

Question #1 of 47

Question ID: 461385

Mohawk Asset Management buys on-the-run Treasuries at auction for its standard fee accounts. When these move off-the-run, they are placed in performance-based accounts via in-house cross-trades at prevailing market prices, and replaced in the standard fee accounts with new on-the-run issues. Which standard is violated, if any?

- ☐ A) No Standard is violated.
- ☒ B) The Standard concerning Fiduciary Duty.
- ☐ C) The Standard concerning Priority of Transactions.

Explanation

In addition to being a violation of the Standard concerning Fair Dealing, this constitutes a violation of Mohawk's Fiduciary Duty. Why? Because the on-the-run issues are benchmarks and trade at lower yields than the off-the-run issues. In essence, the off-the-run issues have marginally higher returns, and this will boost the returns in the performance-based fee accounts. Mohawk is allocating trades based upon compensation arrangements, and this is not permissible under the Code and Standards.

Questions #2-7 of 47

Jacques Claudel, a CFA Institute member, represents Vector Funds, a U.S.-based fund manager, in Canada. Although Vector Funds is properly licensed to deal in all Canadian and U.S. securities, its primary objective is to sell United States funds to Canadian institutional investors seeking diversification into the U.S. dollar. While it would be willing to do so if requested by its clients, Vector has not placed trades in Canadian securities since Claudel began working there two years ago.

Prior to joining Vector's Canadian operations, Claudel was an independent asset manager handling the funds of wealthy individuals and small institutions. Most of these accounts remain under his management, under the business name Coup de Gras. Claudel is unclear as to whether his consulting work is in competition with his new employer, as the accounts under his management are invested strictly in Canadian securities, while Vector has not traded Canadian securities. However, just to be on the safe side, he obtained written permission from Vector to continue serving his former clients. His former clients were not notified.

Claudel receives cash compensation for most of the accounts he handles independently, but for one he receives a new car for his personal use every two years, and for another he is compensated with a one-week, expenses-paid holiday in the European country of his choice.

As part of his responsibility, Claudel makes trades for some of his Canadian clients. He runs all of his trades through two brokers, Ace Equity Traders and the Parlay Group. Ace offers some of the best research available on health-care stocks, but charges fairly hefty commissions. Parlay has some of the cheapest commissions in Toronto, but provides no research of value to Claudel. Vector claims compliance with the CFA Institute Soft Dollar Standards.

Henri Bonnet, CFA, a friend of Claudel's, works on the floor of the Vancouver Stock Exchange. He asks Claudel to establish an account for him at Coup de Gras. Claudel learns that it is Bonnet's intention to manipulate the prices of penny stocks he trades

on the exchange, and profit from the price movements in the account at Coup de Gras. Claudel sets up the account, but advises Bonnet that he "will have nothing to do" with the manipulation scheme beyond placing trades as Bonnet directs.

Claudel is currently pursuing a master's degree in financial economics in the evenings. During the interview with Vector and on his resume he indicated that he "attended Victoria University," giving his estimated date of graduation. He is not sure whether Vector understood that he did not have his master's degree.

Question #2 of 47

Question ID: 461357

Which of the following statements about consulting work is CORRECT?

- ☐ A) In some circumstances the employee must receive the employer's written permission prior to receiving additional compensation from parties other than the firm. This requirement applies to monetary compensation only.
- ☒ B) In some circumstances the employee must receive the employer's written permission prior to receiving additional compensation from parties other than the firm. This requirement applies to both monetary and non-monetary compensation.
- ☐ C) In all cases the employee must receive the employer's written permission prior to receiving additional compensation from parties other than the firm. This requirement applies to both monetary and non-monetary compensation.

Explanation

Standard IV(A): Loyalty to Employer requires written permission from both the employer and the consulting customer if the work involves competition with the employer. An example of an instance not requiring permission would be if a CFA charterholder who works for a broker wishes to write grants for a nonprofit foundation. In such case, he need not get permission, nor does he need to disclose the compensation. This Standard applies for work that provides either monetary or nonmonetary compensation. (Study Session 2, LOS 5.b)

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Question ID: 461358

Should Claudel decide to terminate his relationship with Vector, which of the following items can he NOT take with him?

- ☐ A) A list of consulting clients, with addresses and phone numbers.
- ☒ B) A marketing presentation he developed for Vector, but uses primarily in his side business.
- ☐ C) His Rolodex full of contacts in the brokerage and money-management business.

Explanation

Marketing presentations and any other materials developed for an employer belong to the employer, not the employee, according to Standard IV(A): Loyalty to Employer. The fact that Claudel was already using the marketing presentation on his own in defiance of the Standard does not make it OK for him to take the presentation when he leaves. The rest of the items are Claudel's personal property. (Study Session 2, LOS 5.b)

Question #4 of 47

Question ID: 461359

Claudel's statement about his education background is:

- ☐ A) truthful, but not in accord with the Code and Standards.

- ✓ **B)** truthful, and in accord with the Code and Standards.
- ✗ **C)** not truthful, and not in accord with the Code and Standards.

Explanation

Standard I(C) Misrepresentation states that "members shall not make any statements, orally or in writing, that misrepresent the member's academic or professional credentials." In this case, Claudel's statements are truthful, and are not a violation of the Standard. He could have been more clear, but what he said is undeniably correct. Whether Vector understood what he told them is not his problem, as long as he was truthful and did not attempt to deceive them. (Study Session 1, LOS 2.a)

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Question ID: 461360

Which of the following statements is CORRECT?

- ✗ **A) Bonnet has violated Standard II(A): Material Nonpublic Information, and Claudel has not violated Standard III(A): Loyalty, Prudence, and Care.**
- ✓ **B) Bonnet has violated Standard IV(A): Loyalty to Employer, and Claudel has violated Standard I(A): Knowledge of the Law.**
- ✗ **C) Bonnet has violated Standard III(B): Fair Dealing, and Claudel has violated Standard I(B): Independence and Objectivity.**

Explanation

Bonnet violated several Standards, including IV(A) and II(B), by manipulating stock prices and profiting from that manipulation at the expense of other purchasers. Standard IV(A) requires that employees not act to injure the firm or deprive it of profits, and Bonnet's personal trading and market manipulation crosses well over that line. However, Bonnet did not violate Standard II(A) Material Nonpublic Information because no nonpublic information was involved. Claudel violated Standard I(A) by contributing to Bonnet's plans to break the law. Under the Code and Standards, Claudel cannot knowingly assist others who are violating the Standards or the law, even if he does not profit personally. While Claudel's ethics are in question, nothing he did for Bonnet is likely to affect his independence, and he did not violate Standard I(B) Independence and Objectivity. (Study Session 2, LOS 5.b)

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Question ID: 461361

With regard to his consulting work, Claudel is:

- ✗ **A) in competition with Vector because he advises individual investors, and in compliance with the Code and Standards.**
- ✗ **B) not in competition with Vector because Vector doesn't trade Canadian securities, and in compliance with the Code and Standards.**
- ✓ **C) in competition with Vector because he advises individual investors, and not in compliance with the Code and Standards.**

Explanation

Since Vector both possesses the capability and the willingness to trade in Canadian securities, Claudel's activities clearly put him in competition with his employer. He has received permission from his employer to consult, but has not received permission from his consulting clients to take a job. As such, Claudel is not in compliance with the Code and Standards, as they require written permission from both parties. (Study Session 2, LOS 7.b)

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Question ID: 461362

Assuming that both Ace Equity Traders and the Parlay Group offer best execution, Claudel:

- ☒ **A) must disclose to clients whether client-directed brokerage will prevent him from getting the best execution.**
- ☒ **B) must direct all the trades for clients who do not wish to own health-care stocks to the Parlay Group.**
- ☒ **C) can select the broker that refers the most business back to him, as long as any research purchased benefits the client whose account is being traded.**

Explanation

The Standards require that purchased brokerage directly benefits the client. Clients who do not hold health-care stocks get no benefit from Ace's research, so Claudel is obligated to send their trades to the broker with the lowest transaction costs. While disclosing the risks of client-directed brokerage is a good idea, it is only recommended, not required, in the Soft Dollar Standards. Referrals can play no part in the broker-selection process. The Standards require the investment manager to keep all the records required to demonstrate compliance with the Standards - the broker's recordkeeping prowess is not relevant. (Study Session 1, LOS 3.b)

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Question ID: 461391

BlueRock Fund uses a proprietary asset selection model that it believes gives the firm a competitive advantage. The model is applied to a universe of all small-cap domestic equities and all publicly-traded corporate bonds. The asset allocations generated by this model range from +200 percent in small-cap equities/-100 percent in bonds to +200 percent in bonds/-100 percent in small-cap equities. Since the fund can invest in both equities and bonds, it is classified as a balanced fund. In the prospectus BlueRock describes the fund's investment policy as "a balanced fund, with 50 percent of the assets invested in bonds and 50 percent in equities, on average." On this basis, BlueRock is:

- ☒ **A) in violation of the CFA Institute Standard concerning Fiduciary Duty.**
- ☒ **B) in violation of CFA Institute Standards concerning the disclosure of security selection and portfolio construction processes.**
- ☒ **C) not in violation of any CFA Institute Standard.**

Explanation

Clearly, the risk profile of this fund is much different from a typical balanced fund. In fact, it could be effectively described as a hedge fund if +200/-100 allocations are typical. BlueRock is in violation of the Standard concerning disclosure of security selection and portfolio construction processes.

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Question ID: 461387

Which of the following statements regarding allocating trades is CORRECT? It is:

- ☒ **A) never permissible to deviate from a proportional account value weighting method of trade allocation, unless this is done on the basis of an advance indication of interest in the issue.**

- ✓ **B)** permissible under the standards to allocate trades on the basis of a predetermined formula that may deviate from a pro rata basis but is inherently fair.
- ✗ **C)** never permissible to deviate from a pro rata basis, unless this is done on the basis of an advance indication of interest in the issue.

Explanation

If the firm has developed an allocation procedure that is formula-based, inherently fair, and the details are disclosed to clients, it is possible to deviate from a pro rata allocation basis.

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Question ID: 461389

Which of the following trade allocation procedures is improper? Allocation:

- ✗ **A) based upon a predetermined formula.**
- ✓ **B)** based upon past participation in IPOs.
- ✗ **C)** on a strict pro rata basis over all suitable accounts.

Explanation

Participation in prior IPOs does not insure suitability for subsequent IPOs. Moreover, this method of allocation could result in a fairness problem, since larger accounts are more likely to have had a greater level of participation in past IPOs.

Question #11 of 47

Question ID: 461381

Patricia Spraetz is the chief financial officer and compliance officer at Super Selection Investment Advisors. Super Selection is a medium-sized money management firm which has incorporated the CFA Institute Code of Ethics and Standards of Practice into the firm's compliance manual.

Karen Jackson is a portfolio manager for Super Selection. She is not a CFA charterholder. Jackson is friendly with David James, president of AMD, a rapidly growing biotech company. James has provided Jackson with recommendations in the biotech industry, which she buys for her own portfolio before buying them for her clients. For three years, Jackson has also served on AMD's board of directors. She has received options and fees as compensation.

Recently, the board of AMD decided to raise capital by voting to issue shares to the public. This was attractive to board members (including Jackson) who wanted to exercise their stock options and sell their shares to get cash. When the demand for initial public offerings (IPO) diminished, just before AMD's public offering, James asked Jackson to commit to a large purchase of the offering for her portfolios. Jackson had previously determined that AMD was a questionable investment but agreed to reconsider at James' request. Her reevaluation confirmed the stock to be overpriced, but she nevertheless decided to purchase AMD for her clients' portfolios.

Which of the following actions are most appropriate for Spraetz?

- ✗ **A) If, after her investigation Spraetz finds that Jackson has committed violations, Spraetz must report them to senior management and seek legal counsel for possible legal and regulatory implications. If the upper management does not follow through and take action, Spraetz has fulfilled her supervisory duties and need not take any further action.**

- ✓ **B)** Spraetz, as the chief compliance officer, must set company policy in clear terms and monitor the actions of the employees. In case of violations, she should investigate thoroughly, initiate disciplinary action, and issue guidelines that must be followed in order to prevent future violations. She must not only detect violations through a continuous monitoring process but also provide guidance for proper conduct consistent with the firm's policy manual.
- x **C)** Even though Spraetz does not supervise Jackson, as the compliance officer of the firm she is responsible for identifying violations. Spraetz is not responsible for preventing them and should not go beyond their documentation for senior management. Thus, she should record the violations but need not take any further action.

Explanation

Since Spraetz has the authority to hire, fire, reward, and punish Jackson, Spraetz has supervisory duties in addition to being the chief compliance officer of Superior Selection. She must investigate Jackson and report her findings to her superiors and possibly the board. If no action is taken, Spraetz must consider resigning under the CFA Institute Code and Standards. Spraetz is also responsible for setting the policy, preventing and detecting violations, and putting into place reasonable procedures to monitor employees' actions. Her role as the chief compliance officer requires her to take disciplinary actions in order to deter further violations.

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Question ID: 461395

In order to remain in compliance when managing private client accounts, members must do all of the following EXCEPT:

- x **A) Conduct regular reviews of client circumstances.**
- x **B)** Seek authorization for changes in investment policy.
- ✓ **C)** Use a risk-factor model to assess the client's risk tolerance.

Explanation

There is no requirement to use a specific model in order to assess and document a client's risk tolerance. Risk tolerance is more likely to be addressed implicitly in the asset allocation guidelines that are established and updated based upon client circumstances.

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Question ID: 441012

Rickard Advisors recently had a trading error in a customer account that was subsequently discovered by Rickard. The firm felt embarrassed by the disclosure of this error, and, in order to induce the client to continue its relationship, Rickard offers the client preferential access to a new issue that is expected to be "hot." Which Standard is violated, if any?

- x **A) The Standard concerning Independence and Objectivity.**
- ✓ **B)** The Standard concerning Fair Dealing.
- x **C)** The Standard concerning Fiduciary Duty.

Explanation

Rickard is in violation of the Standard concerning Fair Dealing by offering the client preferential access to a "hot" new issue. There is no obvious violation of Fiduciary Duty, since there is no evidence that Rickard is placing its own *financial* interest ahead of the client.

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Question ID: 461390

Adequate investment policy disclosure typically means clearly identifying the policy in:

- ☒ A) the annual report.
- ☒ B) the prospectus.
- ☒ C) an annual letter to all fund shareholders.

Explanation

Adequate disclosure is typically accomplished by clearly stating the policy in the prospectus.

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Question ID: 461397

A manager of pooled funds must do all of the following to remain in compliance with the Standards EXCEPT:

- ☒ A) Print the investment policy statement in all quarterly reports.
- ☒ B) Notify potential investors of any changes in investment policy.
- ☒ C) Disclose basic security selection processes.

Explanation

There is no requirement to include the investment policy statement in all quarterly reports.

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Question ID: 412422

Concerning Standard III(B), Fair Dealing, which of the following actions is NOT a valid procedure for compliance with the Standard?

- ☒ A) Communicate investment recommendations simultaneously within the firm and to customers, where possible.
- ☒ B) Communicate investment recommendations to all customers including those accounts for which the securities are not eligible for purchase.
- ☒ C) Limit the number of people that are involved and are privy to the fact that an investment recommendation is going to be disseminated.

Explanation

To ensure compliance with the Standard, members should seek to communicate investment recommendations to all clients who have indicated an interest and also those for whom the securities are suitable. There is no need to communicate recommendations to clients for whom the securities are deemed unsuitable.

Question #17 of 47

Question ID: 412421

Which of the following statements regarding allocating trades is CORRECT? It is permissible under the Standards to allocate trades:

- ☐ A) based upon compensation arrangements.
- ☐ B) based upon any method the firm deems suitable so long as the allocation procedure has been disclosed to all clients.
- ☒ C) on a pro-rata basis over all suitable accounts.

Explanation

It is permissible to allocate trades on a pro-rata basis over all suitable accounts. It is not permissible to base allocations upon compensation arrangements. Any method is not necessarily suitable, and disclosure does not absolve the member from ensuring that the allocation is necessarily fair.

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Question ID: 461386

Which of the following statements is *least* accurate? It is permissible under the Standards to allocate trades:

- ☐ A) on a pro rata basis over all suitable accounts on the basis of an advance indication of interest and indicated order size.
- ☐ B) on a pro rata basis over all suitable accounts based upon account value.
- ☒ C) on a pro rata basis over all accounts.

Explanation

Allocating trades on a pro rata basis, pro rata based upon order size (when there are too few shares to fill all orders, e.g., filling 2/3 of all orders actually submitted), or pro rata based upon an advance indication of interest are all permissible. However, accounts must be checked for suitability.

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Question ID: 412640

Patricia Spraetz is the chief financial officer and compliance officer at Super Selection Investment Advisors. Super Selection is a medium-sized money management firm which has incorporated the CFA Institute Code of Ethics and Standards of Practice into the firm's compliance manual.

Karen Jackson is a portfolio manager for Super Selection. She is not a CFA charterholder. Jackson is friendly with David James, president of AMD, a rapidly growing biotech company. James has provided Jackson with recommendations in the biotech industry, which she buys for her own portfolio before buying them for her clients. For three years, Jackson has also served on AMD's board of directors but has never notified Super Selection of this fact. She has received options and fees as compensation.

Recently, the board of AMD decided to raise capital by voting to issue shares to the public. This was attractive to board members (including Jackson) who wanted to exercise their stock options and sell their shares to get cash. When the demand for initial public offerings (IPO) diminished, just before AMD's public offering, James asked Jackson to commit to a large purchase of the offering for her portfolios. Jackson had previously determined that AMD was a questionable investment but

agreed to reconsider at James' request. Her reevaluation confirmed the stock to be overpriced, but she nevertheless decided to purchase AMD for her clients' portfolios.

Which of the following statements is NOT correct?

- ☐ **A) Jackson violated Standard IV(B) regarding Disclosure of Additional Compensation by not disclosing additional compensation in the form of cash and stock options received from AMD, as its board member to her employer.**
- ☒ **B) Jackson did not violate Standard III(A) on Fiduciary Duty to clients because she was bound by her fiduciary duty to AMD and its stockholders as a board member. Therefore, when she reversed her decision to buy AMD shares for Super Selection's clients, portfolios on James' request, her obligation to AMD took precedence.**
- ☐ **C) Jackson violated Standard VI(A) regarding Conflicts of interest by not disclosing her board membership and ownership of stock options to her employer.**

Explanation

Jackson has violated Standard III(A) because her first obligation is to her firm's clients. Standard VI(A) addresses precisely these kinds of situations regarding potential conflict of interest. Given this conflict of interest, Jackson also compromised her objectivity in violation of Standard I(B). Her fiduciary duty to her clients takes precedence over her fiduciary duty to AMD's stockholders under the CFA Institute Code and Standards. By not disclosing her relationship with AMD, she also violated Standard IV(B). Making past personal security transactions ahead of purchase of the same securities for her clients has put Jackson in violation of Standard VI(B). This standard clearly prohibits such actions.

Questions #20-21 of 47

Preston Partners Case Study (Refer to CFA Institute Standards of Practice Casebook for details).

Preston partners is a medium-sized investment management firm which adopted the Code and Standards as part of its policy manual. Gerald Smithson, CFA, a portfolio manager, had recently added the stock of Utah Biochemical Company and Norgood PLC to all his clients' investment portfolios. Smithson had a personal relationship with the president of Utah Biochemical. Shortly afterwards Utah Biochemicals and Norgood announced a merger which increased the share prices of both companies.

Smithson contends that he saw the president of Utah Biochemical dining with the chairman of Norgood but did not overhear their conversation. Smithson researched both companies extensively and determined that each company was a good investment. He also pondered whether there would be a merger as they seemed to complement each other. He put in block trades for shares of each company which were executed over a period of two weeks at various prices. Preston's policies were not clear in this area so he allocated the shares by starting with his largest client and working down to small accounts. Some of Smithson's clients were very conservative personal trust accounts; others were pension funds which had aggressive investment objectives.

Question #20 of 47

Question ID: 461370

Select the most appropriate policy statement for Preston regarding Standard IV(C) concerning Responsibilities of Supervisors.

- ☐ A) "Preston employees who are in supervisory roles will be held accountable for the actions of those who report to them in matters of compliance with the policies and procedures of Preston. Supervisors will not be held responsible for compliance with securities laws and regulations by which employees' activities are governed."
- ☐ B) "Preston employees who are in supervisory roles will not be accountable for the actions of those who report to them in matters of compliance with the policies and procedures of Preston. However, supervisors will be held responsible for compliance with securities laws and regulations by which employees' activities are governed."
- ☒ C) "Preston employees who are in supervisory roles will be held accountable for the actions of those who report to them in matters of compliance with the policies and procedures of Preston. Supervisors will also be held responsible for compliance with securities laws and regulations by which employees' actions are governed."

Explanation

To comply with Standard IV(C), supervisors must be held accountable for their employees' actions governed by laws and regulations and held responsible for ensuring that employees who report to them, directly or indirectly, comply with company policies and procedures.

Question #21 of 47

Question ID: 461371

Select the *most appropriate* policy statement for Preston regarding Standard III(B) concerning Fair Dealing for allocation of block trades.

- ☒ A) "Preston shall not discriminate against any client account, and all clients will receive the same price for order execution and will be charged the same commission, if applicable. Block trades will be allocated pro rata before or immediately after the execution of the block trade."
- ☐ B) "Preston shall not discriminate against any client account, and all clients will receive the same price for order execution and will be charged the same commission, if applicable. However, larger clients, who are more profitable, can be allocated trades on a preferential basis consistent with general business practice in many industries."
- ☐ C) "Preston shall not discriminate against any client account, and all clients will receive the same price, adjusted for quantity discounts, for order execution and will be charged commissions based on number of shares allocated. Block trades will be allocated pro rata before or immediately after the execution of the block trade."

Explanation

Standard III(B) addresses fair dealing when it comes to clients. Block trades, if executed at different prices, must be allocated in such a way that all client accounts are charged the same average price and commission. One way to achieve this fair allocation is to allocate them pro rata across all accounts, with no preferential treatment. The suitability of investments for a particular client is covered by Standard III(C).

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Question ID: 461396

Wanda Brunner, CFA, is preparing for her first meeting with the Johnsons—her firm's newest clients. She makes notes regarding disclosure of the investment process. These notes *most likely* include reminders to:

- ☐ **A) notify her supervisors of any potential change in the security selection and portfolio construction process.**
- ☐ **B) anticipate changes in her clients' investment objectives that could cause them to leave her firm.**
- ☒ **C) adequately disclose the basic security selection and portfolio construction process.**

Explanation

Wanda should adequately disclose the basic security selection and portfolio construction process. Wanda should generally stick with the stated investment strategy in the IPS, notify clients and prospective clients of any potential change in the security selection and portfolio construction process, and secure documentation of authorization for proposed changes.

Question #23 of 47

Question ID: 461372

Preston Partners Case Study (Refer to CFA Institute Standards of Practice Casebook for details).

Preston partners is a medium-sized investment management firm which adopted the Code and Standards as part of its policy manual. Gerald Smithson, CFA, a portfolio manager, had recently added the stock of Utah Biochemical Company and Norgood PLC to all his clients' investment portfolios. Smithson had a personal relationship with the president of Utah Biochemical. Shortly afterwards Utah Biochemicals and Norgood announced a merger which increased the share prices of both companies.

Smithson contends that he saw the president of Utah Biochemical dining with the chairman of Norgood but did not overhear their conversation. Smithson researched both companies extensively and determined that each company was a good investment. He also pondered whether there would be a merger as they seemed to complement each other. He put in block trades for shares of each company which were executed over a period of two weeks at various prices. Preston's policies were not clear in this area so he allocated the shares by starting with his largest client and working down to small accounts. Some of Smithson's clients were very conservative personal trust accounts; others were pension funds which had aggressive investment objectives.

Which of the following statements is CORRECT?

- ☐ **A) Smithson acted on inside information because he had observed senior executives of Norgood and Utah Biochemical having lunch together, in violation of Standard II(A).**
- ☒ **B) Smithson failed to comply with Standard III(C) regarding suitability of investments for clients portfolios.**
- ☐ **C) Utah Biochemical was an appropriate investment for Preston's personal trust accounts.**

Explanation

Smithson did not assess the suitability of the two stocks for the different risk tolerances of Preston's clients, which can be classified into two categories: conservative and aggressive. Utah Biochemical was not appropriate for conservative personal trust accounts but he allocated it to them anyway. Smithson did not violate Standard II(A) relating to material non-public information since he performed his own due diligence and did not base his investment decision on the meeting of the two

executives alone. He relied on the "mosaic" produced by his research and observance of the meeting. The case implies that he did not overhear the conversation, trading on which would have put him in violation of the Standards and the laws. Preston was remiss in discharging its duties as they did not lay down clear policies and guidelines for allocation of block trades, in violation of Standard III(B). As mentioned, Utah Biochemical was probably not an appropriate investment for trust accounts and the statement is, therefore, false.

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Question ID: 461393

An internal audit of Vega Fund has determined that the fund is out of compliance with its investment policy statement as disclosed in the prospectus. Vega should do all of the following EXCEPT:

- ☒ **A) seek authorization should it be determined that the investment policy requires alteration.**
- ☒ **B) revise the internal audit procedure to allow such occurrences in the future.**
- ☒ **C) revise the investment process in order to be consistent with the investment policy statement.**

Explanation

It would appear that the internal audit procedure has effectively uncovered a compliance violation, and that is an objective of the procedure. Hence, there is no need to revise the internal audit procedure.

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Question ID: 461355

Glenarm Case Study (Refer to CFA Institute's Standards of Practice Casebook for details.)

Peter Sherman, CFA, has recently joined Glenarm Company after spending 5 years at Pearl Investment Management. He is responsible for identifying potential Latin American investments. Previously, Sherman held jobs as consultant for many Latin American companies and had plans to continue such consulting jobs without disclosing anything to Glenarm.

After resigning, but before leaving his employment at Pearl, Sherman had encouraged Pearl customers to move their accounts to Glenarm. He contacted accounts Pearl had been soliciting for business. He also contacted potential clients that Pearl had rejected in the past as too small or incompatible with the firm's business. Furthermore, he convinced several of Pearl's clients and prospects to hire Glenarm after he joined the company. He also identified materials from Pearl to take with him, such as:

1. sample marketing presentations he had prepared
2. computer program models for stock selection
3. research materials on companies he had been following
4. a list of companies recommended by Sherman for potential investment, but which were rejected by Pearl
5. news articles for potential research ideas

Under the obligation to act in the best interest of the employer while still an employee, Sherman's actions constitute the following violations except:

- ☒ **A) solicitation of potential clients of Pearl--violation of Standard IV(A).**
- ☒ **B) leaving Pearl to join a possible competitor--violation of Standard IV(A), Loyalty to Employer.**
- ☒ **C) solicitation of clients while still employed by Pearl--violation of Standard IV(A).**

Explanation

There is no violation if the member joins a competitor without compromising his duty to his previous employer.

Others are incorrect because: Soliciting clients of Pearl, while in its employment, damaged Pearl's business, a clear violation of Standard IV(A); solicitation of potential clients is a violation for the same reason; it is a violation of Standard IV(A) to misappropriate employer's property which results in a damage to employer's business.

Question #26 of 47

Question ID: 461382

When a firm seeks to allocate a disproportionate number of shares of a hot IPO to performance-based fee accounts this constitutes a violation of the Standard concerning:

- ☒ **A) priority of transactions.**
- ☐ **B) additional compensation arrangements.**
- ☒ **C) fiduciary duty.**

Explanation

The allocation of a disproportionate number of shares to performance-based fee accounts constitutes a violation of fiduciary duty, in addition to being a violation of the Standard concerning fair dealing.

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Question ID: 461388

Pro rata allocation on the basis of an advance indication of interest means each account for which the shares are suitable:

- ☒ **A) and which has expressed an advance indication of interest, shall receive m/n fraction of their indication, where there are m shares available and indications of interest for n shares.**
- ☐ **B) shall receive m/n shares, where there are m shares available and n such accounts.**
- ☐ **C) and which has expressed an advance indication of interest, shall receive $w*m$ shares, where w is the account's proportional value of all such accounts and there are m shares available.**

Explanation

Pro rata allocation on the basis of an advance indication of interest means that all accounts that have expressed an interest in the issue shall receive m/n fraction of their indication of interest, where there are m shares available and indications of interest for n shares.

Question #28 of 47

Question ID: 461354

Jim Jones is an equity research analyst at Gamma funds. Because of his expertise in the telecommunications field, a Chinese telecommunications provider hires Jones as a consultant to help them identify potential investors. According to the Standards of Professional Conduct IV(A) related to duties to employer, Jones must:

- ✓ **A) describe to his employer in detail the activities related to this consulting arrangement.**
- x **B) refuse this consulting arrangement.**
- x **C) obtain verbal permission from his employer to engage in this consulting arrangement.**

Explanation

According to the Standards of Professional Conduct, Jones must disclose to his employer all outside compensation arrangements, describe to his employer in detail the activities that give rise to outside compensation, and obtain written permission from his employer in advance.

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Question ID: 461392

Wanda Brunner, CFA, is reviewing a draft fund prospectus for her new "Leveraged Long Coffee" (LLC), a closed-end fund. LLC uses a combination of fundamental and technical trading models to evaluate individual securities. She notes the LLC prospectus has several disclosures which cause her to worry that prospective clients will avoid her fund.

- Disclosure 1: "LLC charges a flat 3.00% of assets under management."
- Disclosure 2: "LLC may invest up to 40% of the fund's assets in securities which are not related to coffee or other consumer products."
- Disclosure 3: "LLC relies only on fundamental valuation of individual securities."

Which of the following standards will *most likely* be violated by distribution of the prospectus?

- x **A) Standard III(C) Duties to Clients: Suitability because the fees are exorbitant.**
- ✓ **B) Standard III(C) Duties to Clients: Suitability because it misleads the reader as to the process by which securities are selected.**
- x **C) Standard III(C) Duties to Clients: Suitability because the fund can hold an excessive portion of the portfolio in non-core assets.**

Explanation

LLC must adequately disclose the basic security selection and portfolio construction process, and the portfolio manager recommendations and investment actions must be consistent with the stated objectives and constraints of the fund. By failing to acknowledge the fund's dependence on technical trading, the fund fails to meet this standard.

Questions #30-35 of 47

Sean O'Brien, CFA, works for Paradigm Portfolios as a portfolio manager. He manages a high-yield (junk bond) fund as well as 14 large private accounts. O'Brien's compensation for the high-yield fund is performance based, while the private-account compensation is based upon a percentage of assets. The company's compensation packages are a closely guarded secret, and kept in-house.

When placing trades, O'Brien often uses the services of Junk Specialist Securities. The firm has the reputation for the best high-yield research on the Street, high trading commissions, and best execution. O'Brien sometimes "pays up" on trades to obtain research. He uses the research in managing all accounts under his purview. These trades are allocated equitably over all accounts.

O'Brien routinely takes personal positions in securities held in the high-yield fund, a practice allowed by Paradigm. On his way to work, he learns over the radio that a hurricane is heading toward the location of Villa Real Resorts in Mexico. Landfall is expected by Dec. 23, which could potentially ruin the lucrative Christmas vacation season. If the hurricane hits as expected, it will have a devastating affect on cash flows, and O'Brien believes Villa Real might default on its bonds. Both O'Brien and the high-yield fund hold Villa Real bonds. After arriving at the office, O'Brien sells off the fund's Villa Real holdings, then immediately liquidates his own position.

Periodically O'Brien buys convertible bonds in the high-yield fund. When these are converted into common equity he typically does not vote the proxies, saying, "the fund is not an equity fund, and the equities are usually sold within the year."

Before accepting a new account, O'Brien conducts a thorough investigation into his client's financial situation, investment experience, and investment objectives. The information is updated annually through a survey mailed to the client and returned to Paradigm, and O'Brien follows up with a telephone call to the client. Judy Smith's portfolio was deemed suitable for the inclusion of high-yield bonds based upon the initial investigation, and reaffirmed at the last three annual updates. It is three months since Smith's last annual update, and the high-yield market has been weak. Smith files a lawsuit alleging malfeasance on the part of O'Brien.

O'Brien regularly attends analyst meetings. During the course of many of these meetings, he is observed consuming several highballs. On afternoons following the meetings he is easily angered and at times belligerent. However, his investment prowess does not seem to diminish.

In the course of effecting money-market transactions for the accounts, O'Brien routinely places numerous trades, allocating the paper with marginally higher yields to the high-yield fund and the remainder to the private accounts.

Question #30 of 47

Question ID: 472460

With regard to the Smith account, O'Brien's actions are *best* described as being in:

- ☒ **A) violation of Standard V(B) - Communication with Clients and Prospective Clients.**
- ☒ **B) violation of Standard III(A) - Loyalty, Prudence, and Care.**
- ☒ **C) compliance with all applicable CFA Institute Standards.**

Explanation

O'Brien's actions are in full compliance with the Standards. He did appropriate research to determine the suitability of high-yield investments in Smith's account, and followed up regularly, as is required. O'Brien cannot read Smith's mind, nor is he expected to do so. It is incumbent upon Smith to notify O'Brien of a change in her risk tolerance and objectives if these change between annual updates. (Study Session 2, LOS 6.b)

Question #31 of 47

Question ID: 461375

O'Brien's drinking at analyst meetings and subsequent conduct is:

- ☒ **A) in violation of Standard I(B): Independence and Objectivity.**
- ☒ **B) in violation of Standard IV(A): Loyalty to Employer, because his drinking deprives the company of quality work.**
- ☒ **C) in violation of Standard I(D): Misconduct because it reflects adversely on his professional competence.**

Explanation

O'Brien's conduct is not illegal, but it does violate the professional-misconduct Standard, which states, "Members shall not ... commit any act that reflects adversely on their honesty, trustworthiness, or professional competence." The fact that O'Brien's investment work has not suffered is irrelevant, because the lunchtime drinking "reflects adversely" on O'Brien and Paradigm Portfolios. The conduct does not violate Standard I(B) or Standard IV(A), though it could violate the latter if the quality of O'Brien's work begins to tail off. (Study Session 1, LOS 2.a)

Question #32 of 47

Question ID: 461376

Which of the following statements about O'Brien's use of convertible bonds is CORRECT?

- ✓ **A) Unless O'Brien makes arrangements for someone else to vote the proxies, he is in violation of Standard III(A): Loyalty, Prudence, and Care.**
- x **B)** O'Brien's lack of expertise in equity analysis, despite usage of the CFA mark, represents a violation of Standard VII(A): Conduct as Members and Candidates in the CFA Program.
- x **C)** The use of convertible bonds in O'Brien's high-yield fund violates Standard V(A): Diligence and Reasonable Basis.

Explanation

O'Brien has a fiduciary duty to ensure that the proxies are voted according to the best interests of his clients. He need not do the voting himself, but he must set up a system by which somebody takes responsibility. There is nothing about convertible bonds that makes them necessarily unfit for a high-yield fund. If O'Brien earned the CFA designation and kept his dues up to date, he can use the designation even if he specializes. Standard I(C), Misrepresentation, relates to marketing services, not voting proxies. (Study Session 2, LOS 7.b)

Question #33 of 47

Question ID: 461377

With regard to the Villa Real investment, O'Brien's actions:

- ✓ **A) violate neither the reasonable-basis Standard nor the priority-of-transactions Standard.**
- x **B)** do not violate the fiduciary-duties Standard but do violate the priority-of-transactions Standard.
- x **C)** violate the reasonable-basis Standard and the fiduciary-duties Standard.

Explanation

O'Brien is allowed to invest in securities he covers according to company policy. Since he traded for the firm's accounts first and his personal account second, O'Brien did not violate a fiduciary duty or the priority-of-transactions Standard. Since O'Brien acted on information he obtained through a weather forecast, he did not use any material nonpublic information. His sell decision was based on his knowledge of the company and its circumstances, and, as such, is not a violation of the reasonable basis standard. (Study Session 1, LOS 1.b)

Question #34 of 47

Question ID: 461378

O'Brien's money-market allocations represent:

- ✓ **A) a violation of Standard III(B): Fair Dealing.**
- x **B)** reasonable actions, as they simply reflect the nature of his compensation.

- ☒ **C)** a breach of his fiduciary duty to mutual-fund account owners.

Explanation

O'Brien breached his fiduciary duty to private-account holders, but not to owners of the fund. He did violate the fair-dealing Standard by attempting to boost his compensation, but not Standard V(B), which relates to outside compensation, not that from his firm. (Study Session 2, LOS 8.a)

Question #35 of 47

Question ID: 461379

The practice of "paying up" for the research is:

- ☒ **A) not OK for the fund and not OK for the private accounts.**
- ☒ **B) OK for the fund and OK for the private accounts.**
- ☒ **C) OK for the fund but not OK for the private accounts.**

Explanation

CFA Institute Soft Dollar Standards allow for the purchase of research with client brokerage as long as the broker delivers best execution. Since the research benefits all of O'Brien's clients, he can use brokerage to purchase it in the belief that the benefit of the research outweighs the effect of higher transaction costs. (Study Session 1, LOS 3.a)

Question #36 of 47

Question ID: 461353

Glenarm Case Study (Refer to CFA Institute Standards of Practice Casebook for details.)

Peter Sherman, CFA, has recently joined Glenarm Company after spending 5 years at Pearl Investment Management. He is responsible for identifying potential Latin American investments. Previously, Sherman held jobs as consultant for many Latin American companies and had plans to continue such consulting jobs without disclosing anything to Glenarm.

After resigning, but before leaving his employment at Pearl, Sherman had encouraged Pearl customers to move their accounts to Glenarm. He contacted accounts Pearl had been soliciting for business. He also contacted potential clients that Pearl had rejected in the past as too small or incompatible with the firm's business. Furthermore, he convinced several of Pearl's clients and prospects to hire Glenarm after he joined the company. He also identified materials from Pearl to take with him, such as:

1. sample marketing presentations he had prepared
2. computer program models for stock selection
3. research materials on companies he had been following
4. a list of companies recommended by Sherman for potential investment, but which were rejected by Pearl
5. news articles for potential research ideas

Upon Sherman's joining Glenarm, which of the following acts did NOT violate the standards?

- ☒ **A) He allowed Glenarm to advertise the fact that they had hired a portfolio manager who was a CFA charterholder.**
- ☒ **B) He did not give Glenarm a written statement disclosing his independent consulting practice and details of activities that resulted in compensation since they had already been approved by Pearl-his previous employer.**
- ☒ **C) He misappropriated news articles from his old employer.**

Explanation

Dissemination of Sherman's CFA credentials as a portfolio manager is not a violation as long as Standard VII(B) is adhered to. Others are incorrect because: Independent consulting without employer's consent is a violation of Standard IV(B), Additional Compensation Arrangements, Standard VI(A), Disclosure of Conflicts, Standard I(B), Independence and Objectivity, and Standard IV(A), Loyalty to Employer. Misappropriation of employer property and soliciting Pearl's clients while still employed are also violations of Standard IV(A), Loyalty to Employer.

Question #37 of 47

Question ID: 454911

Karen Jackson is a portfolio manager. Jackson is friendly with David James, president of Acme Medical, a rapidly growing biotech company. James has provided Jackson with recommendations in the biotech industry, which she buys for her own portfolio before buying them for her clients. For three years, Jackson has also served on Acme Medical's board of directors. She has received options and fees as compensation.

Recently, the board of Acme Medical decided to raise capital by voting to issue shares to the public. This was attractive to board members (including Jackson) who wanted to exercise their stock options and sell their shares to get cash. When the demand for initial public offerings (IPO) diminished, just before Acme Medical's public offering, James asked Jackson to commit to a large purchase of the offering for her portfolios. Jackson had previously determined that Acme Medical was a questionable investment but agreed to reconsider at James' request. Her reevaluation confirmed the stock to be overpriced, but she nevertheless decided to purchase Acme Medical for her clients' portfolios.

Did Jackson violate Standard III(C) Suitability concerning portfolio recommendations and actions?

- ☐ A) Yes, because she did not deal fairly with all clients.
- ☐ B) No.
- ☒ C) Yes, because she did not consider the appropriateness and suitability of investment recommendations or actions for each portfolio or client.

Explanation

Jackson violated Standard III(C) Suitability because she did not consider her clients' financial situation, investment experience, and investment objectives.

Question #38 of 47

Question ID: 461394

A manager of pooled funds must do all of the following to remain in compliance with the Standards EXCEPT:

- ☒ A) seek authorization for any trade that involves more than 1 percent of the fund's assets.
- ☐ B) disclose portfolio construction processes.
- ☐ C) seek authorization for any proposed changes.

Explanation

There is no requirement to seek authorization for trades on the basis of size.

Question #39 of 47

Question ID: 461380

Patricia Spraetz is the chief financial officer and compliance officer at Super Selection Investment Advisors. Super Selection is a medium-sized money management firm which has incorporated the CFA Institute Code of Ethics and Standards of Practice into the firm's compliance manual.

Karen Jackson is a portfolio manager for Super Selection. She is not a CFA charterholder. Jackson is friendly with David James, president of AMD, a rapidly growing biotech company. James has provided Jackson with recommendations in the biotech industry, which she buys for her own portfolio before buying them for her clients. For three years, Jackson has also served on AMD's board of directors. She has received options and fees as compensation.

Recently, the board of AMD decided to raise capital by voting to issue shares to the public. This was attractive to board members (including Jackson) who wanted to exercise their stock options and sell their shares to get cash. When the demand for initial public offerings (IPO) diminished, just before AMD's public offering, James asked Jackson to commit to a large purchase of the offering for her portfolios. Jackson had previously determined that AMD was a questionable investment but agreed to reconsider at James' request. Her reevaluation confirmed the stock to be overpriced, but she nevertheless decided to purchase AMD for her clients' portfolios.

Which of the following statements concerning Super Selection is CORRECT?

- ☐ A) Jackson did not violate the CFA Institute Code of Ethics and Standards since she is not a CFA charterholder.
- ☒ B) All employees of a firm are bound by CFA Institute's Code and Standards if they are incorporated in the company's policies manual, and the firm subscribes to them explicitly.
- ☐ C) Spraetz, in her capacity as a supervisor, violated Standard IV(C) by not preventing violations by Jackson.

Explanation

Even though Jackson is not a CFA charterholder, she is nevertheless required to follow the Code and Standards since her firm subscribes to them and has incorporated them in its policy manual.

Standard IV(C) violation is not clear or obvious since the case does not say much about a lack of guidelines or explicit gaps in the policy manual. Under this assumption, Spraetz is not guilty of any supervisory violation. Even though Jackson did not personally trade ahead of purchasing AMD shares for her clients, she had done so in the past and is in violation of Standard VI(B). Spraetz needs to act on it because this violation has only just come to light.

Question #40 of 47

Question ID: 461352

Alpha Asset Management manages portfolios for clients with more than \$10 million in assets. Bob Smith, a portfolio manager at Alpha, is planning to leave Alpha to set up company Beta Investment Management, to focus exclusively on clients with less than \$10 million in assets. While he is still employed at Alpha, Smith begins to solicit (on his own time) potential clients with less than \$10 million in assets - clients that Alpha has previously rejected for being too small. According to the Standards of Professional Conduct IV(A) related to duties to employer, Smith's solicitation of these clients is:

- ☐ A) unacceptable since the fact the Beta will not be in competition with Alpha is irrelevant.

- ☐ **B)** unacceptable as he may not engage in any activities to go into business while he is still employed by Alpha.
- ☒ **C)** acceptable as he is not in competition with his current employer.

Explanation

It is acceptable for Smith to solicit clients for his new employer on his own time as long as he is not in any way competing with his employer. Standard IV(A) prohibits only actions that have the potential to cause harm to Smith's employer.

Question #41 of 47

Question ID: 461384

Concerning Standard III(B), Fair Dealing, which of the following statements is CORRECT? The Standard:

- ☐ **A)** concerns the dissemination of investment recommendations but is not concerned with the taking of investment action.
- ☐ **B)** is not concerned with the dissemination of investment recommendations so long as the taking of investment action is inherently fair.
- ☒ **C)** concerns the dissemination of investment recommendations and the taking of investment action.

Explanation

Standard III(B), Fair Dealing is concerned with both the dissemination of investment recommendations and with the taking of investment action. It follows that this concern is irrespective of whether or not there has been a prior recommendation on the securities in question.

Question #42 of 47

Question ID: 461383

Alba Vasquez allocates trades of hot new IPOs as follows: $m \times p/(p+s)$ shares to performance-based fee accounts, $m \times s/(p+s)$ shares to standard fee accounts, where there are p suitable performance based fee accounts, s suitable standard fee accounts, and m shares available. This action is:

- ☐ **A)** not permissible since it effectively favors the performance-based fee accounts.
- ☐ **B)** not permissible since it is based upon a formula that is not inherently fair.
- ☒ **C)** permissible since it effectively amounts to a strict pro rata basis of allocation.

Explanation

The formula shown above is nothing more than a simple pro rata basis of allocation (assuming that the shares are then subsequently allocated in the same fashion over all of the sub accounts by category). Hence, this is permissible.

Questions #43-44 of 47

Glenarm Case Study (Refer to CFA Institute Standards of Practice Casebook for details.)

Peter Sherman, CFA, has recently joined Glenarm Company after spending 5 years at Pearl Investment Management. He is

responsible for identifying potential Latin American investments. Previously, Sherman held jobs as a consultant for many Latin American companies and had plans to continue such consulting jobs without disclosing anything to Glenarm.

After resigning, but before leaving his employment at Pearl, Sherman had encouraged Pearl customers to move their accounts to Glenarm. He contacted accounts Pearl had been soliciting for business. He also contacted potential clients that Pearl had rejected in the past as too small or incompatible with the firm's business. Furthermore, he convinced several of Pearl's clients and prospects to hire Glenarm after he joined Glenarm. He also identified materials from Pearl to take with him, such as:

1. Sample marketing presentations he had prepared.
2. Computer program models for stock selection.
3. Research materials on companies he had been following.
4. A list of companies recommended by Sherman for potential investment which were rejected by Pearl.
5. News articles for potential research ideas.

Question #43 of 47

Question ID: 461364

Which of the following statements concerning Sherman's actions is CORRECT?

- ☐ **A) Sherman did not violate any Standard by taking away the news articles from his previous employer, Pearl, for potential research ideas.**
- ☐ **B) Sherman did not violate Standard IV(A) since members can engage in independent consulting practice as long as their employer policy does not specifically prohibit it.**
- ☒ **C) Sherman did not violate Standard IV(A) by soliciting clients that were rejected by Pearl either because they were too small or unsuitable as long as winning their business did not adversely affect Pearl.**

Explanation

Standard IV(A) addresses Loyalty to the Employer and depriving the employer of profit opportunities is a violation of this standard. Because Pearl had no interest in rejected clients and had turned their profit potential down already, soliciting them is not a violation.

Taking away news articles and computer program models is a violation of Standard IV(A) because Sherman took away employer property, which could be used by Pearl or Sherman's replacement. Engaging in independent consulting practice is a violation IV(A) because Sherman not only compromised his independence and objectivity, but also did not obtain explicit written consent of his new employer, Standard IV(B), Additional Compensation Arrangements.

Question #44 of 47

Question ID: 461365

Sherman's attempt to lure away clients from Pearl while he was still employed at Pearl is:

- ☒ **A) a violation of Standard IV(A) because it undermined Pearl's business and its profit opportunities and caused damage to Pearl's business.**
- ☐ **B) not a violation of Standard IV(A) because they would have followed Sherman to his new firm anyway, and no harm to Pearl was done as a result.**
- ☐ **C) not a violation of Standard V(A) because it was conducted "after hours" on Sherman's own time.**

Explanation

An attempt, successful or not, to lure away existing clients of the current employer is a violation of Standard IV(A) as it causes

damage to the employer's business.

Others are incorrect because: "After hours" solicitation is not an excuse if it damages the employer's business; the fact that Pearl's clients were agreeable does not absolve Sherman of Standard IV(A) violation; even if Pearl's clients would have followed Sherman to his new employer anyway, Sherman, by soliciting such clients, damaged his employer's business. The focus is on Sherman's actions.

Question #45 of 47

Question ID: 412423

Rey Sanchez, CFA, covers the specialty chemical industry for Rock Advisory Associates. Until today he has had a buy recommendation on ChemStar, and many of the firm's customers have purchased shares based upon his recommendation. The firm's client accounts are divided into two fundamental categories: trading and buy-and-hold accounts. The firm holds discretionary trading authority over the trading accounts, but not the buy-and-hold accounts. Sanchez has recently come to believe that the fundamentals are changing for the worse at ChemStar, and is preparing a sell recommendation. He calls a meeting of the firm's portfolio managers with accounts holding ChemStar and tells them of the pending release of the sell recommendation. On this basis, the portfolio managers sell all positions in the discretionary accounts but not in the buy-and-hold accounts. Sanchez completes and mails the report to all clients two days later, and, shortly thereafter, many of the buy-and-hold accounts sell their ChemStar positions. With regard to these actions, Sanchez is:

- ☐ A) not in violation of the Standard on Fair Dealing; the portfolio managers are in violation of the Standard on Fair Dealing.
- ☒ B) in violation of the Standard on Fair Dealing; the portfolio managers are in violation of the Standard on Fair Dealing.
- ☐ C) in violation of the Standard on Fair Dealing; the portfolio managers are not in violation of the Standard on Fair Dealing.

Explanation

Sanchez is in violation of the Standard III(B), Fair Dealing, since he has disseminated his recommendation preferentially to the portfolio managers in advance of making the report available to all clients who hold shares of ChemStar. The portfolio managers are in violation of the Standard since they are effectively giving preferential treatment to the trading accounts over the buy-and-hold accounts in the placement of orders based upon the change in recommendation.

Questions #46-47 of 47

Preston Partners Case Study (Refer to CFA Institute Standards of Practice Casebook for details).

Preston Partners is a medium-sized investment management firm which adopted the Code and Standards as part of its policy manual. Gerald Smithson, CFA, a portfolio manager, had recently added the stock of Utah Biochemical Company and Norgood PLC to all his clients' investment portfolios. Smithson had a personal relationship with the president of Utah Biochemical. Shortly afterwards Utah Biochemicals and Norgood announced a merger which increased the share prices of both companies.

Smithson contends that he saw the president of Utah Biochemical dining with the chairman of Norgood but did not overhear their conversation. Smithson researched both companies extensively and determined that each company was a good investment. He also pondered whether there would be a merger as they seemed to complement each other. He put in block trades for shares of each company which were executed over a period of two weeks at various prices. Preston's policies were

not clear in this area so he allocated the shares by starting with his largest client and working down to small accounts. Some of Smithson's clients were very conservative personal trust accounts; others were pension funds which had aggressive investment objectives.

Question #46 of 47

Question ID: 461367

Regarding their supervisory duties, which of the following elements of Preston's behavior was NOT a violation of the CFA Institute Standards of Practice? Preston did not violate:

- ✓ **A) Standard III(B) when he allowed portfolio managers to place block trades at different prices.**
- x **B) Standard IV(C) when he put in place a procedure that uncovers violations of Standards by employees but does not prevent violations.**
- x **C) Standard IV(C) when he failed to have complete and proper supervisory procedures in place.**

Explanation

Block trades, if allocated fairly among client accounts, are not a violation of the Standards. Preston violated Standard IV(C) by not laying down clear policy guidelines and procedures to prevent violations from occurring. Procedures should not only uncover violations but they should also prevent them from taking place. Standard III(B) was violated, but not by the act of placing block trades at different prices and allocating the different prices.

Question #47 of 47

Question ID: 461368

Which of the following statements concerning the actions of Smithson or Preston Partners is *least* accurate?

- x **A) Smithson did not violate Standard II(A) prohibition against the use of material nonpublic information.**
- ✓ **B) Smithson did not violate any Standards since he consulted with the Preston company manual for allocating trades.**
- x **C) Preston violated Standard IV(C) for not putting into place adequate supervisory procedures.**

Explanation

Smithson did not adhere to the Fair Dealing standard because the large accounts were treated first. Standard III(B) states no client shall be put at a disadvantage as a result of the portfolio manager's fiduciary duty to the client. Despite the fact that the company manual was incomplete and did not provide a clear policy or guideline in this matter, Smithson is held accountable for adhering to the Code and Standards, of which he should be aware as a member. Preston violated Standard IV(C) as the firm did not put into place adequate supervisory procedures and clear compliance policies for the employees of the firm. It is not enough that violations are detected after they have been made. The policies, procedures and monitoring efforts should prevent violations from occurring. Smithson did not violate Standard II(A) relating to material non-public information since he performed his own due diligence and did not base his investment decision on the meeting of the two executives alone. He relied on the "mosaic" produced by his research and observance of the meeting. The case implies that he did not overhear the conversation, trading on which would have put him in violation of the Standards and the laws.