

Securities Regulation Outline

I. Intro to Securities Regulation

- Securities regulation focuses on regulating capital raising—companies raising capital to finance themselves by getting money from public investors
 - Either through organized marketplace or through private offering
- Policy & reason for regulation:
 - **Investor protection**
 - Keep investors away from bad companies
 - Give investors confidence to invest
 - Systematic risk and financial stability
 - **Disclosure**
- Institutional investors v. Retail investors—public offerings focused to institutions
 - Treat them differently, don't need as much disclosure for institutions
- Disclosure based system—all companies must disclose (mandatory) so investors and research analysts can compare for investment decisions
 - Policy—protect consumers and accurate pricing of companies value
 - Standardized disclosure
- Markets—Equity
 - Primary market—where initial capital raising takes place. Primary offerings
 - Secondary market—trading securities that have been obtained i.e. NASDAQ and NYSE
- Broker/Dealers—agents that help to buy or sell a security
- Regulators
 - Securities Act of 1933 (more focused on this one)
 - Exchange Act of 1934—market structure act
 - Created the SEC to administer securities laws
- **SEC:**
 - Securities Act enforced by division of **corporate finance**
 - 5 commissioners—3 from dominant party and 2 from opposite and below is staff
- **FINRA**—self-regulatory organization that regulates broker-dealers
 - Underwriters regulated by the SEC and FINRA
 - FINRA screens who is using crowdfunding
- **Blue Sky law**—state law regulating the sale of securities, intended to protect public from fraud. Trumped by federal law
- §3 is exemptions of securities
- §4 exempt transactions
- §5: prohibits unregistered sales of securities and prescribes rules for compelling full disclosure (rules for each period)- **12(a)(1) right to rescind if section 5 violated.**
- Sections 11, 17 and 12a2: prohibit fraud or misrepresentation. 17= criminal sanctions.
- Registration statement: defined in 2a8- Section 6-8 set forth the procedures for registering.
- Prospectus: section 10, defined in 2a10.
- Section 11 and 12= private remedies civil liability. Added to by 13 and 14 (can't contract out of remedies), 15 (joint and several liability).
- Section 18: preempts state law
- Section 19a- good faith defense, 19 and 20 give SEC powers.

Securities Regulation 003

M Carnoy



Securities Regulation 003:

The Enigmatic Realm of **Securities Regulation 003**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing in short supply of extraordinary. Within the captivating pages of **Securities Regulation 003** a literary masterpiece penned by a renowned author, readers embark on a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting impact on the hearts and minds of people who partake in its reading experience.

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