In addition, if the issuer is a private fund, then the SEC position is that investment advisers have a fiduciary duty to deliver the disciplinary information required by Item 9 of Form ADV Part 2A to their clients, even if the delivery of Form ADV Part 2A is not otherwise required.  Release IA-3060, 75 Fed. Reg. 49234, 49241, <http://www.sec.gov/rules/final/2010/ia-3060fr.pdf>.  In the case of a wire fraud conviction in 1995, you’re past the 10-year presumption of materiality in Item 9, but wire fraud surely would be within the category of events so serious that disclosure is required even after the 10-year presumption has lapsed.  Investors in the private fund are not clients of the adviser, of course, but if delivery of this information to the fund is required, then presumably the adviser is also required to deliver it to fund investors under Rule 206(4)-8.

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