

# 2024 Initial Futures Ethics Training

## Course Outline and Provider Qualifications

Welcome to the Exchange Analytics Initial Professional Conduct and Responsibility Program, also known as the **Initial Futures Ethics Training Course**. This course emphasizes the necessity of applying ethical values, along with knowledge of the laws and regulations in the industry, to achieve honest and fair treatment of the public. It is part of a firm's supervisory responsibilities to provide its registered sales and supervisory staff with ethics training. Generally, firms require that new registrants attend an initial training session, such as this one, within six months of registration, and periodically update their training thereafter. The Commodity Exchange Act (CEA) requires that all registrants be aware and stay informed of their continuing obligations to the public. This course meets the Commodity Futures Trading Commission's ethics training requirements under the CEA. All topics required by the CFTC's Statement of Acceptable Practices are addressed in Exchange Analytics' Initial Futures Ethics training program. Exchange Analytics was originally authorized to provide ethics training by the CFTC in 1995.

1. Industry Structure & Rules
  - a. The CFTC and the NFA
  - b. The Exchanges
  - c. Registration Categories
  - d. Proficiency Requirements
  - e. Mandatory Membership in NFA
  - f. Business Continuity
2. Supervisory Systems & Internal Controls
  - a. Supervision
  - b. Policies and Procedures
  - c. Internal Controls – Three Lines of Defense
  - d. The Compliance Department and the CCO
  - e. Reporting Breaches
  - f. Whistleblowers
3. Acting Honestly & Fairly; Customer Finances & Investment Experience
  - a. Code of Ethics
  - b. NFA Bylaw 1101
  - c. Know Your Customer
  - d. Suitability

- e. Collecting and Evaluating Customer Information
  - f. Eligible Contract Participants
  - g. Anti-Money Laundering Program
  - h. Beneficial Ownership
  - i. Risk Management & Ownership Control
  - j. Customer Margins
4. Customer Disclosures
- a. Risk Disclosures (Futures, Options, Cleared Swaps)
  - b. Negative Interest Rates and Contract Pricing
  - c. Firm-Specific Risk Disclosure
  - d. Web Posting
  - e. Understanding Risks
  - f. Annual Update and Retention Requirements
  - g. Customer Account Funding & Segregation of Funds
  - h. If an Account Does Not Have the Funds
  - i. Promotional Material
  - j. Disclaimers
  - k. Misrepresentation
  - l. Annual Update and Retention Requirements
  - m. Recordkeeping
  - n. Oral Communications Records and Rules
  - o. Personal Devices and Unapproved Methods
5. Avoidance & Disclosure of Conflicts of Interest
- a. Understanding Conflicts of Interest
  - b. Managing Conflicts Between Research Functions and Business Units
  - c. Avoiding Ethical Dilemmas
6. Observing Just & Equitable Principles of Trade
- a. Who May Place Orders
  - b. Discretionary Trading Authority
  - c. Discretionary Trading Authority Exemption
  - d. Unauthorized Trading
  - e. Broker Discretion
  - f. Order Execution & Errors
  - g. Best Execution & Liquidations
  - h. Trading Recommendations
  - i. Fiduciary Duty
  - j. Commissions
  - k. Trading Ahead / Churning
  - l. Trading Standards
  - m. Bunched Orders / Suspense Accounts
  - n. Average Pricing Systems

- o. Automated Order Routing / High-Frequency Trading
  - p. Deployment of Automated Trading Systems
  - q. Anti-Fraud Restrictions – CFTC Regulation 180.1
  - r. Manipulation / Insider Trading / Disruptive Practices / Spoofing
  - s. Canceling Orders and the Pre-Opening State
  - t. Pre-Arranged Trading
  - u. Consent and Disclosure
  - v. Simultaneous Buy and Sell Orders for Different Beneficial Owners
  - w. Wash Sales
  - x. Block Trades & EFRPs
  - y. Position Limits
  - z. Hedge Exemption
  - aa. Ownership & Controls
  - bb. Deliveries
  - cc. Option Exercises and Assignments
  - dd. Trading Practices & General Offenses
  - ee. False Statements
7. Case Studies (Examination of questionable conduct and ethical dilemmas with commentary from the perspectives of an associated person, a compliance officer and an attorney.)
8. Assessment

## **Provider Qualifications - About the Authors**

In its Interpretative Notice on Compliance Rule 2-9: Ethics Training Requirements, the National Futures Association states that 1) “Each Member should ensure that its selected provider is qualified and obtain proof that the provider has completed relevant proficiency testing and has three years of relevant industry experience, or similar experience;” and 2) that “Firms should only use providers that they reasonably in good faith believe are not subject to any investigations or bars from registration.” To address those requirements, Exchange Analytics presents the following information on the individuals who prepared this course material:

**Marc Nagel** serves as an advisor to Exchange Analytics and was the primary course author. Mr. Nagel recently retired as Chief Operating Officer and Chief Compliance Officer of a clearing Futures Commission Merchant. He serves on the Futures Commission Merchant Advisory Committee of the National Futures Association and on the Advisory Board of the IIT- Chicago Kent College of Law Futures and Derivatives Conference. Mr. Nagel is employed as a futures industry compliance consultant and expert witness. He is a licensed CPA and attorney, admitted to the State of Illinois Supreme Court, the U.S. District Court for the Northern District of Illinois, and the U.S. Tax Court. Mr. Nagel is a registered Floor Broker and has held various Exchange memberships since 1979. Mr. Nagel received his BS in Accountancy and CPA from the University of Illinois and his JD from IIT/Chicago Kent College of Law. Mr. Nagel (NFA ID 0194163) is not subject to any investigations or bars from registration. He has no regulatory actions or other disciplinary history.

**Joseph Adamczyk** served as a co-author. Prior to his affiliation with Exchange Analytics, he served as the Chief Compliance Officer for Options Clearing Corporation (OCC). Mr. Adamczyk oversaw the firm’s compliance risk monitoring and governance programs, advised the board of directors and staff on compliance and regulatory requirements, and interacted with federal regulators on compliance, risk, and examination matters. Before joining OCC, Mr. Adamczyk worked at CME Group where he served as the Managing Director & Associate General Counsel overseeing the company’s non-U.S. legal staff and activities. In this role, he interacted with regulators from around the globe. He also handled CME Group’s interactions with U.S. regulators and other authorities on cybersecurity and technology controls, requirements, cyber incident response, and examinations. At CME Group, Mr. Adamczyk also served as the Global Head of Investigations and Enforcement in the Market Regulation Department. In that role, he oversaw teams responsible for monitoring, investigating, and enforcing the CME Group exchanges’ trade practice rules and other requirements. Mr. Adamczyk received his MBA from the University of Chicago, law degree from Loyola University Chicago School of Law, and undergraduate degree from DePaul University. He has no regulatory actions or other disciplinary history.