoff.

Retention Period                      Destroy 75 year(s) after the FY in which the docket file is closed

**Additional Information**

GAO Approval                          Not Required

1.3

**Reparations and Enforcement Cases filed between October 2010 and the Present**

1.3.1

**Reparations and Enforcement Case Files**

Disposition Authority Number      DAA-0180-2013-0005-0004

1. Decisions, Rulings and Substantive Orders by a Presiding Official. This category includes: • Rulings on motions for summary disposition; • Rulings on motions for reconsideration; • Rulings concerning partial dismissals and defaults; • Orders of dismissals for Cause and Dismissal/Settlements; • Initial Decisions; • Final Decisions; • Default Orders; • Rulings on subsequent motions to vacate on default matters; • Rulings on substantive motions and decisions on remand or reconsideration. 2. Commission Opinions, Rulings and Orders. This category includes: • Orders on interlocutory appeal and for remand; • Orders of delegated authority; • Orders on review of decisions on remand; • Orders of summary affirmance. 3. Courts of Appeals decisions (including unpublished opinions). 4. All items deemed significant or precedential by the Presiding Official. 5. Complaints, amendments and addenda, and Notices of Intent to suspend, revoke or restrict registration. 6. Letter terminating the Complaint in the Complaints section. 7. Settlement documents. 8. Answers filed by Respondents. 9. Sanction letters. 10. Records documenting payment of sanctions, such as a copy of cashier's check or wire transfer or a sworn release agreement.

Final Disposition Permanent

Item Status Active

Is this item media neutral? No

Explanation of limitation These are all electronic records.

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

GRS or Superseded Authority Citation N1-180-00-1 / 411a

#### Disposition Instruction

Cutoff Instruction Close docket file when final appeal is exhausted (if applicable) or if there was no appeal, close docket file once the decision becomes the final order of the Commission. If reparations sanctions were imposed, close docket file only after all sanctions are satisfied.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 30 year(s) after file closed

#### Additional Information

First year of records accumulation 2010

What will be the date span of the initial transfer of records to the National Archives? From 2010 To 2014



How frequently will your agency transfer these records to the National Archives? **Every 5 Years**

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	22.9 GB	5 GB
Paper		
Microform		
Hardcopy or Analog Special Media		

1.3.2

**All Other Records in each Docket File**

Disposition Authority Number **DAA-0180-2013-0005-0005**

All records in each Docket File that are not listed in item DAA-0180-2013-0005-0004 above including, but not limited to: deficiency letters; letters serving the complaints to parties; procedural letters to parties; transmittal memorandums; notices of assignment of all types of proceedings; notices of appeals; appellate briefs; notes to file; returned service; non-substantive pleadings; subpoenas; discovery documents; transcripts; exhibits; procedural orders; notices; and procedural (not substantive) rulings.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **No**

Explanation of limitation **These are all electronic records.**

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? **No**

GRS or Superseded Authority Citation **N1-180-00-1 / 411b  
N1-180-00-1 / 411c**

**Disposition Instruction**

Cutoff Instruction **Remove the records identified in this item upon the closing of the permanent Docket File. Cut off at the end of the FY in which the permanent Docket File is closed.**

Transfer to Inactive Storage **Transfer to offsite storage 3 years after cutoff.**

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Retention Period Destroy 75 year(s) after the FY in which the docket file is closed

**Additional Information**

GAO Approval Not Required

**Case Tracking Systems**

Disposition Authority Number DAA-0180-2013-0005-0006

These systems track the status of both permanent and temporary docket files and contain information related to those records.

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? No

GRS or Superseded Authority Citation N1-180-00-1 / 411d/1  
N1-180-00-1 / 411d/2

**Disposition Instruction**

Retention Period Destroy 75 year(s) after FY in which related docket file is closed

**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
03/07/2013	Certify	Crystal Zeh	Records Management Officer	Commodity Futures Trading Commission - Commodity Futures Trading Commission
10/23/2014	Return for Revision	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
11/17/2014	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
11/17/2014	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
05/25/2016	Return for Revision	Elizabeth Greenberg-Taubel	Appraisal Archivist	National Archives and Records Administration - Records Management Services
04/21/2017	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
04/21/2017	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
05/17/2017	Return for Revision	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
05/18/2017	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch

05/18/2017	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
06/26/2017	Return for Revision	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
06/26/2017	Submit For Certification	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
06/26/2017	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
08/01/2017	Submit for Concurrence	Lloyd Beers	Appraisal Archivist	National Archives and Records Administration - ACNR Records Management Services
08/07/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
08/07/2017	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
08/08/2017	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist