

**From:** Baran, J&R <jbaran3@austin.rr.com>  
**Sent:** Thursday, January 28, 2010 4:57 PM  
**To:** secretary <secretary@CFTC.gov>  
**Subject:** Fw: N.b., Regulation of Retail Forex; other

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REF: I recently sent you an email pertaining to subject above. I have another issue I wish to bring to your attention, viz.,

the accrual of ID theft information by forex companies

Did you know that application to trade with one of these forex online outfits, n.b., FXCM, requires photo ID, credit card information, address, age, personal income and net worth, driver's lic. #, banking information, and a number of other very personal data which taken collectively would almost guarantee identity theft!

And just to open a micro account!

And when there is no possibility of loss of money for online outfit.

I call them an outfit because they aren't even a broker. They don't have to report gain or loss to the IRS; they use tactics very likely to be judged criminal (using stops - privately placed - to scalp profits at the expense of the trader), if scrutinized, and are like a scab on one's skin.

**Why don't you do something about it? A Texan would put it differently: get off your butt.**

Dear Secretary;

This letter (honestly) was prompted by emails I have received from forex brokers.

It is in two parts;

Part 1 ... the first in response to their request I write you pleading in response to CFTC identification number **RIN 3038-AC61**.

**In answer: I believe this proposed action is not the solution to the problem. True it will reduce the volatility in forex markets but leave the American investor still vulnerable to the excesses of Globex (esp. night trading).**

Part 2 ... trading in our markets (where comments apply), whether it be forex or commodities, stocks, etc., is dominated during the American night and by foreigners/Globex. I believe Globex/electronic trading is the absolute best invention ever taken advantage of by the bank of England to rid Americans of their money. What does the typical (once referred to as the odd-lotter) investor or speculator do first in the morning? Why he or she checks to see what the devils of the dark have done while he or she has been asleep! What ever the investment medium is (paper or piggies) the night rules the day! And in our markets! How ludicrous!

All of the (tradable) major moves in currencies take place at night. Or almost all. The stock market takes its clue for the day from the so-called pre-market activity. The price and direction of corn or beans is dictated by electronic trading at night via Globex. Again: how ludicrous!

Finally ... the best test of how well or badly the financial investing environment actually (be it forex, commodities, stocks, bonds, ..., you name it) is whether an academician (or people at Iowa Grain) can actually prosper (using sound fundamentals, supply and demand considerations, etc.) **over time**. *And not whether trading limits or the size of a bank account or insider information is used.*

***The upstart with a PC and a bag of indicators should not be the determinant!***

***Again - our major problem is situational. Changing limits will not change this situation.***

Robert I Baran  
former: CPO/CTA and analyst (for over 45 years)  
ex-military officer  
ex-registered CFTC/NFA member