

(ii) A bank, savings institution, trust company, or credit union, or an employee of any bank, savings institution, trust company, or credit union, who, in the ordinary course of business, answers requests for information by the public concerning its various instruments or services;

~~(iii) A lawyer, AGENT, accountant, engineer, insurance agent or broker, or teacher:~~

~~1. Whose performance of these services is solely incidental to the practice of his profession; and~~

~~2. Who does not hold himself out as an investment adviser;~~

(III) A LAWYER, CERTIFIED PUBLIC ACCOUNTANT, ENGINEER, INSURANCE AGENT OR BROKER, OR TEACHER WHOSE PERFORMANCE OF INVESTMENT ADVISORY SERVICES IS SOLELY INCIDENTAL TO THE PRACTICE OF HIS PROFESSION, PROVIDED THAT THE PERFORMANCE OF SUCH SERVICES IS NOT SOLELY INCIDENTAL UNLESS:

1. THE INVESTMENT ADVISORY SERVICES RENDERED ARE CONNECTED WITH AND REASONABLY RELATED TO THE OTHER PROFESSIONAL SERVICES RENDERED;

2. THE FEE CHARGED FOR THE INVESTMENT ADVISORY SERVICES IS BASED ON THE SAME FACTORS AS THOSE USED TO DETERMINE THE FEE FOR OTHER PROFESSIONAL SERVICES; AND

3. THE LAWYER, CERTIFIED PUBLIC ACCOUNTANT, ENGINEER, INSURANCE AGENT OR BROKER, OR TEACHER DOES NOT HOLD OUT AS AN INVESTMENT ADVISER;

(iv) ~~1.~~ A broker-dealer or its agent whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; ~~OR~~

~~2. NOTWITHSTANDING PARAGRAPH (1)(II)3 OF THIS SUBSECTION, THE AGENT OF A BROKER DEALER IF:~~

~~A. THE AGENT HAS SUCCESSFULLY COMPLETED THE QUALIFYING LICENSING EXAMINATIONS DESIGNATED BY THE COMMISSIONER;~~

~~B. THE AGENT'S PERFORMANCE OF THESE SERVICES IS SOLELY INCIDENTAL TO THE CONDUCT OF THE AGENT'S BUSINESS AS AN AGENT FOR THE BROKER DEALER; AND~~

~~C. THE AGENT RECEIVES NO SPECIAL COMPENSATION FOR THESE SERVICES.~~