

IMPORTANT MEMORANDUM

TO: All Exchange Members

FROM: Department of Financial
and Sales Practice Compliance

DATE: January 8, 1999

SUBJECT: FOCUS REPORT (Form X-17A-5)
1998 Year-End Filing
Due March 1, 1999

Under SEC Rule 17a-10(a)(1) every registered broker-dealer is required to file FOCUS Report X-17A-5 IIA and Schedule I for the calendar year ended December 31, 1998.

Enclosed you will find a FOCUS Report Part IIA and Schedule I. EVERY EXCHANGE MEMBER AND MEMBER ORGANIZATION registered with the SEC as a broker-dealer and whose designated examining authority is the CBOE, must file FOCUS Report Part IIA and Schedule I thereto for calendar year 1998 no later than **March 1, 1999**, with the Exchange's Department of Financial and Sales Practice Compliance on the 7th floor.

The CBOE will compile the data and forward a computer tape containing the data for all members to the Securities and Exchange Commission.

In an effort to increase the confidentiality of FOCUS information and reduce processing time and errors in the preparation of FOCUS filings, the CBOE has entered into an agreement with the Chicago Board of Trade ("CBOT") and the Chicago Mercantile Exchange ("CME") to utilize WinJammer, an electronic FOCUS filing system. CBOE members have the option of using WinJammer, which provides for the direct electronic submission of FOCUS reports to the CBOE. This program eliminates the need for a paper copy filing. WinJammer is a personal computer program, which requires the installation of WinJammer software and a Personal Identification Number diskette ("PIN" disk). The software and PIN disk will be provided by the CBOE upon a member's completion of the WinJammer Software License Agreement and PIN Agreement (enclosed). The Department must receive all license agreements, no later than **February 15, 1999** in order to ensure you will receive the software in time to meet the March 1, 1999 deadline. If you have any questions regarding WinJammer, and/or would like to request the WinJammer software and PIN disk, please contact Kristine Donnelly at (312) 786-7904 or Sheila Moore at (312) 786-7930 with the Department of Financial

and Sales Practice Compliance on the 7th floor. **If you have Winjammer software and a pin number issued to you for the 1997 FOCUS filing, you may continue to use that version for the 1998 FOCUS filing.**

Computer system requirements for operating WinJammer are discussed later in this memorandum.

A number of clearing firms have indicated that they would be providing assistance to their Members for year-end FOCUS completion and/or electronic FOCUS filing. For information regarding the services offered, please contact your respective clearing firm.

Filing Fees:

A twenty-five dollar (\$25) filing fee was initiated on June 5, 1991 (Regulatory Circular RG91-39) to partially recover FOCUS report processing costs.

On September 19, 1998, the Board of Directors approved a rule to raise the FOCUS filing fee to **\$100** for those CBOE market-makers who make their annual FOCUS filing by **hard copy**. The Exchange has provided members the opportunity to file their FOCUS reports electronically through the WinJammer system. Because the Exchange is able to review and process filings much quicker if they are submitted electronically, the Exchange did not change the fees for those market-makers who submit their annual FOCUS report electronically. The FOCUS filing fee for **electronic filers**, therefore, will remain **\$25**.

If the FOCUS is filed electronically no later than March 1, 1999, your account at your clearing firm will be charged \$25. If the FOCUS is filed in paper form no later than March 1, 1999, your account at your clearing firm will be charged \$100. If you do not have an active clearing firm account, please submit a check, including your broker-dealer number, made payable to the CBOE, to the Department of Financial and Sales Practice Compliance, no later than March 1, 1999.

Filing Requirements:

It should be noted that every member and member organization registered with the SEC as a broker/dealer for which the Exchange has regulatory responsibility must file a FOCUS Report Form X-17A-5 Part IIA and Schedule I. Therefore, if you are a nominee and a registered broker/dealer, you must submit a separate FOCUS Report Form X-17A-5 Part IIA and Schedule I for your personal broker-dealer activity. Your member organization must also submit these reports for the firm's activities. In addition if you terminated your broker/dealer registration during 1998 and did not already submit a terminating FOCUS to the Department of Financial and Sales Practice Compliance, you are required to file it by March 1, 1999.

ATTENTION: CBT Exercisers and Lessors

Even if you did not execute any trades on the CBOE during calendar year 1998, if you have a broker/dealer registration with the SEC you are still required to file the FOCUS Report Form X-17A-5 Part IIA and Schedule I.

Please Note:

In filling out FOCUS Form X-17A-5 and Schedule I, it is very important that the following points be observed:

1. Your filing must be accurate. You may wish to consult your accountant for assistance in satisfying your filing obligations.
2. All entries should pertain to your business as a broker/dealer. You need not list assets, liabilities or revenue derived outside your broker/dealer activity.
3. Line 12 (Total Assets) on page one (1) must equal line 25 (Total Liabilities and Ownership Equity) on page two (2).
4. The form must be signed (unless filing electronically) and must contain your broker/dealer number (SEC file number).
5. Please be aware that it is your ultimate responsibility to file the FOCUS Report. Although your clearing firm may provide assistance with regard to completing the FOCUS Report, it is your responsibility to make sure your FOCUS Report is filed with the Department of Financial and Sales Practice Compliance on or before March 1, 1999.

Late Filing Fines:

In accordance with CBOE Rule 17.50(g)(2), any member who fails to file Form X-17A-5 and Schedule I for calendar year 1998 by March 1, 1999 shall be subject to the following fines:

<u>DAYS LATE</u>	<u>AMOUNT</u>
1-30	\$200
31-60	\$400
61-90	\$800

Repeated failure to file FOCUS Report Form X-17A-5 and Schedule I in a timely manner will be referred to the Exchange's Business Conduct Committee as will a failure to file more than ninety (90) days late.

If you are unsure as to whether you are required to file or have any questions, please contact Kristine Donnelly at (312) 786-7904 or Sheila Moore at (312) 786-7930 with the Department of Financial and Sales Practice Compliance on the 7th floor.

WinJammer System Requirements:

In order to run WinJammer you must be using Windows 3.1, Windows NT, Windows 95, OS/2, or Windows for Workgroups.

Winjammer will operate on a 386 computer with 4 MB of RAM , but it is highly recommended that you use at least a 486 computer with 16 MB of RAM. Additionally, if the computer your using has only 4 MB of RAM it is suggested that you shut down all other applications to improve performance. Modem rate should be 2400 baud or higher. Specific instructions are listed on page 3 of the Quick Start Guide which is provided with the WinJammer software .

In order to obtain a copy of the WinJammer software along with the Quick Start Guide, please contact Kristine Donnelly at (312) 786-7904 or Sheila Moore at (312) 786-7930 with the Department of Financial and Sales Practice Compliance on the 7th floor. For technical questions related to WinJammer's installation and use, please contact CBOE Focus Help-Line at 312 786-7035.