

CHAPTER 603. ADMINISTRATIVE FILES

Sec.

603.011. Filing requirements.

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§ 603.011. Filing requirements.

(a) Except as set forth in subsection (f), documents and other communications to be filed with the Department shall be filed in the Harrisburg office of the Department.

(b) If mailed, all documents and communications shall be sent registered or certified mail, postage prepaid, return receipt requested.

(c) The Department will consider a completed and properly executed document or communication to be filed on receipt.

(d) Unless the filings and request are accompanied by the required fees or charges as provided by the act and this section, the Department will not:

- (1) Accept for filing a notice, statement, form or other document.
- (2) Grant a request for copies of documents.
- (3) Take action.

(e) Except as set forth in subsection (f), checks for payment of fees and charges shall be:

- (1) Made payable to the order of "Commonwealth of Pennsylvania."
- (2) Delivered or mailed to the Department of Banking and Securities, 17 North Second Street, Suite 1300, Harrisburg, Pennsylvania 17101, or other address as the Department may designate.

(f) Required documents shall be filed in the following manner:

(1) *Broker-dealer.* The Uniform Application for Broker-Dealer Registration (Form BD), the Uniform Request for Withdrawal from Registration as a Broker-Dealer (Form BDW), or successor forms, and amendments thereto required to be filed with the Department by a member firm of FINRA with respect to an initial registration, renewal, amendment or withdrawal from registration as a broker-dealer shall be:

- (i) Made solely with the CRD maintained by FINRA under an agreement and guidelines established by NASAA.
- (ii) Mailed to NASAA/FINRA Central Registration Depository, Post Office Box 9401, Gaithersburg, Maryland 20898-9401 or any successor address.

(2) *Agent.*

(i) Documents and other communications required to be filed with the Department by a member firm of FINRA with respect to the initial registration, renewal, transfer or withdrawal from registration as an agent shall be made solely with the CRD to the address in paragraph (1)(ii).

(ii) Checks for payment of fees required under sections 602(d) and 602.1(a) of the act (70 P.S. §§ 1-602(d) and 1-602.1(a)) for the filing of a document described in this subsection shall be made payable to the order of “FINRA” and mailed with the documents to the address listed in paragraph (1)(ii).

(g) The Department will consider filings made with the CRD under subsection (f) as filed with the Department.

(h) Required forms will be available on the Department’s web site at www.dobs.pa.gov and in paper format from the Department.

Authority

The provisions of this § 603.011 issued under the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-101—1-704); amended under sections 202(g) and (i), 203(d), (i.1), (j) and (n)—(t), 204(a), 205, 206, 207(g), (j.1) and (n), 209(b), 211(a) and (b), 301, 303, 504, 513, 603(a), 606(d) and 609 of the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-202(g) and (i), 1-203(d), (i.1), (j) and (n)—(t), 1-204(a), 1-205, 1-206, 1-207(g), (j.1) and (n), 1-209(b), 1-211(a) and (b), 1-301, 1-303, 1-504, 1-513, 1-603(a), 1-606(d) and 1-609); sections 4 and 9(b) of the Takeover Disclosure Law (70 P.S. §§ 74 and 79(b)); and section 202.C of the Department of Banking and Securities Code (71 P.S. § 733-202.C).

Source

The provisions of this § 603.011 adopted May 10, 1974, effective May 11, 1974, 4 Pa.B. 916; amended October 23, 1981, effective November 2, 1981, 11 Pa.B. 3627; amended November 30, 1984, effective December 1, 1984, 14 Pa.B. 4375; amended January 3, 1986, effective February 3, 1986, 16 Pa.B. 23; amended January 28, 1994, effective January 29, 1994, 24 Pa.B. 656; amended September 22, 1995, effective September 23, 1995, 25 Pa.B. 3994; amended December 30, 1999, effective January 1, 2000, 30 Pa.B. 18; amended December 8, 2006, effective December 9, 2006, 36 Pa.B. 7456; transferred and renumbered from 64 Pa. Code § 603.011, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533; amended January 12, 2018, effective January 13, 2018, 48 Pa.B. 389. Immediately preceding text appears at serial pages (364807) to (364808).

Cross References

This section cited in 10 Pa. Code § 303.011 (relating to broker-dealer registration procedures); and 10 Pa. Code § 303.013 (relating to agent registration procedures).

§ 603.031. Public inspection of records.

(a) During the regular business hours of the Department, members of the public may, on written request to do so, inspect at the Department’s Harrisburg office documents which are public records. The written request required under this subsection must set forth the public records to be inspected.

(b) The Department may withhold from public inspection those records which it determines are excluded from the definition of “public records” in section 102 of the Right-to-Know Law (65 P.S. § 67.102), and any successor statute.

(c) A request for the confidential treatment of information contained in a statement, application, notice or report submitted to the Department may accompany the statement, application, notice or report and specify the reasons for the request.

- (1) Material which is the subject of the request should be separated from other parts of the filing.
- (2) On proper showing, the Department will treat as confidential the material which is the subject of the request.
- (d) This section does not make available for public inspection the following:
 - (1) Books, papers, correspondence, memoranda, agreements or other documents or records contained in an investigative or examination file maintained by the Department.
 - (2) Minutes, documents or other memoranda of the Department or of the staff which deal with or concern the institution, maintenance or termination of an investigation.
- (e) Except as set forth in paragraphs (1) and (2), financial statements required to be filed under §§ 303.011, 303.012, 304.021 and 304.022 are public.
 - (1) Statements of income required to be filed under §§ 303.011 and 304.021 (relating to broker-dealer registration procedures; and broker-dealer required financial reports) and nonrequired statements of income filed under §§ 303.011, 303.012, 304.021 and 304.022 are confidential if the income statements are bound separately from the accountant's report, the statement of financial condition and the accompanying notes.
 - (2) Financial statements which are considered confidential under paragraph (1) are available for official use by persons described in § 601.030(a) (relating to access to confidential information).
 - (3) This section is not in derogation of the rules of a National securities exchange or National securities association which give customers of a member broker or dealer the right, on request to the member broker or dealer, to obtain information relative to its financial condition.
- (f) The Department will treat all of the following information as confidential and not be available for public inspection under any provision of the act and considers the information excluded from the definition of "public records" in section 102 of the Right-to-Know Law:
 - (1) The Social Security number and date of birth of an individual registered or applying for registration as an agent or an investment adviser representative that appears on the uniform application for securities industry registration or transfer, Form U-4 or successor form, filed with the Department under § 303.013 (relating to agent registration procedures) or with IARD under § 303.014 (relating to investment adviser representative registration procedures).
 - (2) The Social Security number and date of birth of an individual registered or applying for registration as an investment adviser or filing a notice as a Federally covered adviser that appears on the uniform application for investment adviser registration, Form ADV or successor form (Form ADV), filed

with the Department or with IARD under § 303.012 or § 303.015 (relating to investment adviser registration procedure; and notice filing for Federally covered advisers).

(3) The Social Security number and date of birth of an individual who is a principal of a person registered or applying for registration as a broker-dealer or investment adviser or filing a notice as a Federally covered adviser that appears on the uniform application for broker-dealer registration, Form BD or successor form (Form BD) or Form ADV.

Authority

The provisions of this § 603.031 amended under sections 603(c) and 609(a) of the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-603(c) and 1-609(a)); section 202.C of the Department of Banking and Securities Code (71 P.S. § 733-202.C); and section 9(b) of the Takeover Disclosure Law (70 P.S. § 79(b)).

Source

The provisions of this § 603.031 amended June 28, 1985, effective June 29, 1985, 15 Pa.B. 2394; corrected November 22, 1985, effective October 26, 1985, 15 Pa.B. 4212; amended January 17, 1992, effective January 18, 1992, 22 Pa.B. 295; amended September 1, 2000, effective September 2, 2000, 30 Pa.B. 4551; transferred and renumbered from 64 Pa. Code § 603.031, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533; amended January 12, 2018, effective January 13, 2018, 48 Pa.B. 389. Immediately preceding text appears at serial pages (364808) to (364810).

§ 603.040. Charges for Department services.

The following fees will be charged by the Department and remitted to the General Fund of the Commonwealth:

- (1) Photocopies of documents on file with the Department—50¢ per page.
- (2) Certification of documents on file with the Department—\$5 per certification.
- (3) Facsimile transmission of copies of documents on file with the Department—\$2 per page.

Authority

The provisions of this § 603.040 issued under sections 603(d) and 609(a) of the Pennsylvania Securities Act of 1972 (70 P.S. §§ 1-603(d) and 1-609(a)); amended under section 202.C of the Department of Banking and Securities Code (71 P.S. § 733-202.C); section 609(a) of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-609(a)); and section 9(b) of the Takeover Disclosure Law (70 P.S. § 79(b)).

Source

The provisions of this § 603.040 adopted July 28, 1989, effective July 29, 1989, 19 Pa.B. 3169; transferred and renumbered from 64 Pa. Code § 603.040, December 14, 2012, effective December 15, 2012, 42 Pa.B. 7533; amended January 12, 2018, effective January 13, 2018, 48 Pa.B. 389. Immediately preceding text appears at serial page (364810).

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