

NEW RULES GOVERNING INVESTMENT ADVISERS

IMPORTANT NOTICE FROM THE OHIO DIVISION OF SECURITIES

Effective January 15, 2009, Rules governing investment advisers were amended to include a requirement that all investment advisers electronically file Part II of the Form ADV through Web IARD, along with Part 1. See O.A.C. 1301:6-3-15.1(B)(1)(a) and (B)(6). The Rule change also includes a duty to promptly file updates and amendments to Part II of the Form ADV, along with Part 1. Ohio will not charge a fee for filing, updating, or amending Part II of the Form ADV.

Prior to this Rule amendment, investment advisers licensed in Ohio were not required to file Form ADV Part II in hard copy or electronic form. Part II was considered to be “filed” with the Division when each adviser completed or updated the form and placed a copy in its files.

Pursuant to the Division’s discretionary authority in R.C. 1707.19 and 1707.23, the Division will grant an extended filing period for complying with this new requirement. **All Ohio licensed investment advisers must have Part II of Form ADV electronically filed through Web IARD no later than July 31, 2009.** Please note that failure to be in full compliance with the rules may subject an investment adviser to enforcement action, including but not limited to, license suspension and revocation. **There will be no extensions granted for additional time to comply.**

For ease of reference, the Division has enclosed some instructions on electronically filing the Form ADV Part II. In addition, below are some useful links, which include access to the electronic forms and additional information regarding the filing process. Finally, licensees may contact the Gateway Call Center at (240) 386-4848 for filing assistance.

- <http://www.nasaa.org>
From the home page, click on “Industry and Regulatory Resources” at the top of the page. Once you are to the next page, on the left side of the screen, click on “Uniform Forms.” Once you are to the next page, scroll down and select “Form ADV – A Guide for Electronic Filing of the ADV Part II.”
- <http://www.iard.com/part2instructions.asp>

In addition to electronic filing of Form ADV Part II, another Rule amendment becoming effective January 15, 2009 affects investment advisers. O.A.C. 1301:6-3-44(J) was amended to include restrictions on the use of Senior Professional Designations and Certifications. In part, the Rule prohibits persons from using misleading or fraudulent designations implying special training or certifications in advising senior citizens and retirees about investments.