

**TEMPLATE: DO NOT SEND TO NFA**

## **NATIONAL FUTURES ASSOCIATION**

### **SWAP DEALER / MAJOR SWAP PARTICIPANT ASSOCIATED PERSON CRIMINAL STATUTORY DISQUALIFICATION FORM TEMPLATE**

#### **Instructions for Using this Template**

**Do not send this document to NFA. It is a template that you may use to assist in filing the Criminal or Regulatory Statutory Disqualification Form in EasyFile.**

It is the SD/MSP's obligation to determine whether or not a statutory disqualification exists for one of its APs. If a statutory disqualification exists, the SD/MSP may elect to file a Statutory Disqualification Form electronically via NFA's EasyFile system for a determination as to whether NFA would have granted the person registration as an AP despite the statutory disqualification. NFA will assume that each matter being submitted to NFA is a statutory disqualification. The SD/MSP should not submit information to NFA to determine whether or not the statutory disqualification exists. Based solely on the information that the SD/MSP electronically reports on the Statutory Disqualification Form via NFA's EasyFile system, NFA will notify the SD/MSP whether or not NFA would have granted the person registration as an AP despite the statutory disqualification.

If the SD/MSP has already determined that a statutory disqualification exist for one of its APs, it can use these templates to assist in filing the form electronically using NFA's EasyFile system. NFA will NOT accept a form submitted via fax, mail or email. Please go to NFA's EasyFile system to complete these forms electronically for NFA's review.

- Criminal Statutory Disqualification Form
- Regulatory Statutory Disqualification Form

SDs/MSPs should NOT submit supporting documentation in connection with Criminal or Regulatory Statutory Disqualification Form. NFA will make its determination based solely on the information reported on the form.

For additional information see the CFTC No-Action Relief from Statutory Disqualification Prohibition <http://www.cftc.gov/ucm/groups/public/@lrllettergeneral/documents/letter/12-15.pdf>.

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**SWAP DEALER / MAJOR SWAP PARTICIPANT ASSOCIATED PERSON  
CRIMINAL STATUTORY DISQUALIFICATION FORM TEMPLATE**

**Complete a separate Criminal Disclosure Form for each Criminal Case.**

Swap Dealer / Major Swap Participant Name

NFA ID #

Individual Name  NFA ID #

Case Name/Description

Date of Conviction / Guilty or nolo contendere ("No Contest") Plea/ Finding of Guilty

Penalty

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**CHECK ALL THAT APPLY**

- 1. The individual has pled guilty or nolo contendere ("No Contest") to or has been convicted or found guilty in a U.S. Federal or State Court of any felony described in Section 8a(2)(D) of the Commodity Exchange Act.
- 2. The individual has pled guilty or nolo contendere ("No Contest") to or has been convicted or found guilty in a U.S. Federal or State Court of any felony described in Section 8a(3)(D) of the Commodity Exchange Act.
- 3. The individual has pled guilty or nolo contendere ("No Contest") to or has been convicted or found guilty in a foreign court of conduct that would constitute a felony described in Section 8a(2)(D) of the Commodity Exchange Act if the offense had been committed under U.S. Federal jurisdiction.
- 4. The individual has pled guilty or nolo contendere ("No Contest") to or has been convicted or found guilty in a foreign court of conduct that would constitute a felony described in Section 8a(3)(D) of the Commodity Exchange Act if the offense had been committed under U.S. Federal jurisdiction.

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5. The individual has pled guilty or nolo contendere ("No Contest") to or has been convicted or found guilty in a U.S. military court of any conduct that would constitute a felony if the offense had been committed under U.S. Federal jurisdiction.

6. The individual has pled guilty to or has been convicted or found guilty more than 5 years ago in a U.S. Federal or State Court of any misdemeanor described in Section 8a(3)(E) of the Commodity Exchange Act.

This misdemeanor involved Check(s) issued with Non Sufficient Funds

Total Number of NSF Checks

Value of each NSF Check

This misdemeanor involved theft

Item(s) involved in theft

Value of item(s) if included in court documents

7. The individual has pled guilty to or has been convicted or found guilty within the last 5 years in a U.S. Federal or State Court of any misdemeanor described in Section 8a(3)(E) of the Commodity Exchange Act.

This misdemeanor involved Check(s) issued with Non Sufficient Funds

Total Number of NSF Checks

Value of each NSF Check

This misdemeanor involved theft

Item(s) involved in theft

Value of item(s) if included in court documents