

KUTAKROCK



Bryan Hill
President, RIA Compliance Consultants

continuing legal education

Current Regulatory, Compliance & Litigation Issues

Complimentary CLE for Banking & Financial Services Professionals

Thursday, December 13, 2018

Kutak Rock | 1650 Farnam Street, Omaha, Nebraska

Morning Session

9:00 AM - Noon

Hosted Lunch

12:30 PM - 1:30 PM

Afternoon Session

1:30 PM - 4:30 PM

Special Guest Luncheon Speakers

Mark Quandahl, Kelly Lammers and Claire McHenry
of the Nebraska Department of Banking and Finance

RSVP by Thursday, December 6

online at www.kutakrock.com/fsseminar

or contact Stephanie Urbanek at stephanie.urbanek@kutakrock.com or 402.346.6000

CLE Credit

We are pursuing CLE credit in Iowa and Nebraska

Coordinated by Kutak Rock partners Patrick B. Griffin and Bryan G. Handlos

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Register at kutakrock.com/fsseminar

Morning Sessions

8:30 AM – 9:00 AM	Registration Followed by Welcome – <i>Kutak Rock Partner Patrick Griffin</i>
9:00 AM – 9:45 AM	<i>Kutak Rock Partners Bryan Handlos and Christopher Parrington</i> address legal and ethical issues regarding the provision of financial services to the cannabis industry.
9:45 AM – 10:15 AM	<i>Kutak Rock Partner Dale Dixon</i> addresses recent developments regarding the “True Lender” doctrine.
10:15 AM – 10:30 AM	Break and Open Forum
10:30 AM – 11:15 AM	<i>Kutak Rock Partner Jeff Makovicka</i> addresses Bank Regulatory Reform and provides a year-end review of major developments in 2018.
11:15 AM – 12:00 PM	<i>Kutak Rock Associate Jacob Tewes</i> provides an update regarding General Data Protection Regulation (GDPR).
12:00 PM – 12:15 PM	Break and Open Forum

Lunch Session

12:30 PM – 1:30 PM	Special Guest Speakers <i>Mark Quandahl, Kelly Lammers and Claire McHenry, Nebraska Department of Banking and Finance</i> , will discuss a high-level Department update on legislative priorities, licensing, exams and trends.
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Afternoon Sessions (Broker-Dealer/RIA)

1:45 PM	Welcome – <i>Kutak Rock Partner Patrick Griffin</i>
1:45 PM – 2:15 PM	<i>Bryan Hill, President, RIA Compliance Consultants</i> , addresses Security Exchange Commission examination priorities and areas of focus in 2019, succession planning requirements by state securities regulators, SEC proposed new ADV III and other requirements.
2:15 PM – 2:45 PM	<i>Kutak Rock Partner Alison Gutierrez</i> will provide a summary of recent securities-related litigation and related proceedings.
2:45 PM – 3:15 PM	<i>Kutak Rock Partner Christopher Parrington</i> addresses Procedures and Best Practices for Navigating FINRA Arbitrations and FINRA Enforcement Actions.
3:15 PM – 3:30 PM	Break and Open Forum
3:30 PM – 4:00 PM	<i>Kutak Rock Partner Victoria Buter</i> addresses FINRA’s Proposed Outside Business Activities Rule and Supervisory Issues.
4:00 PM – 4:30 PM	<i>Kutak Rock Partner Ed Fox</i> discusses current SEC and FINRA initiatives and enforcement proceedings.
4:30 PM	Adjournment

presenters



Patrick Griffin is a partner and senior member of Kutak Rock's Financial Services, Securities and Regulated Industries Practice Group within the Omaha litigation department. Mr. Griffin has successfully defended a broad spectrum of federal and state securities law claims in court and arbitration proceedings, ranging from retail customer actions against broker-dealers to institutional investors' claims arising out of complex financial transactions. He regularly provides litigation and risk management advice to broker-dealers, financial advisers, financial institutions and major bond insurers. Mr. Griffin has also prosecuted claims in the financial services area, having served as lead trial counsel on behalf of a major bond insurer in a suit in federal court in New York that resulted in a \$4.2 million recovery from the defendant trustee bank, and as lead trial counsel in a case in federal court in Texas that resulted in a \$2.75 million jury verdict in favor of trust beneficiaries against a trustee bank.



Bryan Handlos, a senior partner, concentrates his practice on bank regulatory and consumer financial services matters. Mr. Handlos represents banks, nonbank financial services providers, and commercial customers acquiring financial services products. His experience includes consumer compliance (particularly credit card issuer representation), retail banking, operations, treasury services and core bank regulatory topics. Mr. Handlos strives for simplicity and practicality in the representation of his clients.



Dale Dixon, a partner, concentrates his practice in the areas of structured finance, finance transactions, and mergers and acquisitions. He represents issuers in connection with term and variable funding securitizations involving a variety of asset classes. Mr. Dixon also regularly represents buyers and sellers of banks, branches and portfolios, as well as buyers and sellers in connection with mergers, acquisitions and divestitures in a variety of nonfinancial industries. He represents banks and other financial institutions in regulatory matters, and has significant experience with a variety of consumer finance products (credit cards, refund anticipation loans, short-term consumer loans). Mr. Dixon has obtained favorable exemptive orders, no-action letters and interpretive advice from the Securities and Exchange Commission, the Office of the Comptroller of the Currency and other federal and state banking regulators.



Edward Fox, a partner, focuses primarily on lender liability defense, particularly with respect to residential mortgage lending, government and regulatory disputes and investigations and general commercial litigation. Mr. Fox's experience includes matters alleging violations of TILA, RESPA and the securitization of mortgage loans, as well as proceedings involving fraud, health care and securities violations brought by the FDIC, SEC and Department of Justice.



Alison Gutierrez, a partner, focuses her practice on securities and other financial services-related litigation. Her experience includes defending broker-dealers and registered representatives against claims of violations of state and federal securities laws, negligent supervision, breach of fiduciary duty and control person liability in court proceedings and arbitrations before FINRA. Ms. Gutierrez also regularly represents lenders in complex commercial foreclosure proceedings and in the defense of FDICPA, TILA and other related claims by debtors.



Vicki Buter, a partner, represents clients in state and federal courts and before arbitration panels across the country as lead trial counsel in complex commercial and business litigation disputes, focusing her practice on securities litigation, shareholder disputes, and other financial services-based litigation matters. She also provides counsel to clients in SEC and FINRA enforcement actions and advises clients in the securities industry on compliance with various FINRA and other regulatory rules and guidelines.

presenters



Bryan Hill, President and founder of RIA Compliance Consultants, Inc., leads a team of compliance consultants that assists registered investment advisers with meeting their regulatory obligations. In particular, Mr. Hill's compliance consulting practice focuses on assisting investment advisers registered with the U.S. Securities and Exchange Commission in developing comprehensive compliance programs and assessing the effectiveness of such policies, procedures and internal controls. Mr. Hill is also an attorney practicing law in a capacity completely separate from RIA Compliance Consultants. His practice concentrates on legal matters related to registered investment advisers such as administrative enforcement proceedings by securities regulators, arbitrations, succession planning, acquisitions, post-employment restrictions and trade secrets. Mr. Hill has successfully completed coursework with the Securities Industry Institute at the Wharton School of Business, University of Pennsylvania, and passed regulatory exams, including the Series 7, Series 24, Series 65 and Series 66.



Jeff Makovicka, a partner, advises on a wide variety of corporate transactions, with an emphasis on banks and nonbank financial services providers. He represents banking and other financial institutions on the strategic, policy and regulatory aspects of mergers and acquisitions, securitizations, establishing subsidiaries (operating or otherwise), capital raises, restructuring transactions and investments by and in banking organizations. Mr. Makovicka also regularly advises financial institutions on compliance and enforcement issues with respect to a broad range of regulatory matters, including representations before federal and state regulatory agencies. Mr. Makovicka also has experience advising clients on the implementation of the Dodd-Frank Act and on strategic transactional and compliance responses to the Act.



Jacob Tewes is an associate in the firm's Corporate Department. Mr. Tewes practiced law in Yankton, South Dakota and then earned an LL.M. in Space, Cyber, and Telecommunications Law from the University of Nebraska before joining Kutak Rock. As a member of the Intellectual Property & Information Technology Group, Mr. Tewes regularly drafts and negotiates technologically complex transactions. Mr. Tewes is also a member of the Data Security and Privacy Practice Group, where he focuses on cybersecurity, data privacy, and emerging technologies.



Guest Speaker: **Mark Quandahl**

Mr. Quandahl, Director of the Nebraska Department of Banking and Finance, currently serves as vice-chair of District IV (Midwestern states) of the Conference of State Bank Supervisors. Prior to his appointment in 2015, he was in the private practice of law for 27 years, acted as general counsel to a health care start-up company, and served as a director of a Nebraska community bank. Mr. Quandahl has undergraduate and law degrees from the University of Nebraska-Lincoln. He served as a Nebraska State Senator from 1999 to 2005.



Guest Speaker: **Kelly Lammers**

Kelly Lammers joined the Nebraska Department of Banking and Finance Kearney field office as an Examiner Trainee. He has held titles such as Senior Examiner, Review Examiner, IT Administrator, and currently Deputy Director – Financial Institutions. Kelly brings a unique perspective having worked not only for the Department but also for a state bank, a national bank and an industrial loan and investment company and as an adjunct economic and finance instructor.



Guest Speaker: **Claire McHenry**

Claire McHenry is Deputy Director of the Securities Bureau with the Nebraska Department of Banking and Finance. Ms. McHenry has 12 years of state securities regulation experience. She is a member of the North American Securities Administrators Association (NASAA) Broker-Dealer Section and will be serving as NASAA Spring Conference Chair. Ms. McHenry has been a speaker at NASAA training conferences presenting on audit findings and effective private fund examinations.