

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

In the Matter of

Kevin J. Herne,

Respondent.

CFP Board Case No. 2023-64844

March 6, 2026

ORDER

On November 24, 2025, Enforcement Counsel for Certified Financial Planner Board of Standards, Inc. (“CFP Board”) filed a motion under Article 4.2 of CFP Board’s *Procedural Rules* (“Motion”) requesting that counsel for CFP Board’s Disciplinary and Ethics Commission (“DEC Counsel”) issue an Administrative Order that permanently bars Respondent from applying for or obtaining CFP® certification.¹ No hearing on the Motion was requested (*see* Motion at 2) and 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 July 12, 2011, and remained certified until November 30, 2022, when Respondent’s certification expired. (Motion, Ex. 1 at 2.)

A. Complaint

The Motion cites a July 18, 2025 Complaint CFP Board filed with the Disciplinary and Ethics Commission alleging that Respondent has violated its *Rules of Conduct* and *Code of Ethics and Standards of Conduct* (“*Code and Standards*”). (*Id.* at 56–57, 58–64; 216–217.)

The Complaint alleges that:

- Respondent entered into an August 2024 deferred prosecution agreement in Harris County Texas District Court under which he pleaded guilty to Continuous Violence Against the Family, a 3rd degree felony;
- The Financial Industry Regulatory Authority, Inc. (“FINRA”) Office of Hearing Officers found in a May 2025 default decision that Respondent had willfully omitted the felony charge from his Form U4 and imposed a \$5,000 fine and one-year suspension; and

¹ Enforcement Counsel certified in its Motion that it had met and conferred with Respondent by email on August 19, 2025, in a good faith effort to resolve or narrow the issues but they were unable, asserting that “Respondent determined to default with a clear understanding of the results of his decision.” (Motion at 1, 2; Motion, Ex. 1 at 220–230.)

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- Respondent did not timely disclose the felony charge to his employer or to CFP Board and submitted an inaccurate Ethics Declaration to CFP Board.

(*Id.* at 58–64.)

Based on these allegations, the Complaint asserts that Respondent violated **Rule 6.5** of CFP Board’s *Rules of Conduct* (prohibiting a CFP® professional from engaging in conduct which reflects adversely on his integrity or fitness as a certificant, upon the CFP® marks, or upon the profession); **Standard A.8.a** (requiring a CFP® professional to comply with the laws, rules, and regulations governing Professional Services²); **Standard D.2.a** (subjecting a CFP® professional to discipline by CFP Board for violating policies and procedures of the CFP® Professional’s Firm³); **Standard E.3.a** (requiring written notice to CFP Board within thirty (30) calendar days after a CFP® professional has been charged with, convicted of, or admitted into a program that defers or withholds the entry of a judgment or conviction for, a Felony or Relevant Misdemeanor⁴); and **Standard E.5** of its *Code and Standards* (prohibiting a CFP® professional from making false or misleading representations to CFP Board).

Under Article 3.2 of the *Procedural Rules*, Respondent was required to file an answer to the Complaint no later than August 18, 2025. (*Id.*; *see also id.* at 218–230.) Enforcement Counsel emailed Respondent in July and August 2025 about not receiving an answer, the consequences for not filing one, and the possibility of an extension. (*Id.* at 218–219.)

On August 19, 2025, Respondent replied with 11 emails containing insulting and vulgar language directed at Enforcement staff and others. (*Id.* at 220–230.) He has not filed an answer to the Complaint.

B. Motion

Enforcement Counsel states in its Motion that Respondent is in default under Articles 4.1.b and e of the *Procedural Rules* because he has indicated a clear intention not to participate or to cease

² “Professional Services” is defined in the *Code and Standards* Glossary as “Financial Advice and related activities and services that are offered or provided, including, but not limited to, Financial Planning, legal, accounting, or business planning services.” CFP Bd. of Standards, Inc., *Code of Ethics and Standards of Conduct* Glossary (2020).

³ “CFP® Professional’s Firm(s)” is defined in the *Code and Standards* Glossary as “Any entity on behalf of which a CFP® professional provides Professional Services to a Client, and that has the authority to exercise control over the CFP® professional’s activities, including the CFP® professional’s employer, broker-dealer, registered investment adviser, insurance company, and insurance agency.” CFP Bd. of Standards, Inc., *Code of Ethics and Standards of Conduct* Glossary (2020).

⁴ “Felony” and “Relevant Misdemeanor” are defined in Standards E.1.a and b of the *Code and Standards* as “A felony offense, or for jurisdictions that do not differentiate between a felony and a misdemeanor, an offense punishable by a sentence of at least one-year imprisonment or a fine of at least \$1,000” and “A criminal offense, that is not a Felony, for conduct involving fraud, theft, misrepresentation, other dishonest conduct, crimes of moral turpitude, violence, or a second (or more) alcohol and/or drug-related offense.” CFP Bd. of Standards, Inc., *Code of Ethics and Standards of Conduct* Standards E.1.a–b (2020).

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participation in CFP Board’s investigation and disciplinary process, and he failed to file an answer in accordance with Article 3.2. (Motion at 1, 2.)

Enforcement Counsel states that it has determined that the seriousness, scope, and harmfulness of Respondent’s conduct alleged in the Complaint warrants an Administrative Order imposing a Permanent Bar against Respondent. (*Id.* at 1, 3.)

II. DISCUSSION

If Respondent indicates a clear intention not to participate or to cease participation in CFP Board’s investigation and disciplinary process, then Respondent is in default under Article 4.1.b of the *Procedural Rules*. If Respondent fails to file an answer to a complaint in accordance with Article 3.2, 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.

Enforcement Counsel filed the 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*.

III. CONCLUSION

DEC Counsel **GRANTS** the Motion and issues this **Administrative Order of Permanent Bar** against Respondent (“Order”). This Order terminates Respondent’s CFP Board Certification and Trademark License and permanently prohibits Respondent from applying for or obtaining CFP® certification.⁵

SO ORDERED

Counsel to the Disciplinary and Ethics Commission
Date: March 6, 2026

⁵ The Motion and its exhibits and any other exhibits to this Order will not be published under Article 17.7 of the *Procedural Rules*. The *Procedural Rules* are available on CFP Board’s website at: www.cfp.net/ethics/enforcement/procedural-rules.