



# **NYSE Amex LLC**

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*Amex Trading Permit Application*

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## APPLICATION PROCESS

### Filing Requirements

Prior to submitting the Application for AMEX Trading Permit ("ATP"), an Applicant must file a Uniform Application for Broker-Dealer Registration (Form BD) with the Securities and Exchange Commission and register with the FINRA Central Registration Depository ("Web CRD®").

### Checklist

Applicant Broker-Dealer must complete and submit all applicable materials addressed in the Application Checklist (page 4) along with appropriate fees to:

NYSE Amex Options  
Attn: Client Relationship Services  
20 Broad Street, 10th Floor  
New York, NY 10005

**Note: All application materials sent to NYSE Amex Options will be reviewed by NYSE Amex's Client Relationship Services ("CRS") Department for completeness. The applications are submitted to FINRA who performs the application approval recommendation. All applications are deemed confidential and are handled in a secure environment. CRS or FINRA may request applicants to submit documentation in addition to what is listed in the Application Checklist during the application review process, pursuant to NYSE Amex Rule 341. If you have questions on completing the application, you may direct them to: Client Relationship Services: Email: [crs@nyx.com](mailto:crs@nyx.com) or Phone: ((212) 656-2085 or 1-888-689-7739 option 3.**

### Application Process

Following submission of the Application for Amex Trading Permit, fees and supporting documents to NYSE Amex Options, the application will be reviewed for accuracy and regulatory or other disclosures.

- If review of Statutory Disqualification Disclosure information and/or a background investigation indicates that the Applicant has an associated person(s) with a possible statutory disqualification, NYSE Amex Options will contact the representative of the Applicant to discuss the statutory disqualification process.
- If it appears that the Applicant has outstanding debt, civil judgment actions and/or regulatory disciplinary actions, the Applicant will be contacted by NYSE Amex Options for further information.
- Applicants who have completed and returned all documents without indication of a statutory disqualification, outstanding debt, civil judgment actions and/or regulatory disciplinary actions will be presented to NYSE Amex Options for approval or disapproval without delay. NYSE Amex Options shall post the name of the Applicant Broker-Dealer for a period of three (3) business days in the NYSE Amex Options Weekly Bulletin.
- Applicants will be subject to disciplinary action if false or misleading answers are given pursuant to the Application for Amex Trading Permit.
- All individuals required to be registered with NYSE Amex Options, pursuant to the Rules, shall file documentation with the Exchange in the manner prescribed in NYSE Amex Options Rule 341 requesting such registration. NYSE Arca does not accept fingerprint cards. Fingerprint cards must be submitted directly to FINRA within 30 days of filing the Form U4. The fingerprint cards must be cleared by the FBI for individuals who seek to register with NYSE Arca or be approved by NYSE Arca. Firms may request FINRA-approved fingerprint cards through the Gateway Call Center at: (301) 590-6500. Fingerprint cards should be sent directly to: For Regular U.S. Mail: FINRA, Registration and Disclosure Department, P.O. Box 9495, Gaithersburg, MD 20898-9495. P.O. Boxes will not accept courier or overnight deliveries. For Express/Overnight Mail Delivery: FINRA, Registration and Disclosure Department, 9509 Key West Avenue, Rockville, MD 20850. If a phone number is required for the recipient, provide: (301) 590-6500. Your firm should receive the FBI search results in the "Fingerprint Status Received from FBI Notice Queue" within three business days after the card is sent to the FBI. Additional information regarding the submission of fingerprints to Web CRD may be obtained on the FINRA Web site: <https://firms.finra.org/webcrd>.
- An ATP must be activated within six months of approval by NYSE Amex Options.
- In the event an Applicant is disapproved by NYSE Amex Options, the Applicant has an opportunity to be heard upon the specific grounds for the disapproval, in accordance with the provisions of NYSE Amex Options Section 9A. A disapproved applicant desiring to be heard must, within fifteen (15) calendar days of the date upon which the Corporation's decision was mailed to the applicant, file a petition in accordance with the provisions of NYSE Amex Section 9A.

**APPLICATION CHECKLIST AND FEES - NYSE AMEX OPTIONS NON-DEA BROKER-DEALER APPLICANTS**

- Application for Amex Trading Permit
  - Section 1 through 7, and 9 and 10 MANDATORY
  - Section 8 only if you are not self-clearing
- Form BD, including Schedules & Disclosure Reporting pages must be up to date and accurate on FINRA's Web CRD
- A Form U-4 and Fingerprint cards for the following individuals needs to be submitted directly to the FINRA, if not currently available on Web CRD®<sup>1</sup>:
  - Direct/Indirect Owners, Allied Persons, and Approved Persons as listed on Form BD Schedules A & B
  - Designated Supervisors
- Four (4) Most Recent FOCUS Reports<sup>2</sup> and the Most Recent Audited Financial Statements, if applicable
- All examination reports and corresponding responses from the Applicant Broker-Dealer for the last two exam reports
- Organizational Documents: Articles of Incorporation and Bylaws; Partnership Agreement; Limited Liability Company ("LLC") Agreements; Operating Agreement; or similar documentation
- Copy of Written Supervisory Procedures, Anti-Money Laundering Procedures, and Insider Trading Act Procedures (if separate)

**APPLICATION CHECKLIST AND FEES - NYSE AMEX OPTIONS DEA BROKER-DEALER APPLICANTS**

- Application for Amex Trading Permit
  - Section 1 through 7, and 9 and 10 MANDATORY
  - Section 8 only if you are not self-clearing
- Form BD, including Schedules & Disclosure Reporting pages must be up to date and accurate on FINRA's Web CRD
- A Form U-4 and Fingerprint cards for the following individuals needs to be submitted directly to the FINRA, if not currently available on Web CRD®<sup>1</sup> :
  - Direct/Indirect Owners, Allied Persons, and Approved Persons as listed on Form BD Schedules A & B
  - Designated Supervisors
  - All Authorized Traders
- Financial Documentation
  - Four (4) Most Recent FOCUS Reports<sup>2</sup> and the Most Recent Audited Financial Statements, if applicable
  - Most Recent Balance Sheet and Capital Computation
  - Six Month Profit/Loss Projection
  - Subordination Agreements, if applicable
- Proprietary Accounts of Introducing Broker-Dealers (PAIB) Agreements, if applicable
- Organization Documents: Articles of Incorporation and Bylaws; Partnership Agreement; Limited Liability Company ("LLC") Agreements; Operating Agreement; or similar documentation
- All examination reports and corresponding responses from the Applicant Broker-Dealer for the last two exam reports
- Organizational Documents: Articles of Incorporation and Bylaws; Partnership Agreement; Limited Liability Company ("LLC") Agreements; Operating Agreement; or similar documentation
- Copy of Written Supervisory Procedures, Anti-Money Laundering Procedures, and Insider Trading Act Procedures (if separate)

<sup>1</sup> A \$125 Investigation Fee may be required for each Control Person, Allied Person, Approved Person, Designated Supervisor or Off-Floor Trader (DEA Applicants Only) for whom required information is not available on Web CRD®. Please make checks payable to the NYSE AMEX OPTIONS.

<sup>2</sup> Applicants must demonstrate that they have current net capital of 140% of their minimum net capital requirement or \$20,000 in excess of their minimum dollar net capital requirement, **whichever is greater**. If the Broker-Dealer has reported net losses for the period reviewed, the Firm's financial statements must demonstrate that its excess net capital can withstand six (6) consecutive months of average losses. Applicant Broker-Dealers that do not have the requested financial information available are required to submit Pro Forma Financial statements for the most recent six (6) months or since inception, whichever is less.

## EXPLANATION OF TERMS

For purposes of this application, the following terms shall have the following meanings:

**Allied Member** – An individual who is i) a general partner of an ATP Holder who controls such firm, or ii) an individual who is a principal executive officer of an ATP Holder corporation or a person who controls such corporation, or iii) an employee of any other ATP Holder entity who controls such entity.

**Applicant** – the Broker-Dealer organization applying for an AMEX Trading Permit or amending this form.

**Approved Person** – Any person who controls a member organization, or who engages in a securities or kindred business and is controlled by or under common control with a member organization but is not a member or principle executive or an employee of a member organization.

**Associated Person** - a person who is a partner, officer, director, member of a limited liability company, trustee of a business trust, employee of an ATP Holder or any person directly or indirectly controlling, controlled by or under common control with an ATP Holder.

**ATP** – an Amex Trading Permit issued by the Exchange for effecting approved securities transactions on the Exchange's Trading Facilities. An ATP may be issued to a sole proprietor, partnership, corporation, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934, as amended, and which has been approved by the Exchange

**ATP Holder** – a sole proprietorship, partnership, corporation, limited liability company or other organization, in good standing, that has been issued an ATP. An ATP Holder must be a registered broker or dealer pursuant to Section 15 of the Securities Exchange Act of 1934. An ATP Holder shall agree to be bound by the Certificate of Incorporation, Bylaws and Rules of the Exchange, and by all applicable rules and regulations of the Securities and Exchange Commission.

**Authorized Trader ("AT")** – an individual who may submit orders to the Exchange on behalf of his or her ATP Holder or Sponsored Participant.

**Central Registration Depository System ("Web CRD®")** – A centralized electronic registration system maintained by FINRA which provides information on registered representatives and principals for members of participant organizations. This database contains employment history, exam scores, licensing information, disciplinary actions, fingerprint results, and other related registration information. NYSE AMEX, Inc. is a participant of this system.

**Clearing Member** – an ATP Holder which has been admitted to membership in the Options Clearing Corporation ("OCC") pursuant to the provisions of the rules of the OCC.

**Control** – the power, directly or indirectly, to direct the management or policies of a person, whether through ownership of securities, by contract or otherwise. A person shall be presumed to control another person if such person is (1) a director, general partner or officer exercising executive responsibility (or having similar status or functions); (2) directly or indirectly has the right to vote 25% or more of a class of a voting security or has the power to sell or direct the sale of 25% or more of a class of voting securities; or (3) is entitled to receive 25% or more of the net profits; or (4) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 25% or more of the capital of the other person.

**Designated Examining Authority ("DEA")** – the SEC will designate one Self-Regulatory Organization ("SRO") to be a Broker-Dealer's examining authority, when the Broker-Dealer is a Member or ATP Holder of more than one SRO. Every Broker-Dealer is assigned a DEA, who will examine the Broker-Dealer for compliance with financial responsibility rules.

**Designated Supervisor** – refers to any person that is a partner, director, or officer exercising executive responsibility (or having similar status or functions) for supervising registered employees.

**Direct Owners/Executive Officers** – Allied Persons and Approved Persons, as those terms are defined by NYSE Amex Rule 0, respectively, and generally refer to (1) a director, general partner or officer exercising executive responsibility (or having similar status or function); or (2) directly or indirectly has the right to vote 5% or more of a class of voting security or has the power to sell or direct the sale of 5% or more of a class of voting securities; (3) is entitled to receive 5% or more of the net profits; (4) in the case of a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution or have contributed, 5% or more of the capital; or (5) in the case of a LLC, those members that have the right to receive upon dissolution, or have contributed, 5% or more of the LLC's capital, and if managed by elected managers, all elected managers.

**e-Specialist** - an individual or entity that has been deemed qualified by the Exchange for the purpose of making transactions on the Exchange in accordance with the provisions of Rules 927.4NY-927.6NY.. Each e-Specialist must be registered with the Exchange as a Market Maker.

**Financial Arrangement** – (1) the direct financing of an ATP Holder's dealings upon the Exchange; (2) any direct equity investment or profit sharing arrangement; or (3) any consideration over the amount of \$5,000.00 including, but not limited to, gifts, loans, annual salaries or bonuses.

## EXPLANATION OF TERMS (Continued)

**Firm Proprietary and/or Agency Trading** – an ATP Firm that engages in off-floor trading that is unrelated to the performance of that ATP Firm's registered market maker or floor broker functions.

**Floor Broker ("FB")** – a sole proprietor ATP Holder or a representative of an ATP Holder who is registered with the Exchange for the purpose, while on the Exchange Floor, of accepting and executing option orders received from ATP Holders.

**Floor Market Maker ("FMM")** - a Floor Market Maker is a registered Market Maker who makes transactions as a dealer-specialist while on the Floor of the Exchange and provides quotations: (A) manually, by public outcry, and (B) electronically through an auto-quoting device.

**Market Maker** – a "Market Maker" shall refer to an ATP Holder that acts as a Market Maker pursuant to Rule 920NY.

**Market Maker Authorized Trader ("MMAT")** – a "Market Maker Authorized Trader" or "MMAT" shall mean an authorized trader who performs market making activities pursuant to Rule 920NY on behalf of an ATP Holder registered as a Market Maker.

**NYSE Amex LLC ("NYSE Amex", the "Exchange", or the "Corporation")** - a Delaware limited liability corporation and the parent company of the NYSE Euronext Exchange. The Exchange offers an options trading platform under the brand name NYSE Amex Options. NYSE Amex is a national securities exchange as that term is defined by Section 6 of the Securities Exchange Act of 1934, as amended. NYSE Amex LLC is also a Self-Regulatory Organization.

**NYSE Amex Options** – "NYSE Amex Options" shall refer to those aspects of the Self-Regulatory Organization and the Trading Facilities business of NYSE Amex licensed to trade Options by the Exchange. The terms "NYSE Amex Options" and "NYSE Amex" shall have the same meaning as "Exchange" as that term is defined in Rule 900.2NY.

**Primary Business** – refers to greater than 50% of the ATP Holder's business.

**Remote Market Maker ("RMM")** – a Remote Market Maker is an ATP holder who is registered with the Exchange for the purpose of making transactions as dealer-specialist from a location off the Floor of the Exchange. Transactions of Remote Market Makers that are executed through the facilities of the Exchange are deemed to be Market Maker transactions for purposes of Rule 920NY.

**Self-Regulatory Organization ("SRO")** - each exchange or national securities association is an SRO. Each SRO must have rules that provide for the expulsion, suspension and other discipline of member Broker-Dealers for violation of the SRO's rules.

**Specialist** – an individual or entity that has been deemed qualified by the Exchange for the purpose of making transactions on the Exchange in accordance with Rule 920NY and who meets the qualification requirements of Rule 927NY(b). Each Specialist must be registered with the Exchange as a Market Maker. Any ATP Holder registered as a Market Maker with the Exchange is eligible to be qualified as a Specialist.

**SECTION - KEY PERSONNEL**

Please identify the key personnel who hold the below positions (or the individual whose responsibilities are the functional equivalent of such position, regardless of actual titles used by the Applicant Firm) and who will want to receive communications pertaining to our options markets.

**Chief Executive Officer ("CEO")**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Chief Financial Officer ("CFO")**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Chief Compliance Officer ("CCO")**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Chief Operations Officer ("COO")**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Head of Options Technology**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Head of Options Connectivity**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**Head of Options Trading**

Name: \_\_\_\_\_ CRD: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**SECTION 1 - ORGANIZATIONAL PROFILE**

Date: \_\_\_\_\_ SEC No.: \_\_\_\_\_ CRD No.: \_\_\_\_\_

 Application  Amendment**GENERAL INFORMATION**Name of Applicant  
Broker/Dealer: \_\_\_\_\_

Business Address: \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Website Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**TYPE OF ORGANIZATION** Corporation  Limited Liability Company  Partnership  Sole Proprietor**TYPE OF BUSINESS ACTIVITY TO BE CONDUCTED WITH AMEX TRADING PERMIT (Check all that apply)** Specialist/e-Specialist  Remote Market Maker (RMM)  Floor Market Maker (FMM)  
 Floor Broker (FB)  Market Maker Authorized Trader  Clearing Services  
 Proprietary and/or Agency Trading**OTHER BUSINESS ACTIVITIES CONDUCTED BY APPLICANT BROKER-DEALER (Check all that apply)** Specialist/e-Specialist  Remote Market Maker (RMM)  Floor Market Maker (FMM)  
 Floor Broker (FB)  Market Maker Authorized Trader  Clearing Services  
 Proprietary and/or Agency Trading**OTHER SELF REGULATORY ORGANIZATION MEMEBRSHIPS (Check all that apply)** Boston Stock Exchange (BSE)  Chicago Board Options Exchange (CBOE)  
 Chicago Stock Exchange (CHX)  National Stock Exchange (NSX)  
 International Securities Exchange (ISE)  NASDAQ  
 Financial Industry Regulatory Authority (FINRA)  New York Stock Exchange (NYSE)  
 NYSE Arca Options  Philadelphia Stock Exchange (PHLX)**APPLICANT'S DESIGNATED EXAMINING AUTHORITY ("DEA")** NYSE Amex LLC  Other \_\_\_\_\_

**SECTION 2 – MEMBERSHIP AGREEMENT**

Applicant Broker-Dealer agrees to abide by the Bylaws and Rules of NYSE Amex Options, as amended from time to time, and all circulars, notices, interpretations, directives or decisions adopted by NYSE Amex Options.

Applicant Broker-Dealer authorizes any SRO, commodities exchange, governmental agency or similar entity to furnish to NYSE Amex Options, upon its request, any information that such person may have concerning the ability, business activities, and reputation of Applicant Broker-Dealer or its associated persons, and releases such person or entity from any and all liability in furnishing such information. Applicant Broker-Dealer authorizes NYSE Amex Options to make available to any governmental agency, SRO, commodities exchange or similar entity, any information it may have concerning the Applicant Broker-Dealer or its associated persons, and releases NYSE Amex Options from any and all liability in furnishing such information.

Applicant Broker-Dealer acknowledges its obligation to update any and all information contained in any part of this application, including termination of membership with another SRO, which may cause a change in the Applicant Broker-Dealer's DEA. It is understood that in that event, additional information may be required by NYSE Amex Options.

\_\_\_\_\_  
Applicant Broker-Dealer

\_\_\_\_\_  
Signature of Authorized Officer, Partner,  
Managing Member or Sole Proprietor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

**SECTION 3 – FINANCIAL DISCLOSURE****FINANCIAL STATEMENT**

Copies of the required financial items as noted on the checklist including: the four (4) most recent FOCUS Reports<sup>1</sup> and most recent Audited Financial Statements, all examination reports and corresponding responses, and a letter in good standing from the Applicant's DEA are enclosed.

**SOURCE OF CAPITAL**

Explain the source of Applicant Broker-Dealer's capital

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**PROPRIETARY ACCOUNTS OF INTRODUCING BROKER-DEALERS (PAIB)**

Do you hold a Proprietary Account as an Introducing Broker-Dealer (PAIB)  Yes  No

\* If Yes: An introducing Broker-Dealer must notify its DEA in writing when it has entered into a PAIB Agreement with a clearing Broker-Dealer regarding the net capital treatment of assets held in proprietary accounts. Assets (cash and securities) held in trading accounts without a PAIB Agreement are considered to be non-allowable in the computation of net capital under SEC Rule 15c3-1. If NYSE Amex is your DEA, please enclose a copy of all PAIB Agreements you have entered into with a clearing broker-dealer.

**SUBORDINATED LOANS**

Have any subordinated loans been made to Applicant Broker-Dealer?  Yes (Explain below)  No

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**FINANCIAL OR CONTROLLING INTERESTS**

Does the Applicant Broker-Dealer have a financial or controlling (as defined in Form-BD) interest (through direct or indirect stock or bond ownership, through outstanding loans, or otherwise) in any organization engaged in a securities, financial or related business?  Yes (Explain below)  No

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**FINANCIAL ARRANGEMENT**

Does the Applicant Broker-Dealer have a financial arrangement with any other Broker-Dealer?

Yes (Explain below)  No

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**OUTSTANDING DEBT (Check all that apply)**

Does the Applicant Broker-Dealer owe money to any of the following?

- Any NYSE Amex Options member or member organization or Amex ATP Holder
- Any other national securities or commodities exchange or national securities association
- Any member of any other national securities or commodities exchange or national securities association

Explain to whom the money is owed and the dollar amount. Attach a copy of arrangements made for repayment of this debt and evidence of an agreement of repayment.

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No, the Applicant Broker-Dealer does not owe money to any of the above referenced persons or entities.

<sup>1</sup> Applicant Broker-Dealers that do not have the requested financial information available are required to submit Pro Forma Financial statements for the most recent six (6) months or since inception, whichever is less.

**SECTION 4A – ALLIED MEMBER/APPROVED PERSON APPLICATION FOR AN INDIVIDUAL**

**Allied Member**– An individual who is a principal, officer or general partner who controls the applicant organization, and is required to be listed on the Form BD [Art. I, Sec. 3(e)]. On Web CRD, all Allied Members [AM] are required to file a Form U4, or amendment thereto, and a fingerprint card, if not currently registered.

**Approved Person** – An individual who is neither a regular, options principal, associate or allied member, nor an employee who controls the applicant organization, but is required to be listed on the Form BD [Art. I, Sec. 3(g)]. On Web CRD, all Approved Persons [AP] are required to file a Form U4, or amendment thereto, and a fingerprint card.

I hereby apply as an Allied Member/Approved Person at the NYSE Amex LLC (“Exchange”) in accordance with Article IV, Section 1 (c)/(g) of the Constitution of the Exchange, and if elected, hereby pledge myself to abide by its Constitution and Rules as they may from time to time be amended. In consideration of the approval of my application by the Exchange, I submit to the jurisdiction of the Exchange and I recognize and agree that the privilege of being an Allied Member/Approved Person at the Exchange, if granted to me, may be withdrawn by the Exchange at any time for cause and shall immediately terminate when I cease to be either a general partner, employee who controls a member organization, or non-employee who controls a member organization, Limited Liability Company manager or trustee (whichever is applicable) of the above member organization

I authorize and request any and all of my former employers and any other person to furnish to the NYSE Amex LLC and any agent acting on its behalf any information that they may have concerning my character, general reputation, personal characteristics, mode of living and credit worthiness. Moreover, I hereby release each such employer and each such other person from any and all liability of whatever nature by reason of furnishing such information to the NYSE Amex LLC, and any agent acting on its behalf. Further, I recognize that I will be the subject of an investigative consumer report ordered by the NYSE Amex LLC, and I understand that, upon written request within a reasonable period of time, additional disclosure concerning the nature and scope of the investigation will be provided by the Exchange.

I authorize the NYSE Amex LLC to make available to any employer or prospective employer, to any other Exchange or securities organization, or to any federal, state or municipal agency, any information it may have concerning me, and I hereby release the NYSE Amex LLC from any and all liability of whatsoever nature by reason of furnishing such information.

I certify that the answers below are true and correct in all respects.

**APPLYING AS:**       **ALLIED MEMBER**       **APPROVED PERSON**

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_ CRD #: \_\_\_\_\_  
Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Signature: \_\_\_\_\_

- Designated Supervisor of Authorized Traders
- Form U4 and fingerprint information is current and accessible for this person on Web CRD™

**APPLYING AS:**       **ALLIED MEMBER**       **APPROVED PERSON**

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_ CRD #: \_\_\_\_\_  
Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Signature: \_\_\_\_\_

- Designated Supervisor of Authorized Traders
- Form U4 and fingerprint information is current and accessible for this person on Web CRD™

**APPLYING AS:**       **ALLIED MEMBER**       **APPROVED PERSON**

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_ CRD #: \_\_\_\_\_  
Firm Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Signature: \_\_\_\_\_

- Designated Supervisor of Authorized Traders
- Form U4 and fingerprint information is current and accessible for this person on Web CRD™

**You may submit multiple copies of this form, if needed**

**SECTION 4B – APPROVED PERSON ORGANIZATION APPLICATION**

**Approved Person Organization:**

Each organization which controls, is controlled by, or is under common control with, the applicant organization is required to become an approved person organization of the Exchange and be listed on its Form BD [Art. I, Sec. 3(g)].

The Applicant agrees that (1) if any share of stock of the member organization which is not a freely transferable security should at any time be acquired, held or owned by a person not approved by the Exchange, except the estate of a deceased stockholder for such period as may be allowed by the Exchange, or (2) if any person required to be approved by the Exchange as an approved person fails or ceases to be so approved, or (3) if any approved person should violate his agreement with the Exchange, the member organization may be deprived by the Exchange of all the privileges of a member organization.

The Applicant agrees to comply with the provisions of the Constitution and Rule of the Exchange relating to approved persons as shall from time to time be in effect. The Applicant agrees promptly to notify the Exchange, so long as it remains an approved person, of any acquisition or disposition by it of any security of such member organization.

The Applicant agrees that the approval of this application by the NYSE Amex, LLC may be withdrawn if, in the opinion of the Exchange the Applicant has:

1. violated any provision of the Constitution or of any rules of the Exchange applicable to it as the same may be from time to time in effect;
2. violated any of its agreements with the Exchange;
3. made any misstatements to the Exchange; or
4. been guilty of (i) conduct inconsistent with just and equitable principles of trade, or (ii) acts detrimental to the interest or welfare of the Exchange.

The Applicant hereby certifies that the (corporation/ partnership/ limited liability company) is authorized to file this approved person application with the Exchange.

As long as the Applicant remains as an approved person of the member organization, the Applicant further agrees to notify that member organization of which it is an approved person of any changes in the information contained herein.

Affiliated Organization Name: \_\_\_\_\_ CRD #: \_\_\_\_\_

Parent Organization Name: \_\_\_\_\_ CRD #: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Note: This statement must be signed by a duly authorized individual who is a principal of the parent company.

**You may submit multiple copies of this form, if needed**

**SECTION 5 – REGISTERED TRADERS**

Each Applicant is required to register employees and associated persons in accordance with NYSE Amex rules. Pursuant to these Rules, Applicants must complete the necessary documentation and submit such documentation in the manner prescribed in Rule 341. Individual traders of the Applicant must successfully pass any required examination and identify registration with the Exchange within any and all applicable categories<sup>1</sup> on Form U4 including, but not limited to, the following:

- GS** – Authorized Traders of the Applicant (Series 7 prerequisite)
- AO** – Market Maker of the Applicant (Series 48 prerequisite)
- OT** – Authorized Traders for whom NYSE Amex is the Designated Examining Authority (Series 7 prerequisite)
- AF** – Floor Brokers of the Applicant (Series 49 prerequisite)

For Applicants who wish to conduct market making activities remotely through the facilities of the Exchange, below, please list all Authorized Traders who will conduct such activity on behalf of the Applicant.

**AUTHORIZED TRADER**

Firm Name: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

CRD #: \_\_\_\_\_ New Member Exam Qualification:  Yes  No

NYSE Amex Options Orientation:  Yes  No

**TYPE OF BUSINESS ACTIVITY TO BE CONDUCTED (Please check appropriate box below)**

Specialist/e-Specialist  Remote Market Maker (RMM)  Floor Market Maker (FMM)

Floor Broker (FB)  Market Maker Authorized Trader

Form U4, Proof of New Member Exam, and Fingerprint Card Information is current and accessible for this person on Web CRD®

**AUTHORIZED TRADER**

Firm Name: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

CRD #: \_\_\_\_\_ New Member Exam Qualification:  Yes  No

NYSE Amex Options Orientation:  Yes  No

**TYPE OF BUSINESS ACTIVITY TO BE CONDUCTED (Please check appropriate box below)**

Specialist/e-Specialist  Remote Market Maker (RMM)  Floor Market Maker (FMM)

Floor Broker (FB)  Market Maker Authorized Trader

Form U4, Proof of New Member Exam, and Fingerprint Card Information is current and accessible for this person on Web CRD®

**AUTHORIZED TRADER**

Firm Name: \_\_\_\_\_ Type of Business: \_\_\_\_\_

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

CRD #: \_\_\_\_\_ New Member Exam Qualification:  Yes  No

NYSE Amex Options Orientation:  Yes  No

**TYPE OF BUSINESS ACTIVITY TO BE CONDUCTED (Please check appropriate box below)**

Specialist/e-Specialist  Remote Market Maker (RMM)  Floor Market Maker (FMM)

Floor Broker (FB)  Market Maker Authorized Trader

Form U4, Proof of New Member Exam, and Fingerprint Card Information is current and accessible for this person on Web CRD®

**You may submit multiple copies of this form, if needed**

<sup>1</sup> ATP Firms are not assessed additional registration fees per individual if more than one registration category is requested with the Exchange.

**SECTION 6 – STATUTORY DISQUALIFICATION DISCLOSURE**

Pursuant to the Securities Exchange Act of 1934, as amended ("the Act"), NYSE Amex Options ("NYSE Amex Options") may deny (or may condition) trading privileges or may bar a natural person from becoming associated (or may condition an association) with an ATP Holder for the same reasons that the Securities and Exchange Commission may deny or revoke a broker-dealer registration under the Act. The Act provides for Statutory Disqualification if a person has:

- Been expelled, barred or suspended from membership in or being associated with an member of a self regulatory organization;
  - had broker, dealer or similar privileges denied or suspended or caused such denial or suspension of another;
  - Violated any provision of the Act; or
  - Been convicted of a theft or securities related misdemeanor or any felony within ten (10) years of the date of applying for membership status or becoming an Associated Person.
- Check here if you DO NOT have person(s) associated with the Applicant Broker-Dealer who is or may be subject to Statutory Disqualification.
- Check here if you DO have person(s) associated with the Applicant Broker-Dealer who is or may be subject to Statutory Disqualification.\*

Please identify any such person(s) associated with the Applicant Broker-Dealer who is or may be subject to Statutory Disqualification. Additionally, identify any such person(s) who are associated with the Applicant Broker-Dealer and who have been approved for association or continued association by another SRO due to a Statutory Disqualification.

- \* Attach a sheet identifying any such person(s), including the following information:
1. Name and CRD number of the person(s).
  2. Copies of documents relating to the Statutory Disqualification.
  3. Description of each such person's duties (for non-registered individuals, this should include a statement indicating if the position allows access to books, records, funds or securities).
  4. Explanation of action taken or approval given by any other SRO regarding each person.

On behalf of \_\_\_\_\_ (Applicant Broker-Dealer), I hereby attest and affirm that I have read and understand the above and the attached information, and that the answers and the information provided (including copies of any documents) are true and complete to the best of my knowledge. I acknowledge that NYSE Amex Options shall rely on the information provided pursuant to this Notice in order to preliminarily approve or deny Applicant Broker-Dealer's application for trading privileges, but that NYSE Amex Options will also perform a complete background check of Applicant Broker-Dealer, and such trading privileges may be immediately revoked by NYSE Amex Options depending on the results of such background check. I understand that Applicant Broker-Dealer will be subject to a disciplinary action if false or misleading answers are given pursuant to this Notice. I also acknowledge the obligation of Applicant Broker-Dealer to submit to NYSE Amex Options any amendment to any document submitted as part of its application, including but not limited to this Notice, within ten (10) business days of such amendment or change.

Signature of Authorized Officer,  
Partner, Managing Member, or Sole  
Proprietor \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

## SECTION 7 - SUPERVISION

Each ATP Holder must identify the person(s) that is a member, partner, director, or officer exercising executive responsibility (or having similar status or functions) for supervising an Authorized Trader(s) as defined in NYSE Amex Rule 0. ATP Holders for whom NYSE Amex will be DEA must provide a copy of their Written Supervisory Procedures ("WSP") with their Application.

NYSE Amex Options-DEA Applicant Broker-Dealer's WSPs are enclosed.

**Name and Title of Person responsible for maintaining WSPs: \_\_\_\_\_**  
**(Please identify the person responsible for maintaining the Broker-Dealer's WSPs, whether or not they are enclosed.)**

NYSE Amex Rules state:

- (a) Adherence to Law – No Amex Trading Permit Holder or Associated Person of an Amex Trading Permit Holder may engage in conduct in violation of the federal securities laws, the Constitution or the Rules of the Exchange. Every Amex Trading Permit Holder must supervise persons associated with the Amex Trading Permit Holder as to assure compliance therewith.
- (b) Supervisory System – Each Amex Trading Permit Holder for whom NYSE Amex DEA must establish and maintain a system to supervise the activities of its associated persons and the operations of its business. Such system must be reasonably designed to ensure compliance with applicable federal securities laws and regulations and NYSE Amex Rules. Final responsibility for proper supervision will rest with the Amex Trading Permit Holder. The Amex Trading Permit Holder's supervisory system must provide, at a minimum, for the following:
- (1) The establishment and maintenance of written procedures as required by paragraph (c) of this Rule.
  - (2) The designation of a person with authority to reasonably discharge his/her duties and obligations in connection with supervision and control of the activities of the associated persons of the Amex Trading Permit Holder.
  - (3) The Amex Trading Permit Holder must undertake reasonable efforts to determine that all supervisory personnel are qualified by virtue of experience or training to carry out their assigned responsibilities.
- (4) Each Amex Trading Permit Holder must designate and specifically identify to NYSE Amex Options one or more persons who will be responsible for such supervision.
- (c) Written Procedures – Each Amex Trading Permit Holder must establish, maintain, and enforce written procedures to supervise the business in which it engages and to supervise the activities of its associated persons that are reasonably designed to ensure compliance with applicable federal securities laws and regulations, and with NYSE Amex Options Rules.

Pursuant to this rule, WSPs should describe the following:

- Specific identification of the individual(s) responsible for supervision – either by name or by title and position.
- The supervisory steps and reviews to be taken by the appropriate supervisor – this process should identify any exception reports and/or other documents being reviewed and the substantive area being reviewed (e.g., limit order protection, trade reporting, etc.). If an ATP Holder employs automated systems as part of its supervisory system, those systems should also be generally described.
- The frequency of such reviews – this should be more specific than simply providing for "a review" or a "review from time to time." The frequency of reviews should be described (i.e., daily, weekly, monthly, quarterly, or annually).
- How reviews will be documented, for example, initialing order tickets or filling out review logs. The procedures should also provide for the documentation of steps taken as a result of supervisory reviews.

For Market Makers, the WSPs and supervisory systems of firms engaged in market making activities must address, at a minimum, trading practice rules (i.e., passive market making, firm quote rule compliance, limit order protection), trading systems, trade reporting, rules compliance and any other material aspect of the firm's market making business. WSPs should include the following subject areas:

- Size conventions
- Coordination of quotations, trades and trade reports
- Improper collaboration and coordination of Market Maker activities
- Failure to honor quotations
- Harassment
- Late and inaccurate trade reporting

**ALL AMEX OPTIONS TRADING PERMIT HOLDERS MUST KEEP ABREAST OF CHANGES IN LAWS, RULES AND REGULATIONS, MARKET PRACTICES AND INDICATED PATTERNS OF NON-COMPLIANCE AND MUST MODIFY THEIR SUPERVISORY PROCEDURES AND SYSTEMS AS NECESSARY.**

Questions regarding NYSEAmex Rules on WSPs may be directed to the Department of Trade Examinations: Email: [ecody@nyx.com](mailto:ecody@nyx.com); Phone: (312) 442-7653.

**SECTION 8 – CLEARING LETTER OF CONSENT**

**NOTICE OF CONSENT –To be completed by Clearing ATP Holder of Applicant Broker-Dealer.**

The undersigned hereby represents the clearing agency named below, a member of the National Securities Clearing Corporation (“NSCC”), the Options Clearing Corporation (“OCC”), and an approved ATP Holder of NYSE Amex Options.

The undersigned Clearing ATP Holder hereby agrees to accept full financial responsibility for all transactions effected through and carried in all accounts held by the following Applicant Broker-Dealer with the clearing agency:

\_\_\_\_\_  
Applicant Broker-Dealer

\_\_\_\_\_  
CRD# and/or SEC File#

This section shall be deemed a letter of guarantee, letter of authorization, or notice of consent pursuant to NYSE Amex Rules and may be relied upon by NYSE Amex Options, the NSCC, the OCC, and their respective members. This Notice of Consent shall be subject to NYSE Amex Rules, as amended from time to time, and shall remain in effect until revoked in writing by the Clearing ATP Holder.

\_\_\_\_\_  
Clearing ATP Holder (Broker-Dealer Name)

\_\_\_\_\_  
Clearing ATP Holder (OCC Clearing #)

\_\_\_\_\_  
Clearing ATP Holder (NSCC Clearing #)

\_\_\_\_\_  
Signature of Authorized Officer, Partner or  
Managing Member of Clearing ATP Holder

\_\_\_\_\_  
Signature of Authorized Officer, Partner or  
Managing Member, or Sole Proprietor of ATP Holder

\_\_\_\_\_  
Print Name / Title

\_\_\_\_\_  
Print Name / Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**SECTION 9 – NYSE AMEX USER AGREEMENT (NYSE AMEX OPTIONS)**

APPLICANT BROKER-DEALER AGREES TO ABIDE BY THE BYLAWS AND RULES OF NYSE AMEX LLC AS AMENDED FROM TIME TO TIME, AND ALL CIRCULARS, NOTICES, INTERPRETATIONS, DIRECTIVES OR DECISIONS ADOPTED BY NYSE AMEX LLC.

APPLICANT BROKER-DEALER AUTHORIZES ANY SRO, COMMODITIES EXCHANGE, GOVERNMENTAL AGENCY OR SIMILAR ENTITY TO FURNISH TO NYSEAMEX LLC, UPON ITS REQUEST, ANY INFORMATION THAT SUCH PERSON MAY HAVE CONCERNING THE ABILITY, BUSINESS ACTIVITIES, AND REPUTATION OF APPLICANT BROKER-DEALER OR ITS ASSOCIATED PERSONS, AND RELEASES SUCH PERSON OR ENTITY FROM ANY AND ALL LIABILITY IN FURNISHING SUCH INFORMATION. APPLICANT BROKER-DEALER AUTHORIZES NYSE AMEX LLC TO MAKE AVAILABLE TO ANY GOVERNMENTAL AGENCY, SRO, COMMODITIES EXCHANGE OR SIMILAR ENTITY, ANY INFORMATION IT MAY HAVE CONCERNING THE APPLICANT BROKER-DEALER OR ITS ASSOCIATED PERSONS, AND RELEASES NYSE AMEX LLC FROM ANY AND ALL LIABILITY IN FURNISHING SUCH INFORMATION.

APPLICANT BROKER-DEALER ACKNOWLEDGES ITS OBLIGATION TO UPDATE ANY AND ALL INFORMATION CONTAINED IN ANY PART OF THIS APPLICATION, INCLUDING TERMINATION OF MEMBERSHIP WITH ANOTHER SRO, WHICH MAY CAUSE A CHANGE IN THE APPLICANT BROKER-DEALER'S DEA. IT IS UNDERSTOOD THAT IN THAT EVENT, ADDITIONAL INFORMATION MAY BE REQUIRED BY NYSE AMEX LLC.

NYSE AMEX OPTIONS IS MADE AVAILABLE "AS IS" AND WITHOUT WARRANTY OF ANY KIND. ALL WARRANTIES, CONDITIONS, REPRESENTATIONS, INDEMNITIES AND GUARANTEES WITH RESPECT TO THE NYSE AMEX OPTIONS AND ANY DATA, SOFTWARE OR INFORMATION MADE AVAILABLE THEREIN BY NYSE AMEX, OR ITS LICENSORS, WHETHER EXPRESS, IMPLIED, OR STATUTORY, ARISING BY LAW, CUSTOM, PRIOR ORAL OR WRITTEN STATEMENTS BY NYSE AMEX OPTIONS, OR ITS AGENTS, AFFILIATES, LICENSORS OR OTHERWISE (INCLUDING, BUT NOT LIMITED TO ANY WARRANTY OF SATISFACTORY QUALITY, ACCURACY, UNINTERRUPTED USE, TIMELINESS, TRUTHFULNESS, SEQUENCE, COMPLETENESS, MERCHANTABILITY, FITNESS FOR PARTICULAR PURPOSE OR NON-INFRINGEMENT AND ANY IMPLIED WARRANTIES ARISING FROM TRADE USAGE, COURSE OF DEALING OR COURSE OF PERFORMANCE) ARE HEREBY OVERRIDDEN, EXCLUDED AND DISCLAIMED.

**NO LIABILITY FOR TRADES.**

USER UNDERSTANDS AND AGREES THAT (I) NYSE AMEX OPTIONS IS NOT DIRECTLY OR INDIRECTLY A PARTY TO OR A PARTICIPANT IN ANY TRADE OR TRANSACTION ENTERED INTO OR OTHERWISE CONDUCTED THROUGH NYSE AMEX OPTIONS, AND (II) NYSE AMEX OPTIONS IS NOT LIABLE IN ANY MANNER TO ANY PERSON (INCLUDING WITHOUT LIMITATION THE USER AND ANY PERSON FOR WHOM THE USER IS AUTHORIZED TO TRADE OR ACT) FOR THE FAILURE OF ANY PERSON ENTERING INTO A TRADE OR TRANSACTION BY MEANS OF NYSE AMEX OPTIONS TO PERFORM SUCH PERSON'S SETTLEMENT OR OTHER OBLIGATIONS UNDER SUCH TRADE OR TRANSACTION. NYSE AMEX OPTIONS, OR ITS AGENTS, AFFILIATES OR LICENSORS WILL NOT BE LIABLE FOR ANY LOSSES, DAMAGES, OR OTHER CLAIMS, ARISING OUT OF NYSE AMEX OPTIONS OR ITS USE. ANY LOSSES, DAMAGES, OR OTHER CLAIMS, RELATED TO A FAILURE OF NYSE AMEX TO DELIVER, DISPLAY, TRANSMIT, EXECUTE, COMPARE, SUBMIT FOR CLEARANCE AND SETTLEMENT, OR OTHERWISE PROCESS AN ORDER, MESSAGE, OR OTHER DATA ENTERED INTO, OR CREATED BY, NYSE AMEX OPTIONS WILL BE ABSORBED BY THE USER OR THE ATP HOLDER SPONSORING THE USER, THAT ENTERED THE ORDER, MESSAGE OR OTHER DATA INTO NYSE AMEX OPTIONS. IF THIS SECTION IS DEEMED TO CONFLICT WITH ANY OTHER SECTION OF THIS USER AGREEMENT, THIS SECTION WILL SUPERCEDE SUCH OTHER SECTION.

**NO CONSEQUENTIAL DAMAGES.**

UNDER NO CIRCUMSTANCES WILL NYSE AMEX OPTIONS, OR ITS AGENTS, AFFILIATES OR LICENSORS BE LIABLE FOR ANY LOSS, DAMAGE, CLAIM OR EXPENSE, INCLUDING WITHOUT LIMITATION ANY DIRECT, CONSEQUENTIAL, INDIRECT, SPECIAL, PUNITIVE OR INCIDENTAL DAMAGES OR LOST PROFITS, WHETHER FORESEEABLE OR UNFORESEEABLE, BASED ON USER'S CLAIMS OR THE CLAIMS OF ITS CUSTOMERS, EMPLOYEES OR AGENTS (INCLUDING, BUT NOT LIMITED TO, CLAIMS FOR LOSS OF DATA, GOODWILL, USE OF MONEY OR USE OF NYSE AMEX OPTIONS, INTERRUPTION IN USE OR AVAILABILITY NYSE AMEX OPTIONS, STOPPAGE OF OTHER WORK OR IMPAIRMENT OF OTHER ASSETS), ARISING OUT OF BREACH OR FAILURE OF EXPRESS OR IMPLIED WARRANTY, BREACH OF CONTRACT, MISREPRESENTATION, NEGLIGENCE, STRICT LIABILITY IN TORT OR OTHERWISE. THIS SECTION WILL NOT APPLY ONLY WHEN AND TO THE EXTENT THAT APPLICABLE LAW SPECIFICALLY REQUIRES LIABILITY, DESPITE THE FOREGOING EXCLUSION AND LIMITATION.

In witness whereof, the undersigned hereby causes this User Agreement to be executed.

Accepted on behalf of User:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By Firm's Chief Compliance Officer or Designee (if different from above):

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

With Notices to: NYSE Amex Options  
Contact Name: Attention: Client Registration Services  
Address: 20 Broad Street, 10th Floor  
City, State, Zip: New York, NY 10005

**SECTION 10A– ITEMS TO BE INCLUDED IN A LLC OPERATING AGREEMENT**

1. Statement of the nature of business of LLC
2. Capital contributions must be set forth, and must include the following: (A) provisions concerning withdrawal of capital as contained in **Rule 300(b)** and (B) interest on capital contributions, if any.
3. Division of profits and losses must be set forth.
4. Provision for payment of dues and charges, if any.
5. Provisions governing dissolution-method of liquidation.
6. Provision that true and complete books of account and records are kept and are available (**Rule 302**).
7. Arbitration provision (**Article VIII, Sections 1 & 2**).
8. Provision requiring advance notice of retirement of LLC member or of dissolution of firm [**Article IV, Section 2(r)**].
9. Provision permitting continuance of business of LLC in the event of death of any member or only the member specified in the Operating Agreement; use and proceeds provisions, if applicable (**Article IV, Section 6**).
10. Provision permitting the interest of a deceased member to be considered, without interruption after his death, as a part of the capital of the continuing or successor firm for a special period, if applicable [**Rule 300(c)**].
11. All other provisions required by applicable law governing partnerships.
12. ***An executed copy of the Operating Agreement (and all Amendments thereto).***
13. ***An executed copy of the Articles of Organization, certified by the Secretary of State/Certificate of Conversion.***

**SECTION 10B – ITEMS TO BE INCLUDED IN A LIMITED PARTNERSHIP AGREEMENT**

1. Statement of the nature of business of partnership.
2. Capital contributions must be set forth, and must include the following: (A) provisions concerning withdrawal of capital as contained in **Rule 300(b)**; and interest on capital contributions, if any.
3. Division of profits and losses must be set forth.
4. Provision for payment of dues and charges, if any.
5. Provisions governing dissolution-method of liquidation
6. Provision that true and complete books of account and records are kept and are available (**Rule 302**).
7. Arbitration provision (**Article VIII, Sections 1 & 2**).
8. Provision requiring advance notice of retirement of partner or of dissolution of firm [**Art. IV, Section 2(r)**].
9. Provision permitting continuance of business of partnership in the event of death of sole member general partner; use and proceeds provisions, if applicable (**Article IV, Section 6**).
10. Provision permitting the interest of a deceased partner to be considered, without interruption after his death, as a part of the capital of the continuing or successor firm for a special period, if applicable [**Rule 300(c)**].
11. All other provisions required by applicable law governing partnerships.
12. ***An executed copy of the Partnership Agreement (and all Amendments thereto).***
13. ***An executed copy of the Certificate of Limited Partnership, certified by the Secretary of State.***

**SECTION 10C – ITEMS TO BE PROVIDED BY CORPORATION**

1. Copies of any and all agreements or other documents and amendments thereto relating to the business or affairs of the member corporation between a member corporation and any of its stockholders or between any of the members or approved persons of a member corporation (other than agreements relating to ordinary securities and commodities transactions [Rule 310(b)])
2. An executed copy of the Charter or Certificate of Incorporation, (an all Amendment thereto), certified by the Secretary of State. [Rules 310(b) & 356].
3. An executed copy of the by-laws (and all Amendments thereto) certified by the Secretary of the corporation or other executive officer [Rule 356].
4. Certified list of all holders of record of each class of stock, giving name and address of the holder and the number of shares of each class of such stock held. [Rule 310(c)(1)]
5. Copy of certificate(s) of each class of stock issued or authorized by the Corporation, in accordance with provisions as stated in Rule 312(c)(1)(2)

**SECTION 11 – INDIVIDUAL REGISTRATION**

Provide the information requested below for each of the requested individuals associated with the Applicant ATP Holder. Applicants subject to Exchange Act Rule 15c3-1 are required to have a designated Series 27 licensed principal. Additionally, Authorized Traders are required to have successfully passed the Series 7 examination, pursuant to NYSE Amex Options Rule 930NY(b)(1)(A). Proof of examination requirements, fingerprint card submission, and Form U-4s should be submitted by the Applicant to the Central Registration Depository (“Web CRD®”) for review by the NYSE Amex Options.

For individuals required to be disclosed below who do not have required information available on Web CRD®, the Applicant may be required to submit an investigation fee of \$125 per individual.

**DESIGNATED SERIES 27 LICENSED PRINCIPAL**

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**AUTHORIZED TRADER**

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**AUTHORIZED TRADER**

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**AUTHORIZED TRADER**

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**AUTHORIZED TRADER**

Name: \_\_\_\_\_ CRD#: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Additional Authorized Traders are submitted in a separate copy of this section attached hereto.



# NYSE Amex LLC

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## *DEA Application Requirements*

**SECTION 12 – DESIGNATED EXAMINING AUTHORITY (DEA) REQUIREMENTS**

**ITSFEA COMPLIANCE ACKNOWLEDGMENT**

This form should be completed by a Director, Officer, General Partner or Individual responsible for ensuring that the Broker-Dealer's ITSFEA Compliance Procedures are followed. In the future, this certification must be completed and filed with NYSE Amex Options along with the Broker-Dealer's year-end FOCUS Report (Form X-17A-5).

Broker-Dealer: \_\_\_\_\_  
SEC #: \_\_\_\_\_

The undersigned states and certifies as follows:

It is understood that should any Director, Officer, General Partner or Associated Person (as defined in NYSE Amex Rule 1.1(d)) of the Broker-Dealer acquire material, non-public information concerning a corporation whose securities are publicly traded, it may be a violation of NYSE Amex Rules and Federal securities laws to misuse such information or trade any securities issued by the corporation, or any options or other derivative securities based thereon, while such information remains non-public.

It is further understood that should any Director, Officer, General Partner or Associated Person of the Broker-Dealer obtain material, non-public information concerning the market in a security or group of securities, it may be a violation of NYSE Amex Rules and Federal securities laws to make improper use of such information in connection with trading in the security, group of securities or any option or other derivative based thereon.

It is also understood that it may be a violation of NYSE Amex Rules and Federal securities laws to disclose to any other person or entity any non-public, material corporate or market information that may be acquired regarding a publicly traded security or group of securities.

Additionally, the Broker-Dealer represents that it has established written procedures reasonably designed to prevent misuse of material non-public information by the Broker-Dealer or by any of the Broker-Dealer's Directors, Officers, General Partners or Associated Persons, taking into consideration the nature of the Broker-Dealer's business.

The Individual(s) responsible for overseeing and supervising the specific element of the member firm or organization's ITSFEA Compliance procedures has reviewed (or supervised the review of) the Broker-Dealer's proprietary, error account(s), and any outside brokerage securities accounts of Directors, Officers, General Partners, and Associated Persons with the Broker-Dealer, in accordance with the specific provisions (including timing and type of review) detailed in and required by the firm's written ITSFEA compliance procedures.

Based upon the assessment of the adequacy of those procedures and of the authority and diligence of the person(s) carrying out those procedures (except as to any securities transactions involving the possible misuse of non-public information which already have been reported to the NYSE Amex Options), there is no reasonable cause to believe that any Director, Officer, General Partner, or Associated Persons of the Broker-Dealer has misused, made improper use of, or disclosed material non-public information, or may otherwise be in violation of NYSE Amex Rule 3.

\_\_\_\_\_  
Signature of Authorized Officer, Partner or  
Managing Member of Clearing ATP Holder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title