



# Commodity Futures Trading Commission Rule 1.55 FCM-Specific Disclosure Document

February 9, 2026

## Introduction

Commodity Futures Trading Commission (“CFTC”) Regulation 1.55(k) requires each futures commission merchant (“FCM”), including Apex Clearing Corporation (“Apex” or the “Firm”), to provide the following information to existing customers and to each new customer prior to the time the customer first enters into an account agreement with an FCM or deposits money, securities or other property (collectively, “funds”) with an FCM. This disclosure document provides firm-specific disclosures, including information regarding the Firm, its business, operations, risk profile and affiliates. This document is aimed at providing customers with access to sufficient material information regarding Apex to allow customers to independently assess the risk of entrusting funds to the Firm. This document is intended to be read in conjunction with the Apex Futures and Options Disclosure, which can be found at <https://library.apexfintechsolutions.com/wp-content/uploads/2024/08/Customer-Risk-Disclosure-for-Futures-and-Options.pdf> as well as the Event Contract Risk Disclosure Statement.

Apex’s financial information contained herein is current as of November 30, 2025. Except as otherwise noted below, all other information contained herein is current as of February 9, 2026. Apex will update this document annually or as may be needed to take into account any material changes to Apex’s business operations, financial condition, or other factors that Apex believes would be material to a futures or cleared swaps customer in determining whether to do business with Apex. Nonetheless, the business activities and financial data of Apex are not static, and this disclosure may not reflect non-material changes that may occur within the annual review cycle.

NOTE: Apex also operates as a broker-dealer registered with the U.S. Securities and Exchange Commission (“SEC”). Information that may be material with respect to Apex for purposes of applicable securities laws may not be material to an FCM customer, and information contained in this disclosure document, which may be material to an FCM customer, may not be material to Apex for purposes of applicable securities laws.

## APEX CONTACT INFORMATION

*1.55(k)(1) FCM’s name, address of its principal place of business, phone number, fax number and email address.*

Apex Clearing Corporation  
350 N. St. Paul Street  
Suite 1300  
Dallas, Texas 75201  
Telephone: (214) 765-1100  
Fax: (214) 865-7401  
Email: [futurescompliance@apexfintechsolutions.com](mailto:futurescompliance@apexfintechsolutions.com)

*1.55(k)(2) The name, title, business background, areas of responsibility, and the nature of the duties of each person that is defined as a principal of the futures commission merchant pursuant to CFTC Regulation §3.1.*

Name	Business Address	Background, Areas of Responsibility, and Nature of Duties
<b>William Capuzzi</b> <b>NFA ID 0495599</b>	888 7 <sup>th</sup> Ave 32 <sup>nd</sup> Floor New York, NY 10106	<b>William Capuzzi is the Chief Executive Officer (CEO) of Apex Clearing Corporation and joined in 2012.</b> Mr. Capuzzi has spent his entire career in the trading, clearing, and custody business, with 25+ years of experience. Prior to his role as CEO of Apex, Mr. Capuzzi worked at Convergex Group where he was Chief of Staff and a member of the firm's Executive Committee. Mr. Capuzzi earned a Bachelor of Arts degree from Wesleyan University in Connecticut and a Master of Business Administration in Strategic Management from Rutgers University.
<b>Paul Duckworth</b> <b>NFA ID 0564766</b>	350 N. St. Paul St., Suite 1300 Dallas, TX 75201	<b>Paul Duckworth is the Controller of Apex Clearing Corporation and joined in 2012.</b> He has been a leader in the broker dealer clearing business for more than 25 years and has managed the financial team of Apex's FCM for the last eight years. As Controller and Financial Operations Principal ("FinOP"), Paul is responsible for overseeing the Firm's books and records, preparing financial statements and managing the regulatory reporting arm of the Firm. His deep industry expertise and commitment to regulatory compliance have made him a trusted resource in financial operations and reporting. Mr. Duckworth is a CPA and earned a degree from the University of Texas, Arlington and is a candidate for the Series 3.
<b>Terry Ray</b> <b>NFA ID 0528302</b>	350 N. St. Paul St., Suite 1300 Dallas, TX 75201	<b>Terry Ray serves as the Chief Revenue Officer at Apex Fintech Solutions</b> , overseeing the company's revenue strategies and driving market expansion initiatives. Bringing over 20 years of leadership experience in financial services operations, Mr. Ray previously held various roles at Penson Financial Services within the Capital Markets group, with a focus on securities lending. At Apex, Mr. Ray has held several key leadership positions, including Director of Equity Finance, Vice President/Treasurer, Chief Operations Officer and Chief Operating Officer (AFS). He earned a degree in Economics from Texas A&M University and currently holds Series 7, 99, 27 and 24 licenses.

Name	Business Address	Background, Areas of Responsibility, and Nature of Duties
<b>Fritz Louis-Charles</b> NFA ID 0573538	350 N. St. Paul St., Suite 1300 Dallas, TX 75201	<b>Fritz Louis-Charles</b> joined Apex Clearing Corporation in 2015 and serves as the Chief Operations Officer for Apex Fintech Solutions. In his current role, Mr. Louis-Charles manages the Firm's operational teams and functions. He has supervision over various departments including the ACAT, Banking, New Accounts, Corporate Actions, Tax and Settlements. He has over 25 years of experience in the financial services industry, working with various introducing and clearing firms. Mr. Louis-Charles earned a Bachelor of Arts degree from San Diego State University and holds the FINRA Series 7, 24, 27 and 53 certifications.
<b>William Brennan</b> NFA ID 0266926	350 N. St. Paul St., Suite 1300 Dallas, TX 75201	<b>William Brennan</b> is a strategic advisor to Apex Clearing Corporation. Prior to his current role, Mr. Brennan served as Chief Administration Officer for Apex Clearing Corporation. Prior to his time at Apex, he worked for various clearing and brokerage firms in Chicago and New York. Mr. Brennan attended the University of Illinois Urbana-Champaign, where he earned a Bachelor of Science (B.S.) degree in Accounting. Mr. Brennan further advanced his education by enrolling at IIT - Chicago Kent College of Law, where he obtained a Doctor of Law (J.D.) degree.
<b>Thomas Cleary</b> NFA ID 0257778	141 W. Jackson, Suite 500, Chicago, IL 60604	<b>Thomas Cleary</b> joined Apex Clearing Corporation in 2023 and is the Futures Chief Compliance Officer. He is responsible for all futures and swaps related compliance. Mr. Cleary has over 30 years of financial industry experience, including as a Chief Compliance Officer, Deputy Chief Compliance Officer and Director of Compliance at various broker dealers, registered investment advisers and FCMs. He earned a Bachelor of Arts degree in Economics from Loyola University of Chicago. He holds the FINRA Series 3, 4, 7, 24, 30 and 66 licenses, as well as the Certified Regulatory Compliance Professional (CRCP®) and the Association of Certified Anti-Money Laundering Specialist (ACAMS) certifications.

Name	Business Address	Background, Areas of Responsibility, and Nature of Duties
<b>Matthew Hulsizer</b> <b>NFA ID 0304893</b>  Managing Member of Peak6 Investments	2010 E. 6 <sup>th</sup> St. Austin, TX 78702	<b>Mr. Hulsizer is a founder of Apex Fintech Solutions, the parent company of Apex Clearing Corporation.</b> He began his career as a senior trader with the trading firm O'Connor & Associates, where he worked on the floor of the AMEX. Mr. Hulsizer is co-founder and managing partner of Peak6 Investments, an Austin-based financial services and technology firm that he started in 1997. Mr. Hulsizer is a 1991 graduate of Amherst College.
<b>Jennifer Just</b> <b>NFA ID 0269010</b>  Managing Member of Peak6 Investments	2010 E. 6th St. Austin, TX 78702	<b>Jennifer Just, Founder of Apex Fintech Solutions, the parent company of Apex Clearing Corporation.</b> She has over 20 years of experience in the financial industry, with a focus on trading, risk management, and operations. Ms. Just started her career at O'Connor & Associates until 1997 when she left to start Peak6 Investments. Under her leadership, the company has grown into a leading provider of innovative financial products and services, including options trading, electronic trading, and asset management. She holds a BBA from the University of Michigan - Stephen M. Ross School of Business in the fields of business, management, marketing, and related support services.

*1.55(k)(3) The significant types of business activities and product lines engaged in by the futures commission merchant, and the approximate percentage of the futures commission merchant's assets and capital that are used in each type of activity.*

### **Broker-Dealer Business**

In addition to Apex's FCM business (see below for details), Apex is an SEC-registered securities broker-dealer. In its capacity as a broker-dealer, Apex provides clearing, execution, margin lending, securities lending and back-office services to customers of introducing brokers and registered investment advisers. As a broker-dealer, Apex has a multitude of relationships with securities exchanges and securities clearing companies. Apex's securities designated self-regulatory organization is Financial Industry Regulatory Authority ("FINRA"). Information about FINRA is available by visiting [www.finra.org](http://www.finra.org) and information about Apex's broker-dealer registration is available on FINRA's background search webpage by visiting <https://brokercheck.finra.org/>.

### **FCM Business**

Apex is an FCM registered with the CFTC and a swap firm member of the National Futures Association ("NFA") (NFA ID: 0476618). NFA is also Apex's designated self-regulatory organization ("DSRO") under the CFTC regulations. See "DSRO Contact Information" section of this document for NFA's contact information and "Filing a Complaint" section of this document for information regarding filing a complaint.

### Futures Business

With respect to its futures business, Apex is not a member of any futures exchanges or futures clearinghouses. Apex does not promote or solicit for futures and options business. All futures customers are introduced to Apex by independent introducing brokers. The introducing brokers are also securities correspondent clients.

Futures business is cleared on an omnibus basis through StoneX Financial Inc. ("StoneX") (formerly INTL FCStone Financial Inc.). Through the Firm's clearing arrangement with StoneX, introduced customers have access to the following U.S. futures markets: Chicago Mercantile Exchange, Chicago Board of Trade, New York Mercantile Exchange, Commodity Exchange, Cboe Futures Exchange and the Small Exchange.

Further, Apex's futures business is limited to carrying speculative customer accounts only. Apex does not engage in proprietary trading or act as a principal.

As used herein, unless the context otherwise requires, the term "futures" includes both futures and options on futures.

Cleared Swaps Business: Event Contracts

In addition to its futures activities, Apex supports customer trading in event contracts listed on KalshiEX LLC (“Kalshi Exchange”), a CFTC-registered designated contract market, and cleared through Kalshi Clearinghouse LLC (“Kalshi Clearing,” and together with Kalshi Exchange, collectively, “Kalshi”), a CFTC-registered derivatives clearing organization (“DCO”). These event contracts are structured as cleared swaps under the Commodity Exchange Act (as amended, the “CEA”). Customer positions in Kalshi event contracts are required by Kalshi Clearing rules to be fully collateralized.

Apex is a member of both Kalshi Exchange and Kalshi Clearing and acts as a clearing member for event contract transactions executed on and cleared through Kalshi. Apex maintains settlement accounts at Kalshi Clearing to facilitate the clearing of customer event contract transactions. Unlike Apex’s futures business, Apex clears event contract transactions directly through its clearing membership at Kalshi Clearing rather than through a third-party clearing FCM.

Apex does not promote or solicit cleared swaps business. All cleared swaps customers are introduced to Apex by independent introducing brokers.

Apex does not engage in proprietary trading in connection with its cleared swaps business and does not act as a principal with respect to customer event contract transactions.

Product Scope and Limitations

Apex limits the products it supports to those for which it can obtain timely and accurate pricing and for which appropriate clearing and risk management arrangements are in place. Apex does not permit customers to trade illiquid products for which it is difficult to obtain timely and accurate prices. Except as described with respect to cleared event contracts offered through Kalshi, Apex does not support other swap products.

Examples of products that Apex does not support include: (i) commodity derivatives listed on non-U.S. exchanges, (ii) retail foreign exchange products, (iii) off-exchange (over-the-counter) products, and (iv) credit default, interest rate, commodity or other swaps, other than cleared event contracts offered through Kalshi.

**Client Segments**

Apex services the following three types of financial industry segments:

- Institutional clients (Broker-Dealer)
- Proprietary traders (Broker-Dealer)
- Retail futures and event contract (cleared swap) traders (FCM)

Approximately 4% of Apex’s capital and 1% of assets are utilized for the futures and cleared swaps business. The remaining 96% of capital and 99% of assets are deployed to Apex’s securities and clearing business.

*1.55(k)(4) The futures commission merchant's business on behalf of its customers, including types of customers, markets traded, international businesses, and clearinghouses and carrying brokers used, and the futures commission merchant's policies and procedures concerning the choice of bank depositories, custodians, and counterparties to permitted transactions under § 1.25.*

- **Types of Customers**

All of the accounts that Apex carries are for speculative retail traders.

- **Markets Traded**

Through an agreement with a clearing FCM, introduced customers have access to trade in the following futures markets: (i) financial: interest rates, currency, and stock index; (ii) agricultural; (iii) energy; (iv) metals; and (v) livestock. Through its Kalshi membership, introduced customers have access to trade event contracts listed on Kalshi.

- **International Businesses: UK**

- **Clearinghouses**

Apex is not a member of any futures exchanges or futures clearinghouses with respect to its futures business. All introduced customer futures transactions are cleared through an arrangement with a clearing FCM, StoneX. Through this arrangement, customers have access to the following U.S. futures markets: Chicago Mercantile Exchange, Chicago Board of Trade, New York Mercantile Exchange, Commodity Exchange, CBOE Futures Exchange and the Small Exchange.

With respect to event contracts, Apex is a member of Kalshi Clearing, a CFTC-registered DCO. Apex clears introduced customer event contract transactions executed on Kalshi Exchange directly through Kalshi Clearing.

- **Carrying and Clearing Brokers**

Apex carries introduced customer accounts on a fully disclosed basis. With respect to its futures business, customer accounts are cleared on an omnibus basis through StoneX. With respect to event contracts, Apex clears customer transactions directly through Kalshi Clearing.

- **Permissibility of Depositories and Counterparties Under CFTC Regulation §1.25**

In order to determine the adequacy of the depositories utilized to hold introduced customer funds, on a quarterly basis, Apex performs a detailed review of each. The review includes the evaluation of depositories' capitalization, creditworthiness, operational reliability and access to liquidity.

Apex does not invest futures or cleared swaps customer segregated funds, either with affiliates, counterparties, or otherwise. Should Apex decide to invest customer segregated funds, funds will be invested in accordance with CFTC Regulation §1.25.

## MATERIAL RISK

*1.55(k)(5) The material risks, accompanied by an explanation of how such risks may be material to its customers, of entrusting funds to the futures commission merchant, including, without limitation, the nature of investments made by the futures commission merchant (including credit quality, weighted average maturity, and weighted average coupon); the futures commission merchant's creditworthiness, leverage, capital, liquidity, principal liabilities, balance sheet leverage and other lines of business; risks to the futures commission merchant created by its affiliates and their activities, including investment of customer funds in an affiliated entity; and any significant liabilities, contingent or otherwise, and material commitments.*

- **Risks Associated with Investment of Customer Funds**

Apex takes a conservative approach towards handling customer funds. Apex has elected not to invest futures or cleared swaps customer segregated funds. If, at any point in the future, Apex decides to invest customer segregated funds, then all investments will be compliant with CFTC Regulation §1.25.

- **FCM Financial Health**

- **Credit Worthiness**

As a non-publicly held company, Apex does not have a formal credit rating with major credit rating agencies; nevertheless, Apex's long history of operating as a responsible financial counterparty has earned the Firm a well-deserved and highly creditworthy reputation with customers, clients and the financial industry.

- **Leverage**

Apex does not use leverage in the form of borrowed capital. Apex's measure of balance sheet leverage as computed under NFA Financial Requirements Section 16(e)(i)(2) was 8.19, as of November 30, 2025.

On a monthly basis, Apex is required to report to the NFA and CFTC a leverage ratio calculation performed in accordance with U.S. Generally Accepted Accounting Principles. Section 16(e)(i)(2) of the NFA's Financial Requirements defines leverage as "total balance sheet assets, less any instruments guaranteed by the U.S. government and held as an asset or to collateralize an asset (e.g., a reverse repo) divided by total capital (the sum of stockholder's equity and subordinated debt)."

- **Capital**

Apex strives to maintain capital in excess of that necessary to support and maintain business needs and regulatory requirements. As of November 30, 2025, Apex had Adjusted Net Capital of \$513,913,389, and Excess Net Capital of \$486,648,035. Net capital summary can be found on our website under Apex Clearing Futures Commission Merchant Disclosures. If business needs for capital increase, the Firm will seek to increase its capital through either equity or debt contributions.

- **Liquidity**

Apex's funding and liquidity practices follow a process management approach corresponding with the Firm's liquidity profile. Daily decisions are guided through processes intended to maximize liquidity. Ongoing liquidity evaluations are performed to ensure Apex has the necessary capacity to meet its liquidity obligations.

- **Principal Liabilities**

Apex has two principal liabilities: 1) the balances in customer accounts, which are held in segregated accounts; and 2) long-term liabilities in the form of two leases. One lease is for the headquarters located at 350 North St. Paul Street, Dallas, Texas and the second is for offices located at 555 SW Morrison St. Suite 350, Portland, Oregon.

- **Balance Sheet Leverage and Other Lines of Business**

Please refer to the "**Apex's Business**" section above for discussion of other lines of business. Apex does not use leverage in the form of borrowed capital and does not leverage its balance sheet. Apex is not engaged in proprietary trading.

- **Risks Created by Apex's Affiliates and Their Activities**

Apex does not invest customer or house funds with an affiliated entity, nor do the Firm's affiliates maintain futures trading accounts at the Firm to trade for their own accounts.

- **Significant Liabilities: Contingent or Otherwise Material Commitments**

Please refer to the "**Principal Liabilities**" section above.

**DSRO CONTACT INFORMATION AND APEX'S WEBSITE WITH REQUIRED FINANCIALS**

*1.55(k)(6) The name of the futures commission merchant's designated self-regulatory organization and its Web site address and the location where the annual audited financial statements of the futures commission merchant is made available.*

- **DSRO Contact Information**

Apex's FCM DSRO is the NFA: <https://www.nfa.futures.org/>

- **Annual Audited Financial Statement**

Apex's most recent audited financial statement can be found at:  
<https://apexfintechsolutions.com/legal/disclosures/>

**MATERIAL COMPLAINTS AND ENFORCEMENT ACTIONS**

*1.55(k)(7) Any material administrative, civil, enforcement, or criminal complaints or actions filed against the FCM where such complaints or actions have not concluded, and any enforcement complaints or actions filed against the FCM during the last three years.*

- **Actions Against Apex**

In connection with regulatory requirements, Apex is providing a summary of actions taken against the Firm:

**Off Channel Communications - SEC File No. 3-21998**

Apex Clearing Corporation discloses, pursuant to 17 CFR § 1.55(k)(7), that on August 14, 2024, the U.S. Securities and Exchange Commission instituted and settled Administrative Proceeding File No. 3-21998. The SEC found that Apex willfully violated Section 17(a) of the Securities Exchange Act of 1934 and Rule 17a-4(b)(4) by failing to maintain or preserve certain business-related communications conducted on personal devices, and further found that Apex failed reasonably to supervise its employees with a view to preventing or detecting aiding and abetting violations of Section 17(a) and Rule 17a-4, within the meaning of Section 15(b)(4)(E). Without admitting or denying the findings (except as to certain admissions), Apex consented to an order that censures the firm, requires it to cease and desist from committing or causing any violations and any future violations of Section 17(a) and Rule 17a-4, mandates compliance with specified undertakings, and imposes a civil monetary penalty of \$6,000,000, which Apex has paid. Apex has implemented the undertakings required by the order. Further information is available in the SEC's public docket for Administrative Proceeding File No. 3-21998.

**FPSL - FINRA Matter No. 2021072120401**

Apex Clearing Corporation discloses, pursuant to 17 CFR § 1.55(k)(7), that on February 4, 2025, FINRA accepted an Acceptance, Waiver and Consent in Matter No. 2021072120401. Without



admitting or denying the findings, Apex consented to findings that, in connection with its fully paid securities lending program, the firm borrowed fully paid and excess margin securities from certain customers without having reasonable grounds to believe such lending was appropriate; some customers enrolled by introducing broker-dealers did not receive a loan fee and were exposed to potential adverse tax consequences from payments in lieu of dividends; at times the firm distributed and caused certain introducing broker-dealers to distribute documents that inaccurately stated customers would receive a loan fee or compensation (including statements about reduced management fees), and the firm provided electronic account documents that omitted the required risk disclosure before later correcting the omission and self-reporting it to FINRA. FINRA also found that the firm failed to establish, maintain, and enforce a reasonable supervisory system and written supervisory procedures for the program, including procedures to assess the appropriateness of participation for retail customers and to ensure the disclosures mandated by FINRA Rule 4330(b)(2)(B). The AWC censured Apex, imposed a \$3,200,000 civil monetary penalty, and required undertakings, including certification that the firm has remediated the issues identified in the AWC and implemented a reasonably designed supervisory system, including WSPs. The firm reports the fine was paid in full on April 7, 2025 and certification to FINRA was provided on August 1, 2025. Further information is available in FINRA AWC No. 2021072120401.

Additional information regarding regulatory actions, including enforcement actions, taken against Apex by the CFTC, NFA or any exchange can be found on NFA's Background Affiliation Status Information Center ("BASIC") at: <https://www.nfa.futures.org/BasicNet/basic-profile>.

## OVERVIEW OF CUSTOMER FUNDS SEGREGATION AND COLLATERAL MANAGEMENT

*1.55(k)(8) A basic overview of customer fund segregation, futures commission merchant collateral management and investments, futures commission merchants, and joint futures commission merchant/broker dealers.*

Below is a basic overview of Apex's customer funds segregation and investment practices. Apex only carries accounts for (i) futures and options on futures traded on U.S. exchanges and (ii) cleared swaps in the form of event contracts listed on Kalshi Exchange and cleared through Kalshi Clearing. Apex does not offer 30.7 (foreign futures) accounts.

### Types of Customer Accounts

#### Overview of Account Types

FCMs can maintain up to three different types of accounts for customers, depending on the products a customer trades:

- Customer Segregated Account – for customers trading futures and options on futures that are listed on U.S. futures exchanges. This is the only account type Apex carries for introduced futures customers.
- CFTC Regulation 30.7 Account – for customers that trade futures or options on futures that are listed on foreign futures exchanges. **Apex does not permit trading of futures listed on foreign futures exchanges and accordingly does not maintain 30.7 accounts.**

- Cleared Swaps Customer Account – for customers trading swaps cleared through a CFTC-registered DCO. This is the account type Apex carries for introduced cleared swap customers trading event contracts.

#### Prohibition on Commingling Across Account Classes

The requirement to maintain these separate accounts reflects the different risks posed by the different products. Funds required to be held in one type of account (e.g., the Customer Segregated Account) may not be commingled with funds required to be held in another type of account (e.g., the Cleared Swaps Customer Account), except as the CFTC may permit by order.

#### Customer Segregated Accounts (Futures)

Funds that customers deposit with an FCM, or that are otherwise required to be held for the benefit of customers, to margin futures and options on futures contracts traded on futures exchanges located in the U.S. are held in a Customer Segregated Account in accordance with CFTC Regulation §1.20 (such funds, “Customer Segregated Funds”). Customer Segregated Funds held in the Customer Segregated Account may not be used to meet the obligations of the FCM or any other person, including another customer. Apex is required to clearly designate all futures customer securities and property as customer segregated as required by CFTC Regulation §1.20 and NFA Financial Requirements Section 4.

All Customer Segregated Funds may be commingled in a single account and held with (i) an eligible bank or trust company; (ii) an FCM; or (iii) a DCO. Such a commingled account must be properly titled to make clear that the funds belong to, and are being held for the benefit of, the FCM’s customers. Unless a customer provides instructions to the contrary, an FCM may hold Customer Segregated Funds only: (i) in the United States; (ii) in a money center country; or (iii) in the country of origin of the currency.

#### Cleared Swaps Customer Accounts

Funds deposited with an FCM, or otherwise required to be held for the benefit of customers, to margin swaps cleared through a registered DCO (such funds, “Cleared Swaps Customer Collateral”), are held in a Cleared Swaps Customer Account in accordance with the provisions of Section 4d(f) of the CEA and Part 22 of the CFTC’s rules. Funds required to be held in a Cleared Swaps Customer Account may be commingled in an omnibus account and held with: (i) an eligible bank or trust company; (ii) an FCM; or (iii) a DCO. Such a commingled account must be properly titled to make clear that the funds belong to, and are being held for the benefit of, the FCM’s Cleared Swaps Customers. Unless a customer provides instructions to the contrary, an FCM may hold Cleared Swaps Customer Collateral only: (i) in the United States; (ii) in a money center country; or (iii) in the country of origin of the currency.

#### Daily Segregation and Cleared Swaps Collateral Computations

Apex is required to prepare daily computations regarding the holding of Customer Segregated Funds and Cleared Swaps Customer Collateral as of the close of business by noon of the following day as required by CFTC Regulations §§1.32 and 22.2(g); and NFA Compliance Rule 2-10.

#### Investment of Customer Funds

All investments of Customer Segregated Funds and Cleared Swaps Customer Collateral are required to be in accordance with CFTC Regulation §1.25, and such investments shall be limited to instruments permitted by such regulation.

CFTC Regulation §1.25 authorizes FCMs to invest Customer Segregated Funds and Cleared Swaps Customer Collateral in the following types of instruments: (i) obligations of the United States and obligations fully guaranteed as to principal and interest by the United States (U.S. government securities), (ii) general obligations of any State or of any political subdivision thereof (municipal securities), (iii) obligations of any United States government corporation or enterprise sponsored by the United States government (U.S. agency obligations), (iv) certificates of deposit issued by a bank (certificates of deposit) as defined in Section 3(a)(6) of the Securities Exchange Act of 1934, or a domestic branch of a foreign bank that carries deposits insured by the Federal Deposit Insurance Corporation, (v) commercial paper fully guaranteed as to principal and interest by the United States under the Temporary Liquidity Guarantee Program as administered by the Federal Deposit Insurance Corporation (commercial paper), (vi) corporate notes or bonds fully guaranteed as to principal and interest by the United States under the Temporary Liquidity Guarantee Program as administered by the Federal Deposit Insurance Corporation (corporate notes or bonds), and (vii) interests in money market mutual funds.

#### *Apex's Current Practices with Respect to Investment of Customer Funds*

Apex does not invest Customer Segregated Funds or Cleared Swaps Customer Collateral, either with affiliates, counterparties, or otherwise. Should Apex decide to invest customer funds, such funds will be invested in accordance with CFTC Regulation §1.25.

In the event that Apex invests customer funds in instruments permitted by CFTC Regulation §1.25, Apex shall include such instruments in segregated account records and reports at values which at no time exceed current market value, determined as of the close of the market on the date for which such computation is made.

#### **Maintenance of U.S. Dollar Funds**

Apex must maintain sufficient funds in United States Dollar ("USD") held in Customer Segregated and Cleared Swaps Customer Accounts within the United States to cover its USD Customer Segregated Funds and Cleared Swaps Customer Collateral liabilities (as applicable), respectively, as required by CFTC Regulations §§1.49(e) and 22.9. Although Apex is permitted under CFTC Regulation §22.9 to maintain cleared swaps customer funds in a denomination other than USD, if the funds have accrued to a cleared swaps customer as a result of a cleared swap cleared through Apex, Apex expects all funds accruing to cleared swaps customers to be in USD.

#### **Depository Oversight, Acknowledgment Letters, and Daily Reporting**

Apex is required to perform due diligence on the location of customer funds as required by CFTC Regulations §§1.11 and 1.20. Such due diligence is conducted pursuant to Apex's overall credit and counterparty policies.

Apex must obtain acknowledgement letters from depositories, including DCOs and other FCMs, where applicable, holding customer funds in the form prescribed under CFTC Regulations §§1.20, 1.26 and 22.5 within three business days of opening any new accounts. Apex must ensure that Apex and its depositories file copies of the acknowledgment letters with both the CFTC and its DSRO through WinJammer.

Apex shall instruct each depository holding Customer Segregated and Cleared Swaps Customer Accounts to report the balances in these accounts on a daily basis to NFA or a third party designated by NFA, in the form and manner prescribed by NFA, to be considered as an acceptable depository to hold customer segregated funds, customer secured funds and cleared swaps customer collateral as required by NFA Financial Requirements Section 4.

### **Residual Interest, Withdrawals, and Governance**

Apex is required to maintain written policies and procedures that establish a target amount (either by percentage or dollars) that Apex seeks to maintain as its residual interest in its Customer Segregated and Cleared Swaps Customer Accounts. Such policies and procedures must be designed to reasonably ensure Apex maintains these amounts and remains in compliance with the segregation and cleared swaps customer collateral amounts at all times as required by CFTC Regulations §§1.11 and 1.20 and NFA Financial Requirements Section 16(a).

All procedures relating to the protection of Customer Segregated Funds and Cleared Swaps Customer Collateral must be approved in writing by the Apex Board of Directors as required by NFA Financial Requirements Section 16(a).

Material changes to the Firm's procedures regarding residual interest in Customer Segregated and Cleared Swaps Customer Accounts must be approved in writing by Apex's Board of Directors as required by NFA Financial Requirements Section 16(a) and Interpretive Notice 9066.

If Apex does not hold sufficient funds to meet its target residual amount in Customer Segregated and Cleared Swaps Customer Accounts, Apex must file immediate notice of this occurrence with the CFTC and NFA (the Firm's DSRO) as required by NFA Interpretive Notice 9066 and CFTC Regulation §1.12(j).

Apex shall not make any withdrawal, transfer or disbursement, not made for the benefit of customers from any customer segregated funds account that exceeds 25% of Apex's residual interest unless such withdrawal meets the requirements of NFA Financial Requirements Sections 16(b), (c) and (d).

If Apex withdraws a portion of its residual interest not for the benefit of customers, and the withdrawal causes Apex to fall below its target residual amount, then, by the close of business the next day, Apex shall either deposit funds in the segregated, secured funds or cleared swaps customer collateral account(s), as applicable, to restore the respective account balance to the target residual amount or if appropriate revise the target residual amount in accordance with its policies and procedures, and as required by NFA Interpretive Notice 9066 and CFTC Regulation §1.23(e).

In addition to the requirements above, prior to withdrawing more than 25% of Apex's residual interest, the FinOP or CEO will authorize such withdrawal in writing and only after reviewing Apex's segregated

funds condition and performing such due diligence as may be necessary to ensure that such withdrawal would not cause Apex to become under segregated.

## **Reporting**

Apex prepares and files with its DSRO (NFA) Segregated Investment Detail Reports (“SIDRs”) as required by NFA Financial Requirements Section 16(e). SIDRs must be filed by 11:59 p.m. Eastern time on the business day following the 15th and the last business day of each month, and must include the following information as of the close of business on the 15th (or the following business day if the 15th falls on a weekend) and the last business day of each month:

- (1) The identity and location of each depository holding customer segregated funds, and the dollar amount held at each depository;
- (2) The dollar amount of customer segregated funds held in cash, each type of permitted investments identified in CFTC Regulation §1.25(a), customer owned securities held as margin, and as securities under agreements to resell the securities (reverse repurchase transactions) held at each depository identified in subsection (1) above;
- (3) The identity and location of each depository holding foreign futures and foreign options customer secured amount funds, and the dollar amount held at each depository;
- (4) The dollar amount of foreign futures and foreign options customer funds held in cash, each type of permitted investments identified in CFTC Regulation §1.25(a), customer owned securities held as margin, and as securities under agreements to resell the securities (reverse repurchase transactions) held at each depository identified in subsection (3) above;

(Note: Items (3) and (4) are not applicable, as Apex does not maintain 30.7 customer accounts.)

- (5) The identity and location of each depository holding cleared swaps customer collateral, and the dollar amount held at each depository;
- (6) The dollar amount of cleared swaps customer collateral held in cash, each type of permitted investment identified in CFTC Regulation §1.25(a), customer owned securities held as margin, and as securities under agreements to resell the securities (reverse repurchase transactions) held at each depository identified in subsection (5) above; and
- (7) The identity of each depository that is an affiliate of the FCM that held customer segregated funds, foreign futures and foreign options customer secured amount funds or cleared swaps customer collateral during the reporting period.

Apex must not commingle the accounts of officers, directors, partners and employees with the funds of customers. Apex is required to review an equity run or equivalent report to ensure accounts of officers, directors, partners and employees are reflected separately from customers as required by CFTC Regulation §1.20(e). Apex maintains complete and detailed records of all securities held or owned by the Firm which represents an investment of customer funds as required by CFTC Regulation §1.27.

As set forth in CFTC Regulation §1.24, Apex is required to exclude from segregation all money invested in obligations or stocks of any DCO or in memberships in, or obligations of, any contract market, money held by any DCO that is used for any purpose other than to purchase, margin, guarantee, secure, transfer, adjust, or settle the contracts, trades, or commodity options of the futures customers of Apex.

Apex must limit and restrict the use of segregated customer funds as set forth in CFTC Regulations §§1.20 and 1.22.

As set forth in CFTC Regulation §1.29, Apex may receive and retain incremental income or interest income from investment of customer segregated funds pursuant to CFTC Regulation §1.25. Apex shall bear sole responsibility for any losses resulting from such investments and no customer shall bear responsibility for such losses.

### **Permissible Lending of Firm Funds; Prohibition on Customer Financing**

Nothing in the CFTC's regulations prevents Apex from lending its own funds to customers on securities and property pledged by such customers, or from re-pledging or selling such securities and property pursuant to specific written agreement with such customers. The proceeds of such loans used to purchase, margin, guarantee, or secure the trades, contracts, or commodity options of customers shall be treated and dealt with by an FCM as belonging to such customers, in accordance with CFTC Regulation §1.30.

Apex shall not loan funds on an unsecured basis to futures customers to finance customers' futures trading, nor may Apex loan funds to futures customers secured by the futures accounts of such customers.

### **Lack of SIPC Protection**

Although Apex is a registered broker-dealer, the funds that Apex's customers deposit with Apex for futures and cleared swaps trading are not protected by the Securities Investor Protection Corporation ("SIPC").

For additional information on the protection of customer funds, please see the Futures Industry Association's "Protection of Customer Funds Frequently Asked Questions" located at: <https://fia.org/articles/protection-customer-funds-frequently-asked-questions>.

## **FILING A COMPLAINT**

*1.55(k)(9) Information on how a customer may obtain information regarding filing a complaint about FCM with the Commission or with FCM's DSRO.*

- Apex Compliance**

If you wish to file a complaint, we encourage you to contact the Apex Compliance Department at 214-765-1055 or via email at [futurescompliance@apexfintechsolutions.com](mailto:compliance@apexfintechsolutions.com).

- DSRO**



If you wish to file a complaint about Apex with NFA, Apex's DSRO, you may contact NFA electronically at <http://www.nfa.futures.org/basicnet/Complaint.aspx>, or by calling NFA directly at 800-621-3570.

- **CFTC**

If you wish to file a complaint about Apex with the CFTC, you may contact the CFTC electronically at <https://www.cftc.gov/ConsumerProtection/FileaTiporComplaint/index.htm>, or by calling the Division of Enforcement toll-free at 866-FON-CFTC (866-366-2382).

## Relevant FINANCIAL DATA

- **Total Equity, Regulatory Capital and Net Worth as of November 30, 2025**

*1.55(k)(10)(i) The futures commission merchant's total equity, regulatory capital, and net worth, all computed in accordance with US Generally Accepted Accounting Principles and § 1.17, as applicable.*

Total Equity (Total Ownership Equity and Total Subordinated Liabilities)	\$645,919,604
Regulatory Capital (Total Net Capital)	\$531,913,389
Net Worth (Total Ownership Equity)	\$645,919,604

- **Proprietary Margin Requirements**

*1.55(k)(10)(ii) The dollar value of the futures commission merchant's proprietary margin requirements as a percentage of the aggregate margin requirement for futures customers, Cleared Swaps Customers, and 30.7 customers.*

Apex's proprietary margin requirements were zero. Apex does not engage in proprietary trading or offer 30.7 customer accounts.

- **Funds Held for Futures Customers as of November 30, 2025**

*1.55(k)(10)(iii) The smallest number of futures customers, Cleared Swaps Customers, and 30.7 customers that comprise 50 percent of the futures commission merchant's total funds held for futures customers, Cleared Swaps Customers, and 30.7 customers, respectively.*

Apex's smallest number of futures customers that comprised 50% of the Firm's total funds held for futures customers was 229 accounts. Apex's smallest number of cleared swaps customers that comprised 50% of the Firm's total funds held for cleared swaps customers was 0 accounts. Apex does not offer 30.7 customer accounts.

- **Aggregate, Source, and Purpose of Committed Unsecured Lines of Credit Obtained**

*1.55(k)(10)(iv) The aggregate notional value, by asset class, of all non-hedged, principal over-the-counter transactions into which the futures commission merchant has entered.*

Apex does not engage in non-hedged, principal over-the-counter transactions. The Firm also does not permit its futures or cleared swaps customers to engage in such transactions.

*1.55(k)(10)(v) The amount, generic source and purpose of any committed unsecured lines of credit (or similar short-term funding) the futures commission merchant has obtained but not yet drawn upon.*

Lender	Maximum Amount Available	Amount Outstanding at 11/30/2025	Maturity Date	Committed/Uncommitted	Secured/Unsecured
BMO Harris (Syndicate)	\$255,000,000	\$ -	4/24/2026	Committed	Unsecured
Tristate Capital Bank	\$35,000,000	\$ -	1/14/2027	Committed	Unsecured

*1.55(k)(10)(vi) The aggregated amount of financing the futures commission merchant provides for customer transactions involving illiquid financial products for which it is difficult to obtain timely and accurate prices.*

Apex does not provide financing for futures or cleared swaps customer transactions in any capacity. Apex also does not permit customers to trade illiquid financial products for which it is difficult to obtain timely and accurate prices, nor provide financing for it.

- Percentage of Customers Receivable Balance**

*1.55(k)(10)(vii) The percentage of futures customer, Cleared Swaps Customer, and 30.7 customer receivable balances that the futures commission merchant had to write-off as uncollectible during the past 12-month period, as compared to the current balance of funds held for futures customers, Cleared Swaps Customers, and 30.7 customers.*

For the past 12 months, Apex did not write off any futures customer or cleared swaps customer receivable balances.

- Additional Information about Apex**

Apex's additional financial information and treatment of customer segregated funds can be found in the "Publicly Available FCM Financial Information 1.55(o)" section of this document. That section also specifies where Apex's financial information can be found on CFTC and NFA websites.

## RISK CONTROLS, PRACTICES, AND PROCEDURES

*1.55(k)(11) A summary of the futures commission merchant's current risk practices, controls and procedures.*

- Risk Profile**

The risks set forth below are examples of what Apex has determined can adversely impact its ability to continue to successfully operate in the futures, cleared swaps and the securities business. Some of the ways to mitigate risks include Apex keeping abreast of the industry and market related events, employing qualified professionals, and when needed, enhancing processes.

- Actions taken by governments or regulators
- Adverse effects of competition
- Cyber risks
- Inability of Apex's clients and/or counterparties to meet their financial commitments
- Inability to meet cash or collateral requirements as they arise
- Inability to obtain financing if needed
- Market exposures
- Negative perceptions of Apex's reputation
- Non-compliance with laws and regulations
- Protracted decline or reduced liquidity in financial markets
- Street-wide data dissemination issues including but not limited to exchanges and clearing corporations
- Third party service outages
- Uncertainty in the global economy and financial markets
- Write downs of Apex assets

## • General Overview

As required by CFTC Regulation §1.11, Apex has implemented a comprehensive Risk Management Program ("RMP"). Apex acknowledges that an RMP alone cannot eliminate all risks. However, the RMP is a supervisory tool to help Apex identify key risks, assign risk tolerances, determine course of action should a risk arise, and reasonably ensure that procedures are being diligently followed. It also helps to ensure that if a breach of a risk tolerance limit is detected, it is promptly escalated as appropriate. Periodically, Senior Management reviews exceptions to risk tolerance limits and determines if exceptions are outside of established policies and procedures. All proposed changes to risk tolerance limits are required to be reviewed and approved by Senior Management.

To be compliant with CFTC Regulation §1.11, and in order to continue improving its Risk Management Program, Apex ensures the RMP is reviewed and tested by qualified personnel, at least annually. Reviews are documented and periodically discussed with Senior Management.

Additionally, in order to enhance supervision and review of risks associated with the futures and cleared swaps business, Apex established and retains a Risk Management Unit ("RMU"). The RMU has sufficient authority, qualified personnel, and financial, operational and other resources to carry out the Risk Management Program. The Risk Management Unit reports directly to Senior Management.

On a quarterly basis, the RMU prepares a periodic Risk Exposure Report ("RER") that encompasses changes to Apex's business, if any occurred, risk breaches, recommended or completed updates to the Risk Management Program, timeframe for recommendations, and status of any incomplete implementations of previously recommended changes.

Both the RMP and the RER are distributed to Apex's Senior Management and Board of Directors, and evidence of distribution is maintained in accordance with CFTC Regulation §1.31. Furthermore, as required by CFTC regulations, Apex ensures that it furnishes the CFTC with updated reports.

- **Identifying Risk and Risk Tolerance Limits**

Apex's RMP takes into account market, credit, liquidity, foreign currency, legal, operational, settlement, segregation, technological, capital and other applicable risks with a description of the risk tolerance limits and methodology for these limits. In order to be fully cognizant of such risk Apex's Senior Management participates in a call, on a daily basis, that addresses risks and other business topics.

Similar to other types of risk and despite Apex's best efforts to manage risk through its policies, procedures and governance structure, there can be no complete guarantee that Apex will not sustain a material loss as a part of its operation. Apex deems such events to be highly improbable, however, not impossible.

- **Segregation Risk**

Apex mitigates segregation risk by:

- Performing daily computation of the requirement
- Making a timely deposit of additional funds when necessary
- Monitoring residual interest amount to maintain established level
- Employing appropriate separation of duties between funds movement and reporting groups
- Establishing a process for withdrawal of funds from segregated customer funds accounts:
  - For the benefit of a customer
  - Not for payment or on behalf of Apex's customer
- Periodically performing review of the depositories
- Providing regulatory bodies with notices and reports

- **Operational Risk**

Operational risks are mitigated by:

- Review and escalation of erroneous trade orders
- Prompt remediation of unsettled transactions
- Transaction settlement monitoring
- Timely reporting of transactions to customers and when applicable, regulatory bodies
- Reconciliation of positions and monies
- An audit of the futures introducing broker's automated order routing system

- **Capital Risk**

Apex reasonably ensures that it has sufficient capital to be compliant with the CEA and the CFTC's regulations. One of the ways that Apex mitigates capital risk is by performing a periodic capitalization stress test. Stress tests include such components as:

- Operational capital
- Unsecured and secured contingent funding sources
- Capital requirement for FCM and non-FCM business
- Residual target interest and excess capital

- **Liquidity Risk**

To limit risks associated with liquidity, Apex restricts futures trading to liquid products that are offered on selected U.S. futures exchanges and restricts cleared swaps trading to event contracts offered by Kalshi. Apex does not engage in proprietary trading and does not act as a principal in customer transactions. Furthermore, Apex identified the following three conditions that can increase liquidity needs:

- **Market Stress Event**
  - Mismatches of margins, funding and positions
  - Excessive deposits
  - Requirements changes
  - Funding availability changes
- **Market Stress Mitigation**
  - Changes to positions, margins and additional funding requirements
  - Utilization of all available lending facilities
  - Multiple daily customer segregation computations
  - Prioritization and ongoing monitoring of requirements and funding
- **Company-Specific (Idiosyncratic) Event**
  - Excessive withdrawals
  - Requirements changes specific to Apex
  - Funding availability changes specific to Apex
  - Reputational risk
- **Company Specific (Idiosyncratic) Mitigation**
  - Utilization of all available lending facilities
  - Debit reductions by changes to cash flow
  - Analysis and risk control
- **Extraordinary Customer Activity**

Apex notes that extraordinary customer activity can occur due to a number of causes dependent and independent of actions taken by Apex or other external events. If such occurs, Apex's Senior Management will evaluate the situation and determine the best remediation plan.



## PUBLICLY AVAILABLE FCM FINANCIAL INFORMATION 1.55(o)

CFTC Regulation §1.55(o)(1) requires each FCM, including Apex, to make the following financial information publicly available on its web site:

(1) 1.55(o)(1)(i) *The daily Statement of Segregation Requirements and Funds in Segregation for Customers Trading on U.S. Exchanges for the most current 12-month period:*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

1.55(o)(1)(ii) *The daily Statement of Secured Amounts and Funds Held in Separate Accounts for 30.7 Customers Pursuant to Commission Regulation 30.7 for the most current 12-month period.*

**Apex does not offer trading on foreign exchanges.**

1.55(o)(1)(iii) *The daily Statement of Cleared Swaps Customer Segregation Requirements and Funds in Cleared Swaps Customer Accounts Under Section 4d(f) of the Act for the most current 12-month period.*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

1.55(o)(1)(iv) *A summary schedule of the futures commission merchant's adjusted net capital, net capital, and excess net capital, all computed in accordance with §1.17 and reflecting balances as of the month-end for the 12 most recent months:*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

1.55(o)(1)(v) *The Statement of Financial Condition, the Statement of Segregation Requirements and Funds in Segregation for Customers Trading on U.S. Exchanges, the Statement of Secured Amounts and Funds Held in Separate Accounts for 30.7 Customers Pursuant to Commission Regulation 30.7, the Statement of Cleared Swaps Customer Segregation Requirements and Funds in Cleared Swaps Customer Accounts Under Section 4d(f) of the Act, an all related footnotes to the above schedules that are part of the futures commission merchants most current certified annual report pursuant to §1.16:*

See <https://apexfintechsolutions.com/legal/disclosures/>

1.55(o)(1)(vi) *The Statement of Segregation Requirements and Funds in Segregation for Customers Trading on U.S. Exchanges, the Statement of Secured Amounts and Funds Held in Separate Accounts for 30.7 Customers Pursuant to Commission Regulation 30.7, and the Statement of Cleared Swaps Customer Accounts Under Section 4d(f) of the Act that are part of the futures commission merchant's unaudited Form 1-FR-FCM or Financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934 ("FOCUS Report") for the most current 12-month period:*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

(2) 1.55(o)(2) *To the extent any of the financial data identified in paragraph (1) of this section is amended, the FCM must clearly note that the data has been amended.*

If Apex makes any changes to the financial data identified in paragraph (1) of 1.55(o), it will be clearly notated that data has been amended.

(3) 1.55(o)(3) *Each futures commission merchant must include a statement on its Web site that is available to the public that financial information regarding the futures commission merchant, including how the futures commission merchant invests and holds customer funds, may be obtained from the National Futures Association and include a link to the Web site of the National Futures Association's Basic System where information regarding the futures commission merchant's investment of customer funds is maintained:*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

Financial information regarding Apex, including how Apex invests and holds client futures funds can be obtained from NFA BASIC at the following link: <http://www.nfa.futures.org/basicnet/>

(4) 1.55(o)(4) *Each futures commission merchant must include a statement on its Web site that is available to the public that additional financial information on all futures commission merchants is available from the Commodity Futures Trading Commission and include a link to the Commodity Futures Trading Commission's Web page for financial data for futures commission merchants:*

See <https://apexfintechsolutions.com/legal/apex-clearing-futures-disclosures/>

Additional financial information on all FCMs, including Apex, is available from the CFTC at the following link: <https://www.cftc.gov/MarketReports/financialfcmda/index.htm>

**PART 190 DISCLOSURE REGARDING SEPARATE ACCOUNTS**

If you establish or maintain more than one account with an FCM for the purpose of trading (a) futures and options on futures (collectively, “futures”) on either U.S. or foreign futures exchanges, or (b) cleared swaps (each, a “separate account”), it is important that you read and understand the following disclosure. Such separate accounts may be: (i) managed by different asset management firms, introducing brokers or associated persons; (ii) managed as separate investment portfolios by the same asset management firm, introducing broker or associated person; (iii) subject to liens in connection with operating loans that contractually obligate an FCM to treat the accounts separately; or (iv) otherwise required for regulatory or appropriate business purposes.

You should be aware that:

- In the unlikely event of your FCM’s bankruptcy, you will be treated no differently from other customers as a result of having maintained separate accounts with the FCM. In particular, all separate accounts maintained for you or on your behalf will be combined in determining your rights and obligations under the applicable provisions of the U.S. Bankruptcy Code and Part 190 of the Commodity Futures Trading Commission’s Regulations.

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This document was updated on February 9, 2026