

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. ranks
 - 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

**John Armour, Dan Awrey, Paul
Davies, Luca Enriques, Jeffrey N.
Gordon, Colin Mayer, Jennifer Payne**

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 *Rules and Regulations Governing the Installation of Wires and Apparatus for Electric Light, Heat and Power Purposes in the District of Columbia ...* District of Columbia. Board of Commissioners,1914 *Rules, regulations, and by-laws, ordinances, etc* New South Wales,1923 **Hand-book of Bye-laws, Rules, Regulations, &c** Calcutta,1913 **The Rules of Democracy** Marcial Bragadini Bóo,2022-06-21 The world can be better run Democracy is the most effective way to take back control over decisions that impact people's lives But democracy must evolve following a global technological revolution that has increased fears that global trade and immigration threaten our identity that we face environmental ruin and that cybercriminals and big tech can do as they please unchecked all made worse by COVID 19 This book presents a roadmap for more accountable democracy locally nationally and internationally Marcial Bragadini B o proposes updating rules so that politicians are better held to account public services improve and people can contribute to their communities New rules of democracy may help find solutions to global problems and ensure everyone is fairly represented at the decision making table **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

African Development Finance and Business Finance Policy Atsede Woldie, Victor Murinde, 2014-05-01 Financial plans that stimulate growth and eliminate poverty in developing African countries African Developmental Finance and Business Finance Policy presents theoretical conceptual and empirical articles that provide invaluable insights into successful business techniques and strategies for the African business arena the last great frontier of international business expansion Researchers and practitioners in the field of developmental finance discuss the design and implementation of financial policies for pro poor growth and poverty alienation in developing countries including Kenya Zambia Nigeria Mauritius and Zimbabwe The book focuses on banking business finance and investment detailing strategies for coping with a small financial system bank licensing policies correction action rules quality of banking services and the revitalization of the African stock exchange African Developmental Finance and Business Finance Policy features papers presented on key policy issues addressed at the April 2001 international conference of the Institute for Developmental Policy and Management at the University of Manchester in England Topics addressed include financial regulation interest rates bank ownership regulatory forbearance emerging stock markets determinants of capital structure financial reform and much more Targeted to policymakers in government and international agencies academics consultants and executives African Developmental Finance and Business Finance Policy is an essential resource for advancing and communicating research on developmental policy in developing countries

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

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