

Christopher Kirkpatrick, Secretary
Commodity Futures Trading Commission
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- **17 CFR Part 14**
- **RIN Number 3038-AE21**
- **Proceedings Before the Commodity Futures Trading Commission;
Rules Relating to Suspension or Disbarment From Appearance
and Practice**

Dear Mr. Kirkpatrick.

Thank you for giving us the opportunity to comment on your Proposed rule on Proceedings Before the Commodity Futures Trading Commission; Rules Relating to Suspension or Disbarment From Appearance and Practice.

You are proposing to amend part 14 of your regulations, under which you may deny, temporarily or permanently, the privilege of certain persons to appear or practice before the CFTC. The amendment clarifies your standard for determining when an accountant has engaged in “unethical or improper professional conduct” which has been established as a basis for denying the accountant the privilege of appearing or practicing before the CFTC.

I strongly support your proposed rule. Proposed § 14.8(c) defines “unethical or improper professional conduct” as:

- (1) Intentional or knowing conduct, including reckless conduct, that results in a violation of applicable professional principles or standards; or
- (2) Either of the following two types of negligent conduct:
 - (i) A single instance of highly unreasonable conduct that results in a violation of applicable professional principles or standards in circumstances in which an accountant knows, or should know, that heightened scrutiny is warranted.
 - (ii) Repeated instances of unreasonable conduct, each resulting in a violation of applicable professional principles or standards, which indicate a lack of competence to practice before the Commission.

Please note that the comments expressed herein are solely my personal views

I support that the wording of proposed § 14.8(c)(1) requires scienter¹. And I also support (subject to a case-by-case basis test) proposed § 14.8(c)(2), under which a single instance of highly unreasonable conduct or repeated instances of unreasonable conduct could imply “unethical or improper professional conduct”. The proposed rule requires the accountant to act with integrity and to perform its duties with competence and care and will promote market integrity, ensure regulators consistency (with the SEC), enhance customer protection and improve risk management.

Yours sincerely

C.R.B.

Chris Barnard

¹ Specific intent or prior knowledge of wrongdoing.