

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

In the Matter of

Thomas C. Powers,

Respondent.

CFP Board Case No. 2025-68254

February 2, 2026

INTERIM SUSPENSION ORDER



On November 20, 2025, CFP Board Enforcement Counsel filed a Petition with the Disciplinary and Ethics Commission (“Commission”) requesting an interim suspension order against Respondent under Article 2.1 of CFP Board’s *Procedural Rules* (“Petition”). Respondent did not file a response, so Enforcement Counsel did not file a reply.

Neither party requested a hearing, and counsel for the Commission has determined under Article 2.1a.2 that none is warranted.

A Hearing Panel formed under Article 10.6 of the *Procedural Rules* has considered the Petition.

For the reasons below, the Petition is **GRANTED**.

I. BACKGROUND

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 November 9, 1998, and he has been certified since that date.

A. Viral Video

In support of its Petition, Enforcement Counsel cites a news article published by WealthManagement.com on November 14, 2025, titled “Cetera Fires Employee Accused of Racism in Instagram Video”. (*See* Petition, Ex. at 1, 2–6.)¹ The Petition includes the video, taken from inside a car through the passenger window, in which a man standing outside the car says to the videographer, who speaks with an accent: “Get out of the country. I’ll get ICE.” He shows his middle finger and says, “My country, not yours.” (*Id.*) The news article embeds the video (since removed) and provides a screen shot of what appears to be the man from the same video, reporting that it has been “widely-circulated” on social media and “has gone viral” and that social media accounts had identified the man to be Respondent. (*Id.* at 2–3, 5.) The article identifies Respondent as a “Denver-based branch manager and financial advisor” and reports that the videographer

¹ *See also* WealthManagement.com, *Cetera Fires Employee Accused of Racism in Instagram Video* (Nov. 14, 2025), <https://www.wealthmanagement.com/ibd-news/cetera-fires-employee-accused-of-racism-in-instagram-video>. The Instagram video remains in CFP Board’s files but appears to have been removed from Instagram.

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was an Uber driver at the Denver airport checking if Respondent was his intended customer. (*Id.* at 5.) It does not specify that Respondent is a CFP® professional.

B. Termination

On November 13, 2025, Respondent’s former broker-dealer issued a statement announcing it was “aware of the video involving an individual identified as a[n] employee. The conduct displayed was inconsistent with our standards. The individual is no longer an employee....” (*Id.* at 7.)² The post was “liked” on Instagram at least 150 times. (*Id.*)³

C. Petition

Enforcement Counsel argues in its Petition that “boorish behavior” by a CFP® professional that seeks to strip a person of their dignity is conduct that reflects adversely on the CFP® marks and on the financial planning profession, and that Respondent’s specific conduct in this case reflects adversely on his integrity and fitness as a CFP® professional. (Petition at 3.) Enforcement Counsel argues that Respondent demonstrates a lack of integrity by seeking to intimidate an apparent stranger with disrespectful hand gestures and racist threats to have the stranger forcibly removed from the country. Enforcement Counsel asserts that because Respondent is a CFP® professional, his lack of integrity reflects poorly on the CFP® marks and on the profession. (*Id.*)

Enforcement Counsel argues that Respondent’s misconduct further threatens the integrity of the profession and the value of the CFP® certification because Respondent’s broker-dealer terminated his employment as a result of the incident, which was reported by a well-known financial services news outlet and “widely circulated on Instagram.” (*Id.*)

Enforcement Counsel maintains that Respondent’s misconduct likely would result in a sanction of a suspension or revocation if brought as a complaint to the Commission, citing two similar cases involving

² See also <https://www.instagram.com/p/DRAY1usjo4q/?hl=en> (last accessed January 30, 2026).

³ Although the firm in its statement does not identify Respondent or the individuals in the video, the article and Enforcement Counsel assert that social media accounts attribute the behavior to Respondent. (Petition, Ex. at 5; Petition at 2.) The Petition cites to one Instagram post (since removed) that Enforcement Counsel says was viewed over 1.5 million times, “liked” nearly 50,000 times, and reposted over 2700 times, as of November 20, 2025. (*Id.*) Respondent had removed his own social media presence, as of January 16, 2025. (Petition at 2.) Enforcement Counsel did not cite any archived or mirrored versions of the Instagram post. (For example, via the “Wayback Machine, available at <https://web.archive.org/>.) Nor did Enforcement Counsel cite Respondent’s public BrokerCheck Report. Nevertheless, the article links Respondent to both the video and the statement made by Respondent’s former firm, and it cites the same Instagram account as Enforcement Counsel. (*Id.*; see also Petition, Ex. at 5.) The Instagram account, @therobbieharvey, is owned by Robbie Harvey, a self-described public figure who maintains an online presence apparently dedicated to posting racist confrontations and identifying those involved. (See <https://www.instagram.com/therobbieharvey/>. (Last accessed January 30, 2026.)) The Hearing Panel found the article and this source to be credible.

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CFP[®] professionals whose remarks failed to treat others “with dignity, courtesy, and respect.” Both resulted in a revocation. (*Id.* at 4.)⁴ Enforcement Counsel asserts that given the “viral” nature of the video recording Respondent’s conduct followed by the public statement from his firm announcing his termination, an interim suspension of Respondent would serve the public interest by maintaining the integrity of the CFP[®] marks, which the public relies on to represent the highest standard of ethical conduct in the financial planning profession. (*Id.* at 4–5.)

II. DISCUSSION

Under Article 2.1.a.3 of the *Procedural Rules*, the Hearing Panel must grant the Petition and issue an interim suspension order if Enforcement Counsel has demonstrated by a preponderance of the evidence that: (a) Respondent’s conduct or alleged conduct reflects adversely on his integrity or fitness as a CFP[®] professional, on the CFP[®] marks, or on the profession; (b) Respondent’s conduct or alleged conduct (if later proven) likely would result in a sanction of a suspension or greater under CFP Board’s *Sanction Guidelines*; and (c) an interim suspension order would be in the public interest.

Under CFP Board’s *Code of Ethics and Standards of Conduct*, Respondent must treat others with dignity, courtesy, and respect (Standard A.7), comply with the policies and procedures of his firm (Standard D.2), and refrain from conduct that reflects adversely on his integrity or fitness as a CFP[®] professional, upon the CFP[®] marks, or upon the profession. The Hearing Panel has been presented with credible evidence that Respondent was terminated by his firm after a video circulated on social media recorded him acting unprofessionally and treating another person without dignity. Respondent’s misconduct without question reflects adversely on Respondent’s integrity and fitness as a CFP[®] professional, on the CFP[®] marks, and on the profession.⁵

Under the applicable *Sanction Guidelines*, Respondent’s misconduct would likely result in a suspension or revocation if reviewed by the Commission. For Conduct That Reflects Adversely (Standard E.2) and Failure to Act with Professionalism (Standard A.7), the *Sanction Guidelines* recommends a public censure as a baseline sanction. The baseline sanction for an Employee Policies Violation (Standard D.2) is a private censure.

⁴ See CFP Board, *CFP Board Imposes Public Sanctions on 13 Individuals* (Nov. 1, 2022), <https://www.cfp.net/news/2022/11/cfp-board-imposes-public-sanctions-on-13-individuals> (listing David R. Nute (Sequim, Wash.); see also CFP Board, *CFP Board Imposes Public Sanctions on 33 Individuals* (Sept. 6, 2022), <https://www.cfp.net/news/2022/09/cfp-board-imposes-public-sanctions-on-33-individuals> (listing David Lynn Medlin (N. Richland Hills, Tex.).

⁵ In reaching its decision, the Hearing Panel is not evaluating “alleged conduct” by a governmental authority or self-regulatory organization that has yet to be proven (Article 1.2.a.3 of the *Procedural Rules*). Rather, the Hearing Panel itself has determined by a preponderance of the evidence that Respondent has engaged in the conduct alleged in the Petition.

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But there are aggravating factors here. Respondent's misconduct was extreme, outrageous, or especially egregious. He was intimidating, offensive, abusive, or hostile, and appears to have been motivated by his bias or prejudice against a person based on race, color, religion, national origin, citizenship, immigration status, cultural background, or appearance. Respondent's former firm publicly terminated his employment for conduct "inconsistent" with its standards and a video recording his misconduct went viral on social media. Respondent likely caused emotional, psychological, or reputational harm.

Imposing an interim suspension on Respondent is in the public interest. CFP Board's peer-review disciplinary process upholds high standards of competency and ethics for the benefit of the public. As part of that process, Enforcement Counsel may later seek to suspend or revoke a CFP® professional's certification when, as here, a video recording misconduct calls into immediate question Respondent's commitment to CFP Board's ethical standards.

III. DECISION

For the above reasons, the Hearing Panel **GRANTS** the Petition and issues this **Interim Suspension Order** suspending Respondent's CFP® certification and right to use the CFP® marks pending the outcome of CFP Board's investigation. Respondent's interim suspension does not preclude CFP Board from imposing a final sanction.⁶

SO ORDERED:

Chair of the Hearing Panel
Disciplinary and Ethics Commission, CFP Board
DATE: February 2, 2026

⁶ CFP Board publishes this Order in accordance with Articles 2.2 and 17.7 of the *Procedural Rules*. The Petition and any exhibits will not be published.