

### FILE A COMPLAINT

If you would like to file a reparations complaint, please visit [www.cftc.gov/TipOrComplaint](http://www.cftc.gov/TipOrComplaint).

## REPARATIONS PROGRAM

The Commodity Futures Trading Commission (CFTC) is the federal government agency that regulates the commodity futures, commodity options, and swaps trading markets. As part of that responsibility, the CFTC has instituted a Reparations Program.



#### COMMODITY FUTURES TRADING COMMISSION

1155 21<sup>st</sup> Street, NW  
Washington, DC 20581  
866.366.2382 (Consumer Hotline)  
202.418.5514 (TTY)



COMMODITY FUTURES TRADING COMMISSION

[www.cftc.gov/ConsumerProtection/ReparationsProgram](http://www.cftc.gov/ConsumerProtection/ReparationsProgram)

## OVERVIEW OF THE REPARATIONS PROGRAM

The Reparations Program (the Program) is designed to provide an inexpensive, expeditious, fair, and impartial forum to handle customer complaints. The Program aims to resolve disputes between futures customers and commodity futures trading professionals. The transactions involved can include futures contracts, options on futures contracts or on physical commodities, and leverage contracts.

## BENEFITS OF THE REPARATIONS PROGRAM

- Your complaint, if it meets the filing requirements, will be decided by a CFTC Judgment Officer who specializes in commodity law.
- The cost and time involved in litigating your complaint may be less than in other forums.
- While CFTC staff cannot represent you in a complaint or offer you legal advice, they can explain the procedures to you. This may be helpful if you are not represented by an attorney.

## TO UTILIZE THE REPARATIONS PROGRAM YOU MUST:

- Outline facts in your complaint to show that the losses you claim as damages resulted from the activities you described, and that the proposed respondents you named engaged in those activities.
- File your complaint within two years of the date the violation occurred or within two years of the date you should have known about the violation.
- Not pursue the same claim in a parallel proceeding such as arbitration.

## COMMON REPARATIONS CLAIMS

- Misrepresentation
- Breach of Fiduciary Duty
- Unauthorized Trading
- Misappropriation
- Churning
- Wrongful Liquidation
- Failure to Supervise
- Nondisclosure

## A COMPLETE COMPLAINT MUST INCLUDE:

- CFTC Form 30
- Contact Information
- Contact Information For Respondents
- Description of Complaint
- Damage Calculation
- Parallel Proceedings Statement
- Bankruptcy or Receivership Statement
- Verification Statement
  - “I hereby affirm (under penalty of law) that to the best of my knowledge the facts set forth in this complaint are known or believed to be true.”
- Proceeding Selection
- Appropriate Filing Fee Payment

## SELECTING A REPARATIONS PROCEDURE

There are three types of reparations proceedings. When you file your claim, you must choose one of these three procedures.

- **Voluntary Procedure**—You can select the voluntary procedure for a claim of any amount; the individuals or firms you name must also agree to use the voluntary procedure. It is typically the quickest proceeding since it does not involve a hearing or allow for appeals. A Judgment Officer decides voluntary cases solely on the basis of written submissions and exhibits provided by the parties. Voluntary procedure decisions are final; you may not appeal a decision in the voluntary procedure to the CFTC or the U.S. Court of Appeals.
- **Summary Procedure**—If you do not select the voluntary procedure and you claim \$30,000 or less in damages, you must select the summary procedure. In a summary procedure, you submit your evidence in writing and the Judgment Officer may, if needed, hold an oral hearing by telephone. You can appeal the decision to the CFTC and, ultimately, to the U.S. Court of Appeals.
- **Formal Procedure**—If you claim more than \$30,000 in damages and you do not select the voluntary procedure, you must select the formal procedure. In a formal procedure, you must submit your evidence in writing and the Judgment Officer may, if needed, hold an in person hearing in a location that is, to the extent possible, convenient to all the parties. You can appeal the decision to the CFTC and, ultimately, to the U.S. Court of Appeals.

