

Stock Buybacks Under 10b5-1 Plan Draw SEC Rebuke

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In a first-of-its-kind case, the SEC focused on a company's accounting controls around Rule 10b5-1 buybacks and imposed a \$20 million fine. The novel theory in the case highlights the need for policies and procedures around stock buyback authorizations and the entry into of 10b5-1 plans, including procedures a company needs to follow to determine that it is not in possession of MNPI when it enters into a 10b5-1 buyback plan.

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