

**FINANCIAL INDUSTRY REGULATORY AUTHORITY
LETTER OF ACCEPTANCE, WAIVER AND CONSENT
NO. 20060043626-01**

TO: Department of Market Regulation
Financial Industry Regulatory Authority ("FINRA")

RE: **Natixis Bleichroeder LLC**, Respondent
Broker-Dealer
CRD No. 1101

Pursuant to FINRA Rule 9216 of FINRA's Code of Procedure, Natixis Bleichroeder LLC ("ABLE" or the "firm") submits this Letter of Acceptance, Waiver and Consent ("AWC") for the purpose of proposing a settlement of the alleged rule violations described below. This AWC is submitted on the condition that, if accepted, FINRA will not bring any future actions against the firm alleging violations based on the same factual findings described herein.

I.

ACCEPTANCE AND CONSENT

- A. The firm hereby accepts and consents, without admitting or denying the findings, and solely for the purposes of this proceeding and any other proceeding brought by or on behalf of FINRA, or to which FINRA is a party, prior to a hearing and without an adjudication of any issue of law or fact, to the entry of the following findings by FINRA:

BACKGROUND

The firm has been a member of FINRA since December 12, 1939. The firm's registration remains in effect.

RELEVANT DISCIPLINARY HISTORY

On December 13, 2007, an AWC became final wherein ABLE was censured, fined \$60,000 for SEC Rule 15c2-11, NASD Rules 6640, supervision, limit order display, trade reporting, SEC Rule 606, and short sale indicator reporting violations and required to revise its written supervisory procedures.

On January 17, 2007, an AWC became final wherein ABLE was censured and fined \$27,500 for trade reporting, supervision, SEC Rule 10b-10 and registration violations. ABLE was also required to revise its written supervisory procedures.

SUMMARY

This matter arose out of the following reviews:

- 20060043626, wherein the Market Regulation Department staff (the "staff") reviewed the firm's compliance with short sale requirements during the period October 1, 2005 through December 31, 2005 (the "2005 short sales review period").
- 20060063417, wherein the staff reviewed the firm's compliance with limit order display requirements during the period March 1, 2006 through July 7, 2006 (the "2006 limit order display review period").
- 20060070515, wherein the staff reviewed the firm's compliance with short sale requirements during the period July 1, 2006 through September 30, 2006 (the "2006 short sales review period").
- 20070084205, wherein the staff reviewed the firm's handling of market orders during the period November 8, 2006 through December 31, 2006 (the "market order review period").
- 20070103328, the 2007 Trading and Market Making Surveillance examination of the firm conducted by the staff, wherein the staff reviewed the items set forth on Exhibit A. Unless otherwise stated, the samples were from trade dates August 2-3, 2007 (the "2007 TMMS review period").
- 20080141757, wherein the staff reviewed the firm's trade reporting during the period September 1, 2007 through December 31, 2007 (the "2007 trade reporting review period").
- 20080149984, wherein the staff reviewed the firm's compliance with trade reporting in foreign securities during the period May 1, 2008 through August 31, 2008 (the "2008 trade reporting review period").
- 20080150438, the 2008 Trading and Market Making Surveillance examination of the firm conducted by the staff, wherein the staff reviewed the items set forth on Exhibit B. Unless otherwise stated, the samples

were from trade dates September 22-23, 2008 (the "2008 TMMS review period")¹.

FACTS AND VIOLATIVE CONDUCT

20060043626

1. During the 2005 short sales review period, the firm had a fail-to-deliver position at a registered clearing agency in four threshold securities for 13 consecutive settlement days, and, without closing out the fail-to-deliver position by purchasing securities of like kind and quantity, it failed to borrow the security or enter into a *bona fide* arrangement to borrow the security before executing proprietary short sales. The securities and number of proprietary short sales are reflected on Exhibit C. The conduct described in this paragraph constitutes separate and distinct violations of SEC Rule 203(b)(3) of Regulation SHO.

20060063417

2. On 98 occasions during the 2006 limit order display review period, the firm failed to display immediately 98 customer limit orders in Nasdaq securities in its public quotation, when each such order was at a price that would have improved the firm's bid or offer in each such security; or when the order was priced equal to the firm's bid or offer and the national best bid or offer for each such security, and the size of the order represented more than a de minimis change in relation to the size associated with the firm's bid or offer in each such security. The conduct described in this paragraph constitutes separate and distinct violations of SEC Rule 604 of Regulation NMS.

20060070515

3. During the 2006 short sales review period, the firm had a fail-to-deliver position at a registered clearing agency in Alhambra Resources, Ltd. ("AHBRF"), a threshold security, for 13 consecutive settlement days beginning September 13, 2006, and failed to immediately thereafter close out the fail-to-deliver position by purchasing securities of like kind and quantity. The firm continued to have a fail-to-deliver position in AHBRF at the registered clearing agency on 47 additional settlement

¹ Violations of SEC Rule 204T identified as part of this exam were deferred to matter number 20090172525.

days through November 20, 2006, which it failed to close out when required. The conduct described in this paragraph constitutes separate and distinct violations of SEC Rule 203(b)(3) of Regulation SHO.

4. The firm's supervisory system did not provide for supervision reasonably designed to achieve compliance with respect to the applicable securities laws and regulations, concerning SEC Rule 203(a). Specifically, the firm's supervisory system did not include written supervisory procedures providing for: (1) the identification of the person(s) responsible for supervision with respect to the applicable rules; (2) a statement of the supervisory step(s) to be taken by the identified person(s); (3) a statement as to how often such person(s) should take such step(s); and (4) a statement as to how the completion of the step(s) included in the written supervisory procedures should be documented. The conduct described in this paragraph constitutes a violation of NASD Rules 2110 and 3010.
5. The firm failed to provide documentary evidence that during the review period it performed the supervisory reviews set forth in its written supervisory procedures concerning SEC Rule 200(g)(order marking) and SEC Rule 203 (locate requirements). The conduct described in this paragraph constitutes violations of NASD Rules 2110 and 3010.

20070084205

6. In 95 instances, the firm failed to execute orders fully and promptly. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rules 2110 and 2111(a).
7. In 28 transactions for or with a customer, the firm failed to use reasonable diligence to ascertain the best inter-dealer market and failed to buy or sell in such market so that the resultant price to its customer was as favorable as possible under prevailing market conditions, as reflected on Exhibit D which is attached. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rules 2110 and 2320.

20070103328

8. During the 2007 TMMS review period, the firm transmitted to OATS six reports that contained inaccurate, incomplete, or improperly formatted data. Specifically, in three instances, the firm incorrectly cancelled an executed order and in three instances, the firm reported incorrect time

in force codes. The firm also failed to transmit 11 Route reports for agency orders and the firm failed to report one Reportable Order Event ("ROE") to OATS. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6955(a).

9. During the 2007 TMMS review period, the firm executed five short sale transactions and failed to report each of these transactions to the OTC Reporting Facility with a short sale modifier. The firm executed one short sale transaction and failed to report this transaction to the NASD/Nasdaq Trade Reporting Facility with a short sale modifier. The firm executed 1,189 short sale transactions and failed to report each of these transactions to the OTC Reporting Facility with the correct symbol indicating whether the transaction was a buy, sell, sell short, sell short exempt or cross for 1,189 transactions in Reportable Securities. The firm executed 19 long sale transactions and failed to report each of these transactions to the OTC Reporting Facility with the correct symbol indicating whether the transaction was a buy, sell, sell short, sell short exempt or cross for 19 transactions in Reportable Securities. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6130(d).
10. In seven transactions for or with a customer, the firm failed to use reasonable diligence to ascertain the best inter-dealer market and failed to buy or sell in such market so that the resultant price to its customer was as favorable as possible under prevailing market conditions, as reflected on Exhibit E which is attached. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rules 2110 and 2320.
11. The firm transmitted 30 trade reports for odd-lot trades and failed to report the transactions with the required odd-lot modifier of .RO to the OTC Reporting Facility. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6130(g).
12. The firm's supervisory system did not provide for supervision reasonably designed to achieve compliance with respect to the SEC Rule 611(a) and (c) of Regulation NMS. Specifically, the firm's supervisory system did not include written supervisory procedures providing for: (1) the identification of the person(s) responsible for supervision with respect to SEC Rule 611(a) and (c) of Regulation NMS; (2) a statement of the supervisory step(s) to be taken by the identified person(s); (3) a statement as to how often such person(s) should take such step(s); and (4) a statement as to how the completion

of the step(s) included in the written supervisory procedures should be documented. The conduct described in this paragraph constitutes a violation of SEC Rule 611(a) and (c) and NASD Rules 2110 and 3010.

20080141757

13. During the 2007 trade reporting review period, the firm reported to the FINRA/Nasdaq Trade Reporting Facility 202 last sale reports of transactions in designated securities that it was not required to report. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 4632(e).

20080149984

14. During the 2008 trade reporting review period, the firm failed to submit 364 last sale reports of transactions in foreign securities to the OTC Reporting Facility on T+1 between 8:00 a.m. and 1:30 p.m. Eastern Time. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6620(a)(3)(C)(ii).

20080150438

15. During the 2008 TMMS review period, the firm executed 14 short sale transactions and failed to report each of these transactions to the OTC Reporting Facility with a short sale modifier. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6130.
16. During the 2008 TMMS review period, the firm executed 10 short sale transactions and failed to report each of these transactions to the OTC Reporting Facility with the correct symbol indicating whether the transaction was a buy, sell, sell short, or cross for 10 transactions in Reportable Securities. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6130(d).
17. During the 2008 TMMS review period, the firm, on 79 occasions, accepted a short sale order in an equity security from another person, or effected a short sale in an equity security for its own account, without (1) borrowing the security, or entering into a bona-fide arrangement to borrow the security; or (2) having reasonable grounds to believe that the security could be borrowed so that it could be delivered on the date delivery is due; and (3) documenting compliance with SEC Rule 203(b)(1) of Regulation SHO. The conduct described in this paragraph

constitutes separate and distinct violations of SEC Rule 203(b)(1) of Regulation SHO.

18. During the 2008 TMMS review period, the firm transmitted to OATS reports related to 17 orders that contained inaccurate, incomplete, or improperly formatted data. Specifically, the firm transmitted eight ROEs to OATS that it should not have submitted. In nine instances, the firm incorrectly submitted execution information to OATS for orders routed to an outside market center. In four instances, the firm omitted special handling codes and in two instances, the firm failed to submit the correct Order Shares Quantity. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6955(a).
19. During the 2008 TMMS review period, the firm failed to report for publication to the FINRA/NASDAQ TRF 129 last sale reports of odd-lot transactions in designated securities. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 4632.
20. During the 2008 TMMS review period, the firm failed to report for publication to the OTC Reporting Facility 1,019 last sale reports of odd-lot transactions in designated securities. The conduct described in this paragraph constitutes separate and distinct violations of NASD Rule 6620.
21. During the 2008 TMMS review period, the firm's supervisory system did not provide for supervision reasonably designed to achieve compliance with respect to the applicable securities laws and regulations, and the Rules of NASD, concerning Nasdaq Rule 4755, SEC Rule 612, market order protection, odd-lot transaction reporting, SEC Rule 204T, quoting in multiple real-time quotation systems, and soft dollars (executing and reporting under the safe harbor). Specifically, the firm's supervisory system did not include written supervisory procedures providing for: (1) the identification of the person(s) responsible for supervision with respect to the applicable rules; (2) a statement of the supervisory step(s) to be taken by the identified person(s); (3) a statement as to how often such person(s) should take such step(s); and (4) a statement as to how the completion of the step(s) included in the written supervisory procedures should be documented. The conduct described in this paragraph constitutes a violation of NASD Rules 2110 and 3010.

B. The firm also consents to the imposition of the following sanctions:

- A censure;
- a fine of \$140,000 (composed of \$32,500 for the Regulation SHO violations in 20060043626; \$5,000 for the limit order display violations in 20060063417; a \$7,500 fine for the Regulation SHO violations in 20060070515; a \$5,000 fine for the supervision violations in 20060070515; \$10,000 for the market order timeliness violations and the best execution violations in 20070084205; \$30,000 for 20070103328 (\$5,000 for the OATS violations; \$5,000 for the SEC Rule 611 violation; \$5,000 for the best execution violations; \$5,000 for the trade reporting violations and \$10,000 for the short sale indicator reporting violations); \$5,000 for the trade reporting violations in 20070141757; \$10,000 for the trade reporting violations in 20080149984; and \$35,000 for 20080150438 (\$5,000 for the OATS violations; \$5,000 for the supervision violation; \$10,000 for the short sale indicator reporting violations; \$5,000 for the trade reporting violations and \$10,000 for the Regulation SHO violations));
- an undertaking to revise the firm's written supervisory procedures with respect to the areas described in paragraphs four, 12 and 21. Within 30 business days of acceptance of this AWC by the NAC, a registered principal of the Respondent shall submit to the **COMPLIANCE ASSISTANT, LEGAL SECTION, MARKET REGULATION DEPARTMENT, 9509 KEY WEST AVENUE, ROCKVILLE, MD 20860**, a signed, dated letter, or an e-mail from a work-related account of the registered principal to MarketRegulationComp@finra.org, providing the following information: (1) a reference to this matter; (2) a representation that the firm has revised its written supervisory procedures to address the deficiencies described in paragraphs four, 12 and 21; and, (3) the date the revised procedures were implemented; and
- restitution by Respondent to the investors listed on Exhibits D and E which are attached, in the total amount of **\$3,518.61**, plus interest at the rate set forth in Section 6621(a) of the Internal Revenue Code, 26 U.S.C. 6621(a)(2), from the date of the violative conduct until the date this AWC is accepted by the National Adjudicatory Council. A registered principal of the firm shall submit satisfactory proof of payment of the restitution, or of reasonable and documented efforts undertaken to effect restitution, to the **COMPLIANCE ASSISTANT, LEGAL SECTION, MARKET REGULATION DEPARTMENT, 9509 KEY WEST AVENUE, ROCKVILLE, MD 20860** or in an e-mail from a work-related account of the registered principal to MarketRegulationComp@finra.org, no later than 120 days after

acceptance of this AWC. If for any reason, Respondent cannot locate any customer after reasonable and documented efforts within such period, or such additional period agreed to by the staff, Respondent shall forward any undistributed restitution and interest to the appropriate escheat, unclaimed-property or abandoned-property fund for the state in which the customer is known to have last resided.

The firm agrees to pay the monetary sanction(s) upon notice that this AWC has been accepted and that such payment(s) are due and payable. It has submitted an Election of Payment form showing the method by which it proposes to pay the fine imposed.

The firm specifically and voluntarily waives any right to claim that it is unable to pay, now or at any time hereafter, the monetary sanction(s) imposed in this matter.

The sanctions imposed herein shall be effective on a date set by FINRA staff.

II.

WAIVER OF PROCEDURAL RIGHTS

The firm specifically and voluntarily waives the following rights granted under FINRA's Code of Procedure:

- A. To have a Complaint issued specifying the allegations against the firm;
- B. To be notified of the Complaint and have the opportunity to answer the allegations in writing;
- C. To defend against the allegations in a disciplinary hearing before a hearing panel, to have a written record of the hearing made and to have a written decision issued; and
- D. To appeal any such decision to the National Adjudicatory Council ("NAC") and then to the U.S. Securities and Exchange Commission and a U.S. Court of Appeals.

Further, the firm specifically and voluntarily waives any right to claim bias or prejudgment of the General Counsel, the NAC, or any member of the NAC, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including acceptance or rejection of this AWC.

The firm further specifically and voluntarily waives any right to claim that a person violated the ex parte prohibitions of FINRA Rule 9143 or the separation of functions prohibitions of FINRA Rule 9144, in connection with such person's or body's participation in discussions regarding the terms and conditions of this AWC, or other consideration of this AWC, including its acceptance or rejection.

III.

OTHER MATTERS

The firm understands that:

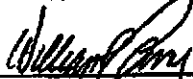
- A. Submission of this AWC is voluntary and will not resolve this matter unless and until it has been reviewed and accepted by the NAC, a Review Subcommittee of the NAC, or the Office of Disciplinary Affairs ("ODA"), pursuant to FINRA Rule 9216;
- B. If this AWC is not accepted, its submission will not be used as evidence to prove any of the allegations against the firm; and
- C. If accepted:
 - 1. this AWC will become part of the firm's permanent disciplinary record and may be considered in any future actions brought by FINRA or any other regulator against the firm;
 - 2. this AWC will be made available through FINRA's public disclosure program in response to public inquiries about the firm's disciplinary record;
 - 3. FINRA may make a public announcement concerning this agreement and the subject matter thereof in accordance with FINRA Rule 8313; and
 - 4. The firm may not take any action or make or permit to be made any public statement, including in regulatory filings or otherwise, denying, directly or indirectly, any finding in this AWC or create the impression that the AWC is without factual basis. The firm may not take any position in any proceeding brought by or on behalf of FINRA, or to which FINRA is a party, that is inconsistent with any part of this AWC. Nothing in this provision affects the firm's right to take legal or factual positions in litigation or other legal proceedings in which FINRA is not a party.

- D. The firm may attach a Corrective Action Statement to this AWC that is a statement of demonstrable corrective steps taken to prevent future misconduct. The firm understands that it may not deny the charges or make any statement that is inconsistent with the AWC in this Statement. This Statement does not constitute factual or legal findings by FINRA, nor does it reflect the views of FINRA or its staff.**

The undersigned, on behalf of the Firm, certifies that a person duly authorized to act on its behalf has read and understands all of the provisions of this AWC and has been given a full opportunity to ask questions about it; that it has agreed to the AWC's provisions voluntarily; and that no offer, threat, inducement, or promise of any kind, other than the terms set forth herein and the prospect of avoiding the issuance of a Complaint, has been made to induce the firm to submit it.

5-4-2010
Date

Respondent
Natixis Bleichroeder LLC

By: 

Name: William P. Caociani
Chief Operating Officer

Title: _____

Reviewed by:

Counsel for Respondent

Accepted by FINRA:

5/28/10
Date

Signed on behalf of the
Director of ODA, by delegated authority


Thomas R. Gira
Executive Vice President
Department of Market Regulation

**2007 Exam Samples
Natisis Bleichroeder LLC ("ABLE")
Exam No.: 20070103328**

<u>Sample Size</u>	<u>Sample Description:</u>	<u>Sample Source/Period:</u>
17	Customer and proprietary sales, reviewed for compliance with SEC Rule 200(g) long/short/exempt sale recording requirements.	From trade dates August 2 and 3, 2007.
17	Customer and proprietary short sales, reviewed for compliance with SEC Rule 203(b) security location requirements.	From trade dates August 2 and 3, 2007.
1427	Customer and proprietary sales reported to a TRF or OTCRF, for compliance with NASD Rules 6130, 4632 and 6620 sale indicator reporting requirements.	From trade dates August 2 and 3, 2007.
8	Customer and proprietary sales entered into the Nasdaq Exchange execution systems, for compliance with Nasdaq Rule 4755 long/short/exempt sale indicator entry requirements.	From trade dates August 2 and 3, 2007.
25	Cancellations of trades reported to a TRF or OTCRF, for compliance with NASD Rules 4632(g), 6420(f), 6620(f) and 6130(f) trade report cancellation requirements.	From trade dates August 2 and 3, 2007.
0	Cancellations of trades reported to ADF/TRACS, for compliance with NASD Rule 4632A(l) trade report cancellation requirements.	From trade dates August 2 and 3, 2007.
100	Limit and market orders executed as principal, for compliance with the order protection and best execution requirements of NASD Rules 2110, IM-2110-2, 2111, 6541 and 2320, and Nasdaq Rules 2110, IM-2110-2, 2111 and 2320.	From trade dates August 2 and 3, 2007.
229	Principal and riskless principal trade executions effected otherwise than on an exchange for 100 limit or market orders, for compliance with NASD Rules 4632, 6420, 6620 and 6130 requirements for TRF and OTCRF reporting.	From trade dates August 2 and 3, 2007.
1	NASD Market Surveillance breaks for principal and riskless principal trades, for compliance with NASD Rules 4632, 6420, 6620, 6130 and 4632A requirements for TRF, OTCRF and ADF/TRACS reporting.	From trade dates August 2 and 3, 2007.
18	Orders for NMS stocks in which the firm acts as a market center, for compliance with SEC Rule 605 order classification requirements.	From trade dates August 2 and 3, 2007.
29	Orders for NMS stocks in which the firm acts as a market center, for compliance with SEC Rule 605 reported data requirements.	Orders underlying the datasets reviewed for June 2007.
4	Datasets published for on the monthly order execution report, for compliance with SEC Rule 605 requirement to publish accurate data. (A "dataset" is all required statistical data for a single order category, with each category representing a single unique combination of a security, order type and order size, as described in Rule 605.)	Report published for June, 2007.

Exhibit A

**2007 Exam Samples
Natlxis Bleichroeder LLC ("ABLE")
Exam No.: 20070103328**

<u>Sample Size:</u>	<u>Sample Description:</u>	<u>Sample Source/Period:</u>
1	Quarterly order routing report, for compliance with SEC Rule 606 requirements.	Report published for the 3 rd Quarter 2007.
50	Orders in securities required to be submitted to OATS, for compliance with NASD Rules 6954 and 6955, and Nasdaq Rules 6954 and 6955 requirement to submit OATS information.	From trade dates August 2 and 3, 2007.
234	Order/Trade records prepared and maintained in connection with the above samples, for general compliance with requirements of NASD Rule 3110 and SEC Rules 17a-3 and 17a-4.	From trade dates August 2 and 3, 2007.
590	Trades reported to a TRF, OTCRF or ADF/TRACS in connection with the above samples, for general compliance with requirements of NASD Trade Reporting and ADF rules.	From trade dates August 2 and 3
5	Customer confirmations prepared and maintained in connection with the above samples, for compliance with SEC Rule 10b-10 disclosure requirements.	From trade dates August 2 and 3
12	CRD registration records for persons conducting and/or supervising the member's trading and market making activities, for compliance with NASD Rule Series 1020, 1030 and 1040, and Nasdaq Rule Series 1020, 1030 and 1040.	List of trading personnel and supervisory personnel as of August 2, 2007.
All, as provided by the member.	The member's supervisory system, written supervisory procedures ("WSPs") and documents evidencing the implementation of the WSPs, for compliance with NASD Rule 3010 requirements to establish an implement a system that is reasonably designed to prevent and detect violations of applicable securities rules.	WSPs provided by the member as those in effect during August 2007, and documentation of supervisory reviews conducted for August 2007.
All, as provided by the member	The member's "Regular & Rigorous" review procedures (for assessing the execution quality of orders sent to other trading centers and/or internalized, for compliance with NASD Rules 2320 and 3010.	Procedures provided by the member as those in effect during August 2007.

2008 Market Regulation Examination Samples
Natixis Bleichroeder LLC ("ABLE")
Exam No. 20080150438
Sample Source/Period*: September 22 and 23, 2008

Exhibit B

<u>Sample Size</u>	<u>Sample Description</u>
110	Sales reviewed for compliance with SEC Rule 200(g) long/short sale recording requirements
98	Short Sales reviewed for compliance with SEC Rule 203(b) security location requirements
1,413	Trades reported to a TRF or OTCTRF for compliance with NASD Rule 6130
1,413	for general trade reporting requirements
9	for Cancellation of reported trade requirements
1,413	for Principal, Riskless Principal, or Agency executions effected otherwise than on an exchange
0	for compliance with the use of the .PRP (Prior Reference Price) trade modifier
1,153	for compliance with the requirements of odd-lot trade reporting
0	for compliance with the use of the .RA trade modifier (prices away from the market)
0	for compliance with the use of the .RX trade modifier (exercise OTC options contract)
0	for compliance with SEC '34 Act Section 28(e) guidelines relating to Soft Dollar Agreements
184	for Sale Indicator requirements
N/A	Disclosures to customers relating to trading in the Extended Hours session for compliance with Nasdaq Rule 4631
45	Orders entered into Nasdaq Exchange execution systems for compliance with Nasdaq Rule 4755
0	Limit orders for NMS securities in which the member acts as an exchange market maker for compliance with the display requirements of SEC Rules 802 and 804 and Nasdaq Rule 3390
123	Orders for compliance with best execution requirements of NASD Rule 2320
100	Orders executed as principal for compliance NASD Rule 2320 and with the order protection requirements of NASD Rules 2110, IM-2110-2, 2111, 6541 and Nasdaq Rules 2110, IM-2110-2, and 2111
0	'Not Held' orders for compliance with NASD Rule 2320 and Nasdaq Rule 2320 best execution requirements
22	Customer orders in OTC equity securities for compliance with NASD Rules 2320 and 3110(b) requirements to ascertain and document best interdealer market related to execution of orders
0	Open Limit orders to buy and/or open Stop orders to sell securities that traded ex-dividend for compliance with NASD Rule 3220 and Nasdaq Rule 4781
N/A	Order memoranda and Net Trading agreements for compliance with NASD Rule 2441 requirements
46	Orders in securities required to be submitted to OATS for compliance with NASD Rules 6954 and 6955 and Nasdaq Rules 6954 and 6955 requirements
14	Customer confirmations prepared and maintained in connection with select samples
14	for compliance with SEC Rule 10b-10 disclosure requirements
0	for compliance with SEC '34 Act Section 28(e) guidelines relating to Soft Dollar Agreements
24	Orders for NMS securities in which the Firm acts as a market center for compliance with SEC Rule 605 order classification requirements
4	Data sets published for the monthly order execution report for compliance with SEC Rule 605 requirement to publish accurate data from July 2008 (a 'data set' encompasses all required statistical data for single security and order type/size category as described in SEC Rule 605)

* unless otherwise noted

2008 Market Regulation Examination Samples
Natixis Bleichroeder LLC ("ABLE")
Exam No. 20080150438
Sample Source/Period*: September 22 and 23, 2008

Exhibit B

<u>Sample Size</u>	<u>Sample Description</u>
23	Orders underlying data sets reviewed for NMS securities in which the Firm acts as a market center for compliance with SEC Rule 605 order classification requirements
N/A	Quarterly Routing Report from July to September 2008 for compliance with SEC Rule 606 requirements
11	CRD registration records for persons conducting and/or supervising Firm's trading and/or market making activities for compliance with NASD Rule Series 1020, 1030, 1040 and Nasdaq Rule Series 1020, 1030, 1040
All Provided	Member's "Regular & Rigorous" review procedures regarding order execution quality for compliance with NASD Rules 2320 and 3010
All Provided	Member's supervisory system, written supervisory procedures ("WSPs") and documentation evidencing execution of the WSPs for compliance with NASD Rule 3010 requirements
All Provided	Member's supervisory and operational policies and procedures and documentation evidencing execution of the policies and procedures for compliance with SEC Regulation NMS Rules 610, 611, and 612
518	Records prepared and maintained in connection with the above samples for compliance with SEC Rules 17a-3 and 17a-4 and NASD Rule 3110 from trade dates in July, September and October 2008

* Unless otherwise noted

Exhibit C**Natixis Bleichroeder LLC ("ABLE")
Matter No. 20060043628**

Security	Close-Out Obligation Began	Close-Out Obligation Ended	Duration (Days)	Number of Proprietary Short Sales
CYDS	11/18/05	12/01/05	9	3
DALRQ	12/08/05	12/15/05	6	157
NWACQ	10/18/05	12/30/05	46	618
UALAQ	12/05/05	1/4/06	21	49

Item No.	Original Item No.	Date	Quantity	Issue	Executed Time	Restitution Amount
1	5	11/10/2006	480	GPOR	12:20:49	\$7.60
2	10	11/13/2006	500	AAUK	13:06:49	\$5.00
3	15	11/14/2006	499	MLEA	12:44:04	\$4.99
4	17	11/17/2006	300	AAUK	9:50:32	\$6.00
5	19	11/17/2006	1,000	RYAAY	15:10:32	\$3.00
6	22	11/24/2006	500	GPOR	9:54:41	\$36.00
7	26	11/28/2006	785	MLEA	10:38:43	\$15.70
8	28	11/29/2006	290	MLEA	14:32:35	\$20.30
9	30	11/30/2006	600	AAUK	11:39:17	\$6.00
10	36	12/4/2006	2,116	LACO	9:36:34	\$867.56
11	43	12/8/2006	100	AIXD	9:35:39	\$2.00
12	48	12/8/2006	2,000	IBAS	11:28:10	\$38.00
13	49	12/8/2006	2,116	LACO	9:36:55	\$232.76
14	51	12/8/2006	800	ORCL	9:35:24	\$16.00
15	53	12/11/2006	400	AIXD	13:13:28	\$4.00
16	54	12/11/2006	500	AIXD	13:13:28	\$5.00
17	60	12/11/2006	500	ORCL	9:35:40	\$5.00
18	65	12/12/2006	100	GNLB	12:45:19	\$3.00
19	66	12/15/2006	500	CNCT	9:39:30	\$15.00
20	68	12/15/2006	2,551	GNSY	9:33:08	\$25.51
21	69	12/18/2006	750	AAUK	15:32:33	\$7.50
22	71	12/19/2006	488	NIPNY	9:32:26	\$14.04
23	73	12/20/2006	1,000	BJGP	15:48:30	\$114.00
24	85	12/26/2006	3,782	SHPGY	11:23:07	\$120.65
25	86	12/26/2006	600	TOMO	10:04:56	\$6.00
26	94	12/29/2006	500	BJGP	15:02:52	\$3.00
27	96	12/29/2006	1,000	CYDS	14:35:48	\$24.00
28	100	12/29/2006	150	GPOR	15:39:14	\$1.00
Total						\$1,608.61

Natixis Bleichroeder LLC
Matter No. 20070103328

Exhibit E

Item No.	Date	Issue	Quantity	Trade Time	Trade Price	Restitution
1	8/3/2007	SLRM	5000	9:39:41	3.72	\$ 100.00
2	8/3/2007	ENSR	8000	15:27:50	0.17	\$ 40.00
3	8/3/2007	JLHY	4000	10:38:50	0.95	\$ 40.00
4	8/3/2007	CLRO	500	9:37:00	6.19	\$ 70.00
5	8/3/2007	CMVT	3600	9:44:44	19.1397	\$ 585.00
6	8/3/2007	YTBLA	500	9:55:41	8.25	\$ 375.00
7	8/3/2007	FDMLQ	12000	12:12:09	0.77	\$ 700.00
					Total:	\$ 1,910.00