

NEW: Investment Adviser Representative Continuing Education.

441-175-XXXXA Definitions for Investment Adviser Continuing Education

As used in OAR 441-175-XXXXB, the following definitions apply unless context requires otherwise.

- (1) “Approved IAR Continuing Education Content” means the materials, written, oral, or otherwise that have been approved by NASAA or its designee and which make up the educational program provided to an investment adviser representative under this rule.
- (2) “Authorized Provider” means a person that NASAA or its designee has authorized to provide continuing education content to meet the requirements of 441-175-XXXXB.
- (3) “Credit” means a unit that has been designated by NASAA or its designee as at least 50 minutes of educational instruction.
- (4) “FINRA” means the Financial Industry Regulatory Authority.
- (5) “IAR Ethics and Professional Responsibility Content” means approved IAR continuing education content that addresses an investment adviser representative’s ethical and regulatory obligations.
- (6) “IAR Products and Practice Content” means approved IAR continuing education content that addresses an investment adviser representative’s continuing skills and knowledge regarding financial products, investment features, and practices in the investment advisory industry.
- (7) “Investment adviser representative” or “IAR” means an individual who meets the definition of “investment adviser representative” in ORS 59.015 and an individual who meets the definition of “investment adviser representative” under 17 CFR 275.203A3.
- (8) “NASAA” means the North American Securities Administrators Association or a committee designated by its Board of Directors.
- (9) “Reporting Period” means one twelve month (12) period as determined by NASAA. An investment adviser representative’s initial Reporting Period with this state commences the first day of the first full Reporting Period after the individual is registered or required to be registered with this state.

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- (1) Every investment adviser representative registered under ORS 59.175 must complete the following continuing education requirements each reporting period:
 - (A) An investment adviser representative must complete six (6) credits of IAR regulatory and ethics content offered by an authorized provider, with at least three (3) hours covering the topic of ethics; and
 - (B) An investment adviser representative must complete six (6) credits of IAR products and practice content offered by an authorized provider.
- (2) An investment adviser representative who is also registered as an agent of a FINRA member broker-dealer and who complies with FINRA’s continuing education requirements is considered to be in compliance with subsection (1)(B) for each applicable reporting period so long as FINRA continuing education content meets all of the following baseline criteria as determined by NASAA:
 - (A) The continuing education content focuses on compliance, regulatory, ethical, and sales practices standards;

- (B) The continuing education content is derived from state and federal investment advisory statutes, rules and regulations, securities industry rules and regulations, and accepted standards and practices in the financial services industry; and
- (C) The continuing education content requires that its participants demonstrate proficiency in the subject matter of the educational materials.
- (3) Credits for continuing education completed by an investment adviser representative who was awarded and currently holds a credential that qualifies for an examination waiver under OAR 441-175-0120(6) comply with subsections (1)(A) and (1)(B) of this rule provided:
- (A) The investment adviser representative completes the credits of continuing education as a condition of maintaining the credential for the relevant reporting period;
- (B) The credits of continuing education completed during the relevant reporting period by the investment adviser representative are mandatory to maintain the credential; and
- (C) The continuing education content provided by the credentialing organization during the relevant reporting period is approved IAR continuing education content.
- (4) Every investment adviser representative is responsible for ensuring that the authorized provider reports the investment adviser representative's completion of the applicable IAR continuing education requirements.
- (5) An investment adviser representative who completes continuing education credits in excess of the amount required for the reporting period may not carry forward excess credits to a subsequent reporting period.
- (6) An investment adviser representative who fails to comply with this rule by the end of a reporting period will renew as "CE Inactive" at the close of the calendar year in this state until the investment adviser representative completes and reports all required IAR continuing education credits for all reporting periods as required by this rule. An investment adviser who is CE inactive at the close of the calendar year following the "CE Inactive" renewal is not eligible for investment adviser representative registration or renewal of an investment adviser representative registration.
- (7) The director may waive any requirements of this rule upon finding undue hardship.
- (8) An investment adviser representative registered or required to be registered in this state who is registered as an investment adviser representative in the state wherein the individual' has registered their primary place of business is considered to be in compliance with this rule provided:
- (A) The state in which the investment adviser representative has their primary place of business has continuing education requirements that are at least as stringent as the NASAA Model Rule on investment adviser representative education; and
- (B) The investment adviser representative is in compliance with the investment adviser representative continuing education requirements of the state in which they have their principal place of business.
- (9) An investment adviser representative who was previously registered in Oregon and became unregistered must complete IAR continuing education for all reporting periods that occurred between the time that the investment adviser representative became unregistered and when the person became registered in this state again unless the investment adviser representative takes and passes the examination or receives an examination waiver under OAR 441-175-0120(6) in connection with the subsequent application for registration.