



Regulatory Circular RG06-006

To: Members and Member Organizations

From: Regulatory Services Division

**Re: Anti-Money Laundering (“AML”) Compliance Program (CBOE Rule 4.20):
Annual Requirements for Previous Filers Meeting Certain Conditions**

Date: January 12, 2006

All registered broker-dealers, including sole proprietors, are required to demonstrate compliance with the requirements of the USA PATRIOT Act.

This Regulatory Circular applies only to those members for which ALL of the following conditions are true¹:

- Primary regulator is the CBOE
- Not required to file monthly FOCUS reports²
- AML documents filed previously
- Your previous filing was complete
- AML program has not changed
- Designated AML compliance officer has not changed

All filers to whom this circular applies are required to submit the following:

- Evidence of annual (or more frequent) AML training for all appropriate persons
- A copy of the annual independent review letter identifying the results of the independent review conducted by an individual not involved with the broker-dealer’s AML function

This information must be submitted to the Department of Member Firm Regulation no later than **March 1, 2006**. Please do not submit your original documents. Broker-dealers have a books and records requirement to maintain copies of this information. Additionally, please be advised that all AML documentation and ongoing procedures are subject to regulatory review at any time.

The following information may be helpful in fulfilling the above requirements.

Annual Training

Training should be conducted at least annually and developed under the leadership of the AML Compliance Officer or senior management. Broker-dealers should document the content of the training

¹ If you have not previously filed AML documents with the Exchange, or have made changes to your AML procedures, or your designated AML compliance individual has changed or your previous filing was incomplete, please see Regulatory Circular RG06-007 for a description of your CBOE filing requirements.

² Monthly filers are required to maintain complete AML documentation, which will be reviewed as part of the annual routine examination program.

and maintain a list of the participants who should sign an attestation acknowledging that they have participated in the training and understand the firm's AML program. The attestation should contain language directing any questions to the firm's AML Compliance Officer. In addition, training manuals should be updated as necessary to reflect new developments in the Patriot Act.

The NASD (<http://www.nasd.com>) and SIA (<http://www.sia.com>) websites have on-line training and guidance available which would be considered appropriate training for CBOE market-makers that are non-clearing and do not conduct a non-member customer business.

Annual Independent Review Letter

Broker/dealers must have an independent testing function to review and assess at least annually the adequacy of compliance with the firm's AML compliance program. In an effort to accommodate CBOE members, the Division has included an example of an independent review letter for members to use as a guideline. Any language included in this letter must be tailored to accommodate the individual broker-dealer's business situation.

Please direct any questions to the Department of Member Firm Regulation, Mike LaGioia at (312) 786-7728 or Tyson Wilson at (312) 786-7011.

Please note: CBOE Rule 4.6 states in part, no member, person associated with a member or applicant for membership shall make any willful or material misrepresentation, including a misstatement or false statement, or omission in any application, report or other communication to the Exchange, or to the Clearing Corporation.

If you make a false statement you may be subject to disciplinary action by the Exchange.

Finally, please be advised that the Department of Member Firm Regulation may randomly audit the supporting documentation for the attestations received.

Broker-Dealer Annual Training:

Attendees: _____

The broker-dealer training was conducted on _____, 200__ and
date

was done _____. The program was
(internally/externally/via an internet website)

sponsored by _____. Some of the topics
(ie: vendor name, SRO or website address):

covered were _____.

* **Broker-Dealers are required to maintain evidence of the training conducted and a list of participants**

Independent Review:

The independent review of the broker-dealer AML program was conducted on
_____, 200__, by _____,
date name
of _____.
company name (internal or external)

* **Broker-Dealers are required to maintain written documentation of the Independent Review conducted.**

I _____, as _____, of
name title
_____, certify that the information listed
broker-dealer name

above is accurate.

Member Signature: _____ **Date** _____

Example of an Independent Review Letter

Date

Managing Member
Firm Name
Address
City, State, Zip

Attn: Managing Member of the Firm

Dear _____(Managing Member of the B/D)

Please be advised that I conducted an Independent Review of the Anti-Money Laundering (“AML”) Program for _____(B/D Name) as of _____(date). I am of the opinion that the Broker-Dealer’s AML program appears adequate given the nature and size of its business. Please be advised that my review noted no areas of concern.

_____(B/DName) is a _____(Sole-Prop/L.L.C./Corp.), with _____(# of or no) employees. The firm does not conduct a non-member customer business. It is not the Broker-Dealer’s policy to accept cash. The Broker-Dealer has no outside bank accounts related to its Broker-Dealer business and has no foreign bank or securities accounts. Any fund transfers related to the Broker-Dealer are processed through its clearing account.

Sincerely,

Signature

Title

Reviewer’s Company Name

Address

Phone Number