



Regulatory Update

April 2023

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Introduction

Congratulations to all advisers with December 31 fiscal year ends – you have emerged from another annual Form ADV “season”, as we affectionately call it!

Welcome to our April Regulatory Update newsletter, where you will find updates including the recent banking sector volatility resulting from FDIC takeovers at Silicon Valley and Signature Banks and a reminder of the U.S. Department of Commerce’s Bureau of Economic Analysis (BEA) Form BE-12 filing obligations.

For advisers, we provide practical thought leadership to help you digest the U.S. Securities and Exchange Commission’s (SEC’s) latest risk alert for new advisers and tips to carry out a stellar annual compliance program review. U.S. National Futures Association (NFA) member firms engaged in digital asset investing activities will find insight regarding the latest rule proposal.

Finally, as is typically the case, we share our “lessons learned” from recent enforcement activity and thoughtful resources for your additional research.



All Firms

Banks Fall Under Greater Scrutiny After FDIC Takeovers

by Jaqueline Hummel

Recent notable bank failures, including Silicon Valley Bank and Signature Bank, have led to increased volatility in the banking sector. The Federal Reserve (the Fed), the Treasury Department, and the Federal Deposit Insurance Corporation (FDIC) moved swiftly, announcing that the FDIC would protect deposits for customers of both banks, including amounts above the \$250,00 insurance threshold. The Fed also announced a newly created liquidity facility available for all banks, the Bank Term Lending Program, to help instill market confidence and increase liquidity for banks.

How should compliance teams react? Check out ACA's recent article, [Silicon Valley Bank, Signature Bank, and Silvergate Bank: Responding to Market Disruption with a Stronger Compliance Program.](#)

Just When You Thought Your Filing Obligations Were Done – BE-12 Form Filing Requirement

by Jaqueline Hummel

Many private fund managers may have considered relaxing after filing the annual amendments to Form ADV and Form PF. The U.S. Department of Commerce, through the BEA, must flex its own regulatory muscle, with the Benchmark Survey of Foreign Direct Investment in the United States, known as Form BE-12. According to the BEA, the “BE-12 is our most comprehensive survey on financial and operating data of U.S. affiliates of foreign multinational enterprises.” According to the [BEA's website](#), the BE-12 must be filed “for each U.S. affiliate, i.e., for each U.S. business enterprise (including real estate held for non-personal use) in which a foreign person or entity owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise, at the end of the business enterprise's fiscal year that ended in calendar year 2022.” Certain private funds may be exempt from filing. For paper submissions, the BE-12 is due on May 31, 2023. E-filing submissions are due on June 30, 2023.

For more details about the information required and how to make the filing, check out the BEA's website [BE-12 Benchmark Survey: Foreign Direct Investment in the United States.](#)

Three Key Updates on SEC Cybersecurity Regulations

by Cari Hopfensperger

The SEC continues its aggressive regulatory agenda and focus on cybersecurity risks through three key updates. On March 15, it:

- » Reopened the comment period on its proposed cybersecurity risk management rules for investment advisers and registered funds (Advisers Act Rule 206(4)-9) for an **additional 60 days**
- » Proposed updates to **Regulation S-P**
- » Issued a new **rule proposal** (Rule 10) addressing cybersecurity risks for broker-dealers and other market entities

ACA's cybersecurity team unpacks the highlights from each update in its recent [article](#).



FINRA 2023 Entitlement User Account Certification Period Announced

by Cari Hopfensperger

Firms that use FINRA's website, including but not limited to the Investment Adviser Registration Depository (IARD) to make electronic filings will need to review their user accounts and certify their authorized users. This year's [certification period](#) runs from April 17, 2023, through June 19, 2023. The firm's Super Account Administrator (SAA) must perform this certification and will receive an email notification from FINRA that includes the start and due date of the certification. Failure to submit the certification by June 19, 2023 will result in all associated user accounts being suspended until the certification is complete.

For detailed instructions regarding how to complete the certification, please refer to [FINRA's 2023 Entitlement User Accounts Certification webpage](#) and the [Entitlement Program FAQ](#).



Investment Advisers

SEC Schools Newly Registered Advisers on Exam Missteps

by *Jaqueline Hummel*

When the SEC Division of Examinations (EXAMS) speaks, registered investment advisers should listen. EXAMS published its second Risk Alert for 2023, giving advice to new registrants about what examiners expect to see during an initial examination. The alert also highlighted various faux pas EXAMS has been seeing, including:

1. Compliance policies and procedures that:
 - a. Failed to address certain key areas such as portfolio management and fee billing;
 - b. Failed to include procedures for implementing policies, such as best execution; and
 - c. Were ignored by advisory staff or were not consistent with current processes.
2. Firms falling short meeting regulatory responsibilities by:
 - a. Failing to devote sufficient resources to compliance activities;
 - b. Failing to conduct due diligence on outsourced service providers to ensure they were meeting the adviser's regulatory obligations;
 - c. Failing to mitigate conflicts of interest created by advisory personnel wearing multiple hats; and
 - d. Failing to have adequate business continuing plans.
3. Firms not including required or accurate information in disclosure documents and missing filing deadlines.
4. Marketing materials used that contained false or misleading information.

Most of the information should not be news to advisers since it includes observations made in previous alerts. EXAMS also included a list of resources from the SEC website, including where to find all prior risk alerts and the SEC's examination priorities.



Write the Best Annual Compliance Review Ever!

by *Jaqueline Hummel*

As compliance officers take a breath after completing the annual Form ADV update, many turn to the task of drafting the [annual review of the compliance program](#), as required under [Advisers Act Rule 206\(4\)-7](#). Under this rule, federally registered investment advisers are required to review their policies and procedures annually to determine their adequacy and the effectiveness of implementation. As discussed in the [adopting release for Rule 206\(4\)-7](#), the review should “consider any compliance matters that arose during the previous year, any changes in the business activities of the adviser or its affiliates, and any changes in the Advisers Act or applicable regulations that might suggest a need to revise the policies or procedures.” The review should answer these questions:

- » Were recommendations from the prior year’s annual review implemented?
- » Were the firm’s compliance policies and procedures adequate and followed consistently?
- » Are there any operational or compliance risks or weaknesses that need to be addressed?
- » Should any changes be made to the firm’s policies and procedures?

In answering this last question, ACA developed its top tips for updating investment advisers’ compliance programs for 2023. Here are links to the first eight:

1. [Get ready for SEC focus on hedge clauses in advisory agreements](#)
2. [Keep tabs on Continuing Education requirements](#)
3. [Update your compliance program to address MNPI compliance issues](#)
4. [Prepare for an SEC examination focused on Marketing Rule compliance](#)
5. [Update your compliance program to prevent identity theft under Regulation S-ID](#)
6. [Environmental, social, and governance \(ESG\)](#)
7. [Electronic communications](#)
8. [Retrospective review to comply with the Department of Labor’s Prohibited Transaction Exemption 2020-02](#)

Upcoming tips will include:

- » Identifying and addressing conflicts of interest
- » Developing an account recommendation process to meet the SEC’s Fiduciary Standard
- » Form CRS
- » Update your policies and procedures to address observations from exams of private fund advisers
- » Preparing for enhanced proxy voting reporting requirements
- » Adopting processes to address new shareholder report requirements and advertising rules for mutual fund advisers

CPO/CTA

Proposed NFA Compliance Rule 2-51: Requirements for Members and Associates Engaged in Activities Involving Digital Asset Commodities

By Grazia Gatti and Mike Parzy

In March 2023, the NFA adopted [NFA Compliance Rule 2-51](#), which will become effective on May 31, 2023. The [new rule](#), which is modeled after other NFA anti-fraud rules, imposes anti-fraud, just and equitable principles of trade, and supervision requirements on NFA Members and Associates that engage in digital asset commodity activities, including spot or cash market activities. Under the rule, the term digital asset commodities is limited to Bitcoin and Ether, which are the only two digital assets that have related commodity interests certified by a registered entity for listing under CFTC Part 40¹. The purpose of the Rule is to allow the NFA jurisdiction where firms and individuals commit fraud or misconduct in respect to spot digital asset activities, in alignment with the CFTC's anti-fraud jurisdiction over spot commodity markets. Previously, the NFA had only adopted [Interpretative Notice 9073](#), requiring members engaging in virtual currency activities to adopt specific disclosures. Commodity pool operators (CPOs) and/or commodity trading advisers (CTAs) engaged in Bitcoin and Ether spot trading should update, where applicable, their policies and procedures and their ethics training in accordance with NFA Compliance Rule 2-51.

For additional information, see [Notice I-23-10](#) and [NFA Submission Letter](#). To learn more about the CFTC's anti-fraud jurisdiction over spot digital currency activities see: [CFTC Charges California-based Company and Its CEO with Fraudulent Solicitation and Misappropriation of Digital Asset Commodities](#) and the [United States District Court of Massachusetts Memorandum of Decision CFTC v. My Big Coin Pay, Inc. et al.](#)



¹Designated Contract Markets (DCMs) may list for trading new contracts by filing a self-certification with the CFTC that the new contract complies with the Commodity Exchange Act Requirements and the CFTC Regulations or by requesting CFTC's approval. To learn more about the certification process and the contracts listing process please see [Contracts & Products | CFTC](#).

Lessons Learned

Everybody Else is Doing It!

by *Jaqueline M. Hummel*

The SEC recently **settled** with eight celebrities for illegally touting crypto asset securities on their Twitter feeds. Although Justin Sun and his three companies are allegedly the true villains in this story for offering and selling unregistered crypto asset securities, Tronix (TRX) and BitTorrent (BT), the SEC has shown its breadth of jurisdiction by bringing cases against social media moguls like **Kendra Lust**, **Lindsay Lohan**, **Jake Paul**, **Lil Yachty**, and **Ne-Yo**. Two others, Soulja Boy and Auston Mahone, are also part of the SEC's case against Justin Sun. The facts of the settlements are very similar – the celebrities were approached by Justin Sun, who agreed to pay them to tweet about TRX or BT to their many followers. Most received payments from \$10,000 to \$25,019 for tweets like “Getting a #TRX tattoo when it hits 50 cents” (Lil Yachty Boy), although Kendra Lust accepted a measly \$955. The SEC stated that the celebs violated Section 17(b) of the Securities Act of 1934 by touting the tokens without disclosing they were paid and the amount of the payment.

The SEC further stated that it had issued at least two warnings, including a **statement** from November 2017 “[a]ny celebrity or other individual who promotes a virtual token or coin that is a security must disclose the nature, scope, and amount of compensation received in exchange for the promotion. A failure to disclose this information is a violation of the anti-touting provisions of the federal securities laws.” Guess the celebrities failed to check the SEC's Twitter feed that day. The celebrities who settled had to disgorge the payments received for the tweets, pay fines ranging from \$2,865 to \$126,000, and agree not to tout any other crypto assets for compensation for three years.

The takeaway from these cases (similar to other recent cases) is that the SEC is treating crypto assets like securities and expects those involved to follow the securities laws.



SEC Fines Adviser and Principal Owner \$3 Million for Alleged Fraud and Misuse of Cannabis Investment Fund Assets

by Andrea Penn

The SEC [settled](#) fraud charges against a Utah-based registered investment adviser (adviser) and its principal owner (principal) for \$3 million for alleged fraud and misuse of cannabis investment fund assets. The principal was also barred from the industry. In 2018, the adviser and principal raised close to \$20 million from more than eighty investors for a private fund they managed that primarily invested in two cannabis-related holding companies.

The SEC's order found that the adviser and principal defrauded the fund's investors, including individual clients who were advised to invest in the fund, by misusing fund assets. Examples of misappropriation included paying off prior investors, paying principals' salaries, making unauthorized management fee payments, and making unauthorized loans to a sports team, a car dealership, and a financial services company. The SEC also found the adviser and principal failed to disclose conflicts of interests and breached the fund's limited partnership agreement.

This settlement shows how financial firms can lure investors by offering investments in hot industries, such as the production and distribution of cannabis products. The SEC recognized this problem and [issued an Investor Alert](#) in 2018 to warn retail investors about marijuana-related securities offerings. In this case, it appears the adviser and its principal actively engaged in misleading their clients and investors, which may not be easy for investors to detect. Although the settlement order does not disclose how the firm was ultimately caught, there is a reference to the auditor raising an issue in its initial audit of the fund that required an amendment to the limited partnership agreement.

Investors should carefully review fund financial statements and view amendments to the limited partner agreement with skepticism. Additionally, the SEC harshly punishes those that defraud investors, including depriving them of their livelihood. The principal, in this case, has been banned from the industry indefinitely.

Auditors Talked the Talk but Failed to Walk the Walk in Valuation Testing

Jaqueline M. Hummel

In this case, the SEC [settled](#) with a public accounting firm and one of its partners for engaging in "improper professional conduct" by failing to conduct audits of two private funds in accordance with applicable standards. According to the settlement order, the auditors identified a significant fraud risk with the valuation of three "hard-to-value" securities but failed to follow up by testing the adviser's valuation models.

What makes this case interesting is that the adviser is not named and does not appear to have been sanctioned. Why? Probably because the adviser disclosed its valuation process in detail to the auditors beforehand. The auditors agreed to sign off on the process, but only if they received evidence supporting the adviser's assumptions, but then they dropped the ball. Although the auditors checked the calculations, they failed to test the assumptions used in the valuation models or get further evidence.

For advisers, the settlement order underlines the importance of having a written valuation procedure for hard-to-value assets. The adviser specifically discussed its valuation approach with the auditors, essentially asking if it was reasonable, but the auditors whiffed and got nailed for failing to "exercise due care and professional skepticism."

Worth Reading, Listening and Watching

- » While Women's History Month was in March, we continue the celebration with the following podcasts:
 - » **Securities Compliance Podcast: Compliance in Context [S3:E14 | The State of the Investment Adviser Industry](#)** Lisa Crossly, Executive Director of the National Society of Compliance Professionals ([NSCP](#)) and Karen Barr, President & CEO of the Investment Adviser Association ([IAA](#)) join host, Patrick Hayes, as they share their perspectives on the state of our industry. Tune in to hear career insights from these inspiring women leaders and role models.
 - » **[Great Women in Compliance Podcast with Mary Shirley and Lisa Fine](#)** In the episode "[Moving on Up](#)" the hosts address the career landscape for compliance professionals, and in particular those women new to the industry, with guidance on how to navigate.
- » **[Harvard Law School Forum on Corporate Governance: ESG Trends to Watch in 2023](#)** This recent blog post summarizes what the authors view as "the" ESG trends for this year and offers their key takeaways for each.
- » **[Accountability in Compliance Podcast: The Accountability Assessment](#)**: In this podcast, Tom Fox and Sam Silverstein address the concept of corporate accountability and how to incorporate it into firm culture.
- » **[OFAC Launches New Website](#)**: In early April, the Office of Foreign Assets Control (OFAC) launched a revamped website with a new landing page and enhanced FAQs about its search tool.

Recent ACA thought leadership:

Below are select ACA articles over the past month we think are worth reading. Find all updates on the [Insights](#) section of our website.

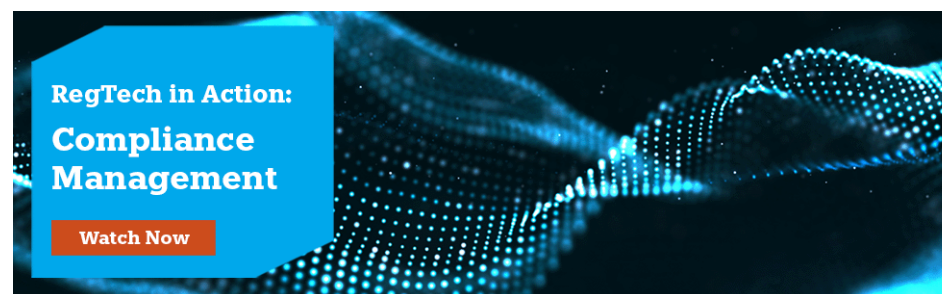
- » [The SEC Proposes Big Changes to the Custody Rule](#)
- » [Proposed Regulation Best Execution Standard](#)
- » [Enhanced Disclosures Proposed for Order Execution Information](#)
- » [SEC Amends Rule 15c6-1 to Reduce Settlement Time](#)

Recent Webcasts:

- » [Building a Programmatic Approach to Cyber Portfolio Oversight](#)
- » [Meeting the PRI's New Reporting Expectations](#)
- » [FINRA Priorities and Hot Topics 2023](#)

RegTech in Action

Effectively and efficiently manage your firm's compliance program activities and identify potential issues through automated risk monitoring, compliance activity tracking, up-to-date reference compliance content, reporting, and visual analytics.



To Do Checklists for the Months of April / May 2023

Investment Advisers

April

- Form 13H:** Following an initial filing of Form 13H, all large traders must make an amended filing to correct inaccurate information promptly (within ten days) following the quarter-end in which the information became stale (unless they are on Inactive Status). (Note: Neither the SEC nor its staff has provided guidance on the definition of “promptly” for Form 13H.)

Recommended due date: April 10, 2023

- Form ADV Part 2A:** Registered investment advisers are required to distribute an updated Form ADV Part 2A or a summary of material changes with an offer and information on how to obtain the updated Form ADV Part 2A to each client within 120 days of fiscal year-end.

Due April 30, 2023

- Form ADV Part 2B:** Registered investment advisers should review their Form ADV Part 2B Brochure Supplements to ensure continued accuracy.

May

- Form 13F:** Form 13F quarterly filing is due for Q1 2023 within 45 days after the end of the calendar quarter.

Due May 15, 2023

- ERISA Schedule C of Form 5500 Disclosure:** An adviser may be required to report certain information to its ERISA plan clients and investors for their use in completing Department of Labor Form 5500, including details about compensation received concerning ERISA plan assets that the adviser manages or that are invested in the adviser’s funds. If you have ERISA plan clients that follow a calendar year, they may request this information to file Form 5500 by **July 31, 2023**.

(ERISA plan clients that do not follow a calendar year must submit Form 5500 by the last day of the seventh month following the plan’s year-end.)

Hedge / Private Fund Advisers

April

- Form PF for Large Liquidity Fund Advisers:** Large liquidity fund advisers must file Form PF with the SEC on the IARD system within 15 days of each fiscal quarter-end.

Due April 15, 2023

- Blue Sky Filings (Form D):** Advisers to private funds should review fund blue sky filings and determine whether any amended or new filings are necessary. Generally, most states require a notice filing (blue sky filing) within 15 days of the first sale of interests in a fund, but state laws vary.

Due April 15, 2023

- Distribute Audited Financial Statements for Private Funds:** Private fund investment advisers should have their funds audited by an independent, PCAOB-registered accountant and deliver the audited financial statements to the funds’ investors within 120 days of the end of the funds’ fiscal year.

Due April 30, 2023 for advisers with a December 31 fiscal year-end.

The deadline for private funds that are fund of funds is 180 days of the funds’ fiscal year-end.

Due June 29, 2023 for advisers with a December 31 fiscal year-end.

- Form PF Annual Amendment:** Form PF Annual Amendment is due within 120 days of fiscal year-end for all private fund advisers, other than “large hedge fund advisers” and “large liquidity fund advisers.”

Due April 30, 2023

- Form PF for Large Fund Advisers:** Form PF quarterly update is due for “large hedge fund advisers” and “large liquidity fund advisers” who did not submit information relating to their other private funds with their fourth-quarter filing.

Due April 30, 2023

May

- Blue Sky Filings (Form D):** Advisers to private funds should review fund blue sky filings and determine whether any amended or new filings are necessary. Generally, most states require a notice filing (blue sky filing) within 15 days of the first sale of interests in a fund, but state laws vary.
Due May 15, 2023
- Form PF for Large Fund Advisers:** Large hedge fund advisers must file Form PF within 60 days of each quarter-end on the IARD system.
Due May 30, 2023

Registered CPO/CTA

May

- Form CTA-PR (March 31 Quarter End):** Commodity trading advisers are required to file Form CTA-PR quarterly with the NFA.
Due May 15, 2023
- Form CPO-PQR:** Small, mid-sized, and large commodity pool operators are required to file NFA Form CPO-PQR quarterly with the NFA.
Due May 30, 2023

Broker-Dealers

April

- Annual Reports for the Fiscal Year-End January 31st:** FINRA requires that member firms submit their annual reports in electronic form. Firms must also file the report at the regional office of the SEC in which the firm has its principal place of business and the SEC's principal office in Washington, D.C. Firms registered in Arizona, Hawaii, Louisiana, or New Hampshire may have additional filing requirements. (Conditional 30-Day Extension may be available.)
Due April 1, 2023
- FINRA Accounting Support Fee:** Quarterly invoice to support the GASB budget based on the municipal securities the firm reported to the MSRB. De Minimis firms (that owe less than \$25) will not receive an invoice. Invoices are sent to the firm via WebCRD's E-Bill.
Due date TBD
- Customer Complaint Quarterly Statistical Summary:** For complaints received during the first quarter, FINRA Rule 4530 requires Firms to submit statistical and summary information regarding complaints received during the quarter by the 15th day of the month following the calendar quarter.
Due April 15, 2023
- Quarterly FOCUS Part II/IIA Filings:** FINRA requires member firms to file a FOCUS (Financial and Operational Combined Uniform Single) Report Part II or IIA quarterly. Clearing firms and firms that carry customer accounts file Part II, and introducing firms file Part IIA for the quarter ending March 31.
Due April 25, 2023
- Quarterly Form Custody:** SEC requires member firms to file Form Custody under Securities Exchange Act Rule 17a-5(a)(5) for the quarter ending March 31.
Due April 25, 2023

Broker/Dealers (continued)

- Supplemental Statement of Income (SSOI):** For the quarter ending March 31, FINRA requires firms to submit additional, detailed information regarding the categories of revenues and expenses reported on the Statement of Income (Loss) page of the FOCUS Report Part II/IIA.
Due April 28, 2023
- Supplemental Inventory Schedule (SIS):** For the month ending March 31, the SIS must be filed by a firm that is required to file FOCUS Report Part II, FOCUS Report Part IIA or FOGS Report Part I, with inventory positions as of the end of the FOCUS or FOGS reporting period, unless the firm has (1) a minimum dollar net capital or liquid capital requirement of less than \$100,000; or (2) inventory positions consisting only of money market mutual funds. A firm with inventory positions consisting only of money market mutual funds must affirmatively indicate through the eFOCUS system that no SIS filing is required for the reporting period.
Due April 28, 2023
- Annual Reports for Fiscal Year-End February 28:** FINRA requires member firms to submit their annual reports in electronic form. Firms must also file the report at the regional office of the SEC in which the firm has its principal place of business as well as the SEC's principal office in Washington, DC. Firms registered in Arizona, Hawaii, Louisiana, or New Hampshire may have additional filing requirements. (Conditional 30-day extension may be available.)
Due April 29, 2023
- SIPC-6 Assessment:** SIPC members are required to file a SIPC-6 General Assessment Payment Form for the first half of the fiscal year together with the assessment owed within 30 days after the period covered. For firms with a Fiscal Year-End of September 30.
Due April 30, 2023

- SIPC-7 Assessment:** SIPC members are required to file the SIPC-7 General Assessment Reconciliation Form, together with the assessment owed (less any assessment paid with the SIPC-6) within 60 days after the Fiscal Year-End. For firms with a Fiscal Year-End of February 28.

Due April 30, 2023**May**

- Form OBS:** For the quarter ending March 31, unless subject to the de minimis exception, all clearing, self-clearing, and carrying firms and those firms that have a minimum dollar net capital requirement equal to or greater than \$100,000 and at least \$10 million in reportable derivatives and other off-balance sheet items, must submit Form OBS as of the last day of a reporting period, within 22 business days of the end of each calendar quarter via eFOCUS. Firms that claim the de minimis exemption must affirmatively indicate through the eFOCUS system that no filing is required for the reporting period.

Due May 2, 2023

- Rule 17a-5 Monthly and Fifth FOCUS Part II/IIA Filings:** For the period ending April 30, firms that are required to submit monthly FOCUS filings and those firms whose fiscal year-end is a date other than a calendar quarter must file Rule 17a-5 Monthly and Fifth FOCUS Part II/IIA Filings.

Due May 24, 2023

- Supplemental Inventory Schedule (SIS):** For the month ending April 30, the SIS must be filed by a firm that is required to file FOCUS Report Part II, FOCUS Report Part IIA, or FOGS Report Part I, with inventory positions as of the end of the FOCUS or FOGS reporting period, unless the firm has (1) a minimum dollar net capital or liquid capital requirement of less than \$100,000; or (2) inventory positions consisting only of money market mutual funds. A firm with inventory positions consisting only of money market mutual funds must affirmatively indicate through the eFOCUS system that no SIS filing is required for the reporting period

Due May 27, 2023

- SIPC-6 Assessment:** For firms with a fiscal year-end of October 31, SIPC members are required to file for the first half of the fiscal year a SIPC-6 General Assessment Payment Form together with the assessment owed within 30 days after the period covered.
Due May 30, 2023
- SIPC-7 Assessment:** For firms with a fiscal year-end of March 31, SIPC members are required to file the SIPC-7 General Assessment Reconciliation Form, together with the assessment owed (less any assessment paid with the SIPC-6) within 60 days after the fiscal year-end.
Due May 30, 2023
- SIPC-3 Certification of Exclusion from Membership:** For firms with a fiscal year-end of April 30 and claiming an exclusion from SIPC Membership under Section 78ccc(a)(2)(A) of the Securities Investor Protection Act of 1970, his annual filing is due within 30 days of the beginning of each fiscal year.
Due May 31, 2023
- Annual Reports for Fiscal Year-End March 31:** FINRA requires member firms to submit their annual reports in electronic form. Firms must also file the report at the regional office of the SEC in which the firm has its principal place of business as well as the SEC's principal office in Washington, DC. Firms registered in Arizona, Hawaii, Louisiana, or New Hampshire may have additional filing requirements. (Conditional 30-day extension may be available.)
Due May 31, 2023

Mutual Funds

April

- Form N-MFP:** Form N-MFP (Monthly Schedule of Portfolio Holdings of Money Market Funds) reports information about the fund's holdings as of the last business day of the prior calendar month and must be filed no later than the fifth business day of each calendar month.
Due April 7, 2023

May

- Form N-MFP:** Form N-MFP (Monthly Schedule of Portfolio Holdings of Money Market Funds) reports information about the fund's holdings as of the last business day of the prior calendar month and must be filed no later than the fifth business day of each calendar month.
Due May 6, 2023
- Form N-PORT:** Funds with a fiscal quarter end of March 31st, must file Form N-PORT reporting month end information for each month-end in each fiscal quarter no later than 60 days after fiscal quarter-end. Funds must also prepare the information reported on Form N-PORT within 30 days after every month-end and retain these records, which are subject to SEC inspection.
Due May 30, 2023

About ACA

ACA Group (ACA) is the leading governance, risk, and compliance (GRC) advisor in financial services. We empower clients to reimagine GRC and protect and grow their business. Our innovative approach integrates advisory, managed services, and distribution solutions with our ComplianceAlpha® regulatory technology platform with the specialized expertise of former regulators and practitioners and a deep understanding of the global regulatory landscape.

For more information, visit

www.acaglobal.com



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About the Authors



Grazia Gatti

Grazia Gatti joined ACA's Boston office in September 2019. As a Principal Consultant in the Investment Adviser division, Grazia participates in and leads mock regulatory examinations and compliance program reviews, assists with policy and procedure reviews, drafts compliance reports and manuals, and provides compliance assistance to clients.

Before ACA, Grazia served as a compliance manager for Affiliated Managers Group, Inc. and MFS Investment Management, Boston. In these roles, Grazia advised on CFTC regulations and NFA compliance rules applicable to commodity pool operators and commodity trading advisers. She also assisted with annual compliance procedure reviews in accordance with Rule 206(4) 7 of the Investment Advisers Act of 1940 and Rule 38a-1 of the Investment Company Act of 1940.

Grazia has also served as a senior compliance examiner for the Swaps Group of the NFA's New York office.

Prior to moving to the United States, Grazia worked in London, first as an associate for the international law firm of Dewey & LeBoeuf, LLP, and then as compliance adviser for large investment banks. In these roles, she dealt respectively with UCITS and ETF passporting into Italy, EU and UK investment banking regulation and compliance, and the Dodd-Frank Act implementation.

Grazia is admitted to practice law in Italy and is a solicitor of the Supreme Court of England and Wales. She earned her Master of Laws degree in American Law with a concentration in Business Transactions from the Boston University School of Law and her law degree (Laurea in Giurisprudenza) from the University of Bari, Italy. She is also a Certified Fraud Examiner and holds a CISI Level 3 Certificate in derivatives.



Cari A. Hopfensperger

Cari A. Hopfensperger is a Director for ACA's US Regulatory Advisory Group. She has an extensive background in regulatory compliance and provides compliance consulting services to retail and institutional focused registered investment advisers, including private and registered fund managers. She works with clients to develop effective compliance programs and solve complex regulatory issues, including serving as an Outsourced CCO.

Prior to joining ACA, Cari was a managing director at Hardin Compliance Consulting, LLC, which was purchased by Foreside in June 2021. Before that, she served in various compliance and operational leadership roles for a Chicago-based registered investment adviser, including Chief Compliance Officer, head of fund services and operations. Previously, Cari managed operations and client service for a Chicago-area boutique registered investment adviser.

Cari received a B.A. in English from the University of Wisconsin-Madison and a master of business administration from Keller Graduate School of Management. She is a member of the National Society of Compliance Professionals (NSCP) and currently serves as co-chair of the NSCP Publications Committee and chair of its professional development subcommittee.

About the Authors



Jaqueline M. Hummel

Jaqueline M. Hummel is Director of Thought Leadership, Regulatory Compliance. She is a securities attorney and regulatory compliance consultant with extensive experience as an in-house attorney working in the areas of investment adviser, broker-dealer, and investment company regulation and compliance. Ms. Hummel provides compliance consulting services to registered investment advisers, working to develop effective compliance programs and solve complex regulatory issues, including serving as an Outsourced CCO.

Before joining ACA, she served as a partner at Hardin Compliance Consulting LLC, which was purchased by Foreside in June 2021. Before that, Ms. Hummel held the position of Chief Compliance Officer for PNC Capital Advisors and PNC Realty Investors, investment adviser affiliates of PNC Financial Services Group, Inc. She also served as in-house counsel for National City Corporation's investment adviser and broker-dealer affiliates where her responsibilities included being the Chief Compliance Officer for Allegiant Asset Management Company. Prior to joining National City, Ms. Hummel served many years as in-house counsel for MassMutual Financial Group, a diversified financial services organization, where she advised the investment management division, including affiliated registered investment advisers and registered investment companies.

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Mike Parzy

Mike Parzy is a consultant in ACA's National Futures Association (NFA) team. In that role, Mike works on regulatory and compliance matters pertaining to NFA and the Commodity Futures Trading Commission (CFTC). Specifically, he assists clients with NFA self-examination reviews and mock examinations. He also facilitates NFA member registrations, regulatory filings, client examination support, and compliance manual and program development and implementation.

Prior to ACA, Mike served as an investigator with the NFA, where he conducted investigations of high-risk NFA members to ensure regulatory and financial compliance with NFA rules and CFTC regulations. He also reviewed regulatory filings and annual reports, analyzed firm trading activity, and investigated customer-driven complaints to escalate serious concerns or potential violations.

Mike is a registered Certified Fraud Examiner. He earned his Bachelor of Science in Finance with a Minor in Informatics from the University of Illinois at Urbana-Champaign and now working to obtain his MBA at the same institution.

About the Authors



Andrea Penn

Andrea Penn is a Director with ACA Group where she provides regulatory advice and guidance to registered investment advisors. She also serves as an outsourced CCO. Andrea has extensive broker-dealer sales practice and supervision compliance experience relating to Global Wealth and Investment Management.

Previously, Andrea was a Vice President at Merrill Lynch and Associate Manager at UBS in both their corporate compliance departments in the New York metro region. She is also a former regulator with FINRA in New York (District 10) and conducted examinations of member firms' sales practice and supervisory compliance programs.

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