

Investment Adviser Pre-Exam Questionnaire

Instructions for Office Manager or Principal

- Complete all items in this questionnaire. Indicate N/A for items not applicable.
- Attach additional details and include question number for reference.
- Red text denotes additional requested documents.
- Return completed form and requested documents to the Utah Division of Securities.

Personnel

Question	Yes	No	If yes, provide details
1. In the last two years, was any employee	П		
discharged for cause or allowed to resign?			
2. In the last two years, was the firm or any of its	П	Ιп	
representatives involved in any regulatory			
investigation, action or litigation or been the subject			
of any civil complaint, arbitration or criminal			
proceeding?			
3. Do any personnel have unsatisfied judgments or	П	Ιп	
liens, filed bankruptcy, or have otherwise			
compromised with creditors?			
4. Does the firm or any personnel maintain PO boxes	П	П	If yes, attach a list.
or alternate mailing addresses other than their			
residence or physical address of the firm?			
5. Is any representative or control person the		П	If yes, attach details and relevant
subject of special review or supervision?			documentation (supervisory
			plan, status report, etc.)
6. Do any personnel have business activities outside		П	If yes, attach a list of each person
the firm?			and their outside business.
7. How many persons work for the firm?	Num	ber	On firm letterhead, provide a list of
a. Total personnel			all personnel including name, title,
b. Registered personnel			CRD number, and production or
c. Non-registered personnel			commission number (if applicable).
d. Personnel providing investment advice			Principal of the firm should sign and date the document.
			date the document.
	ı		1
8. Explain below how the adviser compensates unreg	istered	perso	onnel.
		-	

Nature of Business

9. A:	ssets Under Management	Amount in Dollar	rs	Number	er of Clients Nun		Number of Accounts			
	retionary									
Non	-Discretionary									
10.	Check the businesses or serv	ices in which the a	advis				, , ,			
	Brokerage			Accoun)					
	Insurance			Legal	Legal					
	Real estate			No othe	er busin	ess or	service			
	Venture capital			Other b	usiness	or se	rvice below			
	Bill payment			Other:						
	Lending			Other:						
	Credit counseling			Other:						
11. (Check the services provided b	by the adviser. Mo	ark a							
	Asset management			Manage investm	_	fund	or other pooled			
	Financial planning plus asse	t management		Selection of 3 rd party managers						
	Financial planning ONLY			Other advisory services described below						
	Solicit for other advisers plumanagement	is asset		Other:						
	Solicit for other advisers ON	ILY		Other:	Other:					
	Pay others for client referra	ls		Other:						
12. (Check the financial planning s		er pr	ovides. <i>N</i>	1ark all	that a	ipply.			
	N/A – Do not offer financial services	planning		Persona	al budg	et plai	nning			
	Retirement planning			Service	s provid	ded ur	nder retainer			
	Education planning (529 pla	ns, etc.)		Other p	lanning	g servi	ces described below			
	Estate planning			Other:						
	Business planning			Other:						
	Insurance planning			Other:						
	Bankruptcy planning			Other:						
13. F	inancial Planning Clients			Nu	mber		de a copy of the firm's			
	nber of financial planning clie		_				rvisory/Compliance			
Num	nber of financial plans compl	eted in the last 12	mor	nths		Proce	dures manual.			

Products

14. (Check the types of	prod	lucts the adviser	recom	mend	s. Mark all that apply.
	Equity Securities	(sto	cks)			Options (listed or OTC)
	Mutual funds					Futures
	Exchange traded	func	ds (ETFs)			Pooled investment vehicles (hedge funds)
	Corporate debt s	ecur	ities			Limited partnerships
	Federal, state or	mun	icipal securities			Promissory notes
	Variable product variable life)	s (va	riable annuities o	or		Viaticals, Life settlements
	Wrap programs					Proprietary products (proprietary securities, offerings, LLCs, special accounts)
	3 rd party money	man	agers			High frequency or algorithmic trading
	Insurance (life, h property/casualt		n, long-term care	,		Other – describe:
15	Describe the advise	ar's ii	nvectment strate	av ana	alveie	and research methods.
13.	Describe the adviso	21 3 11	ivestillent strate	gy, and	aiyəiə,	and research methods.
16.	Does the adviser p	rovid	e advice not	Yes	No	If yes, describe.
	lving securities?					, , , , , , , , , , , , , , , , , , , ,
Fee	s & Compen	sat	ion			
	•					
17. (17. Check the advisory fees the adviser charges. Mark all that apply.					
	Asset based		Percent of net v	vorth		Subscription
	Performance based		Percent of annuincome	ıal		Other described below
	Hourly		Setup			Other:
П	Fixed		Termination			Other:

18.	Check the financial planning fees the advise	char	ges. Mark all that apply.				
	N/A – Do not provide financial planning services		Retainer				
	Hourly		Setup				
	Flat/Fixed		Other financial planning fees describe	d belo	w		
	Percent of net worth		Other:				
	Percent of annual income		Other:				
		•					
	Check the compensation from other sources rk all that apply.	rece	ived by the adviser or its representative	es.			
	Referral compensation		No compensation from other sources				
	Brokerage commissions		Other compensation described below				
	Soft dollar arrangements		Other:				
	Insurance commissions		Other:				
20.	Check how often the adviser collects fees. <i>N</i>	1ark c	all that apply.				
	Monthly		Annually				
	Quarterly		In advance				
	Semi-annually		In arrears				
21.	Describe the adviser's refund policy on fees	colled	cted in advance.				
22.	Check the forms of payment the adviser acc	epts.	T T T T T T T T T T T T T T T T T T T				
	Cash		Credit Card				
	Check		Other described below				
	Direct deduction		Other:				
	Does the adviser maintain the client's credit	card	information and automatically charge	Yes	No		
the	the client's card for payment of the fees?						

Operations

24. C	heck the activities engaged in by the adviser of	or its r	epresentatives. <i>Mark all that apply.</i>
	Periodically review client portfolios		
	Advertise for firm		
	Advertise investment performance		Provide a sample
	Generate its own account statements for clie	ents	Provide a sample
	Generate its own trade confirmations for clie	ents	Provide a sample
	Generate its own client account performanc reports	е	Provide a sample
	Lend money or securities to clients		Provide a list of these clients
	Exercise discretionary tracing authority over client accounts	and	Provide a list
	Borrow money or securities from clients		Provide a list of these clients
	Receive and forward 3 rd party checks from clients		Provide a copy of the checks received log
	Receive securities or cash from clients		Provide a copy of the cash/securities received log for the last 12 months
	Have GENERAL power of attorney for any client's accounts		Provide a list of these clients
	Have signatory authority for any client		Provide a list of these clients
	Deduct fees from client accounts		Provide a sample invoice
	Serve as general partner to an investment partnership (pooled investment)		
	Firm or personnel serve as trustee for a clier account (not a relative)	nt's	Provide a list of these clients
	Firm or personnel serve as trustee for the beneficial trust of a relative		
	Firm or personnel serve as executor for clier estate	ıt's	Provide a list of these clients
25. C	heck where the adviser or its representative a	advert	
	Do not advertise		Newspapers/magazines
	Business cards, letterhead, stationary		Radio/TV
	Brochures		Internet/social networking sites
	Newsletters		Other described below
	Website		Other:
П	Seminars		Other:

that fir	s there been any suspicion or belief nancial exploitation of a senior or able adult has occurred in the last ars?	Yes	No 🗆	If yes, ple	If yes, please describe.				
portfol	es the adviser or its representatives ge	Yes	No 🗆	If yes, ho	ow ofter	1?			
29. If t	individual performance reports for clients? 29. If the adviser or its representatives loan money or securities to clients, is the adviser a lending institution? Yes No N/A								
30. If the adviser or its representatives are a GP of a pooled investment partnership, is the investment partnership subject to an annual audit?									
31. Check the type of custodian the adviser utilizes. <i>Mark all that apply</i> . One or more qualified custodians One or more off-shore or foreign custodians									
Provide	One or more non-qualified custodians a list of each custodian including contac	t infor	mation	client fu		Adviser d	oes not	manage	
(Either	32. Are any custodians related to the adviser? (Either party has a beneficial interest or control interest in the other) Yes No If yes, provide details.								
33. Des	33. Describe how the adviser handles trading errors.								
34. Des	34. Describe how the adviser handles written and verbal customer complaints.								

Question	Yes	No	If yes, provide details.
35. Does the adviser deliver a copy of its			How is this documented?
disclosure brochure or ADV2 to the		_	
customer at least by the time of contract			
signing and annually offer or deliver to the			
customers as required?			
36. Does the adviser deliver a copy of its			How is this documented?
privacy policy to the customer at least by			
the time of the contract signing?			
37. Does the adviser recommend clients use			Why that broker dealer?
a certain broker dealer to place their			
trades?			
38. Is the adviser affiliated with a broker			List the affiliate and describe the
dealer?			relationship.
39. Are any of the adviser's representatives			Provide details.
associated persons of a broker dealer?			
40. Does the adviser share common			Explain.
ownership with a broker dealer?			
41. Does the adviser share non-public client			Describe the client authorization and
information with 3 rd parties?			documentation details.
42. Do adviser representatives access any			Describe.
client outside accounts with username and			
password of the client? (bank, 401k, or			
brokerage accounts, etc.)			

Compliance Review

Question	Yes	No	Date of last audit	If yes, please provide:
43. Within the last two years, was the adviser examined or investigated by any other regulatory authority?				A copy of the exam report(s) and the adviser's response.
44. Within the last two years, has the firm had an internal compliance review?				A copy of the auditor's report and documentation of any corrective measures.

Cybersecurity

45.	Do you use any devices to store cli	ent d	lata and	or exe	ecute	securitie	es tran	sactio	ns?	Yes	No
45a	. Check the types of devices used.			Deskt	op cor	mputer(s)				•
				Lapto	p com	puter(s)	/Table	et(s)			
				Smart	phone	e(s)					
				Portal	ole sto	orage de	vices	(thuml	o drive	s, etc.)	
	. If using laptops or smartphones, oiness?	do th	e device	es ever	physi	cally lea	ve the	place	of	Yes	No
	. Are any of these devices used to a iness?	acces	s the int	ternet	other	than at	the pl	ace of			
46.	How often are devices and their or	perat			ecked	l and up	dated	?			
	Automatic		Weekl	У							
	Manual		Month	ıly							
	Daily		Greate	er than	mont	hly					
	. Are all devices running the most i	recen	it update	ed ope	rating	5	Yes	No	Not A	pplicat	ole
syst	ems?										
47.	Do you use anti-viral/anti-malware	soft	ware?	Yes	No						
									_		
	. Is anti-virus/anti-malware installe					If yes,		the			
	ices used to conduct firm business nt data?	and	access			softwa	re.				
						If no, e	xplair	١.			
	 Does the anti-virus software run one background providing real-time 		•			Not	applic 	able			
	ection?	vii us	•								

47c.	How often are virus definitions updated?]				
	Automatic					
	Manual					
	Daily					
	Weekly					
	Monthly					
	Greater than monthly					
47d.	How often is the anti-virus/anti-malware soft	ware update	d?			
	Automatic					
	Manual					
	Daily					
	Weekly					
	Monthly					
	Greater than monthly					
47e.	How often are the devices scanned for viruses	and malwa	re?			
	Automatic					
	Manual					
	Daily					
	Weekly					
	Monthly					
	Greater than monthly					
48. [Oo you utilize encryption for files or devices?	Yes	No			
	If you do use encryption, do you encrypt all	All Files	Only Key Files			
your	files or only certain key files?					
		4	41			١
	are passwords required for ALL computers and ss client data?	devices use	d to conduct busi	ness and	Yes	No □
102	Describe the password requirements? (charac	tarlangth o	anital letters sum	nhols)		
49a.	bescribe the password requirements: (charac	iei ieiigiii, C	apitai ietters, syff	10015)		
1					Ī	

49b. l	How often are the passwords changed?			
	At least quarterly			
	At least every 6 months			
	At least annually			
	Greater than annually			
49c. A	re individual files or folders containing	Yes	No	Not applicable
'	nally identifiable information or other			
types	of client sensitive data password-			
prote	cteur			
FO 10		Voc	Na	7
	computer data backed up on a separate e? (external drive, cloud, etc.)	Yes	No	
				_
	s data backup stored somewhere other			
locate	the office where the computers are			
	s the data backup encrypted?			-
	· /			_
	f advisor stores backup data outside the off	ice, wl	nere is	s it
store	Dedicated physical server maintained by t	he adv	/iser	
	Dedicated physical server maintained by a	1 3 ¹⁰ pa	arty	
	Web storage (i.e. cloud)			
50d. l	low often is the data backed up?			
	Daily			
	Weekly			
	Monthly			
	Greater than monthly			

51. Do you use email to share information and communicate with	Yes	No
clients?		
51a. Do you ever send or receive personal identifiable information or other sensitive data by email?		
 If yes, are you using encrypted email, a secure file sharing system, and/or encrypting sensitive documents before sending? 		
2. Have clients and employees been instructed not to send sensitive data by insecure means?		
3. Are clients advised to notify you in the event a client's computer or email becomes compromised?		
51b. Do you allow clients to send transaction instructions via email?		
 If yes, do you have procedures in place to verify that the instructions are genuine? 		

51c. How is email routinely accessed?			
	Office Computers		
	Remote access from another computer		
	Portable devices (tablet, smartphone)		
 Are passwords required to access email accounts? 		Yes	No
 Describe the email account password requirements? (character length, capital letters, symbols) 			
3. How often are the email account passwords changed?			
	At least quarterly		
	At least every 6 months		
	At least annually		
	Greater than annually		

51d. Is email archived and stored somewhere other than		Yes	No	0		
the of	fice where the computers are located?]		
1.						
	adviser's office, where is it stored? Dedicated physical server maintained by the					
	Dedicated physical server maintained by a 3 rd party					
	Web storage (i.e. Cloud)					
2.	Is the archived email encrypted?]		
3.	How often is email archived?					
	Daily					
	Weekly					
	Monthly					
	Greater than monthly					
		ı				
52. Do you use a file sharing service to share information and				No		
	nunicate with clients? (i.e. Dropbox, DatAnywhere, etc.		П			
	oid you conduct due diligence on the file sharing service	e				
prior to use?						
52b. [Does the file sharing service have cybersecurity safegua	ards?	П			
520 Boes the the sharing service have eyserseeartly sareguards.						
53. Do	you or the firm have a website?		Yes	No		
53 a. 🛚	Oo you or your personnel use the website to access clie	nt		П		
data?						
53b. Can clients use the website to access their data through a						
client portal?						
53c. Is the website monitored by a 3 rd party for intrusion attempts or malicious activity?						
53d. V						
33u. v						
53 e. V						
]						

54. Do you use 3 rd party vendors or service providers				٥V			
(custodians, sub-advisers, vendors for data storage, payroll, IT,			1 I	П			
website, etc.) that store or have access to client data?			- '	_			
54a. Do you include cybersecurity in your due diligence process]				
	engaging a 3 rd party service provider? (custodians,						
sub-ad	visers, etc.)						
55. Do you use an outside consultant/specialist for cybersecurity			es N	No	Not applicable		
matters?			,				
55a. Do	o you have a contract or agreement to define the		, ,				
	list's role, responsibilities, expectations, and liabilities?		ا ا ا				
specialist's role, responsibilities, expectations, and nabilities:							
55b. D	oes the firm have a non-disclosure or confidentiality	Г	,		П		
	nent in place with the outside specialist?		' '				
55c. Ho	ow often do you meet with the consultant/specialist?				, 		
	At least quarterly						
	At least every 6 months						
	At least annually						
	Great than annually						
	Not applicable						
56. Has	s the firm had a cybersecurity risk assessment	Yes	N	o	Not applicable		
perfori	med from an adversary's (hacker's) point of view to]			
	y potential threats, vulnerabilities, and possible	_		_			
	juences?						
	there documentation of the cybersecurity testing						
perfori							
]			
testing?							
					If yes, describe.		
identified vulnerabilities?					If no why not?		
					If no, why not?		
			1				

57. Do you have written policies and procedures in place		Yes	Ν	lo			
regar	ding cybersecurity?						
F70 (Shock the subarcequity policies (presedures the ac	hicor	includo	. 1/10	ırk alı	l +hc	rt apply
5/a. (Check the cybersecurity policies/procedures the ad	iviser					
	Securing or limiting access to			_		•	y IT or data service
	computers/devices		-	-		_	ence, contracts
					-		ers, confidentiality
	Connection to the interest tree of multiplication		requir				
	Connecting to the internet (use of public wi-fi,			_	•		curity risk
	VPN)		assessments from an adversary's point				
							otential threats,
						ınd	possible
			conse	•			
	Maintaining hardware & software (updates,		-	_	•	•	access to the
	upgrades)			twork and other sensitive data			
	☐ Use of email to transact business ☐ Tr						otect against
					ndust	try/r	regulatory updates)
	Phishing & other attempts to access data by		Other:				
	unauthorized individuals						
	Loss, theft, or compromise of		Other:				
	computers/devices or data storage devices						
	Continued operation during a cybersecurity		Other:				
	event (possibly addressed in the business						
	continuity plan)						
	Secure disposal of computers/devices or data		Other:				
	storage devices						
58. Do	pes the firm maintain cybersecurity insurance cove	erage?	,	/es	No	0	Not applicable
	,	Ü		П	lr		
FOO Chook the coverage in the college with income in the			<u> </u>		J	Ц	
58a. Check the coverage in the cybersecurity insurance policy.		•					
	Notification costs (clients and regulators)						
	Breaches by foreign cyber intruders						
	Insider breaches (e.g. employee theft)						
	Other:						
58b. What are the exclusions of the policy?							

59. In the last 24 months, has the firm, or any of the firm's employees,			No
experienced theft, compromise, unauthorized access to firm data, or			Ιп
atten			
59a. l			
	Involved an attempt to breach or impact client data		
	The adviser notified clients		
	An existing incident response plan was in place to help react to the		
	incident		
	An incident response plan has been created to help react in the		
	future		
	Existing business continuity plan was effective relating to the incident		
	Have updated business continuity plan considering the incident		
П	Existing written supervisory procedures were effective to address the		
	attempted or actual incident		
	Have identified additional training or service needed to reduce a		
	repeat of this attempt or actual incident		
	Other:		

Please send the following:

- 1) Completed questionnaire.
- 2) Additional details and include question number for reference.
- 3) Additional requested documents (highlighted in red text; include question number for reference).

Coordinate delivery of questionnaire and additional documents with:

Utah Division of Securities Compliance Section 160 E. 300 S. 2nd Floor Salt Lake City, UT 84111

Email: securities@utah.gov

Phone: 801-530-6600

