(f) In the course of the Commission’s investigations, civil lawsuits, and administrative proceedings, the staff, with appropriate authorization, may discuss with persons involved the disposition of such matters by consent, by settlement, or in some other manner. It is the policy of the Commission, however, that the disposition of any such matter may not, expressly or impliedly, extend to any criminal charges that have been, or may be, brought against any such person or any recommendation with respect thereto. Accordingly, any person involved in an enforcement matter before the Commission who consents, or agrees to consent, to any judgment or order does so solely for the purpose of resolving the claims against him in that investigatory, civil, or administrative matter and not for the purpose of resolving any criminal charges that have been, or might be, brought against him. This policy reflects the fact that neither the Commission nor its staff has the authority or responsibility for instituting, conducting, settling, or otherwise disposing of criminal proceedings. That authority and responsibility are vested in the Attorney General and representatives of the Department of Justice.

§ 202.7 Submittals.
(a) All required statements, reports, applications, etc. must be filed with the principal office of the Commission unless otherwise specified in the Commission’s rules, schedules and forms. Reports by exchange members, brokers and dealers required by §240.17a–5 of this chapter under the Securities Exchange Act of 1934 must be filed with the appropriate regional office as provided in §230.255(a) of this chapter under the Securities Act of 1933, and with the principal office of the Commission and the appropriate regional office as provided under §240.17a–5(a) et seq. of this chapter under the Securities Exchange Act of 1934.

(b) Electronic filings. All documents required to be filed in electronic format with the Commission pursuant to the federal securities laws or the rules and regulations thereunder shall be filed at the principal office in Washington, DC via EDGAR by delivery to the Commission of a magnetic tape or diskette, or by direct transmission.

§ 202.8 Small entity compliance guides.
The following small entity compliance guides are available to the public from the Commission’s Publications Room and regional offices:
(a) Q & A: Small Business and the SEC.¹
(b) The Work of the SEC.¹
(c) Broker-Dealer Registration Package.
(d) Investment Adviser Registration Package.
(e) Investment Company Registration Package.

1These items are also available on the Securities and Exchange Commission Web site on the Internet, http://www.sec.gov.

(f) Examination Information for Broker-Dealers, Transfer Agents, Investment Advisers and Investment Companies.

§ 202.9 Small entity enforcement penalty reduction policy.
The Commission’s policy with respect to whether to reduce or assess civil money penalties against a small entity is:
(a) The Commission will consider on a case-by-case basis whether to reduce or not assess civil money penalties against a small entity. In determining whether to reduce or not assess penalties against a specific small entity, the following considerations will apply:
(1) Except as provided in paragraph (a)(3) of this section, penalty reduction will not be available for any small entity if:
(i) The small entity was subject previously to an enforcement action;
(ii) Any of the small entity’s violations involved willful or criminal conduct; or
(iii) The small entity did not make a good faith effort to comply with the law.
(2) In considering whether the Commission will reduce or refrain from assessing a civil money penalty, the Commission may consider:
(i) The egregiousness of the violations;
(ii) The isolated or repeated nature of the violations;
(iii) The violator’s state of mind when committing the violations;
(iv) The violator’s history (if any) of legal or regulatory violations;
(v) The extent to which the violator cooperated during the investigation;
(vi) Whether the violator has engaged in subsequent remedial efforts to mitigate the effects of the violation and to prevent future violations;
(vii) The degree to which a penalty will deter the violator or others from committing future violations; and
(viii) Any other relevant fact.
(3) The Commission also may consider whether to reduce or not assess a civil money penalty against a small entity, including a small entity otherwise excluded from this policy under paragraphs (a)(1) (i)-(iii) of this section, if the small entity can demonstrate to