

## INSTRUCTIONS FOR PREPARATION OF

# Completing and Filing Form MSD-4 FR MSD-4

### GENERAL INSTRUCTIONS

1. As used in these instructions and Form MSD-4:
  - (a) The term *bank municipal securities dealer* means a municipal securities dealer that is a bank or a department or division of a bank.
  - (b) The term *applicant* means a person who is, or who seeks to be, associated with a bank municipal securities dealer as a municipal securities principal or municipal securities representative.
2. Form MSD-4 is to be used by bank municipal securities dealers and applicants to comply with Municipal Securities Rulemaking Board Rule G-7, "Information Concerning Associated Persons," which requires the filing of Form MSD-4.
3. Bank municipal securities dealers are required to file Form MSD-4 with the appropriate regulatory agency as set forth below:
  - (a) A bank municipal securities dealer that is a state member bank of the Federal Reserve System, or a department of any such bank, or a State branch or agency of a foreign bank, is required to file with the Board of Governors of the Federal Reserve System.
  - (b) A bank municipal securities dealer that is a bank insured by the Federal Deposit Insurance Corporation (other than a bank which is a member of the Federal Reserve System) or a department or division of any such bank, is required to file with the Federal Deposit Insurance Corporation.
  - (c) A bank municipal securities dealer that is a national bank or bank operating under the Code of Law for the District of Columbia, or a department or division of any such bank, is required to file with the Comptroller of the Currency.
4. Copies of Form MSD-4 may be obtained from the appropriate regulatory agency listed in instruction 3.
5. An original and one copy of Form MSD-4 and any attachments are to be filed with the appropriate regulatory agency listed in instruction 3 within ten days of association with the municipal securities dealer. A bank municipal securities dealer filing Form MSD-4 shall retain an exact copy in its records for at least three years after the applicant's employment or other association with such dealer has terminated.
6. If more space is needed to complete an answer, an appropriate designation shall be entered in the answer space provided, and one or more attachment sheets shall be used to complete the response. All attachments shall be submitted in the same format as the items to which response is made and shall be typed on white 8-1/2 x 11 in. paper.
7. Form MSD-4 and any attachments may be duplicated by any method which produces legible copies of type size identical to that of the Form MSD-4 on white 8-1/2 x 11 in. paper.
8. Form MSD-4 shall be manually signed on page 1 (bottom) by a municipal securities principal of the employing bank municipal securities dealer and on page 3 by the applicant.
9. All items on Form MSD-4 must be completed, except that disclosure of one's social security number is optional. The date on which the Form MSD-4 is received by the appropriate regulatory agency shall be the date of filing. A Form MSD-4 which is not prepared and executed in accordance with the applicable requirements may be returned as unacceptable. Acceptance for filing shall not constitute any finding that a Form MSD-4 has been completed in accordance with those requirements or that any

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information reported on the form is true, current, complete, or not misleading.

10. Section 17(c)(1) of the Securities Exchange Act of 1934 requires every bank municipal securities dealer that files any application, notice, report, or document with its appropriate regulatory agency to file a copy of that application, notice, report, or document with the Securities and Exchange Commission (SEC). The SEC and the appropriate regulatory agencies listed in instruction 3 have developed procedures under which the latter will send a copy of any application, notice, report, or document filed with them by a bank municipal securities dealer to the SEC. Accordingly, when this form is filed with the appropriate regulatory agency, it will be deemed to have been filed with the SEC.

### INSTRUCTIONS TO SPECIFIC ITEMS ON FORM MSD-4

11. Items 2 through 8 are to be completed by the bank municipal securities dealer employing or proposing to employ the applicant named in item 1. All other items are to be completed by the applicant.
12. Item 3: Give the address of the office of the bank municipal securities dealer in which the applicant is or will be employed.
13. Item 5: Indicate the appropriate regulatory agency as set forth in General Instruction 3.
14. Item 6: Municipal Securities Rulemaking Board Rule G-3, "Classification of Principals and Representatives; Numerical Requirements; Testing," provides a description of the functions performed by a municipal securities principal or municipal securities representative. NOTE: If this form is being filed in lieu of Form G-FIN-4, check all applicable types of qualifications requested in item 6.
15. Item 16: Account for all time periods.
16. Item 25:
  - (a) Although this item relates only to convictions during the past ten years, it should be noted that section 19 of the Federal Deposit Insurance Act (12 U.S.C. section 1829) prohibits any insured bank, except with the written consent of the Federal Deposit Insurance Corporation, from employing any person who has ever been con-

victed of a criminal offense involving dishonesty or breach of trust;

- (b) Paragraph (iv) of this item relates only to convictions within the past ten years under sections 152, 1341, 1342, 1343, or Chapters 25 or 47 of Title 18, United States Code.

### PRIVACY ACT NOTICE FOR FORM MSD-4 (To Accompany Form MSD-4)

#### GENERAL

This information, in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a, is provided to those applicants completing Form MSD-4 (Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer), which is to be filed with the appropriate regulatory agency, as defined in section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. § 78c(a)(34)).

#### AUTHORITY

Sections 15B(c)(5), 17 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. § 78o-4, 78q and 78u).

#### PURPOSE

The appropriate regulatory agency will review the information reported on Form MSD-4 to determine the applicant's compliance with the professional qualifications requirements for municipal securities principals and municipal securities representatives set forth in the General Rules of the Municipal Securities Rulemaking Board.

#### EFFECTS OF NONDISCLOSURE

Applicants who are or seek to be associated with a bank municipal securities dealer as municipal securities principals or representatives are required to disclose the information necessary to complete Form MSD-4, except that disclosure of one's social security number is optional. Applicants who do not disclose the necessary information may not be qualified for purposes of Municipal Securities Rulemaking Board Rule G-2, "Standards of Professional Qualification."

#### ROUTINE USES

The information reported in Form MSD-4 may be routinely used by the appropriate regulatory agency as follows:

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1. To refer to the appropriate government authority, whether federal, state, local, or foreign, or to the appropriate self regulatory organization (SRO), such information as may indicate a violation or potential violation of law, regulation or rule.
2. To refer to the appropriate court, magistrate or administrative law judge such information as may be relevant to proceedings before any such court or judicial officer.
3. To make use of such information as may aid in the resolution of any action or proceeding:
  - (a) in which the federal securities or banking laws are at issue;
  - (b) in which the propriety of any disclosure of information reported on Form MSD-4 is at issue; or
  - (c) to which the appropriate regulatory agency or a past or present member of its staff is a party or otherwise involved in an official capacity.
4. To disclose to a federal, state, local or foreign government authority or SRO such information as may be necessary to obtain from such authority or organization additional information concerning the applicant's qualifications as a municipal securities principal or representative who is, or is to be, associated with a bank municipal securities dealer.
5. To disclose such information as may be necessary to respond to a request from a federal, state, local or foreign government authority or SRO for information needed in connection with the issuance of a license, the granting of a benefit, or similar action affecting the applicant.
6. To disclose such information as may be necessary to respond to any Congressional inquiry made at the request of the applicant.