

FINRA SIE/6/7 DUMP SHEET

Regulators, laws, rules



Securities and Exchange Commission (SEC)

- Federal agency regulating securities markets and participants
- 3 prong mission:
 - Protect investors
 - Maintain fair, orderly, and efficient markets
 - Facilitate capital formation
- Enforces all federal securities legislation, including:
 - Securities Act of 1933
 - Securities Exchange Act of 1934
 - Investment Company Act of 1940
 - Insider Trading Act of 1988

Financial Industry Regulatory Authority (FINRA)

- Self-regulating organization
- Regulates securities firms and registered representatives
- Controls the registration process
- Requires representatives to register via Form U4
 - Form U4 disclosures
 - 10 year employment history
 - 5 year residence history
 - All criminal history
 - All financial history
 - Outside business activities
 - Regulatory punishments
 - Statutory disqualifications
 - Any felony conviction (last 10 years)
 - Securities-related misdemeanor convictions (last 10 years)
 - License suspended or revoked by another regulator
 - Proof of false statements made
 - Form U4 submitted to CRD
 - U4 disclosures made public to BrokerCheck
- Facilitates code of procedure
 - May institute punishments for firms or representatives
 - Censures
 - Fines
 - Registration suspension or revocation

Municipal Securities Rulemaking Board (MSRB)

- Self-regulating organization governing the municipal markets
- Writes municipal regulations, does not enforce
- Enforces MSRB rules (securities firms):
 - SEC
 - FINRA
- Enforces MSRB rules (banks):
 - The Federal Reserve Board
 - Office of Comptroller of the Currency
 - Federal Deposit Insurance Corporation (FDIC)

North American Securities Administrators Association (NASAA)

- Regulates financial industry at the state level
- Enforces provisions of the Uniform Securities Act

Securities Act of 1933

- Primary market legislation
- Requires issuers make disclosures by prospectus
- Registration form filed, 20-day cooling off period
 - Allowed = indications of interest, fundations, red herring
 - Prohibited = sales, recommendations, advertising
- Exempt securities
 - Regulation A+
 - Small dollar offering rule
 - Tier 1 - up to \$20 million
 - Tier 2 - up to \$75 million
 - Subject to purchaser limits (100k rule)
 - Regulation D
 - Private placement exemption
 - May offer to unlimited accredited investors
 - No more than 35 non-accredited investors
 - Accredited investors
 - \$1 million net worth (last, residence)
 - \$200k (single) income / \$300k (joint) income
 - Financial institutions
 - Non-financial orgs w/ \$5 million+ in assets
 - Officers, directors, or partners of issuer
 - Series 2, 65, or 82 holders
- Rule 147
 - In-state offering rule
 - Avoids SEC registration if offered in one state only
 - May re-sell to another state resident immediately
 - Must wait 9 months to re-sell outside of state

Securities Exchange Act of 1934

- Secondary market legislation
- Regulates securities markets and their participants
- Created the SEC
- All forms of fraud are illegal and prohibited
- Market manipulation is prohibited
 - Spreading false rumors
 - Pump and dump schemes
 - Fronting the tape / matched orders
 - Marking the open or close

Insider Trading Act of 1988

- Trading prohibited on material, non-public information
- \$25 million max fine (firms)
- \$5 million max fine, 20-year max jail sentence (individuals)
- "triple civil penalties" (no profit made or loss avoided)

Regulation S-X

- Firms must safeguard non-public customer information
- Must provide easy "opt out"
- Privacy notices required at account opening + annually

FINRA RULES

- Communications
 - Correspondence
 - 25 or fewer retail investors in 30 days
 - Emails, small group letters, etc.
 - No principal pre-approval
 - No filing with FINRA, but subject to review
 - Retail communications
 - More than 25 retail investors in 30 days
 - Websites, billboards, mass mailings, etc.
 - Principal pre-approval required
 - RCs filed with FINRA 10 days before use (pre-filing)
 - RCs from firms in 1st year of business
 - Investment company performance rankings
 - Securities futures communications
 - RCs filed with FINRA within 10 days of use (post-filing)
 - Investment company material without perf. rank
 - DRP and CMO communications
 - Securities derivatives communications
 - Institutional communications
 - Only made available to institutional investors
 - No principal pre-approval or filing with FINRA
 - Public appearances
 - Unscripted seminars or interviews on media programs
 - No pre-approval or filing with FINRA
 - Subject to written supervisory procedures (firm-based)
- Continuing education (CE)
 - Regulatory element (RE)
 - Conducted and facilitated by FINRA
 - Must be completed annually
 - Firm element (FE)
 - Conducted and facilitated by member firms
 - Must be completed annually
 - Maintaining Qualifications Program (MQP)
 - Allows former reps to retain FINRA licenses for 5 years
 - Must continue CE after leaving the industry
 - Outside business activities (OBAs)
 - Representatives must disclose earnings outside of firm
 - Written disclosure to firm required (firms may deny OBA)
 - Gifts
 - Maximum \$100 in gift value may be given
 - Business entertainment not subject to \$100 limit (not excessive)
- Performing securities transactions outside of firm
 - Considered "setting away" - may R:
 - Written disclosure firm
 - Written approval from firm if being paid
- Recordkeeping requirements
 - 3 years - employee records, trade confirm, statements
 - 4 years - complaints (FINRA)
 - 5 years - CTRs, SARs, CIP information
 - 6 years - Customer account records, complaints (MSRB)
 - Lifetime - SPM
 - S - stock certificates
 - P - partnership agreements
 - A - articles of incorporation
 - M - meeting minutes

Rules And Regulators

Barry Humphreys



Rules And Regulators:

Rules and Regulators Julia Black, 1997 Julia Black's book is the first authoritative study of rulemaking in one of the most important areas of economic life financial services. The book has three main aims: first to build a jurisprudential and linguistic analysis of rules and interpretation drawing out the implication of these analyses and developing quality proposals for how rules could be used as instruments of regulation. Second it interprets that analysis and set of proposals with an empirical study of the formation and use of rules in a particular regulatory system financial services and third it evaluates the nature of the rulemaking process. The author's main case study examining the use of self regulation in the financial services sector complements the detailed analysis of rule formation and uses. The book will be an invaluable addition to the libraries of all administrative lawyers and anyone with an interest in the provision and regulation of financial services. *Materiality, Rules and Regulation* Giovan Francesco Lanzara, Francois-Xavier de Vaujany, Nathalie Mitev, Anouk Mukherjee, 2016-02-20 *Materiality Rules and Regulation* New Trend in Management and Organization Studies concentrates on the relationship of rules and regulation to the materiality of artefacts practices and organizations. It combines the recent scholarly interest on sociomateriality with a focus on regulation and rules. *Regulation in India: Design, Capacity, Performance* Devesh Kapur, Madhav Khosla, 2019-04-04 The rise of the regulatory state has been a major feature of modern constitutional democracies. India the world's largest democracy is no exception to this trend. This book is the first major study of regulation in India. It considers how the development of regulation in India has altered the nature and functions of the state how it is reshaping the relationship between business and the state how it has called for the refashioning of established legal principles and how it has raised new questions about the relationship between technical expertise and the rule of law. The chapters cover topics ranging from the foundations of the Indian regulatory state to the form of regulation across different sectors to regulation in practice. Together the chapters reveal the challenges promise and limitations offered by contemporary regulatory practices and they capture the close if sometimes fraught relationship that regulation must inevitably share with the political economy and constitutional schema within which it operates. *The Oxford Handbook of Financial Regulation* Niamh Moloney, Eilís Ferran, Jennifer Payne, 2015-08-27 The financial system and its regulation have undergone exponential growth and dramatic reform over the last thirty years. This period has witnessed major developments in the nature and intensity of financial markets as well as repeated cycles of regulatory reform and development often linked to crisis conditions. The recent financial crisis has led to unparalleled interest in financial regulation from policymakers economists legal practitioners and the academic community and has prompted large scale regulatory reform. The Oxford Handbook of Financial Regulation is the first comprehensive authoritative and state of the art account of the nature of financial regulation. Written by an international team of leading scholars in the field it takes a contextual and comparative approach to examine scholarly policy and regulatory developments in the past three decades. The first three parts of the

Handbook address the underpinning horizontal themes which arise in financial regulation financial systems and regulation the organization of financial system regulation including regional examples from the EU and the US and the delivery of outcomes and regulatory techniques The final three Parts address the perennial objectives of financial regulation widely regarded as the anchors of financial regulation internationally financial stability market efficiency integrity and transparency and consumer protection The Oxford Handbook of Financial Regulation is an invaluable resource for scholars and students of financial regulation economists policy makers and regulators

Principles of Financial Regulation John Armour, Dan Awrey, Paul Davies, Luca Enriques, Jeffrey N. Gordon, Colin Mayer, Jennifer Payne, 2016-08-04 The financial crisis of 2007 9 revealed serious failings in the regulation of financial institutions and markets and prompted a fundamental reconsideration of the design of financial regulation As the financial system has become ever more complex and interconnected the pace of evolution continues to accelerate It is now clear that regulation must focus on the financial system as a whole but this poses significant challenges for regulators Principles of Financial Regulation describes how to address those challenges Examining the subject from a holistic and multidisciplinary perspective Principles of Financial Regulation considers the underlying policies and the objectives of regulation by drawing on economics finance and law methodologies The volume examines regulation in a purposive and dynamic way by framing the book in terms of what the financial system does rather than what financial regulation is By analysing specific regulatory measures the book provides readers to the opportunity to assess regulatory choices on specific policy issues and encourages critical reflection on the design of regulation

Regulation and Organisations Lars Engwall, Glenn Morgan, 2002-01-22 During the 1980s and 1990s organisations have undergone both regulation and deregulation This set of papers written by a distinguished selection of international experts examines the nature of regulation its evolution in particular sectors and its impact on social and economic equality It draws on social theory concerned with the nature of regulation and order in modern societies as well as providing as a series of detailed analyses of particular forms of regulatory regimes in national and international contexts The book should be of particular interest to management and business researchers sociologists and political economists concerned with the process of regulation and its impact on organisations and management

Incentive Regulation and the Regulation of Incentives Glenn Blackmon, 2012-12-06 The class is theory of price regulation assumed that the regulator knows the firm's costs the key piece of information that enables regulators to pressure firms to choose appropriate behaviors The regulatory problem was reduced to a mere pricing problem the regulator's goal was to align price with marginal cost subject to the constraint that revenues must cover costs Elegant and important insights ensued The most important was that regulation was inevitably a struggle to achieve second best outcomes Ramsey pricing was a splendid example Reality proved harsh to regulatory theory The firm's costs are by no means known to the regulator At best the regulator may know how much is currently spent to provide services but hardly what costs would be if the firm vigorously pursued efficiency Even if the current cost curve were known

to the regulator technologies change so swiftly that today's costs are a very poor indicator of tomorrow's and those are the costs that will determine the firm's future decisions. With the burgeoning attention to information considerations and game theory in economics, the regulator's problem of eliciting host information about cost has received considerable attention. In most cases, however, it has been in context that are both static and stylized; such analyses rarely capture many of the essential elements of real-world regulatory issues. This volume represents a fresh approach. It reflects Glenn Blackmon's twin strengths: a keen analytic mind and important experience in the regulatory arena. *The Economics of Government Regulation* Wang Junhao, 2021-07-06

Regulation is a public policy approach closely related to calculations of the equilibrium of supply and demand and to cost-benefit analyses. Governments combine a variety of incentives and restrictions on behavior including laws and regulations in order to guide enterprises and smaller entities within the economy toward pursuing policies in the public interest. This book offers an in-depth and systematic review of the economic theory of regulation with particular emphasis on the Chinese context. The basic concepts cover economic and social regulation, regulatory process, regulation under asymmetric information and capture theory. Drawing on a broad range of cases from across the telecommunications, electric power and water sectors since the founding of the People's Republic of China in 1949, the author explores economic regulation in China with reference to natural monopoly, investment price level and price structure, entry and competition. In addition, he discusses theories of externalities and asymmetric information which are analyzed in the light of China's environmental and product quality regulation. The author argues that the Chinese government has deregulated its economy to a large extent in the past and proposes that the Chinese government will enforce more social regulation in the future. Students and scholars of government regulation, economics and industrial organization will find this volume to be an essential guide. *Law, Regulation and Governance in the Information Society* Maurizio Borghi, Roger Brownsword, 2022-12-30

This edited collection seeks to map the landscape of contemporary informational interests to evaluate a range of recognised and putative rights and wrongs associated with modern information societies and to consider how law, regulation and governance should be deployed in response. New technologies and new applications constantly disrupt our values, our framing of our world and our sense of where we are and who we are. In our information societies we entertain mixed hopes and expectations as well as significant fears and concerns. At the root of these there are a number of informational interests on the basis of which certain rights are claimed and particular wrongs denounced. This book addresses these interests considering them as relating primarily to the integrity of the informational ecosystem, to the accessibility, accuracy and authenticity of public information and to our individual ability to control the outward and inward flows of information that relates directly to ourselves. Covering a wide range of subjects, the book's interrogation of our contemporary information society is oriented around two questions: first, whether the information society in which we live is the kind of society that we think it should be and second, if not, what we can reasonably expect law, regulation and governance to do in providing the basis for improving it.

This book will be of considerable interest to those working at the intersection of law and technology as well as others concerned with the legal political and social aspects of our information society

Regulation and Supervision of the OTC Derivatives Market Ligia Catherine Arias-Barrera, 2018-05-11

The over the counter OTC derivatives market has captured the attention of regulators after the Global Financial Crisis due to the risk it poses to financial stability Under the post crisis regulatory reform the concentration of business and risks among a few major players is changed by the concentration of a large portion of transactions in the new market infrastructures the Central Counterparties CCPs This book for the first time analyses the regulatory response of the United Kingdom and the United States the two largest centres of OTC derivatives transactions and highlights their shortcomings The book uses a normative risk based approach to regulation as a methodological lens to analyse the UK regime of CCPs in the OTC derivatives market It specifically focuses on prudential supervision and conduct of business rules governing OTC derivatives transactions and the move towards enhancing the use of central clearing The resulting analysis from a normative risk based approach suggests that the UK regime for CCPs does not fulfil what would be expected if a coherent risk based approach was taken Our comments on the Dodd Frank Act highlight that the incoherent adoption of risk based approach to regulation affects the effectiveness of the US regime for CCPs Such a regime does not follow the pace of events of innovation risk in particular the foreseeable changes FinTech will bring to the OTCDM and central clearing services The second inadequacy of the US regime concerns the dual regulatory structure of the CFTC and the SEC and the inadequate adoption of different and not well coordinated regulatory strategies We also analyse the cross border implications of the US regime for non US CCPs that provide clearing services to US market participants Finally we study the negative effects of the absence of a clearly defined resolution regime for CCPs

Handbook on the Politics of Regulation David Levi-Faur, 2011-01-01

Political science has leap frogged law economics and sociology to become the dominant discipline contributing to regulatory studies David Levi Faur s volume taps the rich veins of regulatory scholarship that have made this the case It brings together the talented new network of politics scholars intrigued by the importance of the changing nature of state and non state regulation Their fresh insights complement important new work by established stars of the field Definitely a book to have on your shelf when in search of exciting theoretical approaches to politics John Braithwaite Australian National University Regulation in its manifold forms is the central process of contemporary governance as it seeks to blend the dynamism of market economies with responsiveness to political and normative demands for health safety environmental protection and fairness Understanding regulation s varieties vulnerabilities and virtues has become a significant focus of academic research and theory This volume provides an extraordinary survey of research in that field a survey remarkable in its comprehensiveness outstanding in the quality of the contributions by leading regulatory scholars from different nations and academic disciplines Robert A Kagan University of California Berkeley US An authoritative collection by a range of contributors with outstanding reputations in the field

Michael Moran WJM Mackenzie Professor of Government This is an extraordinarily useful one stop shop for a wide range of traditions and approaches to the political aspects of regulation David Levi Faur has assembled a fine collection that by reporting on the state of the art also shows the way ahead for a discipline that has to capture and explain dramatic changes in real world regulatory philosophies and policies Claudio Radaelli University of Exeter UK This is an unusually impressive edited volume Its contributors include the leading academic experts on government regulation from around the world Its several clearly written and informative essays address the most important topics issues and debates that have engaged students of regulatory politics I strongly recommend this volume to anyone interested in understanding the breadth and depth of contemporary scholarship on the political dimensions of regulation David Vogel University of California Berkeley US This unique Handbook offers the most up to date and comprehensive state of the art reviews of the politics of regulation It presents and discusses the core theories and concepts of regulation in response to the rise of the regulatory state and regulatory capitalism and in the context of the golden age of regulation Its ten sections include forty nine chapters covering issues as diverse and varied as theories of regulation historical perspectives on regulation regulation of old and new media risk regulation enforcement and compliance better regulation civil regulation European regulatory governance and global regulation As a whole it provides an essential point of reference for all those working on the political social and economic aspects of regulation This comprehensive resource will be of immense value to scholars and policymakers in numerous fields and disciplines including political science public policy and administration international relations regulation international law business and politics European studies regional studies and development studies

The Regulation of Air Transport

Barry Humphreys, 2023-04-17 The regulation of modern civil aviation can be traced back to the later years of the Second World War An intense debate about the future regulatory regime resulted in a compromise which to this day essentially dictates the structure of the global airline industry Further progress towards normalising the industry appears to be slowing down and perhaps even going into reverse Without an understanding of the development of regulation it is not possible to understand fully the industry's current problems and how they might be resolved Many books have been written about the development of international air transport covering deregulation privatisation the emergence of new business models among other things but few if any have taken a broad view of the trends which have determined the industry's current structure The Regulation of Air Transport charts the development of aviation from the end of the Second World War to the present day following the key trends and disruptive forces It provides an overview of what has determined the industry's current structure the problems still facing the industry and the ways in which it could develop in the future This wide ranging study is important reading for both professionals and academics within the aviation field as well as anyone interested in the broader development of economic regulation

Reconsidering Bank Capital Regulation

Connel Fullenkamp, Ms. Celine Rochon, 2014-09-15 Despite revisions to bank capital standards fundamental shortcomings remain the rules for setting capital

requirements need to be simpler and resolution should be an essential part of the capital requirement framework We propose a new system of capital regulation that addresses these needs by making changes to all three pillars of bank regulation only common equity should be recognized as capital for regulatory purposes and risk weighting of assets should be abandoned capital requirements should be assigned on an institution by institution basis according to a regulatory s S approach developed in the paper a standard for prompt corrective action is incorporated into the s S approach

The Future of Insurance Regulation in the United States Martin F. Grace, Robert W. Klein, 2009-12-01 A Brookings Institution Press and Georgia State University publication Important changes have buffeted the insurance industry over the past decade The 1999 repeal of key provisions of the Glass Steagall Act unleashed a wave of conglomeration in financial services as bank holding companies acquired insurance and securities businesses and to a much lesser degree insurance companies acquired securities firms and banks Rivalry within the sector has intensified insurance companies have developed products that compete directly with the offerings of banks and securities firms and vice versa In addition the industry has become increasingly global Against this backdrop pressure has been building for fundamental changes to the structure of insurance regulation in the United States Despite several court challenges over the years insurance continues to be regulated by the states Many insurance companies view state regulation as an increasing drag on their efficiency and competitiveness and support a federal regulatory system However powerful stakeholders including state officials state and regional insurance companies and many insurance agents oppose federal regulation As a result proposals to establish an optional federal charter OFC for insurance companies and agents remain mired in fierce debate The Future of Insurance Regulation in the United States gathers some of the country s leading experts on financial regulation to assess the case for an enhanced federal role in the insurance sector They pay particular attention to the merits of an OFC and how it might be designed They also consider the principles that should guide insurance regulatory policies regardless of the institutional framework and examine the implications of financial convergence and the internationalization of insurance markets for an optimal regulatory structure The debate over insurance regulation has only grown in complexity and intensity since the financial crisis began in the fall of 2008 This book will both inform and help to shape those critical discussions Contributors John A Cooke International Financial Services London Robert Detlefsen National Association of Mutual Insurance Companies Martin F Grace Georgia State University Robert W Klein Georgia State University Robert E Litan Ewing Marion Kauffman Foundation and Brookings Institution Phil O Connor PROactive Strategies Hal S Scott Harvard Law School Harold D Skipper Georgia State University Peter J Wallison American Enterprise Institute

The UK and Multi-level Financial Regulation Scott James, Lucia Quaglia, 2020-02-06 The UK and Multi level Financial Regulation examines the role of the United Kingdom UK in shaping post crisis financial regulatory reform and assesses the implications of the UK s withdrawal from the European Union EU It develops a domestic political economy approach to examine how the interaction of three domestic groups elected

officials financial regulators and the financial industry shaped UK preferences strategy and influence in international and EU level regulatory negotiations The framework is applied to five case studies bank capital and liquidity requirements bank recovery and resolution rules bank structural reforms hedge fund regulation and the regulation of over the counter derivatives It concludes by reflecting on the future of UK financial regulation after Brexit The book argues that UK regulators pursued more stringent regulation when they had strong political support to resist financial industry lobbying UK regulators promoted international harmonisation of rules when this protected the competitiveness of industry or enabled cross border externalities to be managed more effectively but were often more resistant to new EU rules when these threatened UK interests Consequently the UK was more successful at shaping international standards by leveraging its market power regulatory capacity and alliance building with the US But it often met with greater political resistance at the EU level forcing it to use legal challenges to block reform or secure exemptions The book concludes that political and regulatory pressure was pivotal in defining the UK's hard Brexit position and so the future UK EU relationship in finance will most likely be based on a framework of regulatory equivalence

Assessing the Regulatory, Economic, and Market Implications of the Dodd-Frank Derivatives Title United States. Congress. House. Committee on Financial Services, 2011

Financial Markets Regulation Alain Jeunemaitre, 1997-10-13 What lies at the heart of financial regulation Economic principles Public interest motives Bureaucratic procedures Many academics have extensively written on financial regulation Rarely practitioners and in particular European practitioners have had their say the opportunity to express their views on how financial regulation is and should be governed The book attempts to fill that gap heads of Securities Commissions representatives of self regulatory organizations and exchanges lawyers have debated on the different issues of regulation They draw the lessons from their experience and their regulatory achievements

Achieving Regulatory Excellence Cary Coglianese, 2016-12-20 Whether striving to protect citizens from financial risks climate change inadequate health care or the uncertainties of the emerging sharing economy regulators must routinely make difficult judgment calls in an effort to meet the conflicting demands that society places on them Operating within a political climate of competing demands regulators need a lodestar to help them define and evaluate success Achieving Regulatory Excellence provides that direction by offering new insights from law public administration political science sociology and policy sciences on what regulators need to do to improve their performance Achieving Regulatory Excellence offers guidance from leading international experts about how regulators can set appropriate priorities and make sound evidence based decisions through processes that are transparent and participatory With increasing demands for smarter but leaner government the need for sound regulatory capacity for regulatory excellence has never been stronger

Modern Economic Regulation Christopher Decker, 2023-06-08 Brings economic regulation to life by tracing theoretical insights through to real world applications in eight essential regulated sectors

Reducing Unnecessary and Costly Red Tape Through Smarter Regulation United States. Congress. Joint Economic Committee, 2013

Whispering the Techniques of Language: An Emotional Quest through **Rules And Regulators**

In a digitally-driven world where displays reign great and quick transmission drowns out the subtleties of language, the profound strategies and mental subtleties hidden within phrases usually go unheard. Yet, set within the pages of **Rules And Regulators** a charming fictional value sporting with natural emotions, lies an extraordinary quest waiting to be undertaken. Published by a skilled wordsmith, this charming opus encourages readers on an introspective journey, gently unraveling the veiled truths and profound impact resonating within the cloth of each and every word. Within the emotional depths of the poignant review, we shall embark upon a heartfelt exploration of the book's primary subjects, dissect its fascinating writing fashion, and yield to the powerful resonance it evokes heavy within the recesses of readers' hearts.

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