

# Swap Dealer – Marketing Supervision Requirements Training Course 2025

## Course Outline and Provider Qualifications

This program is designed to comply with the training requirements for NFA Compliance Rule 2-9(d): Swap Dealer and Major Swap Participant Supervision of the Use of Marketing Materials.

- I. U.S. Swap Markets Structure & Rules
  - a. Regulatory Backdrop
  - b. Oversight of U.S. Swap Markets
  - c. CFTC & NFA
- II. Marketing Supervision Requirements
  - a. NFA Marketing Supervision Requirements
  - b. Marketing Materials:
    - i. Examples
    - ii. Background
    - iii. Regulatory Requirements
  - c. Marketing Supervision Requirements:
    - i. Restrictions
    - ii. Review & Approval
    - iii. Training
    - iv. Record Keeping
- III. Counterparty Communications
  - a. Code of Ethics
  - b. Communications: Fair Dealing
  - c. False Statements
  - d. Misrepresentation
  - e. AI Washing
  - f. Understanding & Managing AI Risks
- IV. Know Your Counterparty Requirements
  - a. Know Your Counterparty
  - b. KYC: Counterparty Representations
  - c. Verification of Counterparty Eligibility
  - d. Eligible Contract Participants
  - e. Institutional Suitability
  - f. Dealing with Special Entities
  - g. Acting as Advisor to a Special Entity
  - h. Acting as Counterparty to a Special Entity
  - i. Confidential Treatment of Counterparty Information
  - j. Counterparty Conflicts
- V. Trade Practice Obligations

- a. Manipulation
  - b. Anti-Fraud Restrictions
  - c. Insider Trading and Misappropriated Information
  - d. CFTC – Disruptive Trading Practices
  - e. Antitrust Considerations
  - f. General Offenses
- VI. Case Study
- VII. Quiz

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

**Julian Hammar** served as co-author. Mr. Hammar is a partner at Pierson Ferdinand LLP and previously served as Associate General Counsel at Nodal Exchange. Prior to this, he was a partner in the New York and Washington, D.C. offices of FisherBroyles where he focused his practice on futures, derivatives and commodities, energy regulatory, blockchain and securities matters. Mr. Hammar is a leading expert on the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Prior to joining FisherBroyles, Mr. Hammar served as of counsel at Morrison & Foerster and special counsel at Covington, where he counselled a wide range of clients on compliance with Dodd- Frank derivatives regulatory requirements. Before his experience in big law, Mr. Hammar was an assistant general counsel at the Commodity Futures Trading Commission (CFTC), Office of the General Counsel, where he drafted regulations to further define key terms including “swap,” “security-based swap” and “security-based swap agreement,” under the Dodd-Frank Act. In addition, he assisted with drafting other Dodd-Frank Act regulations, including the entity definitions (rules to further define such terms as “swap dealer,” “major swap participant” and “eligible contract participant”), commodity options and the Volcker Rule. He was also a member of the CFTC’s legislative drafting team that drafted the derivatives title of the Obama Administration’s legislative proposal for derivatives regulation that eventually was enacted into law as Title VII of the Dodd-Frank Act.

**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.