



Regulatory Circular RG09-002

**IMPORTANT MEMORANDUM**

**TO:** Members

**FROM:** Department of Member Firm Regulation

**DATE:** January 2, 2009

**SUBJECT:** FOCUS REPORT (Form X-17A-5)  
2008 Year-End Filing  
Due **MARCH 2, 2009**

**EXCHANGE CONTACTS:** Mike LaGioia (312) 786-7728  
Donald Sitarz (312) 786-7414

Every registered broker-dealer is required by SEC rule<sup>1</sup> to file FOCUS Report X-17A-5 Part IIA (CBOE) and Schedule I for the calendar year ended December 31, 2008.

Enclosed you will find FOCUS Report Part IIA (CBOE) and Schedule I. Every Exchange member and member organization registered with the SEC as a broker-dealer whose designated examining authority is the CBOE and who does not file FOCUS monthly, must file a FOCUS Report Part IIA (CBOE) **and** Schedule I for calendar year 2008 no later than **MARCH 2, 2009** with the Exchange's Department of Member Firm Regulation.

The CBOE will compile the data and forward a computer file containing the data to the Securities and Exchange Commission.

In an effort to reduce processing time and errors in the preparation of FOCUS filings, the CBOE has entered into an agreement with Chicago Mercantile Exchange Holdings, Inc, and the National Futures Association to utilize Winjammer, an electronic FOCUS filing system. CBOE members are encouraged to file electronically with the CBOE using WinJammer. WinJammer is a personal computer program that requires the installation

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<sup>1</sup> SEC Rule 17a-10(a)(1).

of free WinJammer software and a Personal Identification Number ("PIN"). The PIN will be provided by the CBOE upon the member's completion of the WinJammer Software License Agreement and PIN Agreement (enclosed). Please submit your license agreement as soon as possible, in order to ensure that you will receive a PIN and can file your FOCUS in time to meet the **MARCH 2, 2009** deadline. To obtain the software, go to the WinJammer website at [www.wjammer.com](http://www.wjammer.com), click on the "download" tab at the top of the page, and download the Main WinJammer Program Version 4.0.7. You will also need to download FOCUS Report IIA (CBOE) Version 1.2 and FOCUS Report Schedule I Version 1.1, if you have not previously filed a FOCUS report. Click on the "documentation" tab to download the WinJammer instructions.

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### **WinJammer Version 4.0.7 System Requirements:**

In order to run **WinJammer 4.0.7** you must be running Windows 95 or higher.

It is highly recommended that you use at least a Pentium-Class computer with Internet Explorer and 130 MB of free disk space. Specific instructions are listed in the Quick Start Guide or the Internet Transmission instructions, which are provided with the WinJammer software.

To obtain a WinJammer PIN number if you don't already have one, please contact Mike LaGioia at (312) 786-7728 or [lagioia@cboe.com](mailto:lagioia@cboe.com), Donald Sitarz at (312) 786-7414 or [sitarz@cboe.com](mailto:sitarz@cboe.com), or Tyson Wilson at (312) 786-7011 or [wilsont@cboe.com](mailto:wilsont@cboe.com) with the Department of Member Firm Regulation. For technical questions related to WinJammer's installation and use, please contact the CBOE Systems Help Desk at (312) 786-8835 or consult the downloadable instructions.

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### **Filing Fees:**

If the FOCUS Report is filed electronically no later than March 2, 2009, your clearing firm account, if you have one, will be charged \$50. If the FOCUS Report is filed in paper form no later than March 2, 2009, your clearing firm account will be charged \$150. If you do not have an active clearing firm account, please submit a check, including your broker-dealer number, payable to "Chicago Board Options Exchange" to the Department of Member Firm Regulation. If you are mailing your check, please send it to the CBOE Department of Member Firm Regulation's mailing address at 400 S. LaSalle, Chicago, IL 60605.

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### **Filing Requirements:**

Every member and member organization registered with the SEC as a broker-dealer for which the Exchange is the Designated Examining Authority is required to file FOCUS Report Form X-17A-5 Part IIA (CBOE) and Schedule I. Therefore, if you are a nominee of a broker-dealer and have an individual broker-dealer registration, two FOCUS filings must be made, one for your individual broker-dealer registration, and one for the firm.

### **ATTENTION: Lessors and Temporary Members**

Even if you did not execute any trades on the CBOE during calendar year 2008, if you have a broker-dealer registration with the SEC, you are still required to file FOCUS Report Form X-17A-5 Part IIA (CBOE) and Schedule I.

### **Please Note:**

In completing FOCUS Report Form X-17A-5 and Schedule I, it is very important that the following points be observed:

1. Your filing must be accurate. You may wish to consult your accountant for assistance in satisfying your filing obligations.
2. All entries should pertain to your business as a broker/dealer. You need not list assets, liabilities or revenue derived outside your broker/dealer activity.
3. Line 12 (Total Assets) on page one (1) must equal line 25 (Total Liabilities and Ownership Equity) on page two (2).
4. The form must be signed (unless filing electronically) and must contain your broker-dealer number (SEC file number beginning with "8-").
5. Please be aware that it is your ultimate responsibility to file the FOCUS Report and Schedule I. Although your clearing firm may provide assistance with regard to completing the FOCUS Report, it is your responsibility to make sure your FOCUS Report and Schedule I are accurate and filed with the Department of Member Firm Regulation on or before **MARCH 2, 2009**.

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**Please note that this circular also applies to lessors and other individuals who may not necessarily be actively trading but are still registered broker-dealers.**

**Late Filing Fines:**

In accordance with CBOE Rule 17.50(g)(2), any member who fails to file Form X-17A-5 and Schedule I for calendar year 2008 by **MARCH 2, 2009** will be subject to the following fines:

<u>DAYS LATE</u>	<u>AMOUNT</u>
1-30	\$200
31-60	\$400
61-90	\$800

**A failure to file by June 1, 2009 will be referred to the Exchange's Business Conduct Committee. The Business Conduct Committee may take whatever action it deems appropriate under the circumstances in addition to the fines noted above.**

If you are unsure as to whether you are required to file or have any questions, please contact Mike LaGioia at (312) 786-7728 or [lagioia@cboe.com](mailto:lagioia@cboe.com), or Donald Sitarz at (312) 786-7414 or [sitarz@cboe.com](mailto:sitarz@cboe.com), Department of Member Firm Regulation.