

**THE DISCIPLINARY AND ETHICS COMMISSION
CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.**

In the matter of



Justin Fort,

Respondent.

CFP Board Case No. 2023-64852

July 3, 2025

ORDER

Certified Financial Planner Board of Standards, Inc. (“CFP Board”) granted Respondent the right to use the CFP®, CERTIFIED FINANCIAL PLANNER®,  and  certification marks (“CFP marks”) on June 9, 2014, and he has been certified since that date. (DEC Book at 184.)¹

I. PROCEDURAL HISTORY

On November 20, 2024, Enforcement Counsel filed a Complaint with CFP Board’s Disciplinary and Ethics Commission (“Commission” or “DEC”) alleging grounds to sanction Respondent for violating Standards E.2.a and E.5 of CFP Board’s *Code of Ethics and Standards of Conduct* (“*Code and Standards*”) (DEC Book at 9-10). The Complaint cites Respondent’s three misdemeanor arrests since 2020 (resulting in two convictions and one deferred disposition) and alleges that he submitted two false Ethics Declarations to CFP Board. (*Id.* at 6-11.)

In his Answer to the Complaint, Respondent admits to the material allegations as to his criminal conduct but disputes that he submitted false Ethics Declarations. (*Id.* at 184-191.)

On April 23, 2025, a hearing panel formed under Article 10.6 of the *Procedural Rules* convened virtually to hear testimony, and to review and consider documents, information and argument. (Transcript of Hearing of Justin Fort, CFP®, April 23, 2025 (“Tr.”) at 1.) Enforcement Counsel appeared by video for CFP Board; DEC Counsel appeared for the Commission and for the hearing panel; Respondent appeared with counsel by video. (Tr. at 2.)

¹ The DEC Book and any other exhibits to this Order will not be published under Article 17.7 of the *Procedural Rules*. DEC Book page citations refer to the page(s) of the DEC Book pdf.

In the matter of Justin Fort
CFP Board Case No. 2023-64852
July 3, 2025

II. FINDINGS OF FACT

A. Background

Respondent has passed the Series 65 – Uniform Investment Advisor Law Examination (2011). (DEC Book at 22.) He maintains an insurance license with the Texas Department of Insurance. (*Id.* at 29.)

Respondent is associated with an investment advisory firm as an investment advisor representative and its Chief Compliance Officer. He joined the firm in April 2008. (*Id.* at 184.)

B. 2001 Felony Conviction

On February 6, 2001, Respondent was charged with Conspiracy to Possess Cocaine with the Intent to Distribute. (DEC Book at 184.) He was convicted of a felony and ordered to serve twenty-four months in prison and four years of supervised release. (*Id.*) Respondent disclosed his conviction to CFP Board in 2014 on his initial certification application, and he was issued a letter of caution. (*Id.* at 184-85.)

C. 2020 DWI Arrest and Plea Agreement

On May 23, 2020, Respondent was arrested in Travis County, Texas for driving while intoxicated (“DWI”), a Class B Misdemeanor. (*Id.* at 104, 109-111.) Respondent states that the arrest took place shortly after the death of his father. (*Id.* at 185.) Respondent was charged on February 5, 2021. (*Id.* at 115.)

On July 20, 2022, Respondent entered into a Jury Waiver and Plea Agreement and on February 9, 2023, the court reduced the charges from DWI, a Class B Misdemeanor, to “Failure to Maintain Lane,” a Class C Misdemeanor. (*Id.* at 176, 185.)

A Motion to Dismiss was filed and approved on February 10, 2023, refiling the case as a traffic violation. (*Id.* at 104.)

D. June 2022 Assault and Deferred Disposition

On June 19, 2022, Respondent was arrested for Assault by Contact-Family/Domestic Violence in Williamson County, Texas. (*Id.* at 105.)

On December 28, 2022, the Texas court entered a Deferred Disposition Order. Respondent completed the terms of his Deferred Disposition, and the Dismissal was processed on July 6, 2023. (*Id.* at 105, 187.)

In the matter of Justin Fort
CFP Board Case No. 2023-64852
July 3, 2025

E. December 2022 DWI Arrest and Plea Agreement

On December 2, 2022, Respondent was arrested for DWI in Williamson County, Texas, a Class B Misdemeanor. (*Id.* at 105, 139-142.) Respondent testified that, at the time of his arrest, he was struggling with grief following the April 2022 death of his mother. (*Id.* at 188).

On June 15, 2023, Respondent entered a plea agreement under which he was sentenced to ten days in county jail, had his license suspended for 180 days, and paid \$3,425 in court costs, fees, and fines. Respondent completed his jail sentence on June 18, 2023. (*Id.* at 188.)

F. Ethics Declarations to CFP Board

On January 26, 2021, Respondent submitted his renewal Ethics Declaration and responded “No” to the question asking, are you currently charged with, or have you ever been convicted of a misdemeanor (other than minor traffic violations) within the last five years? (*Id.* at 54.)

On February 8, 2023, in another Ethics Declaration, Respondent again answered “No” to the same question. (*Id.* at 37.)

G. The Hearing

Respondent does not dispute the factual record as to his criminal conduct or that he violated Standard E.2.a of the *Code and Standards*. (Tr. at 15, 17.)

Respondent testified that he has made changes in his personal life to address and remedy his substance abuse. (Tr. at 33-37.)

Respondent testified that when he submitted the January 26, 2021 Ethics Declaration, he had not yet been charged for the May 30, 2020 DWI arrest and did not disclose it on the advice of counsel. (Tr. at 29-30.) Enforcement Counsel acknowledges that Respondent was not charged with this DWI until February 5, 2021. (Tr. at 21.)

At the hearing, the parties jointly proposed that the Commission sanction Respondent by suspending his CFP® certification for two years. (*Id.* at 20, 41.)

III. DISCUSSION

To impose a sanction on Respondent, the Commission must find grounds for a sanction. Under Article 12 of the *Procedural Rules*, the Commission found grounds for sanction based on Respondent’s violations of the CFP Board’s *Code and Standards*.

First Grounds for Sanction

Standard E.2.a of the *Code and Standards* states that a CFP® professional may not engage in conduct that reflects adversely on his or her integrity or fitness as a CFP® professional, upon the

In the matter of Justin Fort
CFP Board Case No. 2023-64852
July 3, 2025

CFP® marks, or upon the profession. Such conduct includes, but is not limited to, conduct that results in a Felony or Relevant Misdemeanor conviction, or admission into a program that defers or withholds the entry of a judgment of conviction for a Felony or Relevant Misdemeanor.

Respondent was a CFP® professional at all times relevant to this violation and does not dispute the material facts regarding his underlying criminal conduct.

Article 7.1 of the *Procedural Rules* provides that a record from any court of criminal jurisdiction indicating that Respondent has been convicted of a crime in that court or admitted into a program that defers or withholds entry of a judgment of conviction (“Criminal Conviction”) is conclusive proof of the commission of the crime and that Respondent engaged in the criminal conduct that led to the Criminal Conviction.

The misdemeanor convictions and deferred disposition order are records from the State Courts of Texas indicating that Respondent committed a crime on three occasions:

- On February 9, 2023, Respondent entered a Reduction of Charges Agreement, reducing the charge from his May 23, 2020 DWI arrest and convicting him of a Class C Misdemeanor.
- On December 28, 2022, the Court entered a Deferred Disposition Order regarding Respondent’s June 19, 2022 arrest for assault by contact/domestic violence.
- On June 15, 2023, Respondent entered a plea agreement of guilty to the offense of DWI, a class B Misdemeanor resulting from his December 2, 2022 arrest.

The State Court of Texas is a court of criminal jurisdiction. For the purposes of this disciplinary proceeding, Respondent’s reduction of charges agreement, deferred disposition order, and plea agreement conclusively establish Respondent’s commission of the underlying crimes.

Therefore, there are grounds to sanction Respondent for a violation of Standard E.2.a of the *Code and Standards*.

Second Grounds for Sanction

Standard E.5 of the *Code and Standards* states that a CFP® professional may not make false or misleading representations to CFP Board or obstruct CFP Board in the performance of its duties. A CFP® professional must satisfy the cooperation requirements set forth in CFP Board’s *Procedural Rules*, including by cooperating fully with CFP Board’s requests, investigations, disciplinary proceedings, and disciplinary decisions.

Respondent was a CFP® professional at all times relevant to this violation.

In the matter of Justin Fort
CFP Board Case No. 2023-64852
July 3, 2025

Respondent submitted an inaccurate Ethics Declaration on February 8, 2023, when Respondent answered “No” to the question: “Are you currently charged with, or have you been convicted of a misdemeanor (other than minor traffic violations) within the last five years?” Respondent’s answer was inaccurate because: (1) Respondent had been charged with the May 23, 2020 DWI on February 5, 2021; and (2) the Court entered a Deferred Disposition Order on December 28, 2022, regarding Respondent’s June 20, 2022 arrest for domestic assault.

Therefore, there are grounds to sanction Respondent for a violation of Standard E.5 of the *Code and Standards*.

IV. THE COMMISSION’S DECISION

CFP Board has issued non-binding *Sanction Guidelines* to serve as guidance for determining appropriate sanctions. In this case, the Commission has considered the following categories of conduct (and recommended sanction) from the *Sanction Guidelines*:

- Conduct 9: Conviction Within the Last 10 Years of a Felony or Any Relevant Misdemeanor Involving a Jail Sentence (Suspension for at Least One Year and One Day)
- Conduct 14(a): Failure to Disclose to CFP Board (Private Censure)
- Conduct 22: Inaccurate Ethics Declaration (Public Censure)

The Commission finds the following to be aggravating factors here:

- Respondent previously received a letter of caution from CFP Board related to his prior felony conviction for cocaine possession.
- Respondent has demonstrated a pattern of misconduct related to substance abuse.
- Respondent’s criminal record appears to extend beyond convictions related solely to substance abuse.

The Commission finds the following to be mitigating factors here:

- Respondent relied on advice from counsel in preparing his Ethics Declarations.
- There is no evidence that a client was harmed by Respondent’s misconduct.
- Respondent has taken steps to address and remedy his substance abuse.
- Respondent’s DWIs each occurred shortly after the death of a parent.

In the matter of Justin Fort
CFP Board Case No. 2023-64852
July 3, 2025

While not binding, Case Histories² the Commission has consulted indicate that a multi-year suspension is appropriate when a CFP® professional has been convicted of multiple misdemeanors. See ACH 26986 (imposing a two-year suspension); ACH 30094 (same); CH 31955 (same). And unlike the CFP® professionals in the above cases, where the Commission imposed a two-year suspension, Respondent's conduct here involves three misdemeanor arrests in two years (resulting in two convictions and one deferred disposition), a domestic violence offense, a letter of caution from CFP Board related to an earlier felony conviction, and a false Ethics Declaration. These circumstances warrant a more severe sanction.

For the reasons above, the Commission issues this Order imposing on Respondent a **Suspension for Four Years**. This is a public sanction that will be published in accordance with Article 17.7 of CFP Board's *Procedural Rules*.

SO ORDERED

Disciplinary and Ethics Commission
CFP Board

July 3, 2025

² Case Histories (referred to as "ACHs" or "CHs") are available on CFP Board's website at <https://www.cfp.net/ethics/enforcement/case-history>.