

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

IN THE MATTER OF  
  
CLAYTON JAMES GROSS,  
  
Respondent.

CFP Board Case No. 2023-75397

October 16, 2024

**ADMINISTRATIVE ORDER OF REVOCATION**

On July 11, 2024, Enforcement Counsel for Certified Financial Planner Board of Standards, Inc. (“CFP Board”) filed a Motion for Administrative Order of Revocation under Article 4.2 of *Procedural Rules* (“Motion”) requesting that Counsel for CFP Board’s Disciplinary and Ethics Commission (“Commission” or “DEC”) issue an Administrative Order of Revocation against Respondent.<sup>1</sup> Oral argument was not requested, 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 April 27, 2018. (Motion Ex. 1 at 1-0012.)

**A. Notice of Investigation**

On October 31, 2023, Enforcement Counsel issued a Notice of Investigation (“NOI”) to Respondent related to a municipal warrant issued in Collin County, Texas. (*Id.* at 1-005-006.) Public records attached to the Motion reflect that the warrant relates to a second-degree felony charge of Aggravated Assault with a Deadly Weapon. (*Id.* at 1-004-005.) Based on Respondent’s failure to acknowledge receipt of the initial NOI, Enforcement Counsel re-delivered the NOI (“Second NOI”) via certified mail to Respondent’s address of record in CFP Board’s files on December 13, 2023. (*Id.* at 1-008.) Respondent failed to acknowledge receipt of the Second NOI within 14 calendar days of its delivery.

Given Respondent’s failure to acknowledge receipt of either NOI, on January 12, 2024, Enforcement Counsel attempted to reach Respondent by telephone at his phone number of record in CFP Board’s files and again re-delivered the NOI. On February 22, 2024, Enforcement Counsel sent Respondent a final request for response along with the initial NOI and Second NOI via email to Respondent’s email address on record in CFP Board’s files. (Motion at 2.)

Enforcement Counsel determined that Respondent was in default under Article 4.1.a. of the *Procedural Rules* and filed this Motion.

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<sup>1</sup> Enforcement Counsel’s efforts to reach Respondent, discussed below, have satisfied their obligation to “meet and confer (or attempt so meet and confer)” required by Article 9.4 of the *Procedural Rules*.

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## B. Motion

Enforcement Counsel asserts in its Motion that, by failing to respond to the NOI, Respondent has undermined Enforcement Counsel's ability to investigate the second-degree felony charge filed against him, and that Respondent's conduct may have violated Standard E.2 of the *Code of Ethics and Standards of Conduct*, which requires a CFP® professional to refrain from conduct that reflects adversely on his or her integrity or fitness as a CFP® professional, upon the CFP® marks, or upon the profession.

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 Revocation of Respondent's right to use the CFP Board certification marks.

## II. DISCUSSION

If a Respondent fails acknowledge receipt of a Notice of Investigation delivered in accordance with Article 1.1 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 its initial NOI and its Second NOI, as required by Article 1.1, but Respondent failed to acknowledge either of them as required by Article 1.1.b., or to respond to Enforcement counsel's other efforts to reach him.

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 Revocation** against Respondent ("Order") permanently revoking Respondent's right to use the CFP Board certification marks.

## IV. COMPLIANCE WITH ORDER

Under Article 11.2 of the *Procedural Rules*, Respondent is required to submit to Enforcement Counsel, within 45 calendar days of issuance of this Order, written evidence that Respondent:

- Has advised Respondent's Firm(s), in writing, of this Administrative Order of Revocation in the manner set forth in Standard D.3 of the *Code and Standards*; and
- Has advised all Clients (as Client is defined in the Glossary to the *Code and Standards*) of this Administrative Order of Revocation 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

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- 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*.

Under Article 11.3 of the *Procedural Rules*, within 45 calendar days from the date of this Order, or **December 2, 2024**, Respondent is required to submit to Enforcement Counsel, by sending an email to [discipline@cfpboard.org](mailto: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 legal action regarding the unauthorized use of the CFP Board certification marks.

Issued by:

Counsel to the Disciplinary and Ethics Commission

Date: October 16, 2024