

**CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.
WASHINGTON D.C.**

IN THE MATTER OF

JERRY RICE

Respondent.

CFP Board Case No. 2021-63043

September 27, 2024

ORDER OF ADMINISTRATIVE PERMANENT BAR

On May 28, 2024, Enforcement Counsel for Certified Financial Planner Board of Standards, Inc. (“CFP Board”) filed an Amended Motion for Order of Administrative Permanent Bar (“Motion”) under Article 4.2 of *Procedural Rules*¹ requesting that Counsel for CFP Board’s Disciplinary and Ethics Commission (“DEC Counsel”) issue an Administrative Order of Permanent Bar against Respondent. Respondent did not file a response to the Motion.

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

I. BACKGROUND

Respondent became a CFP® professional on January 18, 1988. His certification expired on September 30, 2020. (Motion, Exh. 1 at A3.)

A. Notice of Investigation

On January 19, 2022, Enforcement Counsel delivered a Notice of Investigation to Respondent asking him to provide documents and information concerning a 2021 FINRA suspension, a 2019 employment separation, and a 2021 grievance. (Motion, Exh. 1 at A41.)

Having received no response, Enforcement Counsel sent a second Notice of Investigation to Respondent on March 16, 2022. (*Id.* at A43.) On March 24, 2022, Respondent submitted a letter to Enforcement Counsel enclosing some of the materials requested and confirming that he had not renewed his CFP® certification. (*Id.* at A44.)

On July 24, 2023 and September 19, 2023, Enforcement Counsel requested additional information and documents from Respondent. (*Id.* at A45-48.) After receiving no response, on February 12, 2024, Enforcement Counsel delivered to Respondent a Notice of Failure to Cooperate under Article 1.3 of CFP Board’s *Procedural Rules*, instructing him that he had 14 calendar days to cure this failure. (*Id.* at A50.) Respondent did not cure this failure.

¹ In its Motion, Enforcement Counsel states that it attempted to meet and confer with Respondent by telephone and email on September 19, 2023 and February 12, 2024 in a reasonable and good faith effort to resolve or narrow the issue of Respondent’s default, but Respondent did not respond to Enforcement Counsel. (Motion at 1.)

A. Motion

Enforcement Counsel asserts in its Motion that Respondent's alleged misconduct concerns a Letter of Acceptance, Waiver and Consent he entered with the Financial Industry Regulatory Authority, Inc. ("FINRA") on September 15, 2021 ("AWC") for violation of FINRA Rule 2010, which requires member firms and associated persons to observe high standards of commercial honor and just and equitable principles of trade. (Motion at 5.)

The Motion attaches the AWC, in which Respondent consented to a six-month suspension and a \$10,000 fine based on allegations that, between October of 2013 and January of 2019, Respondent circumvented his firm's written procedures prohibiting representatives from receiving gifts from customers and being named as beneficiaries in a customer's will; that Respondent received \$477,000 in monetary gifts from a senior customer; that Respondent was also named as a beneficiary in the customer's will; and that, in addition to failing to disclose the gifts and the bequest, in 2018 and 2019, Respondent failed to disclose in response to his firm's compliance questionnaires that he had received gifts from a customer and that he had been named as a beneficiary in a customer's will. (Motion, Exh. 1 at A51-55.)

Enforcement counsel asserts that Respondent's conduct violated Standard A.8.a. of CFP Board's *Code of Ethics and Standards of Conduct*. (Motion at 5.)

Enforcement Counsel states in its Motion that it has determined that the seriousness, scope, and harmfulness of Respondent's conduct warrants an Administrative Order imposing a permanent bar against Respondent. (*Id.*)

II. DISCUSSION

Respondent had a Duty of Cooperation under Article 1.3.a. of the *Procedural Rules*. If a Respondent fails to cure a Notice of Failure to Cooperate delivered under Article 1.3.d. of the *Procedural Rules*, then Respondent is in default under Article 4.1.

Enforcement Counsel's Motion states with reasonable particularity the grounds for Respondent's default, as required by Article 4.2 of the *Procedural Rules*. Enforcement Counsel delivered to Respondent a Notice of Failure to Cooperate as required by Article 1.3.a, and Respondent did not cure this failure.

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

III. CONCLUSION

DEC Counsel **GRANTS** the Motion and issues this **Administrative Order of Permanent Bar** against Respondent ("Order"). Respondent is permanently prohibited from applying for or obtaining CFP® certification. CFP Board publishes an Administrative Order in accordance with Article 17.7.

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 **November 12, 2024**, written evidence that Respondent:

- 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 **November 12, 2024**, 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
September 27, 2024