Rules of Elected Officials
Division 30—Secretary of State
Chapter 50—General

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Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General

15 CSR 30-50.010 Definitions

PURPOSE: This rule defines certain terms used in the administration of the Missouri Securities Act of 2003 and in the corresponding rules, forms and orders made.

(1) When the terms listed in this rule are used in the Missouri Securities Act of 2003 (the Act), these rules, the forms and the orders of the commissioner, the following meanings shall apply (unless the context otherwise requires), together with those which may later appear to the extent that they are not inconsistent with definitions provided in Chapter 409, RSMo:

(A) Act means Chapter 409, RSMo, otherwise known as the Missouri Securities Act of 2003;

(B) Affiliate means a person who, directly or indirectly, through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, another person;

(C) Applicant means the person executing an application;

(D) Application means the form prescribed or approved by the commissioner for filing in connection with the—

1. Registration of securities, including any amendment to the form and any information, document, report or memorandum filed as a part of the form or incorporated in the form by reference; it includes the registration statement; and

2. Registration as a broker-dealer, agent, investment adviser or representative of an investment adviser, including any amendment to the form and any information, document, report or memorandum filed as a part of the form or incorporated in the form by reference;

(E) Associate means a corporation or organization (other than an issuer or a majority-owned subsidiary of an issuer) of which a person is an officer or partner, or is, directly or indirectly, the beneficial owner of ten percent (10%) or more of any class of equity securities; a trust or other estate in which a person has a substantial beneficial interest or to which s/he serves as trustee or in a similar capacity; and a relative or spouse of a person, or any relative of his/her spouse, who has the same home as the person or who is a director or officer of an issuer or any of its parents or subsidiaries;

(F) Certified means, when used in connection with financial statements, certified by an independent certified public accountant in accordance with generally accepted accounting practices;

(G) CRD System means the NASAA/NASD Central Registration Depository;

(H) Control and controlling person mean possession of the power, authority or means to engage in the management or policy making functions of a person, directly or indirectly, through ownership of securities, by contract or otherwise. An officer, director, partner or trustee or individual occupying similar status or performing similar functions or a person owning ten percent (10%) or more of the outstanding shares of any class of securities of another shall be presumed a controlling person;

(I) Division or Securities Division means the staff of the Division of Securities, Office of Secretary of State of Missouri;

(J) IARD System means the NASAA/SEC Investment Adviser Registration Depository;

(K) Investment adviser qualifying officer means an officer designated by the investment adviser as responsible for supervision of investment adviser representatives associated with the investment adviser, or if the investment adviser is a natural person or partnership, the person or partner responsible for supervision of investment adviser representatives;

(L) Isolated, for the purpose of section 409.2-201(1) of the Act, means standing alone, disconnected from any other transactions;

(M) NASD means the National Association of Securities Dealers, Inc.;

(N) NASAA means the National Association of Securities Administrators Association, Inc.;

(O) Parent means an affiliate controlling another person;

(P) Predecessor means a person, a major portion of whose business, assets or control has been acquired by another;

(Q) Promoter means a person who—

1. Acting alone or in conjunction with one (1) or more other persons, directly or indirectly, takes the initiative in founding and organizing or reorganizing the business or enterprise of an issuer; and

2. In connection with the founding and organizing or reorganizing of the business or enterprise of an issuer, directly or indirectly, receives in consideration of services or property, or both services and property, a substantial amount of any class of securities of the issuer or a substantial amount of the proceeds from the sale of any class of securities;

(R) Registrant means an applicant for whom, or an issuer with respect to whose securities, a registration has become effective;

(S) SEC means the United States Securities and Exchange Commission;

(T) Subsidiary means an affiliate controlled by another person;

(U) Underwriter means a person who has purchased from an issuer or an affiliate of an issuer with a view to, or offers or sells for an issuer or an affiliate of an issuer in connection with, the distribution of any security, or participates or has a participation in the direct or indirect underwriting of any such undertaking. Not included is a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors’ or sellers’ commissions;

(V) Viatical settlement, for the purpose of the purpose of section 409.1-102(28)(E), RSMo, includes, but is not limited to, a viatical settlement contract which means a written agreement establishing the terms under which compensation or anything of value will be paid, which compensation or value is less than the expected death benefit of the insurance policy or certificate, in return for the viator’s assignment, transfer, sale, devise or bequest of the death the benefit or ownership of any portion of the insurance policy or certificate of insurance. A viatical settlement contract also includes:

1. A contract for a loan or other financing transaction with a viator secured primarily by an individual or group life insurance policy, other than a loan by a life insurance company pursuant to the terms of the life insurance contract, or a loan secured by the cash value of a policy; and

2. An agreement with a viator to transfer ownership or change the beneficiary designation at a later date regardless of the date that compensation is paid to the viator; and

(W) For the purpose of section 409.2-201(3) of the Act, the words banking institution or other depository institution do not include any loan and investment company formed under the provisions of Chapter 368, RSMo.

amendment filed Sept. 19, 1977, effective
1, 1980, effective Aug. 13, 1980, expired
Dec. 21, 1980. Amended: Filed Aug. 13,
14, 1995, expired Dec. 11, 1995. Amended:
Amended: Filed Dec. 17, 2001, effective July
25, 2003, effective Sept. 12, 2003, expired
March 9, 2004. Amended: Filed Aug. 25,

*Original authority: 409.6-605, RSMo 2003.

15 CSR 30-50.020 General Instructions

PURPOSE: This rule prescribes general mat-
ters within the commissioner’s jurisdiction.

(1) Office Hours. The Securities Division
shall be open for transaction of business
between the hours of 7:30 a.m. and 5:00
p.m. on Monday through Friday, public holi-
days excepted.

(2) Filing Documents with the Securities
Division.

(A) A document is filed when it is received
in the office of the commissioner, or filed
through the Central Registration Depository
(CRD) System, the Investment Adviser Reg-
istration Depository (IARD) System, or other
electronic system approved by the commis-
sioner. All applications for registration and
filings shall be dated and bear a signature.

(B) All written communications, including
applications and inquiries not submitted
through the CRD System or the IARD Sys-
tem, shall be delivered by mail or carrier to
Secretary of State, Securities Division, 600
W. Main Street, PO Box 1276, Jefferson
City, MO 65102; or by facsimile to Secretary
of State, Securities Division, (573) 526-3124;
or by electronic mail to an address approved
by the commissioner (section 409.6-606(a),
RSMo).

(C) Only the original executed copy of
each form is required. If a document pertains
to more than one (1) subject or application, a
separate form, including cover or transmittal
letter, or two (2) or more copies of the letter
commensurate with the number of items sub-
mitted, should be filed.

(D) All forms and documents shall be
printed, photocopied, typewritten, in elec-
tronic format, or prepared by a similar
process which, in the opinion of the commis-
sioner, produces copies suitable for a perma-
nent record. All forms and documents shall
be clear, easily readable and suitable for
repeated photocopying. Exhibits may be
attached and shall be properly marked and
identified.

(E) All applications and other documents
received and filed in the division become a
part of its permanent records and may not be
returned to the applicant or correspondent.

(3) Practice of Law. The unauthorized prac-
tice of law or the appearance of an unauthorized
practice shall be avoided in connection with
any filing under the Act.

(4) Delegation of Authority. The commis-
sioner may delegate to the staff of the Secu-
rities Division the authority to act for the
commissioner, or to perform necessary func-
tions and duties to carry out the purposes of
the Act, rules promulgated thereunder and
the orders and policies of the commissioner
(section 1.060, RSMo).

(5) Interpretive Opinions. Interpretive opin-
ions (section 409.6-605(d), RSMo) including
no action letters are rendered only in writing.
Informal discussions with the commissioner
or members of the staff of the Securities
Division shall not be taken to signify any
determination or approval concerning the
matters discussed.

(6) Exceptions. When authorized by statute,
the commissioner may authorize or make
exceptions to these rules as are necessary to
carry out the provisions of the Act. Nothing
in these rules shall inhibit the exercise by the
commissioner of authority prescribed in or
under the Act.

(7) Open Records Policy. The commissioner
shall issue an open records policy in compli-
ance with Chapter 610, RSMo, and consis-
tent with section 409.6-607, RSMo.

AUTHORITY: sections 409.6-605, 409.6-606
and 409.6-607, RSMo Supp. 2003.* Original
rule filed June 25, 1968, effective Aug. 1,
1968. Amended: Filed May 21, 1969, effective
Aug. 1, 1969. Amended: Filed July 21,
1972, effective Aug. 1, 1972. Amended: Filed
Nov. 15, 1974, effective Nov. 25, 1974.
Emergency amendment filed Aug. 1, 1980,
effective Dec. 13, 1980, expired Dec. 11,
Dec. 11, 1980. Amended: Filed Aug. 1,
1984, effective Nov. 11, 1984. Emergency
13, 1985, expired May 13, 1985. Amended:
Amended: Filed Dec. 20, 1988, effective
Sept. 28, 1989. Amended: Filed June 8,
1992, effective Feb. 26, 1993. Amended:
Rescinded and readopted: Filed Dec. 17,
amendment filed Aug. 19, 2003, effective

*Original authority: 409.6-605, RSMo 2003; 409.6-606,
RSMo 2003; and 409.6-607, RSMo 2003.

15 CSR 30-50.030 Fees

PURPOSE: This rule prescribes policies and
procedures for charging registration and
other fees.

(1) General Provisions.

(A) All fees shall accompany the application
or other filing to which they pertain.

(B) Fees shall be remitted by check, draft
or money order (cash is not acceptable)
payable to the Missouri Secretary of State, or
if the application is submitted through the
Central Registration Depository (CRD) Sys-
tem or Investment Adviser Registration
Depository (IARD) System, fees shall be
remitted by check or wire transfer to the
financial institution designated by the Nation-
al Association of Securities Dealers (NASD).

(C) Fees paid with applications filed
through the CRD System, the IARD System,
or other electronic system approved by the
commissioner may be sent by wire transfer or
mail to NASD Regulation, Inc.

(D) Fees paid in connection with applica-
tions filed through other electronic systems
that are approved by the commissioner may
be sent by wire transfer to the financial insti-
tution designated by the Office of the Mis-
souri Secretary of State.

(2) Registration of Securities (section 409.3-
305(b), RSMo). The fees for registration of
securities are as follows:

(A) The minimum filing fee is one hundred
dollars ($100). This permits registration of
up to one hundred thousand dollars
($100,000) of securities in Missouri.

(B) To register more than one hundred
thousand dollars ($100,000) of securities in
Missouri, the registration fee is one-twentieth
of one percent (1/20 of 1%) of the amount
above one hundred thousand dollars ($100,000). The maximum total fee (filing plus registration) is one thousand dollars ($1,000).

(C) The registration fee in the case of warrants or rights shall be based on the aggregate amount of the security called for by the warrants or rights, and the amount of the warrants or rights if they are not distributed without consideration.

(D) The registration fee relating to convertible securities in which no consideration is given for the second security, except the surrender of the first, shall be based solely on the amount of the convertible security.

(E) When separate securities are sold as a unit, the unit and the securities that comprise the unit are considered one (1) registration. The registration fee is based on the aggregate amount of securities that comprise the unit. When separate securities are sold separately, a separate application, filing fee and registration fee is required for each security.

(F) Renewal Filings. The annual renewal fee for the registration of securities is one hundred dollars ($100).

(3) Federal Covered Securities. The filing fees for federal covered securities are as follows:

(A) Face-Amount Certificate Companies or Open-End Management Companies. The fees for securities issued by these companies, as classified under the Investment Company Act of 1940 and that are offered or sold in this state, shall consist of the following:

1. Initial filing fee. The initial filing fee is one hundred dollars ($100). The initial filing fee must be paid prior to the initial offer of the securities in this state. A separate initial filing fee is required for each portfolio of securities.

2. Filing fee. A filing fee of one-twentieth of one percent (1/20 of 1%) of the amount of securities sold in this state during the issuer’s previous fiscal year must be paid within sixty (60) days of the issuer’s fiscal year end. The maximum filing fee for the securities sold in this state during a fiscal year is three thousand dollars ($3,000). This maximum filing fee includes the initial filing fee for the first fiscal year. In addition, the renewal fee described in subsection (3)(C) below can be applied as the filing fee for the first two hundred thousand dollars ($200,000) of securities sold in this state during a fiscal year. A separate filing fee is required for each portfolio of securities.

(B) Closed End Management Companies and Unit Investment Trusts. The fees for securities issued by these companies, as classified under the Investment Company Act of 1940 and that are offered or sold in this state, shall consist of the following:

1. Initial filing fee. The initial filing fee is one hundred dollars ($100). The initial filing fee of one hundred dollars ($100) includes the filing fee for the first one hundred thousand dollars ($100,000) of securities to be sold in this state.

2. Filing fee. The filing fee for any additional amount of securities sold above the first one hundred thousand dollars ($100,000) is one-twentieth of one percent (1/20 of 1%) of the amount of the additional securities sold in this state during the issuer’s previous fiscal year and must be paid within sixty (60) days of the issuer’s fiscal year end. The maximum filing fee is one thousand dollars ($1,000) and includes the initial filing fee.

(C) Renewal Fee for Investment Companies. The annual renewal fee for investment companies is one hundred dollars ($100) and must be paid on or within thirty (30) days before the anniversary of the effective date or at the time of the fiscal year end.

(D) Regulation D, Rule 506. The filing fee for each offering under Regulation D, Rule 506, is one hundred dollars ($100). There shall be a payment of fifty dollars ($50) for any late filing.

(4) Registration of Broker-Dealers and Investment Advisers (section 409.4-410, RSMo). The filing fees for registration of broker-dealers and investment advisers are as follows:

(A) Initial Registration—two hundred dollars ($200); and

(B) Renewal Registration—one hundred dollars ($100).

(5) Registration of Agents and Investment Adviser Representatives. The filing fees for registration of broker-dealer agents and investment adviser representatives are as follows:

(A) Initial Registration—fifty dollars ($50); and

(B) Renewal Registration—fifty dollars ($50); and

(C) Change of Registration—fifty dollars ($50).

(6) Federal Covered Advisers. The notice filing fees of federal covered advisers are as follows:

(A) Initial Notice Filing—two hundred dollars ($200); and

(B) Renewal Notice Filing—one hundred dollars ($100).

(7) Document Requests. The fees for copies of documents and records in the division, or reports relating to these documents or records, are as follows: ten cents (10¢) per page, plus five dollars ($5) for certification and two dollars ($2) per page for telephone and electronic transmittals (sections 28.160 and 409.6-606(c), RSMo).

(8) Interpretive Opinions. Interpretive opinions, including no action letters and opinions that involve a claim of exception from a definition under section 409.1-102, RSMo or otherwise from the scope of the Act, may be provided to interested persons for a filing fee of one hundred dollars ($100) (section 409.6-605(d), RSMo).

(9) Notice Filing for Exemptions. The filing fee for a notice filing for an exemption under sections 409.2-201, 409.2-202 or 409.2-203, RSMo is one hundred dollars ($100).

(10) Refunds.

(A) No refund of filing fees shall be permitted in the instances of applications for registration of securities and for registration of broker-dealers, agents, investment advisers and representatives of investment advisers, even though the applications are denied or withdrawn (section 409.4-410, RSMo);

(B) Registration fees, but not filing fees, will be refunded upon withdrawal of an application. Registration fees will not be refunded if an application is denied registration pursuant to section 409.3-306, RSMo; and

(C) No refund of registration fees shall be permitted, if registration of securities is effected.

(11) Exemption for Active Duty Military Personnel. Agents and investment adviser representatives who either have been called to active military duty or voluntarily joined the Armed Forces of the United States shall be, after proper notification, exempt from the payment of renewal registration fees for the period of active service.

(A) Agents and investment adviser representatives wishing to utilize the exemption shall notify the division in writing, and provide a copy of the individual’s orders (official call-up notification) or a copy of the letter of leave request for individuals that voluntarily join. Either document should include the individual’s start date, military branch, and location of service duty.
(B) Within ninety (90) days of completion of military service, the agent or investment adviser representative shall provide a copy of the individual’s discharge papers that indicate the start and end dates of service. Upon completion of service, the individual’s renewal registration fee shall be paid under the provisions of section 409.4-406(2)(d), RSMo.

(C) Any renewal fee paid during the time the individual is on active military duty shall be refunded within ninety (90) days.


15 CSR 30-50.040 Forms

PURPOSE: This rule prescribes the forms adopted and approved for filing with the commission.

(1) The following forms have been adopted and approved for filing with the Securities Division:

(A) Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives—

1. Form BD—Uniform Application for Broker-Dealer Registration approved May 2001, OMB Approval Number 3235-0012, or any form which substantially comports with the specified form;

2. Form BDW—Uniform Request for Broker-Dealer Withdrawal approved November 2000, OMB Approval Number 3235-0018, or any form which substantially comports with the specified form;

3. Form SBD-1—Missouri Broker-Dealer Affidavit revised October 2001, or any form which substantially comports with the specified form;

4. Form X-17A-5—Financial and Operational Combined Uniform Single Report approved July 2002, OMB Approval Number 3235-0213, or any form which substantially comports with the specified form;

5. Form U4—Uniform Application for Securities Industry Registration or Transfer adopted by the North American Securities Administration Association (NASAA) on April 16, 2003, or any form which substantially comports with the specified form;

6. Form U5—Uniform Termination Notice for Securities Industry Registration adopted by the NASAA on April 16, 2003, or any form which substantially comports with the specified form;

7. Form SA1—Missouri Application for Renewal Registration as Agent revised August 2003, or any form which substantially comports with the specified form;

8. Form ADV—Uniform Application for Investment Adviser Registration approved July 2003, OMB Approval Number 3235-0049, or any form which substantially comports with the specified form;

9. Form ADV-W—Uniform Notice of Withdrawal from Registration as Investment Adviser approved January 2001, OMB Approval Number 3235-0313, or any form which substantially comports with the specified form;

10. Form SADV-1—State Covered Investment Adviser Affidavit revised March 2002, or any form which substantially comports with the specified form;

11. Form SADV-SH—State Application for Hardship Exemption from IARD revised October 2001, or any form which substantially comports with the specified form; and

12. Form U2—Uniform Consent to Service of Process adopted by NASAA and revised November 1997, or any form which substantially comports with the specified form.

(B) Registration of Securities—

1. Form U1—Uniform Application to Register Securities adopted by NASAA and revised February 1997, or any form which substantially comports with the specified form;

2. Form SR1—Form of Prospectus for Registration of Securities by Qualification revised August 2003;

3. Form U2—Uniform Consent to Service of Process adopted by NASAA and revised November 1997, or any form which substantially comports with the specified form;

4. Form U2A—Uniform Form of Corporate Resolution adopted by NASAA and revised April 1998, or any form which substantially comports with the specified form;

5. Form SR2—Missouri Annual Report for Renewal of Registration of Securities revised December 2001;

6. Form SR3—Midwest Regional Review Application revised July 2003, or any form which substantially comports with the specified form;

7. Form SR4—Missouri Impoundment of Funds Agreement revised September 2002, or any form which substantially comports with the specified form;

8. Form SR5—Missouri Application for Registration of Single Family Mortgage Revenue Bonds revised June 2002, or any form which substantially comports with the specified form; and

9. Form U7—Small Company Offering Registration (SCOR) Form adopted by NASAA and revised September 1999, or any form which substantially comports with the specified form.

(C) Exemptions from Registration, Exceptions from Definition, Federal Covered Securities—

1. Form SE1—Statement of Claim for the Exemption of Securities of a New Generation Processing Entity revised August 2003;

2. Form SE2—Statement of Claim for the Exemption of a Securities of a Missouri Agricultural Cooperative revised December 2004;

3. Form NF—Uniform Investment Company Notice Filing adopted by NASAA April 1997, or any form which substantially comports with the specified form; and

4. Form D—Notice of Sale of Securities Pursuant to Regulation D, Section 4(6),
and/or Uniform Limited Offering Exemption approved in June 2002, OMB Approval Number 3235-0076, or any form which substantially comports with the specified form.

(D) Commodities—
1. Form C-4—Missouri Commodity Broker-Dealer, Sales Representative, Statutory Bond, revised June 2001, or any form which substantially comports with the specified form; and
2. Form C-16—Missouri Application for Renewal Registration of Sales Representative revised June 2001, or any form which substantially comports with the specified form.

(2) The Securities Division on request will supply the forms listed in this rule in printed format. Accurate reproduction of the forms may be utilized for filing in lieu of the printed forms. All uniform forms are electronically available at http://www.sos.mo.gov/securities.


15 CSR 30-50.050 Application for Registration as Broker-Dealer of Securities
(Rescinded November 11, 1984)

15 CSR 30-50.060 Computation of Net Capital, Aggregate Indebtedness and Ratio of Aggregate Indebtedness to Net Capital
(Rescinded November 11, 1984)

15 CSR 30-50.070 Broker-Dealer, Agent, Investment Adviser Statutory Bond
(Rescinded February 12, 1987)

15 CSR 30-50.080 Request for Withdrawal from Registration as Broker-Dealer
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15 CSR 30-50.100 Appointment of Agent by Broker-Dealer or Issuer
(Rescinded November 11, 1984)

15 CSR 30-50.110 Application for Registration as Agent
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15 CSR 30-50.120 Application for Renewal Registration as Agent
(Rescinded July 30, 2002)

15 CSR 30-50.130 Registration of Securities by Notification
(Rescinded July 30, 2002)

15 CSR 30-50.140 Application for Registration of Securities by Coordination
(Rescinded November 11, 1984)

15 CSR 30-50.150 Application for Registration as a Bond Dealer
(Rescinded November 11, 1984)

15 CSR 30-50.160 Bond Dealer, Agent, Investment Adviser Statutory Bond
(Rescinded February 12, 1987)
15 CSR 30-50.160 Investment Company Report of Sales
(Rescinded July 30, 2002)


15 CSR 30-50.170 In the Matter of the Condition of
(Rescinded July 30, 2002)


15 CSR 30-50.180 Individual Affidavit
(Rescinded July 30, 2002)


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15 CSR 30-50.200 Supplemental Sheet to Agent’s Application
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