

*** DRAFT - NOT YET FILED ***

1301:6-3-16.1

Application for an investment adviser representative's license.

(A) License application contents and procedure. Pursuant to division (D) of section 1707.161 of the Revised Code, investment adviser representative license application and procedure shall be as follows:

(1) The license application specified in division (D) of section 1707.161 of the Revised Code shall consist of:

(a) A properly completed form U-4, "Uniform Application for Securities Industry Registration or Transfer" for each investment adviser for whom the applicant seeks to act as an investment adviser representative;

(b) The license fee required by division (B)(5) of section 1707.17 of the Revised Code;

(c) A properly completed standard impression sheet prescribed by the superintendent of the bureau of criminal identification and investigation on which fingerprint impressions by the natural person applying to be licensed as an investment adviser representative shall be made in accordance with the fingerprint system of identification.

(i) The division shall waive this requirement if the applicant has an approved status by a self regulatory organization or regulatory authority at the time application for licensure is made with the division and the applicant has previously submitted fingerprint impressions to the "Financial Industry Regulatory Authority" ~~national association of securities dealers, inc.~~ or the central registration depository in connection with the approved status.

(ii) The division may require the applicant to reimburse the division for the actual expenses incurred by the division in processing the impression sheets.

(iii) A completed standard impression sheet required by paragraph (A)(1)(c) of this rule shall be delivered to the division by regular United States mail, overnight courier, or hand delivery.

(2) An application for licensure of an investment adviser representative shall be submitted to the division by the investment adviser with whom the applicant

investment adviser representative proposes to be employed or affiliated, through the central registration depository or "CRD", maintained on the Internet by the "Financial Industry Regulatory Authority." ~~"National Association of Securities Dealers, Inc."~~

- (3) A form U-4 is considered filed with the division upon acceptance by the "CRD".
- (B) Examination or designation requirement. As a condition of licensing, every investment adviser representative licensed by the division and every applicant for licensing as an investment adviser representative shall furnish evidence to the division that he or she has satisfied one of the criteria listed in paragraphs (B)(1) to (B)(2) of this rule. The division shall consider an investment adviser representative or an applicant for licensing as an investment adviser representative to have met this requirement if the investment adviser representative or applicant has:
- (1) Achieved a passing score on one of the following examinations administered by the "Financial Industry Regulatory Authority";~~national association of securities dealers, inc.:~~
- (a) Investment company and variable contracts representative, series 6;
 - (b) General securities representative, series 7;
 - (c) Direct participation programs representative, series 22;
 - (d) General securities principal, series 24;
 - (e) Investment company and variable contracts principal, series 26;
 - (f) Direct participation programs principal, series 39;
 - (g) Corporate securities representative, series 62;
 - (h) Uniform securities agent state law examination, series 63;
 - (i) Uniform investment adviser law examination, series 65;
 - (j) Uniform combined state law examination, series 66; or

- (2) Earned, and is in good standing with the organization that issued, any one of the following credentials:
- (a) "Certified Financial Planner" awarded by the "Certified Financial Planner Board of Standards, Inc.";
 - (b) Chartered financial analyst;
 - (c) Chartered financial consultant;
 - (d) Chartered investment counselor; or
 - (e) Certified public accountant with a personal financial specialist designation.
- (C) Updating. Updates to the form U-4 shall be promptly filed with the division through the "CRD".
- (D) For purposes of this rule:
- (1) Upon the discontinuation of the employment or affiliation of a licensed investment adviser representative, the investment adviser with which the investment adviser representative was employed or affiliated, shall, within thirty calendar days of the discontinuation, submit to the division through the "CRD" a request to cancel the license of the investment adviser representative. The request shall be made on form U-5, "Uniform Termination Notice For Securities Industry Registration." The request to cancel the license shall become effective as described in paragraph (J)(2) of rule 1301:6-3-15.1 of the Administrative Code.
 - (2) Every request to cancel the license of an investment adviser representative that is filed pursuant to this rule shall constitute a "report" within the meaning of applicable provisions of Chapter 1707. of the Revised Code and the rules adopted by the division thereunder.
- (E) In the event the investment adviser representative acts as an investment adviser representative for two nonaffiliated investment advisers, the investment adviser representative will retain in his or her records, evidence that the investment adviser representative has notified both investment advisers of the dual affiliation.

(F) Renewal of an investment adviser representative license for the following year shall be accomplished through the renewals program of the "CRD".

(G) In the event that an application for an investment adviser representative license has been pending for more than one hundred eighty days and the applicant has failed to correct outstanding deficiencies, the division may terminate the application through the CRD thirty days after informing the applicant that the application is subject to termination.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	1707.20
Rule Amplifies:	1707.16.1
Prior Effective Dates:	3-18-99; 5-25-00; 11-27-00; 12-5-00; 2-1-01; 11-5-01; 1-1-03; 5-7-04