

MEMO# 2294

October 29, 1990

ALABAMA REGISTRATION DEADLINE; MARYLAND CONSIDERS FEE WAIVER

- 1 - October 29, 1990 TO: INVESTMENT ADVISER MEMBERS NO. 51-90 INVESTMENT ADVISER ASSOCIATE MEMBERS NO. 46-90 RE: ALABAMA REGISTRATION DEADLINE; MARYLAND CONSIDERS FEE WAIVER

As we previously advised you, effective January 1, 1991 the State of Alabama will require registration of investment advisers and investment adviser representatives. (See Institute Memorandum to Investment Adviser Members No. 25-90 and Investment Adviser Associate Members No. 23-90, dated June 19, 1990.) Attached in this regard is a copy of the "Notice to Register" which was recently released by the Alabama Securities Commission and which describes the procedures and deadlines applicable to investment adviser registration in Alabama. The notice provides that applications for registration must be filed by November 30, 1990. Not explained in the notice are the applicable statutory exemptions from registration contained in Section 8-6-3(b) of the Alabama Securities Act for (1) institutional advisers and (2) advisers who have no place of business and 5 or fewer clients in Alabama. With regard to investment adviser registration in Maryland, the Institute understands that the Maryland Securities Division intends to release additional emergency regulations providing for waiver of 1991 registration fees for investment advisers and their representatives who are dually-registered as broker/dealers and agents, respectively, and who paid investment adviser and investment adviser representative registration fees for 1990. As you recall, the fees for Maryland adviser registration in 1990 apply only to the last calendar quarter of 1990. For 1990 registrants who are not dually-registered in Maryland, the Institute understands that the Securities Division is attempting to introduce legislation which will provide for waiver of 1992 registration fees for advisers and their representatives who paid registration fees in 1990 and 1991. The Securities Division does not have the discretion to waive such - 2 - fees in the same manner as those paid by dual-registrants and cannot effect any changes in the statute until the Maryland legislature returns in January. By that time, 1991 registration fees will be paid. We will keep you informed of further developments. W. Richard Mason
Assistant General Counsel Attachments