

## PRIVATE EQUITY REGULATORY COMPLIANCE

### Our Clients

Katten attorneys help private equity firms and other investors navigate the complex and ever-changing regulatory landscape.

### Our Services

We provide significant value to clients with our in-depth knowledge of and experience working with regulatory bodies such as the Securities and Exchange Commission (SEC) and the Financial Industry Regulatory Authority (FINRA). We guide clients through all aspects of regulatory compliance, including registration as investment advisers, SEC audits, inspections and enforcement investigations. We also help private equity firms and other investors build and maintain compliance programs that satisfy SEC standards, including compliance related to the Investment Advisers Act of 1940. Our attorneys counsel firms of all sizes and at various growth stages, including firms transitioning from unregistered to SEC-registered status. Private equity firms that are registered as investment advisers have to adhere to certain fiduciary, reporting and recordkeeping requirements—all of which we help them navigate.

Examples of recent regulatory matters on which we advised our Private Equity clients include:

- the allocation of fees and expenses;
- best practices in the valuation of portfolio companies, and managing client reporting and performance advertising-related issues;
- the disclosure of conflicts of interest;
- special obligations for working with governmental entities, such as anti-bribery prohibitions and the pay-to-play rule;
- compliance with SEC custody requirements; and
- compliance with broker-dealer rules, including FINRA advertising rules.

For US clients with international interests who are looking to obtain a pan-EU marketing passport, we have significant experience with the European Securities and Markets Authority (ESMA) and the latest Alternative Investment Fund Managers Directive (AIFMD) regulations.

We recognize the growing oversight in the private equity sector and are committed to helping clients mitigate compliance risks and avoid enforcement actions. Our attorneys, including some with years of experience at the SEC, can perform a comprehensive review of disclosures, including sponsor fees and fund expenses, to help ensure that transactions are in sync with SEC priorities.