

THE DISCIPLINARY AND ETHICS COMMISSION

IN THE MATTER OF

DAVID B. TEST

Respondent.

CFP Board Case No. 2021-62977

March 11, 2025

ADMINISTRATIVE ORDER OF PERMANENT BAR

On January 27, 2025, Enforcement Counsel for Certified Financial Planner Board of Standards, Inc. (“CFP Board”) filed a Motion for Administrative Order of Permanent Bar under Article 4.2 of *Procedural Rules* (“Motion”) requesting that counsel for CFP Board’s Disciplinary and Ethics Commission (“DEC Counsel”) issue an Administrative Order permanently barring Respondent from obtaining CFP Board certification.¹

For the reasons stated below, the Motion is **GRANTED**.

I. BACKGROUND

Respondent became a CFP® professional on March 14, 2011, and remained certified until August 1, 2023, when Respondent voluntarily relinquished his certification. (Motion, Exh. 1 at 2-4.)

A. Complaint

On June 22, 2023, Enforcement Counsel filed a Complaint with the Commission asserting that Respondent had violated Standard A.8.a of the *Code of Ethics and Standards of Conduct* (“*Code and Standards*”), which states that a CFP® professional must comply with the laws, rules, and regulations governing Professional Services; and Standard D.2.a. of the *Code and Standards*, which states that a CFP® professional will be subject to discipline by CFP Board for violating policies and procedures of the CFP® professional’s firm that do not conflict with the *Code and Standards*. (*Id.* at 14-18.)

The Complaint alleges that on July 21, 2022, Respondent was permitted to resign in lieu of termination from his firm for placing clients’ initials on Investment Account Transaction Forms without the clients’ knowledge or authorization. The Complaint alleges that after initially denying the allegations during the firm’s investigation, Respondent eventually admitted that he placed the clients’ initials on the forms. (*Id.* at 14-15.)

The Complaint further alleges that on January 19, 2023, Respondent consented to a Letter of Acceptance, Waiver and Consent (“AWC”) with the Financial Industry Regulatory Authority, Inc. (“FINRA”) stating that Respondent had violated FINRA Rules 2010 and 4511, and imposing on

¹ Enforcement Counsel certified in its Motion that it had met and conferred with Respondent in a good faith attempt to resolve or narrow the issues on April 16, 2024, but the parties were unable to resolve the issues.

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Respondent a \$5,000 fine and a two-month suspension from associating with any FINRA member in all capacities. (*Id.* at 15-16.)

On June 22, 2023, Enforcement Counsel delivered the Complaint by electronic mail to the email address of record that Respondent provided to CFP Board. (*Id.* at 7.) Respondent was required to file a written Answer to the Complaint no later than July 22, 2023.

Respondent has not filed an Answer to the Complaint.

B. Motion

In the Motion, Enforcement Counsel states that Respondent confirmed on April 16, 2024, that he would not be submitting an Answer to the Complaint. (Motion at 2.) An April 16, 2024 email from Enforcement Counsel to Respondent attaches a copy of the Complaint accompanied by a cover letter describing Respondent's options for responding, including "3. **Take no action**, which will result in CFP Board finding you in Default and issuing you an Administrative Order of Suspension or Revocation." (*Id.* at 9, 58.) In a reply email that day, Respondent states that he "chose option #3 and retired my CFP[®]." (*Id.* at 58.)

Enforcement Counsel states in its Motion that it has determined that the seriousness, scope, and harmfulness of Respondent's conduct, as alleged in the Complaint, warrants an Administrative Order imposing a permanent bar against Respondent. (Motion at 2-3.)

II. DISCUSSION

If Respondent fails to file an Answer in Accordance with Article 3.2 of the *Procedural Rules*, then Respondent is in default under Article 4.1.e.

Enforcement Counsel's Motion states with reasonable particularity the grounds for Respondent's default, as required by Article 4.2 of the *Procedural Rules*. Respondent failed to file an Answer to the Complaint issued to him as required by Article 3.2 and confirmed that he would not be filing an Answer.

Enforcement Counsel filed the Motion based on a determination of the seriousness, scope, and harmfulness of Respondent's conduct, as required under Article 4.2 of the *Procedural Rules*.

III. CONCLUSION

DEC Counsel **GRANTS** the Motion and issued this **Administrative Order of Permanent Bar** against Respondent ("Order"). Respondent is permanently prohibited from applying for or obtaining CFP Board certification.

IV. COMPLIANCE WITH ORDER

Pursuant to Article 11.2 of the *Procedural Rules*, Respondent is required to submit to Enforcement Counsel within 45 calendar days of issuance of this Order, or by **April 25, 2025**, written evidence that Respondent:

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- has advised Respondent's Firm(s), in writing, of this Order in the manner set forth in Standard D.3 of the *Code and Standards*;
- has advised all Clients (as Client is defined in the Glossary to the *Code and Standards*) of this Order and provided all Clients the location of CFP Board's website that sets forth Respondent's disciplinary history in the manner set forth in Standard A.10 of the *Code and Standards*; and
- will advise all future Clients of the location of CFP Board's website that sets forth Respondent's disciplinary history, according to Standard A.10 of the *Code and Standards*.

Pursuant to Article 11.3 of the *Procedural Rules*, within 45 calendar days from the date of this Order, or by **April 25, 2025**, Respondent is required to submit to Enforcement Counsel, by sending an email to discipline@cfpboard.org, Respondent's statement of assurance that Respondent will not use the CFP Board certification marks and proof that Respondent has removed the CFP Board certification marks from all internet sites or other tangible materials that Respondent exposes to the public, including screenshots of the businesses, social media, and third-party financial advisor listing website profiles that Respondent controls, pictures of signage, and when applicable, copies of Respondent's business cards, letterhead, and marketing and promotional materials, as well as pictures of any other materials Respondent controls in which the CFP® marks previously appeared publicly in reference to Respondent or Respondent's services.. Failure to do so may result in further disciplinary or legal action regarding the unauthorized use of the CFP Board certification marks.

Issued by:

Counsel to the Disciplinary and Ethics Commission
March 11, 2025