

§ 8.27

shall be held before one or more persons authorized by the exchange to conduct hearings pursuant to this section. The hearing shall be conducted in accordance with the requirements set forth in §§ 8.17(a)(4)–(9) and (b).

(d) Promptly following the hearing provided for in paragraph (c) of this section, the exchange shall render a written decision based upon the weight of the evidence contained in the record of the proceeding and shall provide a copy to the respondent. The decision shall include:

(1) A description of the summary action taken,

(2) The reasons for the summary action,

(3) A brief summary of the evidence produced at the hearing,

(4) Findings and conclusions,

(5) A determination that the summary action should be affirmed, modified or reversed, and

(6) A declaration of any action to be taken pursuant to the determination specified in paragraph (d)(5) of this section and the effective date and duration of such action.

(e) The rules of an exchange may permit the respondent to appeal promptly an adverse decision. Such rules shall be established in accordance with the requirements set forth in § 8.19.

(Approved by the Office of Management and Budget under control number 3038-0022)

[43 FR 41950, Sept. 19, 1978, as amended at 46 FR 63036, Dec. 30, 1981]

§ 8.27 Violations of rules regarding decorum, submission of records or other similar activities.

An exchange may adopt rules which permit the enforcement staff or a designated committee of officials to summarily impose minor penalties against persons within its jurisdiction for violating rules regarding decorum, attire, the timely submission of accurate records required for clearing or verifying each day's transactions or other similar activities.

§ 8.28 Final decision.

Each exchange shall establish rules setting forth when a decision rendered pursuant to this subpart C shall become the final decision of such exchange.

17 CFR Ch. I (4-1-01 Edition)

PART 9—RULES RELATING TO REVIEW OF EXCHANGE DISCIPLINARY, ACCESS DENIAL OR OTHER ADVERSE ACTIONS

Subpart A—General Provisions

Sec.

9.1 Scope of rules.

9.2 Definitions.

9.3 Provisions referenced.

9.4 Filing and service; official docket.

9.5 Motions.

9.6 Sanctions for noncompliance.

9.7 Settlement.

9.8 Practice before the Commission.

9.9 Waiver of rules; delegation of authority.

Subpart B—Notice and Effective Date of Disciplinary Action or Access Denial Action

9.10 [Reserved]

9.11 Form, contents and delivery of notice of disciplinary or access denial action.

9.12 Effective date of disciplinary or access denial action.

9.13 Publication of notice.

9.14–9.19 [Reserved]

Subpart C—Initial Procedure With Respect to Appeals

9.20 Notice of appeal.

9.21 Record of exchange proceeding.

9.22 Appeal brief.

9.23 Answering brief.

9.24 Petition for stay pending review.

9.25 Limited participation of interested persons.

9.26 Participation of Commission staff.

9.27–9.29 [Reserved]

Subpart D—Commission Review of Disciplinary, Access Denial or Other Adverse Action

9.30 Scope of review.

9.31 Commission review of disciplinary or access denial action on its own motion.

9.32 Oral argument.

9.33 Final decision by the Commission.

AUTHORITY: 7 U.S.C. 4a, 6c, 7a, 12a, 12c, 16a, unless otherwise noted.

SOURCE: 52 FR 25366, July 7, 1987, unless otherwise noted.

Subpart A—General Provisions

§ 9.1 Scope of rules.

(a) *Matters included.* This part governs the review by the Commission, pursuant to section 8c of the Act, as amended, of any suspension, expulsion,