

# INSTRUCTIONS FOR COMPLETING AND FILING FORM MSD-5

## GENERAL INSTRUCTIONS

1. As used in these instructions and Form MSD-5, the term *bank municipal securities dealer* means a municipal securities dealer that is a bank or a department or division of a bank.

2. Form MSD-5 is intended for use by bank municipal securities dealers in reporting the termination of a municipal securities principal's or municipal securities representative's association with such dealer.

3. Bank municipal securities dealers are required to file Form MSD-5 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, 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 Federal Reserve System member bank) 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-5 may be obtained from any one of the regulatory agencies listed in instruction 3.

5. An original and one copy of Form MSD-5 and any attachments are to be filed with the appropriate regulatory agency listed in instruction 3 within thirty days after termination of the association with the individual named in item 1. A bank municipal securities dealer filing Form MSD-5 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 should be typed on white 8-1/2 x 11 in. paper. The answers to more than one

question may appear on an attachment sheet if the questions are clearly identified. Attachments should be paginated and the name of both the person terminated and the bank municipal securities dealer should appear on every attachment sheet.

7. Form MSD-5 and any attachments may be duplicated by any method which produces legible copies of type size identical to that of the Form MSD-5 on white 8-1/2 x 11 in. paper.

8. Form MSD-5 shall be manually signed on page 1 (bottom) by a municipal securities principal of the employing bank municipal securities dealer.

9. All items on Form MSD-5 must be completed, except that disclosure of one's social security number is optional. The date on which Form MSD-5 is received by the appropriate regulatory agency shall be the date of filing. A Form MSD-5 that 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-5 has been completed in accordance with those requirements or that any 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 transmit 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.

11. If this form is being filed in lieu of Form G-FIN-5, check all applicable types of qualifications requested in item 2.

## **PRIVACY ACT NOTICE FOR FORM MSD-5**

(To Accompany Form MSD-5)

### **GENERAL**

This information, in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), is provided to those applicants completing Form MSD-5 (Uniform Termination Notice 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-5 for the purpose of determining the reason for termination for municipal securities principals and municipal securities representatives set forth in the General Rules of the Municipal Securities Rulemaking Board.

### **EFFECTS OF NONDISCLOSURE**

Bank municipal securities dealers whose association has terminated with an individual who was employed by the dealer as a municipal securities principal or representative are required to disclose the information necessary to complete Form MSD-5, except that disclosure of social security numbers is optional. Dealers who do not disclose the necessary information may be in violation of applicable federal securities or banking laws and thus may be subject to disciplinary action.

### **ROUTINE USES**

The information reported in Form MSD-5 may be routinely used by the appropriate regulatory agency as follows:

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-5 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 individual's participation as a municipal securities principal or representative who was 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, 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 individual.