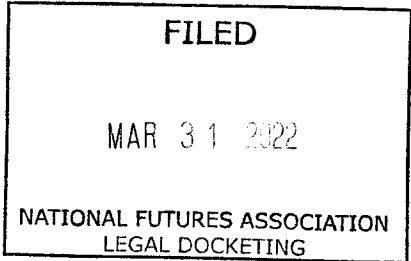


**NATIONAL FUTURES ASSOCIATION  
BEFORE THE  
BUSINESS CONDUCT COMMITTEE**



In the Matter of:	)	
	)	
GOLDMAN SACHS & CO., LLC	)	NFA Case No. 22-BCC-003
(NFA ID #0002014),	)	
	)	
Respondent.	)	

**DECISION**

Having reviewed the Complaint issued by the Business Conduct Committee (Committee) of National Futures Association (NFA) in the above-captioned case, having considered the Offer of Settlement (Offer) submitted by Goldman Sachs & Co., LLC (Goldman), and having accepted its Offer, this Committee hereby issues this Decision as to Goldman.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On March 31, 2022, this Committee issued a Complaint against Goldman, a provisionally registered swap dealer and NFA Member headquartered in New York, New York. Count I of the Complaint alleged that Goldman violated NFA Compliance Rule 2-49(a) by not collecting or posting variation margin (VM) on uncleared swaps with counterparties that were covered by the CFTC VM regulations, in violation of CFTC Regulation 23.153; by not having written procedures reasonably designed to ensure compliance with the CFTC's know-your-counterparty requirements, in violation of CFTC Regulation 23.402(a); by not implementing policies and procedures reasonably designed to obtain and retain a record of essential facts regarding its counterparties, in violation of CFTC Regulation 23.402(b); by not implementing policies and procedures reasonably

designed to ensure compliance with its pre-trade mid-market mark (PTMM) obligations, in further violation of CFTC Regulation 23.402(a); by not providing PTMM to uncleared swaps counterparties when required, in violation of CFTC Regulation 23.431(a); by not creating and retaining records of its compliance with PTMM obligations and the external business conduct standards in violation of CFTC Regulation 23.402(g); and by not ensuring its daily trading records included all information necessary to conduct a comprehensive and accurate trade reconstruction for each swap, including pre-execution trade information, in violation of CFTC Regulation 23.202(a). Count II of the Complaint alleged that Goldman violated NFA Compliance Rule 2-49(b) by failing to promptly submit accurate and complete reports, documents, and supplemental information as required by NFA. Count III of the Complaint alleged that Goldman further violated NFA Compliance Rule 2-49(a) by not diligently supervising all activities relating to its business, in violation CFTC Regulation 23.602(a); and by not monitoring its compliance with its external business conduct standards policies and procedures, in violation of CFTC Regulation 23.402(a)(2).

## II

### **OFFER OF SETTLEMENT**

Goldman submitted an Offer in which it neither admitted nor denied the allegations of the Complaint and proposed to settle the charges against it by paying a fine of \$2,500,000 to NFA, within 30 days after the effective date of this Decision. Goldman acknowledged in its Offer that any Decision accepting the Offer would include findings that Goldman committed the violations alleged against it in the Complaint.

## III

### **FINDINGS**

Pursuant to the Offer, this Committee finds that Goldman violated NFA Compliance Rule 2-49(a) and 2-49(b).

**IV**

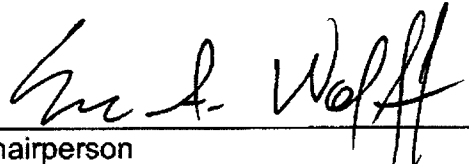
**PENALTY**

Having considered the matter and having accepted the Offer submitted by Goldman, this Committee hereby orders Goldman to pay a fine of \$2,500,000 to NFA, payable within 30 days after the effective date of this Decision; and to adhere to certain undertakings, in accordance with the terms of a side letter executed in connection with the Offer.

This Decision and the Offer shall not be used as a sole basis for any other action or proceeding by NFA against Goldman, including any registration matter, except this Decision and the Offer may be used in an action to enforce the terms thereof or in a subsequent disciplinary action or regulatory action, where they may be considered as disciplinary history and as evidence in aggravation on the issue of sanctions.

**NATIONAL FUTURES ASSOCIATION  
BUSINESS CONDUCT COMMITTEE**

Date: 3/31/2022

By:   
Chairperson