

2009 IARD Renewal Program Bulletin

October 2008

This issue of the Bulletin is devoted to the 2009 IARD Renewal Program. It should provide you with the information you need to successfully renew your firm and IA representatives for 2009 by answering the following questions:

- I. What is the IARD Renewal Program?
- II. Will my IA firm and IA representatives (RAs) renew electronically through the IARD Renewal Program?
- III. What is a Transition Filing and why should my firm care if the Transition Filing functionality is not available November 5, 2008, through January 1, 2009?
- IV. What is a post-dated form filing and why are these filings accepted during Renewals?
- V. How do I renew my IA firm and IA representatives electronically through IARD?
- VI. What is a Firm Renewal Report and what is it used for?
- VII. What will happen if my firm fails to renew?
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- IX. Are there additional resources available that provide Renewal information?
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 - E. [IARD System Availability During November & December 2009](#)
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I. What is the IARD Renewal Program?

In order for an investment adviser firm to maintain active registrations and/or Notice Filing statuses with jurisdictions/states and for investment adviser representatives to maintain active registration statuses, firms must pay applicable renewal fees annually. The IARD Renewal Program facilitates the renewal of registrations/Notice Filings with jurisdictions that participate in IARD. As the operator of IARD, FINRA collects the renewal fees of electronic IA filers and then disburses those fees to the appropriate jurisdictions. Additionally, the Renewal Program includes the collection of annual system processing fees for all IA representatives and state-registered IA firms.

A. Update about Annual System Processing Fees

For the 2009 Renewal Program, NASAA is waiving the annual \$100 system processing fee for IA firms and the \$45 system processing fee for IA representatives.

(Important Note to SEC-Registered IA Firms: *The IARD Renewal Program facilitates the annual renewal of IA firms and their IA representatives' registrations/Notice Filings with jurisdictions/states. The program is not relevant to, and does not involve fees associated with a firm's SEC registration. For SEC-registered IA firms, the IARD Firm Annual Fee is due at the time the firm files its Annual Amendment Filing, which is within 90 days after the firm's fiscal year-end. The SEC has approved a waiver of IARD filing fees for all SEC-registered advisers with respect to Form ADV Annual Updating Amendments filed January 1, 2008 through July 2009.*

II. Will my IA firm and IA representatives (RAs) renew electronically through the IARD Renewal Program?

IA firms and IA representatives that meet one of the following conditions should be able to renew electronically via the IARD Renewal Program:

1. **“Approved” status as of November 7, 2008:** IA firms and IA representatives with active “Approved” registration statuses in Web CRD/IARD by 11 p.m. Eastern Time (ET) November 7, 2008, will renew electronically and have a Preliminary Renewal Statement available on IARD beginning November 10, 2008.
2. **“Pending Approval” status as of November 7, 2008, and becomes “Approved” by December 26, 2008:**
 - An IA firm with an “Approved” registration status in IARD but its IA representatives are “Pending Approval” in Web CRD as of 11 p.m. ET November 7, 2008, will have a Preliminary Renewal Statement with only the IA firm's renewal fees assessed. If the firm's IA representatives are approved prior to 6 p.m. ET December 26, 2008, they will also renew electronically by assessing the representatives' renewal fees on the firm's Final Renewal Statement which will become available January 2, 2009.
 - An IA firm and its IA representatives that are “Pending Approval” in Web CRD/IARD as of 11 p.m. ET November 7, 2008, and are approved prior to 6 p.m. ET December 26, 2008, will renew electronically. A Preliminary Renewal Statement will not have been generated since the statement is based on registration statuses as of 11 p.m. ET November 7, 2008; however, the renewal fees for the IA firm and its IA representatives will be assessed on the firm's Final Renewal Statement which will become available January 2, 2009.
3. **“Transitioned” status as of November 4, 2008:**
 - An IA firm and its IA representatives with “Transitioned” registration statuses in Web CRD/IARD by 11 p.m. ET November 4, 2008, will be included in the firm's online Preliminary Renewal Statement in IARD, which will be available beginning November 10, 2008.

- A Transition Filing submitted by 11 p.m. ET November 4, 2008, for an IA firm but not the firm's IA representatives will only enable the firm to renew electronically. An online Preliminary Renewal Statement will be available assessing the firm's 2008 renewal fees. In this case, the firm should contact jurisdictions directly for the renewal payment and processing of the firm's IA representatives.

III. What is a Transition Filing and why should my firm care if the Transition Filing functionality is not available November 5, 2008, through January 1, 2009?

Transition Filings are only submitted for IA firms and IA representatives that are currently registered with jurisdictions/states through paper filings and are changing to electronic filing. A Transition Filing is submitted to establish an electronic record in IARD/Web CRD of a firm and/or representative's existing approved registration statuses. IA firms or representatives registered through paper filings that have not submitted an electronic Transition Filing by 11 p.m. ET November 4, 2008, will not be able to renew electronically through IARD and should contact jurisdictions directly for renewal payment and processing. The Transition Filing functionality will **not** be available November 5, 2008, through January 1, 2009, in order to allow for renewal processing.

IV. What is a post-dated form filing and why are these filings accepted during Renewals?

A post-dated full or partial Form U5, ADV-W or BR Closing/Withdrawal filing that is submitted with a termination date of December 31, 2008, enables IA representatives, firms or firm branches respectively, to maintain some or all of their registrations until the end of the calendar year. The only termination date that may be entered for a post-dated form filing is December 31, 2008.

• Types of Post-Dated Termination Filings:

- **A Post-Dated Form U5 or BR Closing/Withdrawal Filing:** Beginning October 27, 2008, firms may submit a full or partial post-dated Form U5 or BR Closing/Withdrawal with a termination date of December 31, 2008. The post-dated Form U5 will allow an IA representative to maintain his/her registration(s) and continue doing business until the end of the calendar year. A post-dated Form BR Closing/Withdrawal will allow an IA firm to maintain its branch registration(s) until the end of the calendar year.
- **A Post-Dated Form ADV-W Filing:** Beginning November 3, 2008, firms may submit a full or partial post-dated Form ADV-W with a termination date of December 31, 2008. A post-dated Form ADV-W will allow an IA firm to maintain its registration(s) and continue doing business as an adviser until the end of the calendar year.

• Period In Which Post-Dated Termination Filings Will Be Accepted:

- **October 27 – November 7, 2008:** Post-dated Form U5 or BR Closing/Withdrawal termination filings submitted during this period will ensure the IA firm is not assessed renewal fees on the firm's Preliminary Renewal Statement for those registrations that will be terminated at year-end.
- **November 3 – November 7, 2008:** Post-dated Form ADV-W filings submitted during this period will ensure the IA firm is not assessed renewal fees on the firm's Preliminary Renewal Statement for those registrations that will be terminated at year-end.
- **November 10 – December 26, 2008:** Post-dated Form U5, ADV-W or BR Closing/Withdrawal filings submitted during this period will ensure that the IA firm is refunded for any renewal fees assessed for those registrations that will be terminated at year-end. On January 2, 2009, any overpayment amounts for Preliminary Renewal Statements will be credited to firms' Daily Accounts and refund requests can then be made from those accounts.

- **Post-Dated Termination Filings Cannot Be Withdrawn**

Firms should exercise care when filing post-dated Forms U5, ADV-W or BR Closing/Withdrawal since Web CRD and IARD will process these filings as they are submitted and cannot be withdrawn once filed.

- If a post-dated **full** Form U5, ADV-W or BR Closing/Withdrawal filing has been submitted but the firm decides it does not want to terminate registration, then a new Form U4, ADV or BR as appropriate, must be submitted on or after January 2, 2009, to re-register the IA representative, firm or branch. All applicable registration fees will be assessed.
- If a post-dated **partial** Form U5, ADV-W, BR Closing/Withdrawal filing has been submitted but the firm decides it does not want to terminate those registrations, then a Form U4 Amendment, ADV Amendment, ADV or BR as appropriate, must be submitted on or after January 2, 2009, to re-request registration. All applicable registration fees will be assessed.

V. How do I renew my IA firm and representatives electronically through IARD?

A. Log on to IARD/Web CRD

Users of IARD and Web CRD must have a valid system user account with a user ID and password in order to access either, or both systems. Contact your firm's account administrator if you would like to establish a user account. If you have a user ID but have forgotten your password, click on the "Forgot Password?" link that is on the login page for IARD/Web CRD and provide the information requested. Once you have provided the information requested, you will be emailed a new temporary password that you may use to log into IARD/Web CRD.

B. Retrieve your firm's online Preliminary Renewal Statement in IARD

Preliminary Renewal Statements will be available online for retrieval and printing via IARD beginning November 10, 2008 for IA firms and their IA representatives with approved or transitioned registration statuses in Web CRD/IARD as of 11 p.m. ET November 7, 2008. FINRA must receive full payment of your firm's Preliminary Renewal Statement by **Friday, December 12, 2008**.

To retrieve your firm's Preliminary Renewal Statement:

1. Log on to [IARD](#).
2. You will be required to enter your user ID and password.
3. Review and accept the terms and conditions.
4. From the Site Map, click on the 'Renewal Statement' link under the 'Accounting' section.
5. Print the statement. A copy of the statement's first page should be included with any check payment.
6. FINRA must receive full payment of your firm's Preliminary Renewal Statement by **Friday, December 12, 2008**. Sending only a partial payment may cause your firm and representatives to fail to renew.
 - Firms are encouraged to submit their electronic (*i.e.*, Web E-pay, wire transfer) renewal payment no later than December 10 in order for payment to post to their FINRA Renewal Account by the December 12 deadline. Firms paying by check should account for U.S. Mail processing time when sending payment.

The statement will reflect the total amount due for the following approved or transitioned registration statuses in Web CRD/IARD as of November 7, 2008:

- The IA firm's approved or transitioned registrations and/or Notice Filings and the renewal fees due in order to maintain registrations/Notice Filings with those jurisdictions.
- The IA firm's branch office registrations and/or Notice Filings and the renewal fees due in order to maintain branch office registrations/Notice Filings with those jurisdictions.

- The IA representatives of the firm and their approved or transitioned registrations and the renewal fees due in order to maintain registrations with those jurisdictions.
- For the 2009 Renewal Program, NASAA is waiving the annual \$100 system processing fee for IA firms and the \$45 system processing fee for IA representatives

1. Pay your firm's Preliminary Renewal Statement by the December 12, 2008 receipt deadline

Keep in mind that there is an increased volume of accounting transactions during the Renewal season, particularly to fund firm Renewal Accounts. Please be sure to allow sufficient time for deposited funds to be processed and reflected in your firm's Renewal Account by the December 12, 2008 deadline. Firms paying by check should account for U.S. Mail processing time when sending payment.

2. Acceptable Renewal Payment Methods:

- Automatic Daily-to-Renewal Account Transfer
- Electronic Payment via Web E-Pay
- Check
- Wire Transfer

• Automatic Daily-to-Renewal Account Transfer

To facilitate renewal payment processing for all firms, FINRA will automatically transfer funds from a firm's Daily Account to its Renewal Account on December 12, 2008, the Preliminary Renewal Statement payment deadline. FINRA will transfer funds only when a firm has sufficient funds available in its Daily Account on December 12 to cover the full amount due. **Please Note:** If your firm does not want funds automatically transferred from its Daily Account to its Renewal Account, your firm should ensure that its payment is received in its Renewal Account by the December 12 deadline. Separately, if your firm wishes to transfer funds between affiliated firms, you should contact the IARD Call Center at (240) 386-4848 for further instructions prior to the renewal deadline.

• Electronic Payment via [Web E-Pay](#)

Electronic payments (ACH payments) that are submitted by 8 p.m. ET should be posted within two business days to a firm's Renewal Account with FINRA.

Web E-Pay, allows a firm to authorize electronic payment directly from its designated bank account to the firm's Renewal Account. FINRA does not charge firms any fees for utilizing Web E-Pay. Firms should verify with their banks whether ACH transaction fees are assessed by the bank for using Web E-Pay. Enrollment is required to use the Web E-Pay application. The Web E-Pay hyperlink can be found in your firm's online Preliminary and Final Renewal Statements as well as this site. A [Web E-Pay Navigation Guide](#) that provides detailed instructions on how to enroll and use the Web E-Pay payment method is also available on this site.

• Payment by Check:

- Processing of check payments may take up to two business days.
- Print and enclose a copy of the first page of your online Renewal Statement.
- Have your firm's **CRD Number** and the word "**Renewal**" written on the face of the check. This is important to ensure that your funds are properly credited to your Renewal Account.
- The addresses provided for Renewal check payments are DIFFERENT from the addresses for funding your firm's Daily Account.

- Make sure you **copy the appropriate address exactly as it appears in this Bulletin**. If you exclude any of the information, it may delay the receipt of your payment.
- **Send ALL RENEWAL PAYMENT CHECKS directly to:**

US Mail	Express/Overnight Delivery
FINRA PO Box 7777 - 8705 Philadelphia, PA 19175-8705 (Note: This PO Box address will not accept courier or overnight deliveries.)	FINRA 8705 Mellon Bank Room 3490 701 Market Street Philadelphia, PA 19106 Phone number: (240) 386-4848

- **Payment by Wire Transfers:**

IA firms may wire funds into their IARD Renewal Account.

- Wire payments sent by 2 p.m. ET should post the next business day. Wire payments sent after 2 p.m. ET may take up to two business days to post to your Renewal Account.
- Instruct your IA firm's bank to contact: **"Mellon Financial, Philadelphia, PA."**
- Provide your bank with the following information to initiate a wire transfer:
 - ABA Number: **031 000 037**
 - Beneficiary: **FINRA**
 - FINRA Account Number: **8-234-353**
 - Reference Number: **Your firm's CRD Number and the word "Renewals"**
- Remember to inform your bank that funds are to be credited to the FINRA Bank Account and to use your firm's CRD Number and the word "Renewals" as a reference only.
- Please record the **Confirmation Number** of the wire transfer given to you by your bank. You will need this if you choose to call your bank later to confirm the wire transfer.

If you send your wire transfer by 2 p.m. ET your IA firm may confirm receipt of the wire payment by FINRA the next business day by checking your Renewal Account online or calling the IARD Call Center at (240) 386-4848. Please have the **Confirmation Number** of the wire transfer provided to you by your bank.

3. Check Your Renewal Account to Confirm Receipt of Payment:

We recommend that you check your firm's Renewal Account online to confirm your payment has been received and posted. Please allow sufficient time for payment processing including delivery time if your firm sends a check payment via U.S. Mail.

C. Retrieve your firm's online Final Renewal Statement in IARD on or after January 2, 2009

Beginning January 2, 2009, online Final Renewal Statements for investment advisers will be available in IARD. These statements will reflect the final registration statuses of your IA firm and IA representatives as of December 31, 2008. Any adjustments as a result of registration approvals or terminations subsequent to the Preliminary Renewal Statement will be made in this final reconciled statement. If your firm's statement shows an amount due then FINRA must receive full payment of your firm's Final Renewal Statement by **February 4, 2009**.

To retrieve your firm's Final Renewal Statement:

1. Log on to [IARD](#).
2. You will be required to enter your user ID and password.
3. Review and accept the terms and conditions.
4. From the Site Map, click on the 'Renewal Statement' link under the 'Accounting' section.
5. The total adjusted amount on your firm's Final Renewal Statement will display either 'Paid In Full' or an 'Amount Due.'
 - o If your statement shows an 'Amount Due' (i.e., positive amount or debit balance), then your firm needs to pay the balance to FINRA by **February 4, 2009**.
 - Print the statement. A copy of the statement's first page should be included if your firm is paying with a check.
 - [Acceptable Renewal Payment Methods](#) listed previously for Preliminary Renewal Statement payment are also accepted for payment of your Final Renewal Statement.
 - o If the 'Paid In Full' amount on your firm's Final Renewal Statement is less than the amount your firm paid for its Preliminary Renewal Statement then your overpayment has been systematically transferred to your firm's Daily Account. Any refunds should be requested from that account.

The statement will reflect the total adjusted amount for approved or terminated registration statuses in Web CRD/IARD as of December 31, 2008:

- The jurisdictions with which the firm is registered and the amount paid to jurisdictions to renew those registrations/Notice Filings.
- The jurisdictions with which the firm's branch office(s) are registered and the amount paid to jurisdictions to renew those branch office registrations/Notice Filings.
- The number of IA representatives with approved registrations with jurisdictions and the amount paid to renew those registrations.
- Renewal fees owed by your IA firm for any firm or representative registrations that were approved after the Preliminary Renewal Statement was generated but prior to system shutdown on December 26, 2008.
- For the 2009 Renewal Program, NASAA is waiving the annual \$100 system processing fee for IA firms and the \$45 system processing fee for IA representatives.

1. [Pay your firm's Final Renewal Statement by the February 4, 2009 receipt deadline if your statement shows an amount due.](#)

[Acceptable Renewal Payment Methods](#) listed previously for Preliminary Renewal Statement payment are also accepted for payment of your Final Renewal Statement.

Automatic Daily-to-Renewal Account Transfer

To facilitate renewal payment processing for all firms, FINRA will automatically transfer funds from a firm's Daily Account to its Renewal Account on February 4, 2009, the Final Renewal Statement payment deadline. FINRA will transfer funds only when a firm has sufficient funds available in its Daily Account on February 4 to cover the full amount due. **Please Note:** If your firm does not want funds automatically transferred from its Daily Account to its Renewal Account, your firm should ensure that its payment is received in its Renewal Account by the February 4 deadline. Separately, if your firm wishes to transfer funds between affiliated firms, you should contact the IARD Call Center at (240) 386-4848 for further instructions prior to the renewal deadline.

We recommend that you check your firm's Renewal Account online to confirm your payment has been received and posted. Please allow sufficient time for payment processing including delivery time if your firm sends a check payment via U.S. Mail.

2. Request a refund for an overpayment of renewal fees:

In conjunction with renewal processing, all 2009 renewal overpayments by firms made to FINRA will be systematically transferred to the firms' Daily Accounts. Firms may leave the funds in their Daily Accounts to use for future registration fees or request refund checks from FINRA from their Daily Accounts. To request a refund check, have an appropriate signatory sign the first page of the Final Renewal Statement and mail or fax it to FINRA by February 4, 2009.

Mail renewal refund requests to:

FINRA
Finance Department
9509 Key West Avenue
Rockville, MD 20850

Or fax renewal refund requests to:

Attention: Finance Department
Fax number: (240) 386-5344

3. Report any discrepancies on your firm's Final Renewal Statement by February 4, 2009:

If your firm believes there are discrepancies on your Final Renewal Statement, report them in writing directly to FINRA by February 4, 2009. Along with your letter describing the discrepancy, please include a copy of your Final Renewal Statement and any supporting documentation such as Forms U4, U5, ADV, ADV-W, BR Closing/Withdrawal or Amendment Filings.

Send Final Renewal Statement Discrepancy letters to:

FINRA
Registration & Disclosure – Research
9509 Key West Avenue
Rockville, MD 20850
(240) 386-4848

VI. What is a Firm Renewal Report and what is it used for?

A Firm Renewal Report is sorted by regulator and lists all of your firm's IA representatives with approved registration statuses in Web CRD. Firms should use this report to verify the number of IA representatives and their approved registration statuses for which the firm is being assessed 2009 renewal fees. A Branches Renewal Report lists each branch included in the 2009 Renewal Program processing for which the firm is being assessed a fee. Both of these reports include billing codes if the firm has supplied them. Firms should keep a copy of applicable renewal reports for their records.

- **Preliminary Firm Renewal Reports:**

On or after November 10, 2008, firms may begin to request, print, and/or download their Preliminary Firm Renewal Reports.

- **Final Firm Renewal Reports:**

Beginning January 2, 2009, the preliminary information will be updated and populated with the Final Firm Renewal Report and firms may begin to request, print, and/or download these reports.

- **To request either a Preliminary or Final Firm Renewal Report via IARD, follow these steps:**

1. Log on to [IARD](#).
2. You will be required to enter your user ID and password.
3. Review and accept the terms and conditions.
4. From the Site Map, select “Request Reports” under the “Reports” section. If you do not have entitlement to access Reports, please contact your firm’s Account Administrator.
5. Select the “Renewals – Firm Renewal Report” hyperlink. A form will open up and you will need to submit all required information for fields with an asterisk (*) next to them.
6. Select the Submit Button. You will receive a Report ID Number. Record this number for reference when you view your report. Most reports will be available to view shortly after you submit your request.

- **To view the report once it is available:**

1. From the Site Map, select “View Report” under the “Reports” section. A new browser window will appear that will list all of the reports that you have requested.
2. Select the Report ID Number you wish to view. The link will either open the report in the browser window or prompt you to save the document to your computer depending on the type of report that you requested.

- **Firm Renewal Report Download:**

The Firm Renewal Download is a downloadable report of all individuals who are eligible for renewal or were renewed for the firm. Download reports are usually requested by large firms that plan to import the downloadable data into a spreadsheet or database in order to format or sort the data differently. Your firm will be able to download this report from View Reports (Reports Tab). After downloading the report, firms may need an application to unzip the file. There are no fees associated with this report request. Detailed instructions are available on [how to download this report](#).

- **Please note the following regarding reports:**

- The ‘RA Discount Fee’ is only applicable to an individual that is both an IA representative (RA) and a broker-dealer agent (AG).
- Reports expire after a pre-defined period of time. You can see the length of time each report is viewable in either the *Days to View* column on the *Request Report* screen prior to selecting a report or from the *Expires On* column of the *View Report* screen after a report has been requested.

VII. What will happen if my firm fails to renew?

An IA firm that has an online Preliminary Renewal Statement and does not pay it in full, will have all of its IA representatives’ (RAs) registrations with jurisdictions terminated effective December 31, 2008. Additionally, your IA firm's registration/Notice Filings with jurisdictions will be terminated effective December 31, 2008, if your firm was registered/Noticed Filed in a jurisdiction that participates in the IARD Automatic Failure To Renew Program. This program provides jurisdictions the ability to authorize FINRA to systematically terminate the firm’s registration, on behalf of the jurisdiction, with a termination date of December 31, 2008, if the firm fails to pay the full amount of its online Preliminary Renewal Statement. **If this should occur, firms are advised to contact each jurisdiction directly to determine the appropriate reinstatement procedures.**

NOTE: An IA firm and its IA representatives that are approved between November 10 and December 26, 2008, will have their applicable renewal fees assessed and collected in the firm’s online Final Renewal Statement, which will be available on IARD beginning January 2, 2009. These firms will neither have an online Preliminary Renewal Statement nor will they automatically fail to renew on December 31, 2008.

Please be advised that many jurisdictions levy fines for failure to renew properly. A complete list of each state office's contact information is provided on the NASAA Web Site [IA State Directory](#).

The following jurisdictions are participating in the Automatic Fail To Renew Program for 2009 (current as of 10/21/2008):

Jurisdictions Participating In Auto Fail To Renew		
Alabama	Maryland	Oklahoma
Arkansas	Massachusetts	Oregon
California	Michigan	Puerto Rico
Delaware	Minnesota	Rhode Island
District Of Columbia	Mississippi	South Carolina
Florida	Missouri	South Dakota
Georgia	Montana	Texas
Hawaii	Nebraska	Utah
Indiana	Nevada	Vermont
Iowa	New Jersey	Virgin Islands
Kansas	New Mexico	Virginia
Kentucky	North Carolina	Washington
Louisiana	North Dakota	West Virginia
Maine	Ohio	Wisconsin

VIII. What will be the IARD and Web CRD System Availability during the holidays and year-end renewal processing?

Please check the [IARD System Availability Schedule](#) and the IARD Broadcast Message regularly for updates or changes to when IARD will be available during the holidays and year-end renewal processing. **PLEASE NOTE:** Availability dates are subject to change.

IARD and Web CRD will not be available on December 27, 2008. Please note that no Web CRD/IARD System processing will occur between **December 27, 2008, and January 1, 2009**. During this renewal processing period, the system may be available for your firm to **query** the system and create **pending** form filings but you will not be able to submit them until January 2, 2009, when full system functionality becomes available again. Please refer to the [2009 IARD Renewal Program Calendar](#) for important Renewal dates and deadlines.