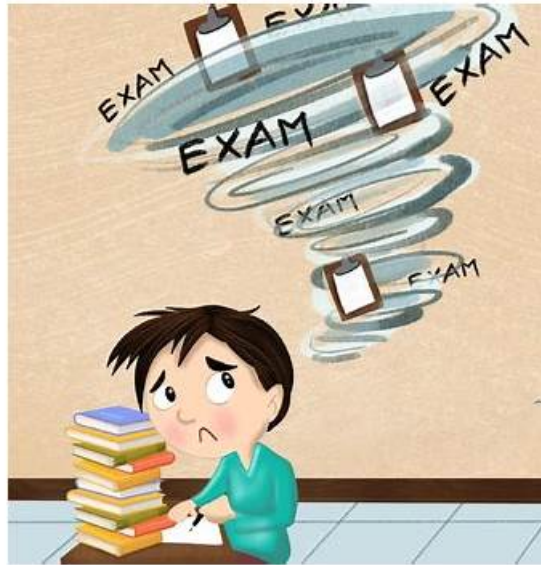


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ACFE Certified Fraud Examiner Sample Questions (Q150-Q155):

NEW QUESTION # 150

Under the _____, people in fiduciary relationships must act with the same skill and attention that is normally exercised by ordinarily prudent persons who are in similar positions.

- A. Duty of employee trust
- **B. Duty of care**
- C. Duty of loyalty
- D. Duty of responsibility

Answer: B

Explanation:

The correct answer is B. Duty of care. The CFE Manual states that the duty of care means people in a fiduciary relationship must act with the care that an ordinarily prudent person would employ in similar positions. It further explains that corporate officers, directors, high-level employees, and other fiduciaries must conduct business affairs prudently, using the skill and attention normally exercised by people in comparable roles.

This standard is different from the duty of loyalty, which focuses on faithfulness to the principal and avoiding self-dealing, kickbacks, undisclosed conflicts of interest, and other disloyal conduct. The duty of care instead addresses the quality of decision-making and oversight. Fiduciaries who act carelessly, recklessly, or without proper prudence can be held responsible for resulting losses, including losses tied to negligence, mismanagement, or waste of corporate assets.

The other options are not the correct doctrinal label used in the CFE Law materials. Because the question specifically describes acting with the skill and attention of an ordinarily prudent person in a similar position, it is describing the duty of care. Therefore, B is the correct answer.

NEW QUESTION # 151

Which of the following scenarios is an example of the criminal sanction known as criminal forfeiture?

- **A. As part of her sentence for bribery a defendant is ordered to transfer a car she received as a bribe to the government**
- B. As part of his sentence for tax evasion, a Defendant is ordered to pay a fine of \$10,000 to the government
- C. As part of his sentence for embezzlement, a defendant is ordered to pay back his employer for the money he stole.
- D. As part of her sentence for money laundering a defendant is sentenced to a three- to five-year term of incarceration

Answer: A

NEW QUESTION # 152

The Financial Action Task Force (FATF) Recommendations advise countries to do all of the following EXCEPT:

- A. Use a risk-based approach when setting anti-money laundering policies
- **B. Require financial institutions to monitor their customers' political affiliations.**
- C. Enable authorities to trace freeze, and confiscate assets suspected in money laundering and terrorist financing
- D. Require financial institutions to keep certain records and establish anti-money laundering policies.

Answer: B

NEW QUESTION # 153

All of the following are methods of pretrial civil discovery commonly found in common law jurisdictions EXCEPT:

- A. Affidavits of documents or records
- B. Oral examinations
- C. Written examinations
- **D. Injunctions**

Answer: D

Explanation:

This question tests your knowledge of Domain 1.

In the context of Overview of the Legal System, specifically relating to civil, common law, the question asks about EXCEPT.

The correct answer is C: Injunctions.

This question relates to the legal system framework. Understanding the distinction between different legal systems and processes is crucial for fraud examiners. The correct answer accurately describes the relationship between different legal entities and their jurisdictions.

References:

