



Regulatory Circular RG10-08

Date: January 8, 2010  
To: Members  
From: Department of Regulated Entities  
Department of Member Firm Regulation

Re: **SUMMARY OF 2009 YEAR-END REGULATORY  
REPORTING REQUIREMENTS**

**1) OE-418 (ITSFEA) Form**

Contact Pat Sizemore at (312) 786-7752 or [sizemore@cboe.com](mailto:sizemore@cboe.com)  
Department of Regulated Entities

**2) FOCUS Report Part IIA (CBOE) and Schedule I**

Contact Mike LaGioia at (312) 786-7728 or [lagioia@cboe.com](mailto:lagioia@cboe.com), Don Sitarz at (312) 786-7414 or [sitarz@cboe.com](mailto:sitarz@cboe.com), or Leo Rutkowski at (312) 786-7749 or [rutkowski@cboe.com](mailto:rutkowski@cboe.com)  
Department of Member Firm Regulation

**3) Anti-Money Laundering Compliance Program**

Contact Tyson Wilson at (312) 786-7011 or [wilsont@cboe.com](mailto:wilsont@cboe.com) or Dan Sieracki at (312) 786-7167 or [sieracki@cboe.com](mailto:sieracki@cboe.com)  
Department of Member Firm Regulation

**4 SIPC**

Contact SIPC directly at (202) 371-8300

**OE- 418 (ITSFEA) Form**

Exchange Rule 4.18 requires every member, other than a lessor, to establish, maintain and enforce written policies and procedures reasonably designed to prevent the misuse of material nonpublic information by the member or persons associated with the member. The Exchange has created a set of forms to assist individuals and small organizations to generally meet the record keeping requirements of the Rule. You must meet the following guidelines to solely use the OE-418 forms:

- 1) Individual members with no employees
- 2) Individual members who employ no more than 3 non-member employees
- 3) Member organizations with no more than 3 nominees/registered for and which employ no more than 6 non-member employees.

**Please note the definition of “non-member employee” has been clarified to include all associated persons. The term "person associated with a broker or dealer" or "associated person of a broker or dealer" means any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such broker or dealer, or any employee of such broker or dealer, except that any person associated with a broker or dealer whose functions are solely clerical or ministerial shall not be included in the meaning of such term for purposes of section 15(b) (other than paragraph (6) thereof).**

**Forms, which are due by March 1, 2010 are available on the member's website at <http://www.cboe.org/GeneralInfo>, or if you wish to receive the form via email please contact Pat Sizemore at [sizemore@cboe.com](mailto:sizemore@cboe.com)**

Questions regarding the forms can be directed to Pat Sizemore of the Department of Regulated Entities at (312) 786-7752.

**FOCUS Report Part IIA (CBOE) and Schedule I**

**Due Date:** March 1, 2010

**Fees:** Filing fees have been eliminated  
(Note: Fines are assessed for filing after March 2, 2009)

**Requirements:** Every member and member organization registered with the SEC as a broker/dealer for which the Exchange has regulatory responsibility (i.e. is the Designated Examining Authority "DEA") and does not file FOCUS monthly must file a FOCUS Report Form X-17A-5 Part IIA (CBOE) and Schedule I.

**Please Note:**

- If you are a nominee and a registered broker/dealer, you must submit a separate FOCUS Report Form X-17A-5 Part IIA (CBOE) and Schedule I for your personal broker-dealer activity. Your member organization must also submit forms for its activities.
- If you are a Temporary Member (formerly CBT exerciser) or lessor and have a broker/dealer registration with the SEC, you are required to file the FOCUS and Schedule I, even if you did not execute any trades during calendar year 2009.

**Beginning in January 2010, broker-dealers will be able to submit FOCUS Reports through a new WinJammer application.** Part of the setup of this new application involves the DEA (or DSRO for FCMs) adding broker-dealers and an initial security manager for the firm. The security manager will be the individual who will initially access the WinJammer site to add other users should you so desire, and set their access level.

To begin this process CBOE needs you to identify the individual who will fill this role, and provide us with the following information: Broker-Dealer Name, Tax Identification Number, Security Manager Name, Phone Number and Email Address. Please provide this information to one of the individuals listed below. You will receive a Winjammer Quickstart guide, and a user id and temporary password. The "old" way of filing FOCUS Reports, if you already have the pc-based WinJammer software loaded on your system, will still be available for the first two to three months of 2010.

**You may obtain copies of paper FOCUS Report Forms X17A-5 Part IIA and Schedule I forms at the following web address: <http://www.cboe.org/GeneralInfo>**

Questions regarding FOCUS can be directed to Mike LaGioia at (312) 786-7728, Don Sitarz at (312) 786-7414, or Leo Rutkowski at (312) 786-7749 of the Department of Member Firm Regulation.

**Anti-Money Laundering (AML) Compliance Program**

Every member and member organization registered with the SEC as a broker/dealer for which the Exchange is the DEA and who does not file FOCUS monthly is required to demonstrate compliance with CBOE Rule 4.20 by submitting the following:

- Name of the broker dealer's designated AML Compliance Officer
- A copy of the broker dealer's AML supervisory procedures, approved in writing
- Evidence of continuing AML training for all associated persons
- A copy of the independent review letter for the broker dealer's AML program

If these documents were submitted in 2009 and no changes to your procedures were made since the submission, you will only be required to submit evidence of continuing training and a copy of the 2009 independent review letter if no review was conducted in calendar year 2008. See the following regulatory circulars for more detail.

**Copies of RG10-01 and RG10-02 can be found within the Regulatory Circular archive of the Legal Site: <http://www.cboe.org/legal/crclReg.aspx>**

Questions regarding AML compliance can be directed to Tyson Wilson at (312) 786-7011 or Dan Sieracki at (312) 786-7167 of the Department of Member Firm Regulation.

### **SIPC**

As you are aware, in March 2009, SIPC changed the manner in which they calculate and collect their assessment. SIPC forms and any assessments are now due twice a year. Please contact SIPC directly if you have any questions at (202) 371-8300.