

## Rimon BOIR Exemption Questionnaire – For Clients to Fill

Please select yes or no to the following questions. Once completed, please return to us and a Rimon attorney will review your answers to help you determine if you qualify for any of the exemptions from the BOIR reporting requirements.

For the purposes of this questionnaire, a subsidiary is defined as any entity whose ownership interests are controlled or wholly owned, directly or indirectly, by another entity.

For the purposes of this questionnaire, a fund includes any pooled investment vehicle, regardless of structure.

	Questions	YES	NO
1.	Is your entity (a) an issuer of securities registered under Section 12 of the '34 Act or (b) required to file supplementary and periodic information under Section 15(d) of the '34 Act or a subsidiary of such issuer or filer?		
2.	Is your entity a governmental authority or a subsidiary of a governmental authority?		
3.	Is your entity a Bank, as defined in 12 USC 1813, 15 USC 80a-2(a) or 15 USC 80b-2(a) or a subsidiary or a fund operated or advised by such a Bank?		
4.	Is your entity a Credit Union, as defined in 12 USC 1752 or a subsidiary or fund operated or advised by such a Credit Union?		
5.	Is your entity a subsidiary of or (1) a Bank Holding Company, as defined in 12 USC 1841, or (2) a Savings and Loan Holding Company, as defined in 12 USC 1467a(a)?		
6.	Is your entity a Money Transmitting Business or Money Services Business registered with FinCEN?		
7.	Is your entity registered with (or a subsidiary of such registered entity) the SEC pursuant to the '34 Act, as a broker or dealer registered under 15 USC 78o or a fund operated or advised by such a broker/dealer; an exchange registered under 15 USC 78f; clearing agency registered under 15 USC 78q-1 or any other registered entity under 15 USC 78a et seq.?		
8.	Is your entity an Investment Company or Investment Adviser registered with the SEC or a subsidiary of or fund operated or advised by such an Investment Company or Investment Adviser?		
9.	Is your entity a Venture Capital Fund Advisor, as defined by 15 USC 80b-3(1) and have filed an exempt reporting advisor Form ADV, or a subsidiary of or fund operated or advised by such a Venture Capital Fund Advisor?		
10.	Is your entity a subsidiary of or an Insurance Company as defined by 15 USC 80a-2?		
11.	Is your entity a subsidiary of or an insurance producer that is (a) authorized by a State, (b) subject to supervision by that State's insurance commissioner (or similar) and (c) has an operating presence at a physical Office in the US?		
12.	Is your entity a subsidiary of or a registered entity, as defined under the Commodity Exchange Act?		





	Questions	YES	NO
13.	Is your entity a subsidiary of or one of the following, as defined by 7 USC 1a, AND registered with the CFTC: a. futures commission merchant b. introducing broker c. swap dealer d. major swap participant e. commodity pool operator f. commodity trading advisor		
14.	Is your entity a subsidiary of or a public accounting firm registered in accordance with 15 USC 7212?		
15.	Is your entity a subsidiary of or a regulated public utility as defined in 26 U.S.C. 7701(a)(33)(A) that provides telecommunications services, electrical power, natural gas, or water and sewer services within the US?		
16.	Is your entity a subsidiary of or financial market utility designated by the Financial Stability Oversight Council under 12 USC 5463?		
17.	Is your entity (a) a tax exempt organization as described in Sections 501(c), 527(e)(1) or 4947(a) of the Internal Revenue Code of 1986 or (b) an entity that operates exclusively to provide financial assistance to, or hold governance rights over, any such tax exempt organization?*		
18.	Does your entity (a) employ more than 20 full time employees, (b) have an operating presence at a physical Office in the US AND (c) filed a US income tax or informational return demonstrating more than \$5 million in gross receipts; or a subsidiary of such an entity?		
19.	Was your entity formed prior to January 1, 2020 AND: a. Is NOT engaged in active business; b. Is NOT owned by a foreign person, whether directly or indirectly, wholly or partially; c. Has NOT experienced any change in ownership within the past 12 months; d. Has NOT sent or received >\$1,000 within the past 12 months; AND e. Does NOT hold any assets		

\*Tax exempt entities and entities assisting tax exempt entities have additional specific requirements. Please see Rule 380(c)(2)(xix) and (xx) for specific further requirements.

If you answered “NO” to all questions, then your entity is not exempt from the reporting requirements.

If you answered "YES" to any question, please discuss the specifics with a Rimon attorney to confirm that you qualify for an exemption to the BOIR requirement.



### *Attorney Practice Notes*

All exemptions from the definition of “reporting company” is found in 31 CFR Part 1010.380(c)(2). The exemptions have been consolidated to help eliminate internal references within the rule and reduce confusion. The below notes correlate the above questions to the specific exemption within the Rules.

All funds noted in the questionnaire are exempt per §1010.380(c)(2)(xviii) (called “pooled investment vehicle” in the Rules). When documenting the exemption, note the fund exemption AND the relevant exemption for the advisor/operator.

All subsidiaries noted in the questionnaire are exempt per §1010.380(c)(2)(xxii). When documenting the exemption, note the subsidiary exemption AND the relevant exemption for the parent.

The below chart correlates the questionnaire questions to the applicable §1010.380(c)(2) subsection.

Q	Subsection	Title
1.	i.	Securities reporting issuer
2.	ii.	Governmental authority
3.	iii.	Bank
4.	iv.	Credit union
5.	v.	Depository institution holding company
6.	vi.	Money services business
7.	vii., viii., ix.	Broker or dealer in securities, Securities exchange or clearing agency, Other Exchange Act registered entity
8.	x.	Investment company or investment adviser
9.	xi.	Venture capital fund adviser
10.	xii.	Insurance company
11.	xiii.	State-licensed insurance producer
12.	xiv	Commodity Exchange Act registered entity
13.	xiv	Commodity Exchange Act registered entity
14.	xv.	Accounting firm
15.	xvi.	Public utility
16.	xvii.	Financial market utility
17.	xix., xx.	Tax-exempt entity, Entity assisting a tax-exempt entity (*see below note)
18.	xxi.	Large operating company
19.	xxiii.	Inactive entity