

3772-3-02 Institutional investor suitability or qualification.

(A) To be presumed suitable or qualified as an institutional investor, an entity shall submit to the commission-

- (1) Documentation sufficient to establish qualifications as an institutional investor; and
- (2) A completed certification form, as required and prescribed by the commission.

(B) The commission may request any other information that would affect an entity's suitability or qualification as an institutional investor under Chapter 3772. of the Revised Code and any rules adopted thereunder. The entity shall provide all information, documents, and materials at the entity's sole expense and cost.

(C) An entity must clearly identify those portions of the information submitted to the commission that it deems to be confidential, proprietary commercial information or trade secrets. Information provided as part of the suitability or qualification process shall be open to public inspection to the extent permitted by section [149.43](#) of the Revised Code and consistent with section [1333.61](#) of the Revised Code. ~~Upon request by a third party for information that the entity has identified as confidential, proprietary commercial information or trade secrets, the commission will notify the entity and, following such notification, will make a determination whether the information must be disclosed. If the commission determines that the information is to be disclosed, the commission shall notify the entity of its decision. Following that notification, the information shall be provided to the third party within a reasonable period of time unless otherwise prohibited from being released. The entity waives any liability of the state of Ohio, the commission, the employees of the commission and its instrumentalities and agents for any damages resulting from any disclosure or publication in any manner.~~

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