

39. Subpart D is added to read as follows:

## Subpart D—Rules of Practice

### General Rules

- Sec.
- 201.100 Scope of the rules of practice.
- 201.101 Definitions.
- 201.102 Appearance and practice before the Commission.
- 201.103 Construction of rules.
- 201.104 Business hours.
- 201.110 Presiding officer.
- 201.111 Hearing officer: authority.
- 201.112 Hearing officer: disqualification and withdrawal.
- 201.120 *Ex parte* communications.
- 201.121 Separation of functions.
- 201.140 Commission orders and decisions: signature and availability.
- 201.141 Orders and decisions: service of orders instituting proceeding and other orders and decisions.
- 201.150 Service of papers by parties.
- 201.151 Filing of papers with the Commission: procedure.
- 201.152 Filing of papers: form.
- 201.153 Filing of papers: signature requirement and effect.
- 201.154 Motions.
- 201.155 Default; motion to set aside default.
- 201.160 Time computation.
- 201.161 Extensions of time, postponements and adjournments.
- 201.180 Sanctions.
- 201.190 Confidential treatment of information in certain filings.
- 201.191 Adjudications not required to be determined on the record after notice and opportunity for hearing.
- 201.192 Rulemaking: issuance, amendment and repeal of rules of general application.
- 201.193 Applications by barred individuals for consent to associate.

### Initiation Of Proceedings And Prehearing Rules

- 201.200 Initiation of proceedings.
- 201.201 Consolidation of proceedings.
- 201.202 Specification of procedures by parties in certain proceedings.
- 201.210 Parties, limited participants and amici curiae.
- 201.220 Answer to allegations.
- 201.221 Prehearing conferences.
- 201.222 Prehearing submissions.
- 201.230 Enforcement and disciplinary proceedings: availability of documents for inspection and copying.
- 201.231 Enforcement and disciplinary proceedings: production of witness statements.
- 201.232 Subpoenas.
- 201.233 Depositions upon oral examination.
- 201.234 Depositions upon written questions.
- 201.235 Introducing prior sworn statements of witnesses into the record.
- 201.240 Settlement.
- 201.250 Motion for summary disposition.

### Rules Regarding Hearings

- 201.300 Hearings.

- 201.301 Hearings to be public.
- 201.302 Record of hearings.
- 201.310 Failure to appear at hearings: default.
- 201.320 Evidence: admissibility.
- 201.321 Evidence: objections and offers of proof.
- 201.322 Evidence: confidential information, protective orders.
- 201.323 Evidence: official notice.
- 201.324 Evidence: stipulations.
- 201.325 Evidence: presentation under oath or affirmation.
- 201.326 Evidence: presentation, rebuttal and cross-examination.
- 201.340 Proposed findings, conclusions and supporting briefs.
- 201.350 Record in proceedings before hearing officer; retention of documents; copies.
- 201.351 Transmittal of documents to Secretary; record index; certification.
- 201.360 Initial decision of hearing officer.

### Appeal To The Commission And Commission Review

- 201.400 Interlocutory review.
- 201.401 Issuance of stays.
- 201.410 Appeal of initial decisions by hearing officers.
- 201.411 Commission consideration of initial decisions by hearing officers.
- 201.420 Appeal of determinations by self-regulatory organizations.
- 201.421 Commission consideration of determinations by self-regulatory organizations.
- 201.430 Appeal of actions made pursuant to delegated authority.
- 201.431 Commission consideration of actions made pursuant to delegated authority.
- 201.450 Briefs filed with the Commission.
- 201.451 Oral argument before the Commission.
- 201.452 Additional evidence.
- 201.460 Record before the Commission.
- 201.470 Reconsideration.
- 201.490 Receipt of petitions for judicial review pursuant to 28 U.S.C. 2112(a)(1).

### Rules Relating To Temporary Orders And Suspensions

- 201.500 Expedited consideration of proceedings.
- 201.510 Temporary cease-and-desist orders: application process.
- 201.511 Temporary cease-and-desist orders: notice; procedures for hearing.
- 201.512 Temporary cease-and-desist orders: issuance after notice and opportunity for hearing.
- 201.513 Temporary cease-and-desist orders: issuance without prior notice and opportunity for hearing.
- 201.514 Temporary cease-and-desist orders: judicial review; duration.
- 201.520 Suspension of registration of brokers, dealers, or other Exchange Act-registered entities: application.
- 201.521 Suspension of registration of brokers, dealers, or other Exchange Act-registered entities: notice and opportunity for hearing on application.

- 201.522 Suspension of registration of brokers, dealers, or other Exchange Act-registered entities: issuance and review of order.
- 201.523 [Reserved].
- 201.524 Suspension of registrations: duration.
- 201.530 Initial decision on permanent order: timing for submitting proposed findings and preparation of decision.
- 201.531 Initial decision on permanent order: effect on temporary order.
- 201.540 Appeal and Commission review of initial decision making a temporary order permanent.
- 201.550 Summary suspensions pursuant to Exchange Act Section 12(k)(1)(A).

### Rules Regarding Disgorgement And Penalty Payments

- 201.600 Interest on sums disgorged.
- 201.601 Prompt payment of disgorgement, interest and penalties.
- 201.610 Submission of proposed plan of disgorgement.
- 201.611 Contents of plan of disgorgement; provisions for payment.
- 201.612 Notice of proposed plan of disgorgement and opportunity for comment by non-parties.
- 201.613 Order approving, modifying or disapproving proposed plan of disgorgement.
- 201.614 Administration of plan of disgorgement.
- 201.620 Right to challenge order of disgorgement.
- 201.630 Inability to pay disgorgement, interest or penalties.

### Informal Procedures And Supplementary Information Concerning Adjudicatory Proceedings

- 201.900 Informal Procedures and Supplementary Information Concerning Adjudicatory Proceedings.
- Table I to Subpart D—Adversary Adjudications Conducted by the Commission under 5 U.S.C. 554
- Table II to Subpart D—Cross-reference table showing location of Rules of Practice adopted in 1995 with former Rules of Practice, related rules and statutory provisions.
- Table III to Subpart D—Cross-reference table showing location of former Rules of Practice and related rules with Rules of Practice adopted in 1995

## Subpart D—Rules of Practice

**Authority:** 15 U.S.C. 77f, 77g, 77h, 77h-1, 77j, 77s, 77u, 78c(b), 78d-1, 78d-2, 78l, 78m, 78n, 78o(d), 78o-3, 78s, 78u-2, 78u-3, 78v, 78w, 79c, 79s, 79t, 79z-5a, 77sss, 77ttt, 80a-8, 80a-9, 80a-37, 80a-38, 80a-39, 80a-40, 80a-41, 80a-44, 80b-3, 80b-9, 80b-11, and 80b-12 unless otherwise noted.

### General Rules

#### § 201.100 Scope of the rules of practice.

(a) Unless provided otherwise, these Rules of Practice govern proceedings before the Commission under the statutes that it administers.