

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

_____)
In the Matter of:)
)
Merrill Lynch Pierce,)
Fenner & Smith, Inc.)
c/o Bank of America/Merrill Lynch) File No. 10-0014a
One Bryant Park)
5th Floor)
New York, NY 10035)
)
Respondent)
_____)

DECISION DISMISSING CERTAIN ALLEGED VIOLATIONS BY
MERRILL LYNCH PIERCE, FENNER & SMITH, INC.
IN THE STATEMENT OF CHARGES IN FILE NO. 10-0014

In view of a reconsideration of the facts of this matter by the Business Conduct Committee (“Committee”) of the Chicago Board Options Exchange, Incorporated (“Exchange”), it was determined that further disciplinary proceedings are not warranted against Merrill Lynch Pierce, Fenner & Smith, Inc. with respect to alleged violations of 4.2 as set forth in the Statement of Charges for File No. 10-0014. Therefore, the Committee deems it appropriate to dismiss the charges relating to the alleged violations 4.2 against Merrill Lynch Pierce, Fenner & Smith, Inc.

ORDER

IT IS HEREBY ORDERED, that the alleged violations of 4.2 by Merrill Lynch Pierce, Fenner & Smith, Inc. as set forth in the Statement of Charges for File No. 10-0014 shall be and hereby is dismissed.

SO ORDERED
FOR THE COMMITTEE

Dated: March 25, 2010

/s/ Bruce Andrews
Bruce Andrews
Chairman
Business Conduct Committee