

**TEMPLATE: DO NOT SEND TO NFA**

## **NATIONAL FUTURES ASSOCIATION**

### **INDIVIDUAL WITHDRAWAL**

#### **Instructions for Using the Individual Withdrawal Template**

**READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING OR REVIEWING THE APPLICATION. THE FAILURE TO ANSWER ALL QUESTIONS COMPLETELY AND ACCURATELY OR THE OMISSION OF REQUIRED INFORMATION MAY RESULT IN THE DENIAL OR REVOCATION OF REGISTRATION.**

**THE FAILURE TO DISCLOSE A DISCIPLINARY MATTER EITHER IN AN APPLICATION OR AN UPDATE WILL RESULT IN THE IMPOSITION OF A LATE DISCLOSURE FEE IN ACCORDANCE WITH NFA REGISTRATION RULE 210(c).**

**This document is not an Individual Withdrawal Notice form. Do not send this document to NFA. It is a template that you may use to assist in filing the electronic notice.**

You may fill out the template online and save and/or print it when you are finished or you can download the template and/or print it and fill it out later.

Not every section applies to every individual. Certain sections apply depending on the whether some or all of the individual's registration categories with the individual's sponsor are being withdrawn. The text above these sections explains who must complete the section. In the electronic notice, only the applicable sections will appear.

#### **Withdrawal Reason and Disciplinary Information Sections**

These sections concern matters that are required to be disclosed if all of the individual's registration categories with the sponsor are being withdrawn.

The Disciplinary Information section does not need to be completed if the individual's registration categories are being terminated because the individual is deceased.

Only Sponsors that are SEC registered Broker-Dealers may elect to complete the Disciplinary Information-Form U5 section.

#### **DEFINED TERMS**

Words that are underlined in this form are defined terms and have the meanings contained in the Definition of Terms section.

The following instructions apply to the Disciplinary Information-Form 8-T section.

#### **GENERAL**

Read the Instructions and Questions Carefully

A question that is answered incorrectly because it was misread or misinterpreted can result in severe

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consequences, including denial or revocation of registration. Although this applies to all questions in the application, it is particularly important to the questions in the Disciplinary Information Section.

**Rely Only on Advice from NFA Staff**

A question that is answered incorrectly because of advice received from a lawyer, employer, a judge or anyone else (other than a member of NFA's Registration Investigations or Legal ("RIL") staff) can result in severe consequences, including denial or revocation of registration. This also applies to all questions in the form, but is particularly important regarding the Disciplinary Information Section. If the language of a question in the Disciplinary Information Section requires disclosure of a matter, a "Yes" answer to the question is required no matter what other advice has been received from anyone other than NFA's RIL staff. Additionally, the applicant or registrant remains responsible for failures to disclose even if someone completes the form on the applicant's or registrant's behalf.

**Update the Information on the Application**

If information provided on the application changes or a matter that would have required disclosure on the application occurs after the application is filed, the new information must be promptly filed. APs and Principals should advise their Sponsors of the new information, and the Sponsor must file the update on their behalf. The failure to promptly update information can result in severe consequences, including denial or revocation of registration.

**Compliance with Disclosure Requirements of Another Regulatory Body is not Sufficient**

With some exceptions, which are described below in the Regulatory and Financial Questions sections, if any question requires the provision of information, that information must be provided. In particular, if a question in the Disciplinary Information Section requires disclosure of a matter, the question must be answered "Yes" and additional documents must be provided even if the matter has been disclosed to another regulatory body such as FINRA, an exchange or a state regulator. Similarly, disclosure is required even if another regulatory body does NOT require disclosure of the same matter.

**Call NFA with Questions**

If there is any question about whether particular information must be provided, whether a particular matter must be disclosed or whether a particular question requires a "Yes" answer, call the NFA Information Center at (800) 621-3570 or (312) 781-1410. Representatives are available from 8:00 a.m. to 5:00 p.m., Central Time, Monday through Friday. If the advice of NFA staff is sought, a written record containing the date of the conversation, the name of the NFA staff person giving the advice and a description of the advice should be made during the conversation and kept in the event an issue concerning disclosure of the matter arises later.

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##### **DISCIPLINARY INFORMATION SECTION**

###### Criminal Disclosures

Some common mistakes in answering the criminal disclosure questions involve expungements, diversion programs and similar processes. The Commodity Futures Trading Commission requires a “Yes” answer even if the matter has been expunged or the records sealed, there was no adjudication or finding of guilt, the guilty plea was vacated or set aside or the matter was dismissed upon completion of the diversion program.

Another common error regarding criminal matters concerns matters that do not involve the futures industry. All criminal matters must be disclosed, even if a matter is unrelated to the futures industry, unless the case was decided in a juvenile court or under a Youth Offender law.

###### Regulatory Disclosures

Regulatory actions taken by the Commodity Futures Trading Commission, NFA or domestic futures exchanges do not need to be disclosed since NFA is already aware of them once they are entered into NFA’s BASIC system.

###### Financial Disclosures

It is not necessary to disclose arbitration or CFTC reparations matters unless the applicant or registrant has failed to pay an award issued in a futures-related arbitration or an order entered in a reparations matter.

Only adversary actions that a bankruptcy trustee or a trustee’s attorney files must be disclosed. Adversary actions that creditors file are not disclosable. A person named as a party to an adversary action in a bankruptcy proceeding must disclose the action, even if the person is not the bankrupt person.

##### **ADDITIONAL DOCUMENTS**

For any matter that caused a “Yes” answer, a written explanation detailing the events and conduct must be provided. That explanation can be entered on the Matter pages by giving it a name, e.g., the docket number of the case, and describing it in the text box. Alternatively, the explanation can be sent in hard copy format to NFA.

In addition to the required explanation, other documents about the matter must be sent to NFA. If court documents are unavailable, a letter from the court verifying that must be sent to NFA. If documents other than court documents are unavailable, the person must provide a written explanation for their unavailability.

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Like answering the questions correctly, providing all documents to NFA is important. Failure to do so will delay the registration process and may result in a denial of the application.

**DEFINITION OF TERMS** (The following terms are defined solely for the purpose of using NFA's Online Registration System.)

**10% OR MORE INTEREST:** direct or indirect ownership of 10% or more of an applicant's or registrant's stock; entitlement to vote or empowered to sell 10% or more of an applicant's or registrant's voting securities; contribution of 10% or more of an applicant's or registrant's capital; or entitlement to 10% or more of an applicant's or registrant's net profits.

**ADJUDICATION:** in a criminal case, a determination by the court that the defendant is guilty or not guilty.

**ALIAS:** another name utilized by an individual or previously used by an entity.

**CHARGE:** a formal complaint, information, indictment or equivalent instrument containing and accusation of a crime.

**DBA:** abbreviation for Doing Business As. The firm is doing its futures, retail off-exchange forex or swaps business by this name.

**ENJOINED:** subject to an injunction.

**ENTITY:** any person other than an individual.

**FELONY:** any crime classified as a felony and for states and countries that do not differentiate between a felony or misdemeanor, an offense that could result in imprisonment for any period of more than one year. The term also includes a general court martial.

**FINANCIAL SERVICES INDUSTRY:** the commodities, securities, accounting, banking, finance, insurance, law or real estate industries.

**FOUND:** subject to a determination that conduct or a rule violation has occurred. The term includes consent decrees and settlements in which the findings are neither admitted nor denied or in which the findings are for settlement or record purposes only.

**INTERNAL REVENUE CODE:**

Section 7203: Willful Failure to File Return, Supply Information or Pay Tax

Section 7204: Fraudulent Statement or Failure to Make Statement

Section 7205: Fraudulent Withholding Exemption Certificate or Failure to Supply Information

Section 7207: Fraudulent Returns, Statements or Other Documents

**INVESTMENT RELATED STATUTES:**

- The Commodity Exchange Act
- The Securities Act of 1933
- The Securities Exchange Act of 1934
- The Public Utility Holding Company Act of 1935
- The Trust Indenture Act of 1939
- The Investment Advisers Act of 1940
- The Investment Company Act of 1940
- The Securities Investors Protection Act of 1970
- The Foreign Corrupt Practices Act of 1977
- Chapter 96 of Title 18 of the United States Code
- Any similar statute of a State or foreign jurisdiction

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- Any rule, regulation or order under any such statutes; and
- The rules of the Municipal Securities Rulemaking Board

**MISDEMEANOR:** any crime classified as a misdemeanor and for states and countries that do not differentiate between a felony or misdemeanor, an offense that could result in imprisonment for any period of at least six days but not more than one year. By way of example, an offense for which the maximum period of imprisonment is 60 days would be considered a misdemeanor. The term also includes a special court martial.

**OTHER NAME: For firms or sole proprietors,** any other name that the applicant uses or has used in the past for its futures, retail off-exchange forex or swaps business but not the name of any other legal entity that the applicant has an affiliation or association with (see [DBA](#)). **For individuals,** this is any name the person is or has been known by. For example, a maiden name, an alias name that you use or are known by, or a previous name if you have changed your legal name.

**PERSON:** an individual, association, partnership, corporation, limited liability company, limited liability partnership, trust, or other form of business organization.

**PRINCIPAL - means, with respect to an applicant, a registrant, or a person required to be registered under the Act:**

an individual who is:

- a sole proprietor of a sole proprietorship;
- a general partner of a partnership;
- a director, president, chief executive officer, chief operating officer, chief financial officer or a person in charge of a business unit, division or function subject to regulation by the Commission of a corporation, limited liability company or limited liability partnership;
- a manager, managing member or a member vested with the management authority for a limited liability company or limited liability partnership; or
- a chief compliance officer; or

an individual who directly or indirectly, through agreement, holding companies, nominees, trusts or otherwise:

- is the owner of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;
- is entitled to vote 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;
- has the power to sell or direct the sale of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities;
- is entitled to receive 10% or more of an applicant or registrant's net profits; or
- has the power to exercise a controlling influence over an applicant or registrant's activities that are subject to regulation by the Commission; or

an [entity](#) that:

- is a general partner of a partnership; or
- is the direct owner of 10% or more of the outstanding shares of any class of an applicant or registrant's equity securities, other than non-voting securities; or

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**PRINCIPAL (continued):**

an individual who or an [entity](#) that:

- has contributed 10% or more of an applicant or registrant's capital unless such capital contribution consists of subordinated debt contributed by:

- an unaffiliated bank insured by the Federal Deposit Insurance Corporation;
- an unaffiliated "foreign bank," as defined in 12 CFR 211.21(n) that currently operates an "office of a foreign bank," as defined in 12 CFR 211.21(t), which is licensed under 12 CFR 211.24(a);
- such office of an unaffiliated, licensed foreign bank; or
- an insurance company subject to regulation by any State.

provided such debt is not guaranteed by an individual who or entity that is not a principal of the applicant or registrant.

**SELF-REGULATORY ORGANIZATION (SRO):** a private, non-governmental organization authorized to set and enforce standards or conduct for an industry. NFA, FINRA (formerly known as NASD), and the securities and futures exchanges in the U.S. are examples of domestic SROs.

**UNITED STATES CRIMINAL CODE:**

Section 152: Concealment of assets, making false claims or bribery in connection with a bankruptcy

Section 1341,

1342 or 1343: Mail fraud

Chapter 25: Counterfeiting and forgery

Chapter 47: Fraud or false statements in a matter within the jurisdiction of a United States department or agency

Chapter 95

or 96: Racketeering and Racketeering Influence

**Additional Assistance**

Additional information regarding registration requirements and specific topics can be found on the Registration page of NFA's web site at [www.nfa.futures.org](http://www.nfa.futures.org). NFA's Information Center, (800-621-3570 or 312-781-1410), is also available to provide assistance. It's normal hours are Monday through Friday, from 8:00 AM to 5:00 PM CT.

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Individual Name*	<input type="text"/>
Individual NFA ID#*	<input type="text"/>
Sponsor Name*:	<input type="text"/>
Sponsor NFA ID#*	<input type="text"/>

Withdrawal Categories*	
Enter the withdrawal date for each category being withdrawn:	
Category	Withdrawal Date
ASSOCIATED PERSON	<input type="text"/>
BRANCH OFFICE MANAGER	<input type="text"/>
PRINCIPAL	<input type="text"/>
FOREX ASSOCIATED PERSON	<input type="text"/>
SWAP ASSOCIATED PERSON	<input type="text"/>

Complete this section only if all of the individual's registration categories with the Sponsor are being withdrawn.

Withdrawal Reasons*
Select one:
<input type="radio"/> Deceased
<input type="radio"/> Discharged
<input type="radio"/> Permitted to Resign
<input type="radio"/> Voluntary
<input type="radio"/> Other

\*Required to file withdrawal

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Complete this section only if all of the individual’s registration categories with the Sponsor are being withdrawn.

Do not complete if the individual is deceased.

Only Sponsors that are SEC registered Broker-Dealers may elect to complete this section in lieu of the Disciplinary Information-Form 8-T section.

**Disciplinary Information - Form U5\***

Answer the following questions.

Investigation Disclosure		
A.*	Currently is, or at termination was, the individual the subject of an investigation or proceeding by a domestic or foreign governmental body or self-regulatory organization with jurisdiction over investment-related businesses?	YES NO <input type="radio"/> <input type="radio"/>

  

Internal Review Disclosure		
B.*	Currently is, or at termination was, the individual under internal review for fraud or wrongful taking of property, or violating investment-related statutes, regulations, or rules or industry standards of conduct?	YES NO <input type="radio"/> <input type="radio"/>

  

Criminal Disclosure		
C.*	While employed by or associated with your firm, or in connection with events that occurred while the individual was employed by or associated with your firm, was the individual:  1. convicted of or did the individual plead guilty or nolo contendere (“no contest”) in a domestic, foreign or military court to any felony? 2. charged with any felony? 3. convicted of or did the individual plead guilty or nolo contendere (“no contest”) in a domestic, foreign or military court to a misdemeanor involving: investments or an investment-related business, or any fraud, false statements or omissions, wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses? 4. charged with a misdemeanor specified in C3?	YES NO  <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>  <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

  

Regulatory Action Disclosure		
D.*	While employed by or associated with your firm, or in connection with events that occurred while the individual was employed by or associated with your firm, was the individual involved in any disciplinary action by a domestic or foreign governmental body or self regulatory organization (other than those designated as a “minor rule violation” under a plan approved by the U.S. Securities and Exchange Commission) with jurisdiction over the investment-related businesses?	YES NO <input type="radio"/> <input type="radio"/>

\*Required to file withdrawal



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**INDIVIDUAL WITHDRAWAL**

**Disciplinary Information - Form U5 continued\***

**Customer Complaint/Arbitration/Civil Litigation Disclosure**

		YES	NO
E.*	<p>(1) In connection with events that occurred while the individual was employed by or associated with your firm, was the individual named as a respondent/defendant in an investment-related, consumer-initiated arbitration or civil litigation which alleged that the individual was involved in one or more sales practice violations and which:</p> <p style="margin-left: 20px;">(a) is still pending, or;</p> <p style="margin-left: 20px;">(b) resulted in an arbitration award or civil judgment against the individual, regardless of amount, or;</p> <p style="margin-left: 20px;">(c) was settled, prior to May 18, 2009, for an amount of \$10,000 or more, or;</p> <p style="margin-left: 20px;">(d) was settled, on or after May 18, 2009, for an amount of \$15,000 or more?</p>	<p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p>	<p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p> <p><input type="radio"/></p>
	<p>(2) In connection with events that occurred while the individual was employed by or associated with your firm, was the individual the subject of an investment-related, consumer-initiated (written or oral) complaint, which alleged that the individual was involved in one or more sales practice violations, and which:</p> <p style="margin-left: 20px;">(a) was settled, prior to May 18, 2009, for an amount of \$10,000 or more, or;</p> <p style="margin-left: 20px;">(b) was settled, on or after May 18, 2009, for an amount of \$15,000 or more?</p>	<p><input type="radio"/></p> <p><input type="radio"/></p>	<p><input type="radio"/></p> <p><input type="radio"/></p>
	<p>(3) In connection with events that occurred while the individual was employed by or associated by or with your firm, was the individual the subject of an investment-related, consumer-initiated, written complaint, not otherwise reported under questions E(2) above, which:</p> <p style="margin-left: 20px;">(a) would be reportable under question 14I(3)(a) on Form U4, if the individual were still employed by your firm, but which has not previously been reported on the individual's Form U4 by your firm; or</p> <p style="margin-left: 20px;">(b) would be reportable under question 14I(3)(b) on Form U4, if the individual were still employed by your firm, but which has not previously been reported on the individual's Form U4 by your firm.</p>	<p><input type="radio"/></p> <p><input type="radio"/></p>	<p><input type="radio"/></p> <p><input type="radio"/></p>

**ANSWER QUESTIONS (4) AND (5) BELOW ONLY FOR ARBITRATION CLAIMS OR CIVIL LITIGATION FILED ON OR AFTER MAY 18, 2009.**

<p>(4) In connection with events that occurred while the individual was employed by or associated with your firm, was the individual the subject of an investment-related, consumer-initiated, arbitration claim or civil litigation which alleged that the individual was involved in one or more sales practice violations, and which:</p> <p style="margin-left: 20px;">(a) was settled for an amount of \$15,000 or more, or;</p> <p style="margin-left: 20px;">(b) resulted in an arbitration award or civil judgment against any named respondent(s)/defendant(s), regardless of amount?</p>	<p><input type="radio"/></p> <p><input type="radio"/></p>	<p><input type="radio"/></p> <p><input type="radio"/></p>
<p>(5) In connection with events that occurred while the individual was employed by or associated with your firm, was the individual the subject of an investment-related, consumer-initiated, arbitration claim or civil litigation not otherwise reported under question E(4) above, which:</p> <p style="margin-left: 20px;">(a) would be reportable under question 14I(5)(a) on Form U4, if the individual were still employed by your firm, but which has not previously been reported on the individual's Form U4 by your firm; or</p>	<p><input type="radio"/></p>	<p><input type="radio"/></p>

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INDIVIDUAL WITHDRAWAL

Disciplinary Information - Form U5 continued\*

E.	(5) continued. (b) would be reportable under question 14I(5)(b) on Form U4, if the individual were still employed by your firm, but which has not previously been reported on the individual's Form U4 by your firm.	YES	NO
		<input type="radio"/>	<input type="radio"/>

Termination Disclosure

F.*	Did the individual voluntarily resign from your firm, or was the individual discharged or permitted to resign from your firm, after allegations were made that accused the individual of:	YES	NO
	1. violating investment-related statutes, regulations, rules or industry standards of conduct?	<input type="radio"/>	<input type="radio"/>
	2. fraud or the wrongful taking of property?	<input type="radio"/>	<input type="radio"/>
	3. failure to supervise in connection with investment-related statutes, regulations, rules or industry standards of conduct?	<input type="radio"/>	<input type="radio"/>

ADDITIONAL FILINGS

The individual must provide additional documentation for each matter disclosed above unless the individual has previously provided all documentation for that matter. If the individual must provide additional documentation, the individual may provide a hard copy U5 DRP or complete an electronic Matter Information page. Check all that apply.

No additional documentation needs to be provided.

Hardcopy U5 DRP(s) will be provided.

Matter Information page will be completed.

\*Required to file withdrawal

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### INDIVIDUAL WITHDRAWAL

Complete this section only if all of the individual's registration categories with the Sponsor are being withdrawn.

Do not complete if the individual is deceased.

### Disciplinary Information - Form 8-T\*

Answer the following questions.

#### Criminal Disclosures

A.\* While associated or affiliated with your firm, has the individual pled guilty or nolo contendere ("no contest") to or been convicted of or found guilty of any [felony](#) in any domestic, foreign or military court?

Yes  No

B.\* While associated or affiliated with your firm, has the individual pled guilty to or been convicted or found guilty of any [misdemeanor](#) in any domestic, foreign or military court which involves:

- Embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property;
- Violation of [sections 7203, 7204, 7205 or 7207 of the Internal Revenue Code of 1986](#);
- Violation of [sections 152, 1341, 1342 or 1343 or chapter 25, 47, 95 or 96 of the United States Criminal Code](#); or
- Any transaction in or advice concerning futures, options on futures, leverage transactions or securities?

Yes  No

#### Regulatory Disclosure

C.\* While associated or affiliated with your firm, was the individual the subject of any order issued by a domestic or foreign regulatory authority (excluding the CFTC) or [self-regulatory organization](#) (other than NFA or a domestic futures exchange) that prevented or restricted the individual's ability to engage in any business in the [financial services industry](#)?

Yes  No

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Disciplinary Information - Form 8-T continued\*

Financial Disclosure

D.\* Does the individual have any unpaid futures or securities-related civil monetary penalties, reparation amounts or arbitration awards?

Yes  No

Pending Action Disclosure

E.\* Is the individual a party to any action, or is there a [charge](#) pending, the resolution of which could result in a "yes" answer to the questions in the Criminal Disclosures or Regulatory Disclosures section?

Yes  No

ADDITIONAL FILINGS

The individual must provide additional documentation for each matter disclosed above unless the individual has previously provided all documentation for that matter. If the individual must provide additional documentation, the individual may provide hard copy documentation or complete an electronic Matter Information page. Check all that apply.

No additional documentation needs to be provided.

Hardcopy documentation will be provided.

Matter Information page will be completed

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### Matter Information

For each matter for which the individual has not provided all supporting documentation, provide a detailed explanation of the event or conduct. You can enter up to three (3) matters in this document. If you have more than three (3) matters which you must explain, please do so in another document such as Microsoft Word and attach it to this document.

The explanation must be in writing and sent to NFA or entered below. The explanation must include:

Matter Name:

(e.g., 1999 Theft Arrest/Charge; 00-R100 Unpaid Award, FINRA Case No. CM10000)

When and where the event occurred, parties involved, circumstances, case number and court jurisdiction, allegations/[charges](#) (if criminal matter), classification of the [charges](#), plea and sentencing information (if criminal matter), and the final disposition.

AND IN ADDITION, THE APPLICANT MUST PROVIDE THE FOLLOWING:

Copies of court documentation which show:

- the [charges](#);
- the classification of the offense, (i.e., [felony](#) or [misdemeanor](#));
- the plea, sentencing and probation information, as applicable; and
- the final disposition.

If the applicant is unable to obtain the documents for the criminal matter, it must provide a letter from the court verifying the documents' unavailability.

FOR NON-CRIMINAL MATTERS:

Copies of the documentation which show:

- the allegations; and
- the final disposition.

If the applicant is unable to obtain the documents for the non-criminal matter, it must provide an explanation stating why documents are not obtainable.

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Matter Information - Additional Matters, if needed

Matter Name:   
(e.g., 1999 Theft Arrest/Charge; 00-R100 Unpaid Award, FINRA Case No. CM10000)

When and where the event occurred, parties involved, circumstances, case number and court jurisdiction, allegations/[charges](#) (if criminal matter), classification of the [charges](#), plea and sentencing information (if criminal matter), and the final disposition.

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- the [charges](#);
- the classification of the offense, (i.e., [felony](#) or [misdemeanor](#));
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Copies of the documentation which show:

- the allegations; and
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Copies of court documentation which show:

- the [charges](#);
- the classification of the offense, (i.e., [felony](#) or [misdemeanor](#));
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- the final disposition.

If the applicant is unable to obtain the documents for the criminal matter, it must provide a letter from the court verifying the documents' unavailability.

FOR NON-CRIMINAL MATTERS:

Copies of the documentation which show:

- the allegations; and
- the final disposition.

If the applicant is unable to obtain the documents for the non-criminal matter, it must provide an explanation stating why documents are not obtainable.

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**Privacy Act and Paperwork Reduction Act Notice**

OMBNumbers 3038-0023 and 3038-0072

**Privacy Act and Paperwork Reduction Act Notice**

The information in Forms 7-R, 7-W, 8-R and 8-T and on the fingerprint card is being collected pursuant to authority granted in Sections 2c, 4f, 4k, 4n, 4s, 8a and 19 of the Commodity Exchange Act [7 U.S.C. §§ 6f, 6k, 6n, 6s, 12a and 23]. Under Section 2c, it is unlawful for anyone to engage in off-exchange foreign currency futures transactions or off-exchange foreign currency leveraged, margined or financed transactions with persons who are not eligible contract participants without registration, or exemption from registration, as a retail foreign exchange dealer, futures commission merchant, introducing broker, commodity pool operator or commodity trading advisor, as appropriate. Under Section 4d of the Commodity Exchange Act [7 U.S.C. §6d], it is unlawful for anyone to act as a futures commission merchant or introducing broker without being registered in that capacity under the Act. Under Section 4m of the Commodity Exchange Act [7 U.S.C. §6m], it is unlawful for a commodity trading advisor or commodity pool operator to make use of the mails or any means or instrumentality of interstate commerce in connection with his business as a commodity trading advisor or commodity pool operator without being registered in the appropriate capacity under the Act, except that a commodity trading advisor who, during the course of the preceding 12 months, has not furnished commodity trading advice to more than 15 persons and does not hold himself out generally to the public as a commodity trading advisor, need not register. Under Section 4s of the Commodity Exchange Act [7 U.S.C. §6s], it is unlawful for anyone to act as a swap dealer or major swap participant without being registered in that capacity under the Act. Under Section 19 of the Commodity Exchange Act [7 U.S.C. §23] and Section 31.5 of the CFTC's regulations, it is unlawful for anyone to act as a leverage transaction merchant without being registered in that capacity under the Act.

The information requested in Form 7-R is designed to assist NFA and the CFTC, as appropriate, in determining whether the application for registration should be granted or denied and to maintain the accuracy of registration files. The information in Form 7-W is designed to assist NFA and the CFTC in determining whether it would be contrary to the requirements of the Commodity Exchange Act, or any rule, regulation or order thereunder, or the public interest to permit withdrawal from registration.

The information requested in Form 8-R and on the fingerprint card will be used by the CFTC or NFA, as appropriate, as a basis for initiating an inquiry into the individual's fitness to be an associated person, floor broker or floor trader or to be a principal of a futures commission merchant, swap dealer, major swap participant, retail foreign exchange dealer, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant or non-natural person floor trader. Portions of the information requested in Form 8-R will be used by the CFTC and, in appropriate cases, by NFA, to confirm the registration of certain associated persons. The information requested in Form 8-T will be used by the CFTC, and, in appropriate cases, by NFA, to record the registration status of the individual and, in appropriate cases, as a basis for further inquiry into the individual's fitness to remain in business subject to the CFTC's jurisdiction.

With the exception of the social security number, all information in Forms 8-R and 8-T must be furnished. Disclosure of the social security number is voluntary. Disclosure of the Federal employer identification number is voluntary. The Social security number and the Federal employer identification number are sought pursuant to the Debt Collection Improvement Act of 1996. Under the Debt Collection Improvement Act, a social security number or a taxpayer identifying number furnished to the CFTC as part of the registration process can be used for purposes of collecting and reporting on any debt owed to the U.S. Government, including civil monetary penalties. The furnishing of a social security number or Federal employer identification number, however, assists the CFTC and NFA in identifying individuals and firms and therefore expedites the processing of those forms.

The failure by an applicant, registrant or principal to timely file a properly completed Form 7-R and all other related required filings may result in the denial of an application for registration or withdrawal thereof or, in the case of an annual records maintenance fee, treating the registrant as having petitioned for withdrawal. Failure by an applicant, registrant or principal

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## NATIONAL FUTURES ASSOCIATION

### INDIVIDUAL WITHDRAWAL

#### Privacy Act and Paperwork Reduction Act Notice

to timely file or cause to be filed a properly completed Form 8-R or 8-T, any other required related filings, or a fingerprint card may result in the lapse, denial, suspension or revocation of registration, withdrawal of the application or other enforcement or disciplinary action by the CFTC or NFA.

With the exception of the fingerprint card, any information contained in the Personal Information Section and any information contained in Matter Information pages related to the Disciplinary Information Sections on Form 8-R and on Form 8-T or Item 7 on Form 8-W, the Forms 7-R, 7-W, 8-R and 8-T are considered by the CFTC to be public records and will be available for inspection by any person. Copies will be maintained by National Futures Association, Registration Department, 320 South Canal, Suite 2400, Chicago, IL 60606. Further, the CFTC or NFA may disclose the fingerprint card and any other information described above to third parties pursuant to routine uses which the CFTC has published in the Federal Register or as otherwise authorized under the Privacy Act, [5 U.S.C. §552a], and the Commodity Exchange Act. Disclosure of such information may be made by the CFTC as follows: (1) in connection with administrative proceedings or matters in litigation; (2) in connection with investigations; (3) where the information is furnished to regulatory, self-regulatory and law enforcement or other governmental agencies to assist them in meeting responsibilities assigned to them by law or made available to any member of Congress who is acting in his or her capacity as a member of Congress; (4) where disclosure is required under the Freedom of Information Act [5 U.S.C. §552]; (5) in connection with an employer's hiring or retention of an employee; (6) in connection with the verification of information submitted for sponsorship purposes; (7) in other circumstances in which the withholding of such information appears unwarranted; and (8) in connection with legally required or authorized reports. Disclosure may be made by NFA in accordance with rules approved by the CFTC.

If an individual believes that the placing in the CFTC's or NFA's public files of any of the information contained in the Personal Information Section or in Matter Information pages related to Disciplinary Information on Form 8-R and on Form 8-T or Item 7 on Form 8-W, or on the fingerprint card would constitute an unwarranted invasion of his personal privacy, the individual may petition the CFTC, pursuant to 17 CFR 145.9, to treat such information as confidential in response to requests under the Freedom of Information Act (FOIA) [5 U.S.C. §552]. The CFTC will make no determination as to confidential treatment of information submitted unless and until the information is the subject of an FOIA request. The filing of a petition for confidential treatment, however, does not guarantee that the information will be treated confidentially in response to an FOIA request.

Forms which have not been prepared and executed in compliance with applicable requirements may not be acceptable for filing. Acceptance of this form shall not constitute any finding that the information is true, current or complete. Misstatements or omissions of fact may constitute federal criminal violations [7 U.S.C. §13 and 18 U.S.C. §1001] or grounds for disqualification from registration.

This notice is provided in accordance with the requirements of the Privacy Act, [5 U.S.C. §552a(e)(3)] and summarizes some of an individual's rights under the Privacy Act [5 U.S.C. §552a] and the Freedom of Information Act [5 U.S.C. §552]. Individuals desiring further information should consult the CFTC's regulations under the Privacy Act, 17 CFR Part 146, and under the Freedom of Information Act, 17 CFR Part 145, and the CFTC's annual notice, published in the Federal Register, pursuant to the Privacy Act, of the existence and character of each system of records maintained by the CFTC.

You are not required to provide the information requested on a form subject to the Paperwork Reduction Act unless the form displays a valid OMB Control Number.

The time needed to complete and file Form 7-R, Form 3-R, Form 7-W, Form 8-R and Form 8-T and Form 8-W may vary depending upon individual circumstances. The estimated average times are:

Form 7-R				Form 3-R	0.1 hours
FCM	0.5 hours	IB	0.4 hours	Form 7-W	0.1 hours
SD	1.0 hour	CPO	0.4 hours	Form 8-R	0.8 hours
MSP	1.0 hour	CTA	0.4 hours	Form 8-T	0.2 hours
RFED	0.5 hours	FT	0.5 hours	Form 8-W	0.1 hours

**TEMPLATE: DO NOT SEND TO NFA**

## **NATIONAL FUTURES ASSOCIATION**

### **INDIVIDUAL WITHDRAWAL**

#### **Firm Certification Statement**

BY FILING THIS FORM 8-T, THE SPONSOR AGREES THAT SUCH FILING CONSTITUTES THE SPONSOR'S certification that the answers and the information provided in the Form 8-T are true, complete and accurate and that in the light of the circumstances under which the sponsor has given them, the answers and statements in the Form 8-T are not misleading in any material respect; certification that the person who electronically files the Form 8-T on behalf of the sponsor is authorized by the sponsor to file the Form 8-T on behalf of the sponsor and to make all required certifications and acknowledgements; and acknowledgement that the sponsor is subject to the imposition of criminal penalties under Section 9(a) of the Act and 18 U.S.C. §1001 for any false statements or omissions made in the Form 8-T.