

BEFORE THE BUSINESS CONDUCT COMMITTEE
OF THE
CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED

_____)	
In the Matter of:)	
ABN AMRO Clearing Chicago, LLC)	
175 W. Jackson Blvd.)	File No. 12-0064
Suite 400)	
Chicago, IL 60604)	
)	
Respondent)	
_____)	

DECISION ACCEPTING OFFER OF SETTLEMENT

This proceeding was instituted by the Business Conduct Committee (the “Committee”) of the Chicago Board Options Exchange, Incorporated (the “Exchange”) as a result of an investigation by the staff of the Exchange, which indicated that there was probable cause for finding a violation within the disciplinary jurisdiction of the Exchange. In accordance with that determination, the Committee directed the issuance of a Statement of Charges (“Statement of Charges”). Pursuant to Exchange Rule 17.8, the respondent (“Respondent”), ABN AMRO Clearing Chicago, LLC (“ABN AMRO”), submitted an offer of settlement (“Offer of Settlement”).

In submitting the Offer of Settlement, the Respondent neither admitted nor denied the violations alleged in the Statement of Charges.

The Respondent has agreed that the determination of the Committee to accept the Offer of Settlement shall constitute a final Decision, and, as provided in Exchange Rule 17.8, the Respondent may not seek review thereof.

The Respondent understands and acknowledges that the Committee’s decision in this matter will become part of its disciplinary record and may be considered in any future Exchange proceeding.

With due regard to the particulars of this matter, the Committee believes it is appropriate to accept the Respondent’s Offer of Settlement based on the following stipulated facts and findings and thereby to impose the sanction specified below.

FACTS

1. During all relevant periods herein, ABN AMRO was an Exchange Clearing TPH organization.
2. During all relevant periods in which the activity noted below occurred, ABN AMRO was acting as a registered broker-dealer.

3. During all relevant periods herein, Exchange Rules 4.2 - Adherence to Law; 15.1 - Maintenance, Retention and Furnishing of Books, Records and Other Information; 15(c) of the Securities Exchange Act of 1934, as amended, (the "Act") and Rule 15c3-3 - Customer Protection thereunder, and Section 17(a) of the Act and Rule 17a-3 - Records to Be Made by Certain Exchange Members, Brokers and Dealers and 17a-5 - Reports to be Made by Certain Brokers and Dealers thereunder, was in full force and effect.
4. Pursuant to Rule 15(c) and Section 15c3-3 of the Act, broker-dealers that hold customer accounts are required to perform a weekly computation that computes all monies owed to the broker-dealer by customers (debits) and all monies owed by the broker-dealers to customers (credits). Furthermore, Rule 15c3-3 requires that any excess of credits over debits be deposited in a Special Reserve bank account.¹
5. In or about April 2011, ABN AMRO under reserved its customer reserve bank account for its April 2011 month-end customer reserve computation.

FINDINGS

The acts, practices and conduct described in Paragraph 5 above, constitute violations of Exchange Rules 4.2, 15.1, Section 15(c) of the Act and Rule 15c3-3 thereunder, and Section 17(a) of the Act and Rule 17a-3 and 17a-5 thereunder, by ABN AMRO, in that ABN AMRO under reserved its customer reserve bank account for its April 2011 month-end customer reserve computation.

SANCTION

The sanction to be imposed shall consist of a \$200,000 fine and a censure.

ORDER

ACCORDINGLY IT IS ORDERED THAT, the Respondent, ABN AMRO Clearing Chicago, LLC shall be and hereby is censured and fined in the amount of two hundred thousand dollars (\$200,000).

**SO ORDERED
FOR THE COMMITTEE**

Dated: November 12, 2012

**By: /s/ Bruce Andrews
Bruce Andrews
Chairman
Business Conduct Committee**

¹ This segregation of funds ensures that customer monies are not co-mingled with firm assets and are available for use by the customer.