

How Easy Did You Say This Project Was Going To Be?: What Happens When Your Project Explodes, and How To Keep From Getting Hit With the Shrapnel

By Lane Knox

Have you ever worked on a technical writing project that just seemed to grow and grow and grow with every passing day? One that got more complicated the longer you looked at it? One that showed you how inadequate your current tools were, and that pushed you beyond anything you've ever done before? I'm sure many technical writers could answer these questions with a resounding *Yes!*—and I thought I could, too, even before they called me into the conference room one day and said “we're going to do Firm Element.”

I said, “Okay.” We're an e-Learning company, and I'd been on-board for about four months. I'm in charge of content development for the Insurance & Financial Services vertical, and I've worked in banks, insurance, metals, and corporate retail. I didn't have a clue what they were talking about. But, just like many other times on this job, I knew I was going to find out.

It seems that in July of 1995, the National Association of Securities Dealers (herein after referred to as the NASD) implemented a policy requiring each of their member firms:

to prepare and implement an annual training plan to provide training to all registered persons with direct contact with customers, and the immediate supervisors of those registered individuals. The training must meet minimum standards and focus on the particular investment products and services that each firm offers its customers (NASD)

It looked simple enough the way they described it to me that day. The industry representative in my vertical gave me a folder full of Firm Element materials prepared and distributed by our competitors, and I thumbed through them quickly as we talked. One from our closest competition appeared to be a four-page questionnaire stapled atop their 50-page, full-color course catalogue. *Ahh, it's all about marketing* I thought as I listened to the CEO of our company talk about how many courses we could sell with a *Firm Element Needs Analysis* product of our very own.

I took the folder back to my desk after the five-minute meeting and dropped it there among the other projects I was working on. When I finally got a chance to pick it up again a few days later, I started compiling an overall impression of the Firm Element products currently available on the market. From what I was seeing in that folder and in the online resources I looked up, it wouldn't take much effort for me to take ideas from each of the other companies and their material, and combine them together into a much more comprehensive questionnaire than was

available anywhere in the market. From there it would be easy enough to recommend our courses to fill the void in any firm's continuing education program. A week later, I had a preliminary questionnaire put together, formatted the same way we formatted our standard courses—in a MSWord “script” (a collection of texts, images, and stage directions, broken into “scenes” just like a movie script). It was simple, linear, and based on polling individuals in the firm about their knowledge of specific products and services in order to determine their own perception of their training needs, so that we could suggest courses from our catalogue to them that would hopefully fill their needs.

That's when the bosses called me into the conference room again, and announced that we were in negotiations with a partner for the venture—a consulting firm specializing in Firm Element issues. Boom! Thus began a furious exchange of emails between me and the consultants, and the process of hammering out the details.

I learned that our new partner is a consulting firm called in (and paid the big bucks) when a securities firm is written up and fined by the NASD. They specialize in correcting a firm's policy, procedure, and record keeping to bring them into compliance with SEC (the Securities and Exchange Commission—the government regulatory body) and NASD rules, including the rules concerning continuing education. The number one violation they're called in to consult on? A lack of proper compliance with Firm Element requirements, largely in firms using those four- or five-page questionnaires from our competitors as the foundation of their plan.

It seems that our competition (and, I must admit, I) didn't read deep enough into the NASD rules and regulations to discover a few important subtleties in the requirements. According to NASD standard 2A:

Each member must maintain a continuing and current education program for its covered registered persons to enhance their securities knowledge, skill, and professionalism. At a minimum, each member shall at least annually evaluate and prioritize its training needs and develop a written training plan. The plan must take into consideration the member's size, organizational structure, and scope of business activities, as well as regulatory developments and the performance of covered registered persons in the Regulatory Element. If a member's analysis establishes the need for supervisory training for persons with supervisory responsibilities, such training must be included in the member's training plan. (NASD)

Firms failing to take these factors into consideration in their Firm Element training plans receive serious fines from the NASD—some in excess of \$100,000—plus their firm name and their violations are published as part of the public record on the NASD website. For example:

United Planners' Financial Services of America (CRD #20804, Scottsdale, Arizona) and Vaughn Sheldon Olthouse (CRD #501382, Registered Principal, Mesa, Arizona) submitted a Letter of Acceptance, Waiver, and Consent in which the firm was censured and fined \$50,000 and Olthouse was censured and fined \$20,000. Without admitting or denying the allegations, the respondents consented to the described sanctions and to the entry of findings that the firm, acting through Olthouse, failed to inspect each office of supervisory jurisdiction annually and to establish in the firm's written supervisory procedures a schedule for the periodic inspection of the firm's branch offices. The NASD also found that the firm, acting through Olthouse, failed to conduct annual compliance interviews with each registered representative; failed to prepare a needs analysis and written training plan annually; and failed to implement a firm element continuing education program for its covered persons. The findings also stated that the firm, acting through Olthouse, failed to report customer complaints and the settlement of arbitrations to the NASD. (NASD Case #C3A010006)

It's no wonder our partners are enjoying a brisk business, especially with today's rampant headlines about corporate mismanagement and the steady parade of corporate executives doing the "perp-walk" on CNN. Enron, Worldcom, Tyco, ImClone. Wearing handcuffs with Armani suits has become quite the fashion statement of late.

I had to do some serious rethinking about how I'd structured our questionnaire based on these new revelations about firm size, structure, and scope, and on the idea that "performance of covered registered persons" should also be taken into consideration—not just their personal vision of what training they feel they need. That was the easy trap our competition fell into—simply asking the firm's employees what they wanted to learn, and then pointing those employees to their own courses (often based on dubious criteria) to fulfill those desires. Admittedly, I wanted to sell our courses, too, but I also wanted to create the industry standard on Firm Element questionnaires.

Boom! I realized almost immediately that the linear approach was not going to work. There were far too many variables involved in the process. Not only did I need to poll the individual securities dealers and their support staff about their level of specific product and service knowledge, I needed a way to gather information about the firm as well, and a way to gather sensitive information about individuals and their customer complaint and regulatory problems. Plus I needed to turn all of that statistical data into a report that would satisfy the NASD auditors.

Making the questionnaire modular (like a piece of software) was the only real way to handle it. One (something I'd already realized while doing the linear, alpha version), there was no sense in making everyone answer all of the questions

about products and services they didn't personally sell or support. In the linear version, I'd based my design on the current limitations and flow of Macromedia Flash and our course player, but if I was going to make the whole project modular, it was the perfect opportunity to correct that problem, too. Two, I needed way for the compliance officer to answer questions about the firm and about other individuals—not just about themselves—so I needed a much deeper database integration than I had originally envisioned. And three, I needed a way to craft the data we were collecting into an often narrative report format. However, after a conference with the head of our IT department, we realized that Flash was just not going to work for this project. It's great visually, but it lacks depth when it comes to this sort of detailed database interaction, and this sort of modularity. So he chose a programmer, and I sat down to design the content and flow of an actual piece of software to handle the job.

The first thing I did was split my original script down into thirty individual scripts, each handling a specific issue. Some were questions about specific products or services. Some were more "administrative" scripts, designed to give information about the questionnaire itself, and directions on how to complete it. One was the monster called "comp_off_script.doc"—the piece that would grow into the biggest nightmare of the project because it had to be completed after every other individual in the firm completed their questionnaire, since the compliance officer was being tasked with the job of going through every individual representative and reporting information on their complaint and regulatory history, in addition to giving information for the firm as whole.

Next I created an Excel spreadsheet I entitled "flow.xls," which listed all of the individual scripts, and then notated which scripts an individual respondent should be given. Everyone got the intro_script.doc, the piece designed to collect initial data such as the respondent's name, social security number, CRD#, etc. Then two important questions in the intro script were used to determine which person got which scripts: first, their job title, and then second, the products and services they said they either sold or supported. In the flow chart, I then graphed out which scripts to give which respondent, based on whether they were, for example, a broker but not a wholesaler, or if they handled equity products but not property and casualty insurance. So far, so good.

Boom! Then I received copies of the forms and reports our partner uses. They caused me to add more questions to the compliance officer's script to cover even more products, services, and issues, taking it from eight pages to more than twenty—while also leaving it even more incomplete than before. The original vision was to create a completely automated product, one where selecting from multiple, fixed choices could statistically determine the end results. However, our partner's forms were filled with fill-in the blank questions—not multiple choice—and required a tremendous amount of human interaction to complete. Several firm documents and reports needed to be reviewed for information, including their business plan, their membership agreement with the NASD, the results of their

last NASD audit, and their records of customer complaints, both against individual registered representatives and against the firm as a whole. In addition, one needed to poll supervisors, the compliance office, the sales desk, and management to determine their priorities for training.

Boom! With our goal of high-end automation at serious risk, I began another email barrage with our partner, looking for solid lists of possible answers to some of these inquiries that could be formatted into multiple choice questions. By this time, the clock was ticking fast. The NASD requires firms to analyze their needs in the last quarter of the year, and complete their written training plan by January first. We'd started the project at the first of October (yes, way too late for comfort). It was already the first of November, and so Firm Element season was already a third gone.

We did what we could to turn narrative answers into multiple choice statistics, but some answers were just impossible to predict in any manageable list. The programmer would just have to deal with "other" as an answer, and import text from an input box to use in reports or to use in keyword searches of our course catalogue to produce results. There was just no other way to handle it. Boom! The comp_off_script.doc grew to thirty-two pages.

I scrambled to start integrating the data we were gathering into the reports we needed to generate. Some of it was fairly easy: notating the compliance officer's name (also known as "Designated Principle") and other mundane information in the appropriate spots on the report by tying the report and the scripts together with variables; notating which job title, product, service, or structural description needed to be included on the report, based on the answers from all of the respondents; using the number of questions in each script and the possible answers to those questions, weighted to create a higher number for answers that indicate a need for more training on that particular issue, to prioritize which product and/or service courses to recommend.

Recommending courses for individuals proved to be the most difficult part of the entire job. According to NASD regulations, a training plan needs to consider the following issues, in the following order of importance:

- the individual's years as a Registered Representative
- the existence and nature of customer complaints against this individual
- the existence and nature of any regulatory actions against this individual
- the existence and nature of any regulatory complaints against the firm and or management thereof
- the top three customer complaints against the firm
- the areas where the firm scored below the industry average in the most recent Regulatory Element Performance Report,

- the topics mandated by the firm, and on topics the firm requires competency in beyond product knowledge and selling skills
- the new products and services to be offered by the firm and on the new regulatory rules or regulations which apply to the firm
- the input from Supervisors, the Trading/operations desk, the Sales/marketing department, and the Training department,
- the Firm Element Needs Analysis responses from this individual,

This meant our recommendations needed to be made based on these same levels of priority, and meant that we ultimately had to create what was, in effect, an adjunct to the comp_off_script.doc. It was another three pages of specifications, with the goal to create a second interface, designed so that the compliance officer could review all of the information gathered on an individual, all of the information gathered on the firm itself, and all of the courses we recommended for each choice made by or on the behalf of every individual, so that the compliance officer can choose courses for each individual, based on the information required by the NASD.

Phew! I finally managed to turn the project over to the programmer the second week of November, halfway through Firm Element season. In release two, we plan to interface the software with our course database, so that the compliance officer can actually register his people for their courses as he/she chooses them, and so we can send them automatic email notices of what their classes are, and when they need to complete them. But that's release two, and next year.

The moral of this story? Few tech writing projects are simple, and often what appears simple on the surface is, in fact, extremely complicated once you start pulling the layers back and digging around. I began this project planning to write a few dozen pages of linear script for a Flash programmer, just like one of our normal courses, and ended up writing well over 300 pages of software specifications for a Javascript programmer, incorporating more than 200 variables. And I'm sure that it's not the most complicated project a tech writer ever tackled, by any means! My best advice if you're ever faced with this situation is to take deep breath, do as much research as you can so you cover all your bases, and don't panic if the entire project blows up into something lot bigger and a lot more complicated than you're originally led to believe.

And don't forget to duck!

(Note: All NASD citations are from:

<http://secure.nasdr.com/wbs/netbos.dll?refshow?ref=nasd4;&xinfo=/gooby.htm>)