

## TEMPLATE: DO NOT SEND TO NFA

### SWAP DEALER / MAJOR SWAP PARTICIPANT ASSOCIATED PERSON REGULATORY STATUTORY DISQUALIFICATION FORM TEMPLATE

#### Instructions for Using this Template

**Do not send this document to NFA. It is a template that you may use to assist in filing the Criminal or Regulatory Statutory Disqualification Form in EasyFile.**

It is the SD/MSP's obligation to determine whether or not a statutory disqualification exists for one of its APs. If a statutory disqualification exists, the SD/MSP may elect to file a Statutory Disqualification Form electronically via NFA's EasyFile system for a determination as to whether NFA would have granted the person registration as an AP despite the statutory disqualification. NFA will assume that each matter being submitted to NFA is a statutory disqualification. The SD/MSP should not submit information to NFA to determine whether or not the statutory disqualification exists. Based solely on the information that the SD/MSP electronically reports on the Statutory Disqualification Form via NFA's EasyFile system, NFA will notify the SD/MSP whether or not NFA would have granted the person registration as an AP despite the statutory disqualification.

If the SD/MSP has already determined that a statutory disqualification exist for one of its APs, it can use these templates to assist in filing the form electronically using NFA's EasyFile system. NFA will NOT accept a form submitted via fax, mail or email. Please go to NFA's EasyFile system to complete these forms electronically for NFA's review.

- Criminal Statutory Disqualification Form
- Regulatory Statutory Disqualification Form

SDs/MSPs should NOT submit supporting documentation in connection with Criminal or Regulatory Statutory Disqualification Form. NFA will make its determination based solely on the information reported on the form.

For additional information see the CFTC No-Action Relief from Statutory Disqualification Prohibition <http://www.cftc.gov/ucm/groups/public/@llettergeneral/documents/letter/12-15.pdf>.

**NATIONAL FUTURES ASSOCIATION**

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REGULATORY STATUTORY DISQUALIFICATION FORM TEMPLATE**

**Complete a separate Regulatory Disclosure Form for each Regulatory Action**

Swap Dealer / Major Swap Participant Name

NFA ID #

Individual Name

NFA ID #

Agency Name and Case Name/Description

Judgment or Order Effective Date

**CHECK ALL THAT APPLY**

1. The individual has been permanently enjoined or is currently temporarily enjoined in any case brought by a United States governmental body after a hearing or default or as the result of a settlement, consent decree or other agreement, from engaging in or continuing any activity involving:

- any transaction in or advice concerning futures, options, leverage transactions or securities; or
- embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property.

2. In any case brought by a domestic or foreign governmental body, the individual has ever been found (subject to a determination that conduct or a rule violation has occurred. The term applies to dispositions of any type, including but not limited to consent decrees or settlements in which the findings are neither admitted nor denied or in which the findings are for settlement or record purposes only) after a hearing or default or as the result of a settlement, consent decree or other agreement, to:

- have violated any provision of any 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

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similar statute of a State or foreign jurisdiction; Any rule, regulation or order under any such statutes; and The rules of the Municipal Securities Rulemaking Board or regulation; or

- have violated any statute, rule, regulation or order which involves embezzlement, theft, extortion, fraud, fraudulent conversion, forgery, counterfeiting, false pretenses, bribery, gambling, racketeering or misappropriation of funds, securities or property; or
- have willfully aided, abetted, counseled, commanded, induced or procured such violation by any other person.

3. The individual has been debarred by any agency of the United States from contracting with the United States.
4. The individual is subject to an outstanding order denying, suspending or revoking the person's registration or license or is barred or suspended from association with another person or entity by a U.S. regulatory authority (e.g. the CFTC, the SEC) or foreign regulatory body, including but not limited to a licensing authority of a U.S. state in the commodities, securities, accounting, banking, finance, insurance, law or real estate industries.
5. The individual is denied, suspended or expelled from membership in or is barred or suspended from association with a member of a U.S. self-regulatory organization, including but not limited to NFA, FINRA, and securities, options or futures exchanges.