

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

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| In the Matter of | : | |
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| John A. Dougherty, | : | CFP Board Case No. 2024-65846 |
| | : | |
| | : | |
| Respondent. | : | April 26, 2024 |
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ORDER OF INTERIM SUSPENSION

Certified Financial Planner Board of Standards, Inc. (“CFP Board”) first granted John Aloysius Dougherty (“Respondent”) the right to use the CFP Board certification marks, including the CFP[®], CERTIFIED FINANCIAL PLANNER[™],  and  certification marks (“CFP[®] marks”) on June 26, 2009. CFP Board has received evidence that Respondent consented to a sanction from the Financial Industry Regulatory Authority, Inc. (FINRA) that permanently bars Respondent from associating with any FINRA member in any capacity, effective December 1, 2023, for failing to respond to a request for information and documents in violation of FINRA Rules 8210 and 2010.

Respondent’s right to use the CFP[®] marks is suspended, effective immediately. Please note that any use of the CFP[®] marks by Respondent during this suspension will be viewed as unauthorized use and could subject Respondent to litigation and/or further CFP Board disciplinary action.

Pursuant to Article 2.1.b. of CFP Board’s *Procedural Rules*, “DEC Counsel, without action by a Hearing Panel or the Disciplinary and Ethics Commission, may deliver an Interim Suspension Order if Respondent: (1) is the subject of a misdemeanor Criminal Conviction, or a felony Criminal Conviction, as defined in Article 7.1, for fraud, misrepresentation, violence, or a crime of moral turpitude; (2) is the subject of a Civil Finding, as defined in Article 7.3; (3) is the subject of Professional Discipline, as defined in Article 7.2, that resulted in a revocation, bar, or an equivalent sanction; (4) voluntarily terminates or surrenders a financial professional license or registration while Respondent is the subject of a Regulatory Investigation; or (5) consents to the entry of an Interim Suspension Order.”

The notice from Enforcement Counsel stated:

Enforcement Counsel received evidence that Respondent entered into a Letter of Acceptance, Waiver and Consent (AWC) with FINRA wherein he consented to a sanction that permanently bars him from associating with any FINRA member in any capacity, effective December 1, 2023. FINRA had sought to investigate Respondent’s conduct with respect to a Uniform Termination Notice for Securities Industry Registration (Form U5) dated August 11, 2023, by which Mr. Dougherty’s firm reported that it terminated Mr. Dougherty because he “[e]ngaged in outside business activity without Firm approval, in violation of Firm policy” and “[p]articipated in private

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investments without Firm approval, in violation of Firm policy.” FINRA Rules 8210(a)(1) and (2) state, in relevant part, that FINRA has the right to “Require a ... person associated with a member, or any person subject to FINRA’s jurisdiction to provide information orally, in writing or electronically .. with respect to any matter involved in the investigation, complaint, examination or proceeding.” FINRA Rule 8210(c) provides that “[no] member or person shall fail to provide information ... pursuant to this rule.” FINRA Rule 2010 requires an associated person, in the conduct of their business, to “observe high standards of commercial honor and just and equitable principles of trade.” A violation of FINRA Rule 8210 also violates FINRA Rule 2010. In the AWC, Respondent consented to findings that he acknowledged receipt of FINRA’s request and refused to produce the information or documents requested in violation of FINRA Rules 8210 and 2010 and consented to a FINRA bar.

Therefore, pursuant to Article 2.1.b.3. of the *Procedural Rules*, DEC Counsel issues this Interim Suspension Order because it has found that Respondent is the subject of Professional Discipline, as defined in Article 7.2², that resulted in a revocation, bar, or an equivalent sanction.

As stated in Article 2.1.d of the *Procedural Rules*, an Interim Suspension Order will remain in place until: (1) the DEC or, if an appeal is filed, the Appeals Commission issues a final order addressing the conduct at issue in the Interim Suspension Order; (2) Enforcement Counsel dismisses the investigation of the conduct at issue in the Interim Suspension Order and either: (i) Respondent files and DEC Counsel grants a Petition to Vacate the Interim Suspension under Article 2.4 or (ii) Enforcement Counsel files and DEC Counsel grants a Motion to Terminate the Interim Suspension under Article 9.1; (3) Respondent fails to file timely a Petition for Reinstatement After Interim Suspension Order and DEC Counsel grants Enforcement Counsel’s Motion for an Administrative Order; (4) Respondent fails to satisfy the requirements of Article 2.3 and DEC Counsel grants Enforcement Counsel’s Motion for an Administrative Order; or (5) the DEC grants a Petition for Reinstatement After Interim Suspension Order filed by Respondent and Respondent has completed all requirements for CFP® certification.

An Interim Suspension is considered a form of public sanction by CFP Board and will be published in a press release in accordance with Articles 2.2 and 17.7 of the *Procedural Rules*. Respondent is required to submit to CFP Board Enforcement Counsel evidence that he is in compliance with the Interim Suspension Order and a statement of assurance and proof of compliance in accordance with Article 11.3 of the *Procedural Rules* within 45 calendar days from the date of this Order, or by **June 10, 2024**. The evidence should be emailed to discipline@cfpboard.org. If a Respondent

² Article 7.2 PROFESSIONAL DISCIPLINE: A record from a (a) federal, state, local, or foreign governmental agency, (b) self-regulatory organization, (c) other regulatory authority, or (d) court of civil jurisdiction imposing discipline upon Respondent (“Professional Discipline”) is conclusive proof of the existence of such Professional Discipline and the facts and violations that serve as the basis for such Professional Discipline . The fact that Respondent has not admitted or denied the findings or allegations contained in the record does not affect the conclusiveness of the proof. Professional Discipline includes a censure, a Finding (as defined in the *Code and Standards*), injunction, undertaking, order to cease and desist, disgorgement, restitution, fine, suspension, bar, or revocation, the temporary or permanent surrender of a professional license or certification in response to a Regulatory action or Regulatory investigation, and statutory disqualification. A record of Professional Discipline includes a settlement agreement, order, consent order, and Letter of Acceptance, Waiver, and Consent. CFP BOARD, PROCEDURAL RULES, 7.2 (2024).

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fails to satisfy these requirements, then Enforcement Counsel may declare Respondent in default and move for an Administrative Order under Article 4.2.

Issued by:

Counsel to the Disciplinary and Ethics Commission

April 26, 2024