



**MORRISON  
FOERSTER**

# March 2026 Investment Adviser Compliance

\*Topics and Tools at a Glance\*

# How to use this tool

The Investment Advisers Act of 1940 (the “Advisers Act”) is a relatively compact statute, and for many years the U.S. Securities and Exchange Commission (SEC) adopted relatively few regulations specifically targeting Advisers Act compliance. This changed quite dramatically during the previous administration, as registered advisers and even firms relying on registration exemptions became increasingly subject to highly specific and at times complex rules, interpretations, and other guidance issued by the SEC and its Staff in the Division of Investment Management (IM) and the Division of Exams (EXAMS). Although a number of proposed SEC rules were withdrawn in June 2025 (see “[Investment Adviser Rulemaking: Recently Adopted Rules and Amendments](#),” below), the regulatory landscape applicable to investment advisers is nonetheless complex and continually evolving.

Given this, it can be a challenge to put your finger on the statutory, regulatory, enforcement, or interpretive guidance that provides the basis for a particular compliance policy or procedure when you need it most. This short form handbook is designed to help by providing a simple reference guide of Topics and Tools that we have found frequently arise in our practice and points to the basis for certain key “rules” applicable to an investment adviser’s business—even when they aren’t really rules.

We offer this as a compliance tool designed for the day-to-day compliance and legal practitioner familiar with this space. We also offer the usual caution that facts and circumstances can dictate different approaches, and that, accordingly, users of this tool should consult with Advisers Act counsel for specific legal guidance.

Visit the [Investment Management Practice Group](#) at mofo.com for an electronic version of this tool and other resources.

March 2026

## Contact Us



**Kelley Howes**  
Chair and Partner  
Investment Management  
+1 (303) 592-2237  
khowes@mofo.com



**Derek Steingarten**  
Partner  
Investment Management  
+1 (212) 336-4434  
dsteingarten@mofo.com



**Val Dahiya**  
Partner  
Broker Dealer Compliance +  
Regulation  
+1 (202) 887-1565  
vdahiya@mofo.com



**Sarah Hanni**  
Associate  
Investment Management  
+1 (202) 887-8789  
shanni@mofo.com

# MoFo's 2026 Advisers Act Topics & Tools at a Glance

Compliance Category	Sub-category	Citations
Advisory Contracts	Required contractual provisions	Section 205 of the Advisers Act <a href="#">The Ayco Company, L.P.</a> (Dec. 14, 1995) (no requirement to disclose changes in limited partners)
	Assignment of advisory contracts	Section 205(2) of the Advisers Act Rule 202(a)(1)-1 under the Advisers Act (deeming certain transactions not to be assignments under the Advisers Act) <a href="#">Certain Transactions Not Deemed Assignments</a> , SEC Rel. No. IA-1034 (Sept. 9, 1986)
	Hedge clauses	Section 215(a) of the Advisers Act <a href="#">Commission Interpretation Regarding Standard of Conduct for Investment Advisers</a> , SEC Rel. No. IA-5248 (June 5, 2019) <a href="#">Opinion of the General Counsel</a> , SEC Rel. No. IA-58 (Apr. 10, 1951)
Agency Cross Transactions	General	Section 206(3) of the Advisers Act Rule 206(3)-2 under the Advisers Act (permitting investment advisers to engage in certain agency cross transactions if certain conditions are satisfied) <a href="#">Observations Regarding Fixed Income Principal and Cross Trades by Investment Advisers from an Examination Initiative</a> , SEC Risk Alert (July 21, 2021) <a href="#">Investment Adviser Principal and Agency Cross Trading Compliance Issues</a> , SEC Risk Alert (Sept. 4, 2019) <a href="#">Agency Cross Transactions for Advisory Clients</a> , SEC Rel. No. IA-589 (June 1, 1977)
Anti-Money Laundering	General	See "Final Amendments to Bank Secrecy Act AML/CFT Requirements" in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a> , below
Best Execution	General	<a href="#">Commission Interpretation Regarding Standard of Conduct for Investment Advisers</a> , SEC Rel. No. IA-5248 (June 5, 2019) <a href="#">Most Frequent Best Execution Issues Cited in Adviser Exams</a> , SEC Risk Alert (July 11, 2018) <a href="#">Commission Guidance Regarding Client Commission Practices Under Section 28(e) of the Securities Exchange Act of 1934</a> , SEC Rel. No. 34-54165 (July 18, 2006) <a href="#">Interpretive Release Concerning the Scope of Section 28(e) of the Securities Exchange Act of 1934 and Related Matters</a> , SEC Rel. No. 34-23170 (Apr. 28, 1986)

# MoFo's 2026 Advisers Act Topics & Tools at a Glance (continued)

Compliance Category	Sub-category	Citations
Compliance	General	<p>Section 206 of the Advisers Act (anti-fraud provisions)</p> <p>Rule 206(4)-7 under the Advisers Act (requiring a registered investment adviser to adopt and implement a written compliance program reasonably designed to ensure no violation of the Advisers Act by the adviser and its supervised persons and to appoint a Chief Compliance Officer)</p> <p><a href="#">Investment Advisers: Assessing Risks, Scoping Examinations, and Requesting Documents</a>, SEC Risk Alert (Sept. 6, 2023)</p> <p><a href="#">Observations from Examinations of Newly Registered Advisers</a>, SEC Risk Alert (Mar. 27, 2023)</p> <p><a href="#">Investment Adviser Compliance Programs</a>, SEC Risk Alert (Nov. 19, 2020)</p> <p><a href="#">Questions Advisers Should Ask While Establishing or Reviewing Their Compliance Programs</a>, 2009 CCO Outreach Regional Seminar (Apr. 2009)</p> <p><a href="#">Compliance Programs of Investment Companies and Investment Advisers</a>, SEC Rel. No. IA-2204 (Dec. 17, 2003)</p>
	Inventory of compliance risks	<p><a href="#">The Evolving Compliance Environment: Examination Focus Areas</a>, 2009 CCO Outreach Regional Seminar (Apr. 2009)</p> <p><a href="#">Investment Adviser Scenario Analysis / Risk Matrix</a>, 2006 CCO Outreach Regional Seminar (Apr. 2006)</p>
	Oversight of third-party service providers	<p><a href="#">The Evolving Compliance Environment: Examination Focus Areas</a>, 2009 CCO Outreach Regional Seminar (Apr. 2009)</p>
	Code of ethics/personal securities transactions/insider trading policies	<p>Section 204A of the Advisers Act</p> <p>Rule 204A-1 under the Advisers Act (requiring a registered investment adviser to establish, maintain, and enforce a written code of ethics that, among other things, requires the reporting of securities transactions by an investment adviser's access persons)</p> <p><a href="#">Investment Adviser MNPI Compliance Issues</a>, SEC Risk Alert (Apr. 26, 2022)</p>
Custody	General requirements	<p>Rule 206(4)-2 under the Advisers Act (requiring registered investment advisers that have custody of client securities or funds to satisfy certain conditions)</p> <p><a href="#">Simpson Thacher &amp; Bartlett LLP</a>, SEC Staff No-Action Letter (Sept. 30, 2025) (clarifying how registered investment advisers can custody crypto assets in compliance with Rule 206(4)-2)</p> <p><a href="#">Staff Responses to Questions About the Custody Rule</a> (Dec. 13, 2011)</p> <p><a href="#">Custody of Funds or Securities of Clients by Investment Advisers</a>, SEC Rel. No. IA-2968 (Dec. 30, 2009)</p> <p><a href="#">Safeguarding Clients' Assets Under Management Through Asset Verification and Reconciliation</a>, 2009 CCO Outreach Regional Seminar (Apr. 2009)</p> <p><a href="#">Custody of Funds or Securities of Clients by Investment Advisers</a>, SEC Rel. No. IA-2176 (Sept. 25, 2003)</p>
	Custody of private funds	<p><a href="#">Private Funds and the Application of the Custody Rule to Special Purpose Vehicles and Escrows</a>, IM Guidance Update (June 26, 2014)</p> <p><a href="#">Privately Offered Securities Under the Investment Advisers Act Custody Rule</a>, IM Guidance Update (Aug. 1, 2013)</p>

# MoFo's 2026 Advisers Act Topics & Tools at a Glance (continued)

Compliance Category	Sub-category	Citations
Cybersecurity		<a href="#">Cybersecurity Guidance</a> , IM Guidance Update (Apr. 2015)
Fiduciary Duty	General	<a href="#">Staff Bulletin: Standards of Conduct for Broker-Dealers and Investment Advisers (Care Obligations)</a> , SEC Staff (Apr. 30, 2023) <a href="#">Staff Bulletin: Standards of Conduct for Broker-Dealers and Investment Advisers (Account Recommendations for Retail Investors)</a> , SEC Staff (Mar. 30, 2022) <a href="#">Staff Bulletin: Standards of Conduct for Broker-Dealers and Investment Advisers (Conflicts of Interest)</a> , SEC Staff (Aug. 3, 2022) <a href="#">Commission Interpretation Regarding Standard of Conduct for Investment Advisers</a> , SEC Rel. No. IA-5248 (June 5, 2019) <a href="#">SEC v. Capital Gains Research Bureau</a> , 375 U.S. 18 (1963)
	Private funds	<a href="#">Observations from Examinations of Private Fund Advisers</a> , SEC Risk Alert (Jan. 27, 2022) See “Technical Amendments to Various Private Fund Advisers Rules Under the Advisers Act” in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a> , below
	ESG	<a href="#">The Division of Examinations’ Review of ESG Investing</a> , SEC Risk Alert (Apr. 9, 2021)
	Artificial intelligence / predictive data analytics	<a href="#">Artificial Intelligence and the Future of Investment Management</a> , Investment Company Institute (ICI) Winter Board Meeting (Feb. 3, 2026)
Fees	Fulcrum performance fees – registered funds	Section 205(b)(2) of the Advisers Act
	Performance fees – business development companies	Section 205(b)(3) of the Advisers Act
	Performance fees – qualified purchaser funds (3(c)(7) funds)	Section 205(b)(4) of the Advisers Act
	Performance fees – accounts of foreign persons	Section 205(b)(5) of the Advisers Act
	Performance fees – accounts of qualified clients	Rule 205-3 under the Advisers Act (permitting registered investment advisers to charge performance fees to “qualified clients,” notwithstanding Section 205(a)(1) of the Advisers Act) <a href="#">Performance-Based Investment Advisory Fees</a> , SEC Rel. No. IA-5904 (Nov. 4, 2021)
	Contingent fees and fee rebates	<a href="#">Amerivest Investment Management, LLC</a> (Aug. 19, 2014) <a href="#">George Colman</a> (July 18, 1995) <a href="#">Contingent Advisory Compensation Arrangements</a> , SEC Rel. No. IA-721 (May 16, 1980)
	Conflicts of interest	<a href="#">Frequently Asked Questions Regarding Disclosure of Certain Financial Conflicts Related to Investment Adviser Compensation</a> , SEC Division of Investment Management (last reviewed or updated on Feb. 10, 2025)
Foreign Advisers	U.S. jurisdictional reach and participating affiliates <a href="#">Information Update for Advisers Relying on the Unibanco No-Action Letters</a> , IM Information Update (March 2017) (listing the Unibanco no-action letters) <a href="#">Uniao de Bancos de Brasileiros S.A.</a> (“Unibanco”), SEC Staff No-Action Letter (July 28, 1992) <a href="#">The Reach of the Investment Advisers Act of 1940: Protecting Investors: A Half-Century of Investment Company Regulation</a> , SEC Division of Investment Management (May 1992)	

# MoFo's 2026 Advisers Act Topics & Tools at a Glance (continued)

Compliance Category	Sub-category	Citations
Marketing and Solicitation	General	<p>Rule 206(4)-1 under the Advisers Act (imposing general prohibitions and specific conditions on the marketing activities of registered investment advisers)</p> <p><a href="#">Additional Observations Regarding Advisers' Compliance with the Advisers Act Marketing Rule</a>, SEC Risk Alert (Dec. 16, 2025)</p> <p><a href="#">Initial Observations Regarding Advisers Act Marketing Rule Compliance</a>, SEC Risk Alert (Apr. 17, 2024)</p> <p><a href="#">Examinations Focused on the New Investment Adviser Marketing Rule</a>, SEC Risk Alert (Sept. 19, 2022)</p> <p><a href="#">Investment Adviser Marketing</a>, SEC Rel. No. IA-5653 (Dec. 22, 2020)</p>
	Testimonials and endorsements (including solicitation activity)	<p>Rule 206(4)-1(b) under the Advisers Act</p> <p><a href="#">Additional Observations Regarding Advisers' Compliance with the Advisers Act Marketing Rule</a>, SEC Risk Alert (Dec. 16, 2025)</p> <p><a href="#">Examinations Focused on Additional Areas of the Adviser Marketing Rule</a>, SEC Risk Alert (June 8, 2023)</p>
	Third-party ratings	<p>Rule 206(4)-1(c) under the Advisers Act</p> <p><a href="#">Additional Observations Regarding Advisers' Compliance with the Advisers Act Marketing Rule</a>, SEC Risk Alert (Dec. 16, 2025)</p> <p><a href="#">Examinations Focused on Additional Areas of the Adviser Marketing Rule</a>, SEC Risk Alert (June 8, 2023)</p>
	Performance	<p><a href="#">Marketing Compliance Frequently Asked Questions</a>, SEC Staff FAQs (last updated Jan. 15, 2026)</p> <p>Rule 206(4)-1(d) under the Advisers Act</p> <p><a href="#">Examinations Focused on the New Investment Adviser Marketing Rule</a>, SEC Risk Alert (Sept. 19, 2022)</p>
Pay-to-Play	General	<p>Rule 206(4)-5 under the Advisers Act (prohibiting investment advisers from providing investment advisory services for compensation to a state or local government entity if the adviser, or a covered associate of the adviser, has made a political contribution to certain state or local government officials in the prior two years)</p> <p><a href="#">Staff Responses to Questions About the Pay-to-Play Rule</a>, SEC Staff FAQs (last updated Aug. 18, 2017)</p> <p><a href="#">Political Contributions by Certain Investment Advisers</a>, SEC Rel. No. IA-3043 (July 1, 2010)</p>
Principal Transactions	General	<p>Section 206(3) of the Advisers Act</p> <p><a href="#">Observations Regarding Fixed Income Principal and Cross Trades by Investment Advisers from an Examination Initiative</a>, SEC Risk Alert (July 21, 2021)</p> <p><a href="#">Investment Adviser Principal and Agency Cross Trading Compliance Issues</a>, SEC Risk Alert (Sept. 4, 2019)</p>
	Pooled investment vehicles	<p><a href="#">Gardner Russo &amp; Gardner</a> (June 7, 2006)</p>
Privacy		<p>Regulation S-P (see "Final Amendments to Regulation S-P" in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a>, requiring registered investment advisers to adopt written policies and procedures creating an incident response program to address unauthorized access to or use of customer information, including procedures for notifying persons affected by the incident within 30 days)</p> <p><a href="#">Safeguarding Customer Records and Information at Branch Offices</a>, SEC Risk Alert (Apr. 26, 2023)</p> <p><a href="#">Investment Adviser and Broker-Dealer Compliance Issues Related to Regulation S-P – Privacy Notices and Safeguard Policies</a>, SEC Risk Alert (Apr. 16, 2019)</p> <p><a href="#">Privacy of Consumer Financial Information (Regulation S-P)</a>, SEC Rel. No. IA-1883 (June 22, 2000)</p>

# MoFo's 2026 Advisers Act Topics & Tools at a Glance (continued)

Compliance Category	Sub-category	Citations
Proxy Voting	General	<p>Rule 206(4)-6 under the Advisers Act (requiring registered investment advisers that exercise voting authority over client securities to, among other things, adopt and implement written policies and procedures that are reasonably designed to ensure that the adviser votes proxies in the best interest of its clients)</p> <p><a href="#">Proxy Voting Advice</a>, SEC Rel. No. IA-6068 (July 13, 2022)</p> <p><a href="#">Proxy Voting Responsibilities of Investment Advisers</a>, Staff Legal Bulletin No. 20 (IM/CF) (June 30, 2014)</p> <p><a href="#">Proxy Voting by Investment Advisers</a>, SEC Rel. No. IA-2106 (Jan. 31, 2003)</p>
Recordkeeping	General	<p>Rule 204-2 under the Advisers Act (requiring registered investment advisers to make and keep certain books and records relating to their investment advisory business)</p> <p><a href="#">Requirements to Maintain Specified Books and Records</a>, SEC Rel. No. IA-112 (June 5, 1961)</p>
Registration and Disclosure	Eligibility for SEC or state registration	<p>Section 203A of the Advisers Act</p> <p>See “Exemption for Certain Investment Advisers Operating Through the Internet” in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a>, below</p>
	Exemptions from SEC registration	<p>Foreign Private Advisers – Section 203(b)(3) of the Advisers Act</p> <p>Venture Capital Fund Advisers – Section 203(l) of the Advisers Act and Rule 203(l)-1 under the Advisers Act</p> <p>Private Fund Advisers – Section 203(m) of the Advisers Act and Rule 203(m)-1 under the Advisers Act</p> <p><a href="#">Exemptions for Advisers to Venture Capital Funds, Private Fund Advisers with Less Than \$150 Million in Assets Under Management, and Foreign Private Advisers</a>, SEC Rel. No. IA-3222 (June 22, 2011)</p>
	Brochure content and delivery requirements	<p>Rule 204-3 under the Advisers Act (requiring registered investment advisers to deliver a brochure and one or more brochure supplements to each client or prospective client)</p> <p><a href="#">Amendments to Form ADV</a>, SEC Rel. No. IA-3060 (Aug. 12, 2010)</p>
	Form ADV	<p>Rule 203-1 under the Advisers Act (prescribing how to register with the Commission as an investment adviser)</p> <p><a href="#">Form ADV Instructions and Glossary</a></p> <p><a href="#">Frequently Asked Questions on Form ADV and IARD</a> (last reviewed or updated Oct. 26, 2023)</p> <p><a href="#">Form ADV and Investment Advisers Act Rules</a>, SEC Rel. No. IA-4509 (Aug. 25, 2016)</p>
	Form ADV-NR	<p>Rule 203-1 under the Advisers Act (requiring any non-resident, general partner, or a non-resident managing agent of any investment adviser registered, or applying for registration with, the Commission to submit Form ADV-NR)</p> <p><a href="#">Electronic Submission of Applications for Orders under the Advisers Act and the Investment Company Act, Confidential Treatment Requests for Filings on Form 13F, and Form ADV-NR; Amendments to Form 13F</a>, SEC Rel. No. IA-6056 (June 23, 2022)</p>
	Form CRS	<p>Rule 204-5 under the Advisers Act (requiring registered investment advisers to deliver to retail investors a relationship summary disclosing certain information about the adviser)</p> <p><a href="#">Staff Statement Regarding Form CRS Disclosures</a>, SEC Standards of Conduct Implementation Committee (Dec. 17, 2021)</p> <p><a href="#">Risk Alert: Examinations That Focus on Compliance with Form CRS</a>, SEC Risk Alert (Apr. 7, 2020)</p> <p><a href="#">Form CRS Relationship Summary; Amendments to Form ADV</a>, SEC Rel. No. IA-5247 (June 5, 2019)</p>

# MoFo's 2026 Advisers Act Topics & Tools at a Glance (continued)

Compliance Category	Sub-category	Citations
	Form N-PX	<a href="#">Enhanced Reporting of Proxy Votes by Registered Management Investment Companies; Reporting of Executive Compensation Votes by Institutional Investment Managers</a> , SEC Rel. No. IC-34745 (November 2, 2022)
	Form PF	<a href="#">Extension of Form PF Amendments Compliance Date</a> , SEC Press Rel. No. 2025-33 (Jan. 29, 2025) <a href="#">Amended Form PF Frequently Asked Questions</a> , SEC Staff FAQs (last reviewed or updated on Aug. 20, 2025) <a href="#">Money Market Fund Reforms; Form PF Reporting Requirements for Large Liquidity Fund Advisers; Technical Amendments to Form N-CSR and Form N-1A</a> , SEC Rel. No. IA-6344 (July 12, 2023) <a href="#">Form PF; Event Reporting for Large Hedge Fund Advisers and Private Equity Fund Advisers; Requirements for Large Private Equity Fund Adviser Reporting</a> , SEC Rel. No. IA-6297 (May 3, 2023) <a href="#">Electronic Submission of Applications for Orders Under the Advisers Act and the Investment Company Act, Confidential Treatment Requests for Filings on Form 13F, and Form ADV-NR; Amendments to Form 13F</a> , SEC Rel. No. IA-6056 (June 23, 2022) <a href="#">Reporting by Investment Advisers to Private Funds and Certain Commodity Pool Operators and Commodity Trading Advisors on Form PF</a> , SEC Rel. No. IA-3308 (Oct. 31, 2011) See “Final Amendments to Form PF” in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a> , below
Securities Exchange Act of 1934 (“Exchange Act”) Section 13 Filings	Schedules 13D and 13G	Sections 13(d) and 13(g) of the Exchange Act (requiring an investment manager who acquires or has beneficial ownership of more than 5% of a class of an issuer’s Schedule 13 securities to report such beneficial ownership on Schedule 13D or Schedule 13G) <a href="#">Exchange Act Sections 13(d) and 13(g) and Regulation 13D-G Beneficial Ownership Reporting</a> , SEC Staff Compliance and Disclosure Interpretations (last updated Feb. 11, 2025) See “Final Amendments to Schedules 13D and 13G” in <a href="#">Investment Adviser Rulemaking: Recently Adopted Rules and Amendments</a> , below
	Form 13F	Rule 13f-1 under the Exchange Act (requiring any institutional investment manager that exercises investment discretion with respect to accounts holding Section 13(f) securities having an aggregate fair market value on the last trading day of any month of any calendar year of at least \$100 million) <a href="#">Frequently Asked Questions About Form 13F</a> (last reviewed or updated Dec. 29, 2025) <a href="#">Official List of Section 13(f) Securities</a> (last visited Feb. 20, 2024) <a href="#">Electronic Submission of Applications for Orders Under the Advisers Act and the Investment Company Act, Confidential Treatment Requests for Filings on Form 13F, and Form ADV-NR; Amendments to Form 13F</a> , SEC Rel. No. IA-6056 (June 23, 2022)
	Form 13H	Rule 13h-1 under the Exchange Act (requiring any person who is “large trader” to file Form 13H with the SEC) <a href="#">Responses to Frequently Asked Questions Concerning Large Trader Reporting</a> , SEC Staff FAQs (Feb. 22, 2016) <a href="#">Large Trader Reporting</a> , SEC Rel. No. 34-64976 (July 27, 2011)
Soft Dollars	General	<a href="#">Commission Guidance Regarding Client Commission Practices Under Section 28(e) of the Securities Exchange Act of 1934</a> , SEC Rel. No. 34-54165 (July 18, 2006) <a href="#">SEC Interpretation: Commission Guidance on the Scope of Section 28(e) of the Exchange Act</a> , SEC Rel. No. 34-45194 (Dec. 27, 2001) <a href="#">Interpretive Release Concerning the Scope of Section 28(e) of the Securities Exchange Act of 1934 and Related Matters</a> , SEC Rel. No. 34-23170 (Apr. 28, 1986)

# Investment Adviser Rulemaking: Recently Adopted Rules and Amendments

Rule	Citations and Overview	Compliance Date
<p><b>Final Amendments to Bank Secrecy Act AML/CFT Requirements</b> (requiring registered investment advisers and exempt reporting advisers to implement an anti-money laundering program, file suspicious activity reports with FinCEN, and comply with other obligations of “financial institutions” under the Bank Secrecy Act)</p>	<p><a href="#">Anti-Money Laundering/Countering the Financing of Terrorism Program and Suspicious Activity Report Filing Requirements for Registered Investment Advisers and Exempt Reporting Advisers</a>, FinCEN Final Rule (Aug. 28, 2024)</p> <p><a href="#">Delaying the Effective Date of the Anti-Money Laundering/Countering the Financing of Terrorism Program and Suspicious Activity Report Filing Requirements for Registered Investment Advisers and Exempt Reporting Advisers</a>, FinCEN Final Rule (December 31, 2025)</p>	<p>Jan. 1, 2028</p>
<p><b>Final Amendments to Form PF</b> (requiring additional Form PF reporting about: (i) investment advisers and the private funds they advise, including identifying information, assets under management, withdrawal and redemption rights, gross asset value and net asset value, inflows and outflows, base currency, borrowings and types of creditors, fair value hierarchy, beneficial ownership, and fund performance, and (ii) hedge fund investment strategies, counterparty exposures, and trading and clearing mechanisms, among other information )</p>	<p><a href="#">Form PF: Reporting Requirements for All Filers and Large Hedge Fund Advisers</a>, SEC Rel. No. IA-6546 (Feb. 8, 2024)</p> <p><a href="#">Form PF: Reporting Requirements for All Filers and Large Hedge Fund Advisers; Further Extension of Compliance Date</a>, SEC Rel. No. IA-6919 (Sept. 17, 2025)</p>	<p>October 1, 2026 (extended from October 1, 2025)</p>
<p><b>Final Rule Withdrawing Certain Notices of Proposed Rulemaking</b></p> <p>This final rule formally withdrew the following proposed rules:</p> <p><a href="#">Conflicts of Interest Associated with the Use of Predictive Data Analytics by Broker-Dealers and Investment Advisers</a>, SEC Rel. No. IA-6353 (July 26, 2023);</p> <p><a href="#">Safeguarding Advisory Client Assets</a>, SEC Rel. No. IA-6240 (Feb. 15, 2023);</p> <p><a href="#">Cybersecurity Risk Management for Investment Advisers, Registered Investment Companies, and Business Development Companies</a>, SEC Rel. No. IA-5956 (Feb. 9, 2022);</p> <p><a href="#">Enhanced Disclosures by Certain Investment Advisers and Investment Companies about Environmental, Social, and Governance Investment Practices</a>, SEC Rel. No. IA-6034 (May 25, 2022); and</p> <p><a href="#">Outsourcing by Investment Advisers</a>, SEC Rel. No. IA-6176 (Oct. 26, 2022)</p>	<p><a href="#">Withdrawal of Proposed Regulatory Actions</a>, SEC Rel. No. IA-6885 (June 12, 2025)</p>	<p>June 12, 2025</p>
<p><b>Final Amendments to Regulation S-P</b> (requiring registered investment advisers to adopt written policies and procedures creating an incident response program to address unauthorized access to or use of customer information, including procedures for notifying persons affected by the incident within 30 days)</p>	<p><a href="#">Regulation S-P: Privacy of Consumer Financial Information and Safeguarding Customer Information</a>, SEC Rel. No. IA-6604 (May 16, 2024)</p>	<p>Dec. 3, 2025 (if AUM is \$1.5 billion or more) or June 3, 2026 (if AUM is below \$1.5 billion)</p>

## Investment Adviser Rulemaking: Recently Adopted Rules and Amendments (continued)

Rule	Citations and Overview	Compliance Date
<b>Exemption for Certain Investment Advisers Operating Through the Internet</b> (amending the internet adviser exemption to require that an investment adviser relying on the exemption must: (i) have at all times an operational interactive website through which the adviser provides digital investment advisory services and (ii) provide advice to all of its clients exclusively through such website)	<a href="#">Exemption for Certain Investment Advisers Operating Through the Internet</a> , SEC Rel. No. IA-6578 (Mar. 27, 2024)	March 31, 2025 (for investment advisers relying on the exemption) or June 29, 2025 (for investment advisers that are no longer eligible to rely on the amended exemption and must withdraw their registration with the SEC)
<b>Technical Amendments to Various Private Fund Advisers Rules Under the Advisers Act</b> (reflecting the Fifth Circuit's vacatur of the new rules and rule amendments the SEC adopted on August 23, 2023 (see <a href="#">Private Fund Advisers: Documentation of Registered Investment Adviser Compliance Reviews</a> , SEC Rel. No. IA-6383 (Aug. 23, 2023)))	<a href="#">Private Fund Advisers: Documentation of Registered Investment Adviser Compliance Reviews</a> , SEC Rel. No. IA-6773 (Nov. 8, 2024)	Effective Nov. 19, 2024 (Fifth Circuit issued its vacatur of the rule amendments on June 5, 2024)
<b>Final Amendments to Schedules 13D and 13G</b> (generally shortening the filing deadlines for initial and amended beneficial ownership reports filed on Schedules 13D and 13G)	<a href="#">Modernization of Beneficial Ownership Reporting</a> , SEC Rel. No. 33-11253; 34-98704 (Oct. 10, 2023)	Sept. 30, 2024

## Investment Adviser Rulemaking: Current Proposals and Requests for Comment

Rule	Citations and Overview	Relevant Dates
<b>Proposed Amendments to Rule 0-10 of the Investment Company Act and Rule 0-7 of the Advisers Act</b> (raising the small entity thresholds for investment companies and advisers)	<a href="#">Amendments to the "Small Business" and "Small Organization" Definitions for Investment Companies and Investment Advisers for Purposes of the Regulatory Flexibility Act</a> , SEC Rel. No. IA-6935 (Jan. 7, 2026)	Proposed Jan. 7, 2026
<b>Proposed Rule to Implement Section 326 of the USA Patriot Act</b> (requiring SEC-registered investment advisers and exempt reporting advisers to establish written customer identification programs)	<a href="#">Customer Identification Programs for Registered Investment Advisers and Exempt Reporting Advisers</a> , SEC Rel. No. BSA-1 (May 13, 2024)	Proposed May 13, 2024
<b>Request for Comment on Index Providers</b> (seeking public comment on issues relating to index providers and similar service providers and their potential status as investment advisers under the Advisers Act)	<a href="#">Request for Comment on Certain Information Providers Acting as Investment Advisers</a> , SEC Rel. No. IA-6050 (June 15, 2022)	Issued June 15, 2022

# Recent Investment Adviser SEC Enforcement Actions

Compliance Category	Sub-category	SEC Enforcement Actions
Advisory Contracts	Assignment of advisory contracts	<a href="#">FamilyWealth Advisers, LLC and FamilyWealth Asset Management, LLC</a> , SEC Rel. No. IA-6941 (Jan. 20, 2026) (SEC order charging two investment advisers for violations in connection with their use of liability disclaimers and assignment clauses in their retail investor advisory agreements and their violations of the custody rule)
	Hedge clauses	<a href="#">FamilyWealth Advisers, LLC and FamilyWealth Asset Management, LLC</a> , SEC Rel. No. IA-6941 (Jan. 20, 2026) (SEC order charging two investment advisers for violations in connection with their use of liability disclaimers and assignment clauses in their retail investor advisory agreements and their violations of the custody rule)  <a href="#">ClearPath Capital Partners, LLC</a> , SEC Rel. No. IA-6672 (Sept. 3, 2024) (SEC order finding that ClearPath Capital Partners, LLC failed to comply with requirements related to the safekeeping of client assets and used impermissible liability disclaimers in its advisory and private fund agreement)  <a href="#">Global Predictions, Inc.</a> , SEC Rel. No. IA-6574 (Mar. 18, 2024) (SEC order charging an investment adviser in part for including liability disclaimer language in its advisory contracts that purported to relieve the adviser from liability for “any claim or demand”)
Compliance	General	<a href="#">Meridian Financial, LLC</a> , SEC Rel. No. IA-6916 (Sept. 4, 2025) (SEC order charging an investment adviser for failing to comply with various provisions of the Advisers Act concerning marketing, recordkeeping, and the implementation of compliance policies and procedures)  <a href="#">Jordan/Zalaznick Advisers, Inc.</a> , SEC Rel. No. IA-6711 (Sept. 20, 2024) (SEC order charging an investment adviser with failure to implement policies and procedures reasonably designed to prevent violations of the Advisers Act and its rules)
Custody	General requirements	<a href="#">FamilyWealth Advisers, LLC and FamilyWealth Asset Management, LLC</a> , SEC Rel. No. IA-6941 (Jan. 20, 2026) (SEC order charging two investment advisers with violations in connection with their use of liability disclaimers and assignment clauses in their retail investor advisory agreements and their violations of the custody rule)  <a href="#">Munakata Associates LLC</a> , SEC Rel. No. IA-6901 (Aug. 1, 2025) (SEC order charging an investment adviser for failing to comply with the independent verification requirement for client funds and securities over which it had custody)
	Custody of private funds	<a href="#">Galois Capital Management LLC</a> , SEC Rel. No. 6670 (Sept. 3, 2024) (SEC order finding that an adviser to a private fund that primarily invested in digital assets failed to maintain certain assets with a qualified custodian because the adviser maintained certain digital assets in online trading accounts on digital asset trading platforms)  <a href="#">FPA Real Estate Advisers Group, LLC</a> , SEC Rel. No. 6663 (Aug. 19, 2024) (SEC order charging an investment adviser with failing to have the fund and securities of certain of the pooled investment vehicles verified by actual examination or audited)
Cybersecurity		<a href="#">M Holdings Securities, Inc.</a> , SEC Rel. No. IA-6928 (Nov. 25, 2025) (SEC order charging an investment adviser with failing to maintain reasonably designed policies and procedures concerning cybersecurity, the protection of customer information, and identity theft prevention)

# Recent Investment Adviser SEC Enforcement Actions (continued)

Compliance Category	Sub-category	SEC Enforcement Actions
Fiduciary Duty	General	<p><a href="#">Madison Capital Funding LLC</a>, SEC Rel. No. IA-6948 (Feb. 25, 2026) (SEC order charging a former investment adviser for selling loans to private fund clients without reasonably determining whether those trades were at fair market value, contrary to its obligations under its advisory agreements and representations to investors)</p> <p><a href="#">American Portfolios Advisors, Inc.</a>, SEC Rel. No. IA-6893 (July 11, 2025) (SEC order charging a former investment adviser with failing to adequately disclose conflicts of interest, overbilling, and producing compliance documents backdated by its CCO and president)</p> <p><a href="#">SEC Charges New Jersey Investment Adviser and His Firm with Fraud and Other Violations</a>, SEC Press Rel. No. 2025-55 (Mar. 17, 2025)</p> <p><a href="#">SEC Charges Investment Adviser and Two Officers for Misuse of Fund and Portfolio Company Assets</a>, SEC Press Rel. No. 2025-53 (Mar. 7, 2025)</p>
	Private Funds	<p><a href="#">TZP Management Associates, LLC</a>, SEC Rel. No. IA-6908 (Aug. 15, 2025) (SEC order charging an investment adviser with breaching fiduciary duty by overcharging management fees to private funds)</p>
	Artificial intelligence / predictive data analytics	<p><a href="#">Delphia (USA) Inc.</a>, SEC Rel. No. IA-6573 (Mar. 18, 2024) (SEC order charging a former investment adviser with making false and misleading statements in its regulatory filings, ads, and social media relating to its purported use of AI and machine learning)</p> <p><a href="#">Global Predictions, Inc.</a>, SEC Rel. No. IA-6574 (Mar. 18, 2024) (SEC order charging an investment adviser with making false and misleading claims about its use of AI, including that it was the “first regulated AI financial advisor” and that it used “[e]xpert AI driven forecasts” when it did not)</p>
Fees	Conflicts of interest	<p><a href="#">Vanguard Advisers, Inc.</a>, SEC Rel. No. IA-6912 (Aug. 29, 2025) (SEC order charging an investment adviser for failing to adequately disclose conflicts of interest to clients)</p> <p><a href="#">Empower Advisory Group, LLC and Empower Financial Services, Inc.</a>, SEC Rel. No. IA-6911 (Aug. 29, 2025) (SEC order charging an investment adviser for failing to adequately disclose conflicts of interest to retirement plan participants)</p> <p><a href="#">Transamerica Retirement Advisors, LLC</a>, SEC Rel. No. IA-6826 (Jan. 17, 2025) (SEC order charging a registered investment adviser with breaching its fiduciary duty by failing to disclose conflicts of interest created by paying incentive compensation to its representatives in connection with the rollover of retirement assets to its accounts)</p> <p><a href="#">Brighton Securities Corp.</a>, SEC Rel. No. IA-6718 (Sept. 23, 2024) (SEC order charging a dually registered broker-dealer and investment adviser with failure to disclose to advisory clients conflicts of interest arising from various incentives it received from the clearing firm that it recommended to its clients)</p> <p><a href="#">Colony Capital Investment Advisors, LLC</a>, SEC Rel. No. IA-6671 (Sept. 3, 2024) (SEC order charging a private fund adviser with breaches of its fiduciary duty related to its failure to follow certain contractually agreed procedures governing the timely disclosure of and consent to expenses that it allocated to funds it managed for services provided by its affiliates)</p> <p><a href="#">Hudson Valley Wealth Management, Inc., and Christopher Conover</a>, SEC Rel. No. IA-6603 (May 14, 2024) (SEC order charging a private fund adviser and its founder with breaching their fiduciary duties by failing to disclose conflicts of interest regarding an undisclosed fee the founder received for investing clients’ money in films)</p> <p><a href="#">Catalyst Capital Advisors LLC</a>, SEC Rel. No. IA-6597 (Apr. 29, 2024) (SEC order charging a mutual fund adviser for entering into an impermissible joint legal fee arrangement with its client, a registered open-end investment company)</p> <p><a href="#">3D/L Capital Management, LLC</a>, SEC Rel. No. IA-6568 (Mar. 6, 2024) (SEC order charging an adviser with failing to fully and fairly disclose material facts and conflicts of interest relating to its agreements with an investment manager for certain ETFs)</p>

# Recent Investment Adviser SEC Enforcement Actions (continued)

Compliance Category	Sub-category	SEC Enforcement Actions
Marketing and Solicitation	General	<a href="#">SEC Charges Nine Investment Advisers in Ongoing Sweep into Marketing Rule Violations</a> , SEC Press Rel. No. 2024-121 (Sept. 9, 2024)
	Testimonials and endorsements (including solicitation activity)	<p><a href="#">Meridian Financial, LLC</a>, SEC Rel. No. IA-6916 (Sept. 4, 2025) (SEC order charging an investment adviser with failing to comply with various provisions of the Advisers Act concerning marketing, recordkeeping, and the implementation of compliance policies and procedures)</p> <p><a href="#">Wahed Invest, LLC</a>, SEC Rel. No. IA-6763 (Nov. 1, 2024) (SEC order charging a registered investment adviser with failure to comply with the Marketing Rule when (i) it disseminated ads via social media containing endorsements from professional athletes and failing to provide disclosures required, and (ii) it presented hypothetical, backtested performance without ensuring the hypothetical performance was relevant to the financial situation and investment objectives of the intended audience)</p>
	Performance	<p><a href="#">The Pacific Financial Group, Inc.</a>, SEC Rel. No. 3-21987 (Aug. 9, 2024) (SEC order finding that the Pacific Financial Group, Inc. advertised hypothetical performance on its public website without adopting and implementing policies and procedures required by the Marketing Rule)</p> <p><a href="#">Twenty Acre Capital LP</a>, SEC Rel. No. 6628 (June 14, 2024) (SEC order finding that Twenty Acre Capital LP presented performance returns that were experienced by a single investor, in violation of Section 206(4) of the Advisers Act and Rules 206(4)-1 and 206(4)-8)</p> <p><a href="#">SEC Charges Five Investment Advisers for Marketing Rule Violations</a>, SEC Press Rel. No. 2024-46 (Apr. 12, 2024)</p>
Pay-to-Play	General	<p><a href="#">Obra Capital Management, LLC</a>, SEC Rel. No. IA-6662 (Aug. 19, 2024) (SEC order charging an investment adviser that provided advisory services to a state fund for violating Pay-to-Play rules, when the employee made a campaign contribution to a government official whose office had influence over the selection of the fund's investment adviser)</p> <p><a href="#">Wayzata Investment Partners LLC</a>, SEC Rel. No. 6590 (Apr. 15, 2024) (SEC order charging an investment adviser for violating Pay-to-Play rules, after an employee contributed to the campaign of a government official who sat on a state investment board that had invested funds with the adviser since 2007)</p>
Recordkeeping	General	<p><a href="#">Meridian Financial, LLC</a>, SEC Rel. No. IA-6916 (Sept. 4, 2025) (SEC order charging an investment adviser for failing to comply with various provisions of the Advisers Act concerning marketing, recordkeeping, and the implementation of compliance policies and procedures)</p> <p><a href="#">Carlyle Investment Management L.L.C., Carlyle Global Credit Investment Management L.L.C., and AlplInvest Partners B.V.</a>, SEC Rel. No. IA-6816 (Jan. 13, 2025) (SEC order charging a registered investment adviser with violating the recordkeeping rules by using their personal devices for communications related to the investment adviser's receipt, disbursement, or delivery of funds or securities, and failing to maintain or preserve these written off-channel communications)</p> <p><a href="#">Eleven Firms to Pay More Than \$88 Million Combined to Settle SEC's Charges for Widespread Recordkeeping Failures</a>, SEC Press Rel. No. 2024-144 (Sept. 24, 2024)</p> <p><a href="#">Atom Investors LP</a>, SEC Rel. No. 6719 (Sept. 23, 2024) (SEC order charging Atom Investors LP with off-channel electronic communication recordkeeping failures)</p> <p><a href="#">Twenty-Six Firms to Pay More Than \$390 Million Combined to Settle SEC's Charges for Widespread Recordkeeping Failures</a>, SEC Press Rel. No. 2024-98 (Aug. 14, 2024)</p> <p><a href="#">Senvest Management, LLC</a>, SEC Rel. No. 6581 (Apr. 3, 2024) (SEC order charging Senvest Management, LLC with off-channel electronic communication recordkeeping failures)</p> <p><a href="#">Sixteen Firms to Pay More Than \$81 Million Combined to Settle Charges for Widespread Recordkeeping Failures</a>, SEC Press Rel. No. 2024-18 (Feb. 9, 2024)</p>

# Recent Investment Adviser SEC Enforcement Actions (continued)

Compliance Category	Sub-category	SEC Enforcement Actions
Securities Exchange Act of 1934 (“Exchange Act”) Section 13 Filings	Schedules 13D and 13G	<a href="#">SEC Levies More Than \$3.8 Million in Penalties in Sweep of Late Beneficial Ownership and Insider Transaction Reports</a> , SEC Press Rel. No. 2024-148 (Sept. 25, 2024)
	Form 13F	<a href="#">SEC Charges 11 Institutional Investment Managers with Failing to Report Certain Securities Holdings</a> , SEC Press Rel. No. 2024-135 (Sept. 17, 2024)