

Information Memo

NYSE Regulation, Inc



NYSE Regulation, Inc. | 20 Broad Street
New York, NY 10005
nyse.com

Number 09-52
November 9, 2009

TO: NYSE AMEX MEMBERS AND MEMBER ORGANIZATIONS

SUBJECT: Financial Regulation Reports - Due Dates and Instructions for the Timely Filing of FOCUS, Net Capital and Equity Computations, ITSFEA and Other Reports

NYSE Amex, LLC ("NYSE Amex") is issuing this notice to remind members designated to NYSE Amex for financial responsibility purposes¹ of (1) due dates for certain filings with FINRA's Risk Oversight & Operational Regulation Financial Regulation Department ("FRD"), (2) how to request an extension of time to file, and (3) what happens when reports are not filed on a timely basis.

2010 Filing Dates

Periodic financial filings, such as quarterly **FOCUS Reports, Net Capital Computations and Equity Computations** are due no later than the 17th business day of the month following the end of the reporting period. The 17th business day of each month in 2010 is noted below:

Jan. 27	July 26
Feb. 24	Aug. 24
March 23	Sept. 24
April 26	Oct. 25
May 25	Nov. 23
June 23	Dec. 23

¹ Those NYSE Amex members designated to FINRA or another SRO for financial responsibility purposes may wish to consult such SRO on the applicable rules and requirements for submitting annual audited financial statements to that organization.

The quarterly due dates for 2010 are noted below:

March 31, 2010 FOCUS Reports	Due April 26, 2010
June 30, 2010 FOCUS Reports	Due July 26, 2010
September 30, 2010 FOCUS Reports	Due October 25, 2010
December 31, 2010 FOCUS Reports	Due January 26, 2011

All **FOCUS** Reports, including **Schedule I**, must be filed electronically through the FINRA Web Form filings system.

ITSFEA (Insider Trading and Securities Fraud Enforcement Act) Reports 1 and 2 (attached) are due at the same time as the year-end FOCUS Reports, January 27, 2010, for all filers. The forms should be filed directly with FRD.

SIPC assessments are due on January 30 each year, and for newly registered broker-dealers, not later than 30 days after registration. Checks in payment of the assessment should be made out to SIPC and delivered to SIPC at the following address:

805 15th Street, N.W. STE 800
Washington DC, 20005-2215

Annual Filing of Audited Financial Statements – Please refer to NYSE Amex Information Memo [09-51](#) for guidance on Audited Financial Statements.

Extensions of Time

Members are expected to file all reports on a timely basis. **Failure to file on a timely basis will subject a member to disciplinary action, including, but not limited to, a fine in accordance with the Exchange's minor rule violations plan, unless an extension has been granted (see below).** FRD generally considers a filing to be made on the date it is actually received by FRD. In the case of filings delivered through the mail, however, FRD considers a filing to be made as of the date postmarked, in the case of the U.S. Postal Service, or as of the business day immediately prior to FRD's receipt, in the case of commercial vendors, such as Federal Express, UPS, or the like.

A filing extension may be obtained for good cause.² **Extension requests must be made in writing by the member or member firm (not the firm's accountant) and received by FRD before 5 p.m. on the due date of the filing.** Requests should include the reason for the extension, the number of days requested, which should not exceed ten business days, and should state whether or not the member is in compliance with all applicable SEC and Exchange financial responsibility rules. Please note that the member's compliance status and history as well as any pattern of requests will be taken into consideration by FRD in determining whether or not to approve any extension request.

Extension requests should be sent to FRD by e-mail addressed to felice.panico@finra.org with a cc: to robert.devine@finra.org or by facsimile at 646-315-8773. Requests may also be made by hand at FRD's offices, 20 Broad Street, 22nd Floor, NY, NY 10005. Under exceptional circumstances, extension requests may also

² The Exchange is not authorized to grant extensions to pay SIPC assessments.

be made by telephone to Robert J. Devine, Director, FRD (646-315-8765) or Carl Bayer, Associate Director, FRD (646-315-8764).

Questions concerning topics in this Notice should be directed to FRD staff or Robert J. Devine, Director, FINRA Risk Oversight & Operational Regulation Financial Regulation Department, at 646-315-8765 or by e-mail to robert.devine@finra.org.

Claudia Crowley
Senior Vice President & Chief Of Staff
NYSE Regulation

Attachments