

## § 13.6

## 17 CFR Ch. I (4-1-07 Edition)

### § 13.6 Promulgation of rules; publication.

After consideration of all relevant matters of fact, law, and policy, including all relevant matters presented by interested persons in the proceedings, the Commission will take such action on the proposed rule as it deems appropriate. Any rule adopted will be published in the FEDERAL REGISTER and the announcement of the rule will incorporate a concise statement of the rule's basis and purpose, as well as any necessary findings. Announcement will also be made in the FEDERAL REGISTER if a proposal is subsequently withdrawn. The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except:

- (a) A substantive rule which grants or recognizes an exception or relieves a restriction;
- (b) Interpretative rules and statements of policy; or
- (c) As otherwise provided by the Commission for good cause found and published with the rule.

## PART 14—RULES RELATING TO SUSPENSION OR DISBARMENT FROM APPEARANCE AND PRACTICE

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AUTHORITY: Pub. L. 93-463, sec. 101(a) (11), 88 Stat. 1391, 7 U.S.C. 4a(j), unless otherwise noted.

SOURCE: 41 FR 28472, July 12, 1976, unless otherwise noted.

### § 14.1 Scope.

The rules of this part describe the circumstances under which persons may be denied, either temporarily or permanently, the privilege of appear-

ing or practicing before the Commission as an attorney or accountant. An attorney may also be excluded from further participation in a particular adjudicatory proceeding in accordance with the provisions of § 10.11(b) of this chapter or from further participation in a particular investigatory proceeding in accordance with the provisions of § 11.7(c)(2) of this chapter.

### § 14.2 Definitions of appearance and practice.

(a) *Appearance.* For the purpose of this part, "appearance" refers to the representation of a person by another who appears in his behalf at any adjudicatory, investigatory or rulemaking proceeding conducted before the Commission, including but not limited to those proceedings encompassed in parts 10 through 13 of the Commission's rules.

(b) *Practice.* For the purpose of this part, practicing before the Commission shall include but shall not be limited to:

(1) The preparation of any statement, opinion or other paper by any attorney or accountant filed with or submitted to the Commission on behalf of another person in or in connection with any application, notification, report or other document; and

(2) Transacting any other formal business with the Commission, on behalf of another person, in the capacity of an attorney or accountant.

### § 14.3 Hearings.

Hearings required or permitted to be held under provisions of this part shall be held before an Administrative Law Judge, utilizing the procedures established in the rules of practice (part 10) for adjudicatory proceedings. Any proceeding brought under provisions of this part shall, unless otherwise determined by the Commission, be prosecuted by the General Counsel of the Commission or by such attorneys in his office as he may assign.

### § 14.4 Violation of Commodity Exchange Act.

The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the