

**Rule Summary and Fiscal Analysis (Part A)****Department Of Commerce**

Agency Name

**Division Of Securities**

Division

**Ryan Augsburger**

Contact

**77 South High St. 23rd Floor Columbus OH 43266 - 0544**

Agency Mailing Address (Plus Zip)

**614-644-8341**

Phone

**614-644-8292**

Fax

**1301:6-3-15.1**

Rule Number

**RESCISSION**

TYPE of rule filing

Rule Title/Tag Line

**Application for investment adviser's license; responsibilities of licensed investment adviser.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **1707.20**

5. Statute(s) the rule, as filed, amplifies or implements: **1707.15.1**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The Division is proposing substantial revisions to the rule, including formatting changes that necessitate, procedurally, the rule be rescinded in its entirety and refiled as a new rule. In addition, certain provisions of the rule were adopted by "parity" authority contained in RC 1707.20(F) {now RC 1707.201} which will expire on June 30, 2004. Repeal of the rule in its entirety will avoid confusion as to what changes expire on June 30, 2004, and what provisions were not affected.

7. If the rule is an AMENDMENT, then summarize the changes and the content

of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule pertains to the licensing procedure of investment advisers, definitions used in the rule, minimum competency standards, duty of reasonable supervision, books and records, prevention of misuse of nonpublic information, disclosure requirements, investment advisory contracts and compensation, withdrawal from licensure, and notice required upon discontinuation of employment.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The UCS and CFR as federal laws and rules are readily and generally available to the public in various mediums, including local public libraries, the Internet, college libraries, and the Library of Congress.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

N/A

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

N/A

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

The original filing indicated an expiration date for the rescinded rule. That date has been deleted in the corrected version.

12. 119.032 Rule Review Date: **5/1/2005**

(If you answered NO to question No. 1, provide the scheduled review date. If you

answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: At time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

-0-

No impact on revenues or expenditures of the Division.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

N/A

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

No, or nominal, cost to directly affected persons.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**