

**STATE OF LOUISIANA
OFFICE OF FINANCIAL INSTITUTIONS
SECURITIES DIVISION**

**EXTENSION TO SATISFY THE INVESTEMENT
ADVISOR REPRESENTATIVE FINGERPRINT
BACKGROUND REQUIREMENT**

ORDER

WHEREAS, the Louisiana Commissioner of Securities (“Commissioner”) has authority to administer and provide for the enforcement of the Louisiana Securities Law (“LSL”) set forth in LSA-R.S. 51:701, et seq. along with the rules and regulations promulgated thereunder;

WHEREAS, LSL requires registration as an investment advisor representative to provide investment advisory services in Louisiana;

WHEREAS, LSA-R.S.51:703(A)(2) states: It shall be unlawful for any person to transact business in this state as an investment adviser or investment adviser representative unless one of the following applies: (a) Such person is registered in the office of the commissioner pursuant to the provisions of this Section; (b) Such person is registered as a dealer pursuant to the provisions of this Section; (c) The only clients of such person in this state are investment companies as defined in the Investment Company Act of 1940 or insurance companies;

WHEREAS, LSL provides authority for the Commissioner to direct that each applicant for registration as an investment adviser representative submit fingerprints for a criminal background check through any licensing system authorized by him on or after January 1, 2019, unless the person is registered with a FINRA member firm or registered with the Commissioner on that date;

WHEREAS, LSA-R.S. 51:703(D)(5)(a) states: Pursuant to the provisions of R.S. 6:121.2, the commissioner has the authority to request and obtain criminal history record information from the Federal Bureau of Investigation, Louisiana Bureau of Criminal Identification and Information, and any other governmental agency or entity;

WHEREAS, LSA-R.S. 51:703(D)(5)(b) further states: As directed by the commissioner, each applicant for registration as an investment adviser representative shall submit fingerprints for a criminal background check;

WHEREAS, the Criminal Justice Information Law Unit in the Office of the General Counsel of the Federal Bureau of Investigations (“FBI”) requested statutory amendments in order to comply with Public Law 92-544 which governs access to federal criminal history information;

WHEREAS, as a result of additional legislative amendments requested by the FBI, the Commissioner issued an Order extending the date to comply with this requirement to January 1, 2020;

WHEREAS, the legislative amendments requested by FBI were enacted as Act 13 of the 2019 Regular Session effective on May 24, 2019;

WHEREAS, the Louisiana State Police (“LSP”) then issued a Request for Proposal (“RFP”) to select a statewide civil applicant fingerprint vendor to process fingerprint background information;

WHEREAS, the LSP is still in the process of implementing the civil scan system;

WHEREAS, LSL provides express authority for the Commissioner to make orders to carry out provisions of LSL that are consistent with public interest and intended policy of LSL;

WHEREAS, LSA-R.S. 51:710(A)(1) states in pertinent part: The commissioner, from time to time, may make, amend, and rescind rules, forms, compliance agreements, and orders as are necessary to carry out the provisions of this Part, where such action is consistent with the public interest and with the purpose fairly intended by the policy and provisions of this Part;

WHEREAS, based upon review of information submitted, the Commissioner finds that investment advisor representatives should be given additional time to comply with the fingerprint background requirement to utilize the statewide vendor selected by the LSP through an ongoing RFP process;

WHEREAS, after due deliberation, the Acting Commissioner finds that the entry of this Order is necessary to carry out the provisions of LSL, such action is consistent with the public interest, and consistent with the purpose fairly intended by the policy and provisions of the LSL:

NOW, THEREFORE, pursuant to the authority established in LSA-R.S. 51:703 and LSA-R.S. 51:710, and based upon the information submitted for her consideration:

IT IS ORDERED that investment advisor representatives seeking registration under Louisiana Securities Law on or after January 1, 2019, will be given an extension through December 31, 2021, to comply with the fingerprint background requirement.

IT IS FURTHER ORDERED that investment advisor representatives that obtained registration under Louisiana Securities Law before December 31 2021, may rely on the exclusion set forth in LSA-R.S. 51:703(D)(5)(d)(ii) as if they were registered on January 1, 2019.

This Order shall remain effective until modified, superseded, withdrawn, rescinded or vacated by the Commissioner or other lawful authority.

WITNESS MY HAND AND SEAL THIS 29th DAY OF December, 2020.



Christine Kirkland, Acting Commissioner