

In December 2009, the SEC approved amendments to the custody rule under the Investment Advisers Act of 1940 and related forms. The amendments, among other things, require certain registered investment advisers that have custody of client funds or securities to undergo an annual surprise examination by an independent public accountant to verify client funds and securities.

Form ADV-E is used as a cover page for a certificate of accounting of securities and funds of which the investment adviser has custody (surprise exam report). Form ADV-E contains both information about the adviser and the surprise exam conducted.

The surprise exam report is created by an independent public accountant after a surprise inspection of the adviser. The Form ADV-E filing and the surprise examination report or statement filed by the accountant is made available to the public on [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

## Form ADV-E Surprise Examination Filing Process for Public Accountants

### Confirmation of Accountant E-mail address

The first step in the ADV-E filing process occurs when the adviser initiates a Form ADV-E on the IARD website. After the adviser initiates the filing, the accountant will be sent an email requesting confirmation of the accountant's email address provided by the adviser and that the accountant intends to conduct a surprise exam on the adviser.

#### Verification of Independent Public Accountant's Email Address

Surprise Examination For:  
INVESTMENT ADVISER FIRM  
CRD #: 00000

INVESTMENT ADVISER FIRM, LLC. has indicated that your independent public accounting firm will be conducting a surprise examination of client funds and securities in the custody of INVESTMENT ADVISER FIRM, LLC. during calendar year 2010. Please verify that your accounting firm intends to conduct this surprise examination at a time chosen by your accounting firm by confirming your email address on the following site [Click here for email verification.](#)

Confirming your email address does not require that the surprise examination report be filed now, but indicates that your accounting firm intends:

1. to conduct a surprise examination during calendar year 2010 in compliance with Investment Advisers Act rule 206(4)-2 or applicable state law;
2. to submit a surprise examination report (certificate of accounting) within 120 days of the time chosen by the accountant for the surprise examination;
3. to submit a statement, if a surprise examination report is not submitted, within four business days of the accounting firm's resignation or dismissal from, or other termination of, the engagement, or removing itself or being removed from consideration for being reappointed.

After confirming your email address, another email will be sent with specific filing instructions and a link to the Investment Adviser Registration Depository (IARD) to submit the surprise examination report or statement.

Upon confirmation of the email address, the accountant will receive a second email containing a unique, secure link to the Form ADV-E Surprise Examination Filing Website along with instructions for uploading a surprise examination report or a termination statement.

**Submit a Form ADV-E Surprise Examination Report or Statement of Termination**

1. Click on the Form ADV-E Surprise Examination Filing Site link contained in the second email.

**Note:** The link provided to the ADV-E Surprise Examination Filing Site is unique to the firm that initiated the Form ADV-E filing. Accountants performing surprise examinations for multiple firms must use a separate link for each firm.

**Form ADV-E Surprise Examination Filing Instructions and Access to IARD Form ADV-E Filing Site Surprise Examination For:**  
**INVESTMENT ADVISER FIRM, LLC**  
**Calendar Year: 2010**

Do not forward this email or the URL address listed below to the investment adviser for which you will be conducting a surprise examination.

Form ADV-E Accountant Filing Instructions:  
 The independent public accountant performing the surprise examination must submit electronically on the IARD system:  
 (i) A certificate of accounting (surprise examination report) required by rule 206(4)-2 under the Investment Advisers Act of 1940 or applicable state law within 120 days of the time chosen by the accountant for the surprise examination on the IARD system.  
 Or  
 (ii) A statement, within four business days of its resignation or dismissal from, or other termination of, the engagement, or removing itself or being removed from consideration for being reappointed, that includes (A) the date of such resignation, dismissal, removal, or other termination, and the name, address, and contact information of the accountant, and (B) an explanation of any problems related to examination scope or procedure that contributed to such resignation, dismissal, removal, or other termination by electronic filing of the certificate of accounting and statement regarding resignation, dismissal, other termination, or removal from consideration for reappointment on the IARD system.

Form ADV-E Surprise Examination Report Uploading Instructions:

A completed Form ADV-E (the cover sheet Form ADV-E) will be generated by the IARD system based upon information supplied by the investment adviser and the accountant when the surprise examination report or statement is uploaded and filed by the accountant using the link below.

The surprise examination report must be uploaded in a single, text-searchable, Adobe Acrobat (PDF) format. Please contact FINRA at 240-386-4848 for assistance with conversion of documents to this format if needed. The following URL will allow the accountant to:

1. Upload the surprise examination report to IARD;
- Or
2. Submit a statement indicating the accountant's resignation, dismissal, or other termination of the engagement or a statement indicating the accountant's removal from consideration for reappointment.

URL: [Click here to upload examination report.](#)

The URL may be accessed multiple times until a surprise examination report or statement has been uploaded and filed through it. Please contact FINRA at 240-386-4848 or [webiard@FINRA.org](mailto:webiard@FINRA.org) for technical assistance.

The Form ADV-E Surprise Examination Filing Site opens:

**FINRA**  
**IARD™**

**FORM ADV-E Surprise Examination Filing Site**

OMB Number: 3235-0361  
 Estimated average burden hours per response ..... 0.05

This website allows the independent public accountant performing a surprise examination of the client funds or securities of which the investment adviser has custody (as required by Investment Advisers Act rule 206(4)-2 or applicable state law) to submit a surprise examination report or a termination statement.

The surprise examination report or termination statement must be uploaded in a single, text-searchable, Adobe Acrobat (PDF) format. Please contact FINRA at (240) 386-4848 or [iard@finra.org](mailto:iard@finra.org) for assistance with conversion of documents to this format if needed.

The surprise examination report or termination statement in this submission is for \_\_\_\_\_ for calendar year \_\_\_\_\_. If this is not correct, please

1. Confirm that the accountant does not have another email with a link to another unique filing site for this adviser for the calendar year (of surprise examination report or statement to be filed. (Note: advisers may create multiple Form ADV-Es for different calendar years and each form has a unique website link));
- Or
2. Contact the investment adviser for which this submission will be made and request the adviser initiate a new Form ADV-E with the correct information.

The surprise examination report or termination statement and the Form ADV-E questions below will be publicly available at [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

For security purposes, please enter the Investment Adviser's CRD Number: \_\_\_\_\_

Please select an option:

Submit surprise examination report

Submit a statement of resignation, dismissal, or other termination of the engagement; or a statement of removal from consideration for reappointment

**Submit a Form ADV-E Surprise Examination Report or Statement of Termination (Continued)**

2. Enter the investment adviser's CRD Number. The CRD Number may be found in the first email sent to the accountant, or can be searched for on [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).

**Note:** The CRD Number entered in this field must correspond to the firm that initiated the Form ADV-E filing. The system will display an error message if the CRD Number does not match.

3. Select the type of file to upload (i.e. surprise examination report or statement of termination).

For security purposes, please enter the Investment Adviser's CRD Number:

Please select an option:

Submit surprise examination report

Submit a statement of resignation, dismissal, or other termination of the engagement; or a statement of removal from consideration for reappointment

4. If the **Submit surprise examination report** radio button is selected, complete the following additional fields :

- a. Enter the **Date chosen by the accountant for the surprise examination**.
- b. Enter the **Date the surprise examination was completed** by the independent public accountant .
- c. Select the appropriate **Yes** or **No** radio button for whether the report contains an unqualified opinion.
- d. Upload PDF file (refer to page 5)

For security purposes, please enter the Investment Adviser's CRD Number: 00000

Please select an option:

Submit surprise examination report

Submit a statement of resignation, dismissal, or other termination of the engagement; or a statement of removal from consideration for reappointment

**Investment Adviser Act SEC File Number:** 801- 00000

**State Identification Number (States the adviser is registered with):**

1. **\* Date chosen by the accountant for the surprise examination:**

2. **\* Date surprise examination completed:**

3. **\* Does this surprise examination report contain an unqualified opinion?**

Yes

No

4. **\* Upload surprise examination report file (PDF):**

**Submit a Form ADV-E Surprise Examination Report or Statement of Termination (Continued)**

5. If the **Submit a statement of resignation, dismissal or other termination** radio button is selected, complete the following additional fields :
  - a. Enter the **Date of Termination** as the date when the resignation, dismissal, other termination of the engagement, or removal from consideration for reappointment occurred.
  - b. Enter the **Accounting Firm Name**.
  - c. Enter **Accountant Contact Information**.
  - d. Select the **Reason for Termination** from the drop down list.
  - e. Select the appropriate **Yes** or **No** radio button regarding problems relating to the examination scope or procedure. If the **Yes** radio button is a selected, a termination statement must be uploaded.
  - f. Upload PDF file (refer to page 5)

For security purposes, please enter the Investment Adviser's CRD Number: 00000

Please select an option:

Submit surprise examination report

Submit a statement of resignation, dismissal, or other termination of the engagement; or a statement of removal from consideration for reappointment

<b>Investment Adviser Act SEC File Number:</b>	<b>801- 00000</b>
<b>State Identification Number (States the adviser is registered with):</b>	

1. **\*Date of Termination:**
2. **\*Accounting Firm Name:**
3. **Accountant Contact Information**
  - \*Address Street 1:**
  - Address Street 2:**
  - \*City:**
  - State:**
  - Zip Code:**
  - \*Country:**
  - If this address is a private residence, check this box:**
  - Telephone Number:**
  - Email:**
4. **Reason for Termination:**
5. **Were there any problems relating to the examination scope or procedure that contributed to such resignation, dismissal, removal, or other termination?**
  - Yes
  - No

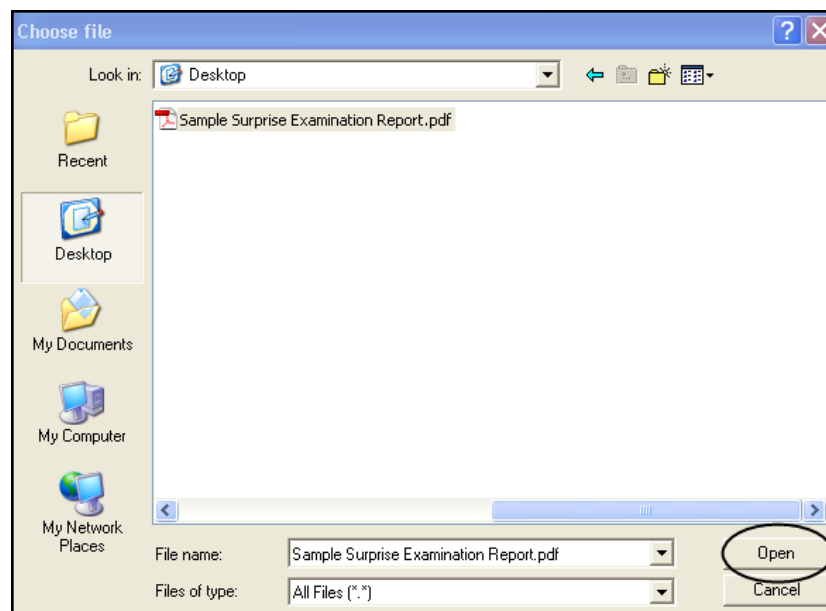
**If Yes, upload statement:**

**Submit a Form ADV-E Surprise Examination Report or Statement of Termination (Continued)**

- Click the **Browse** button to attach the surprise examination report or statement of termination.

<b>Investment Adviser Act SEC File Number:</b>		<b>801- 00000</b>
<b>State Identification Number (States the adviser is registered with):</b>		
1. <b>*Date chosen by the accountant for the surprise examination:</b>	<input type="text" value="11/15/2010"/>	<input type="button" value="Calendar"/>
2. <b>*Date surprise examination completed:</b>	<input type="text" value="11/30/2010"/>	<input type="button" value="Calendar"/>
3. <b>*Does this surprise examination report contain an unqualified opinion?</b>	<input checked="" type="radio"/> Yes <input type="radio"/> No	
4. <b>*Upload surprise examination report file (PDF):</b>	<input type="text"/>	<input type="button" value="Browse..."/>
<input type="button" value="Submit"/>		

- Select the PDF report to be uploaded.
- Click the **Open** button.



**Submit a Form ADV-E Surprise Examination Report or Statement of Termination (Continued)**

9. Click the **Submit** button to send the surprise examination report or statement of termination to the SEC.

**Note:** In order for the upload to be successful, the file must meet certain requirements. See page 7 for more information, including tips for failed uploads.

Investment Adviser Act SEC File Number:	801- 00000
State Identification Number (States the adviser is registered with):	
1. *Date chosen by the accountant for the surprise examination:	11/15/2010
2. *Date surprise examination completed:	11/30/2010
3. *Does this surprise examination report contain an unqualified opinion?	<input checked="" type="radio"/> Yes <input type="radio"/> No
4. *Upload surprise examination report file (PDF):	C:\Documents and Sett <input type="button" value="Browse..."/>
<input type="button" value="Submit"/>	

## Your filing has been sent to the SEC

**You have completed the Form ADV-E submission process.**

Submission Timestamp: 11/15/2010 3:23:12 PM  
IA Firm Name (CRD#): INVESTMENT ADVISER FIRM, LLC (00000)  
Date Examination Completed: 11/30/2010  
Surprise Examination for calendar year: 2010

After the surprise examination report has been submitted:

- You may select the **Print** button to print a copy of this page or the **Close Window** button to close the browser window.
- The Form ADV-E filing and the surprise examination report or statement filed by the accountant will be made available to the public on [www.adviserinfo.sec.gov](http://www.adviserinfo.sec.gov).
- Once a surprise examination report has been submitted for specific adviser, all links provided in the emails regarding that adviser will be disabled and the accountant will no longer have access to upload reports for that adviser. If another report needs to be uploaded for the same adviser, a new ADV-E filing must be initiated through the IARD website.

**Submit a Form ADV-E Surprise Examination Report or Statement of Termination (Continued)****PDF Document Upload Errors**

An error message will display if the uploaded document does not meet all of the following criteria:

- Be in PDF format
- Be text-searchable
- Contain at least 50 words

Additionally, files that are locked or password protected will also inhibit the system's ability to search for text. All security on the PDF file must be removed in order to upload the PDF file.

Files that are scanned to PDF format may not contain searchable text, as scanners generally capture an image of a document. To ensure that the file is text-searchable, the scanner must have the Optical Character Recognition (OCR) turned on.

If a user has PDF editing software (more than a simple PDF reader), existing PDF documents can be made text searchable by enabling OCR within the document. Here are the steps:

1. Open the PDF document.
2. Select "Tools" from the main menu.
3. In the Tools menu, click "Recognize Text" and "In This File".
4. In the Recognize Text window, click "OK"

The text recognition process will proceed. Please note that for a very long document, the process may take several minutes to complete. When all the pages are processed, search for a common word in the document to verify that the document now is text-searchable and then click Save.

**For additional document upload assistance, please call the IARD Hotline, 240-386-4848.**