CFP BOARD'S
ENFORCEMENT
PROCESS

EFFECTIVE JUNE 30, 2020
CFP® professionals have committed to the high standards of competency and ethics that are set forth in the Code of Ethics and Standards of Conduct. CFP Board enforces the Code and Standards through a peer-review process set forth in the Procedural Rules that is credible to the public and fair to those whose conduct CFP Board is evaluating. CFP Board learns about matters that may reveal misconduct from complaints to CFP Board, self-disclosure of matters by CFP® professionals, and CFP Board background checks. The enforcement process includes:

An Investigation;

A written Complaint that provides notice of the allegations;

The right to counsel and to a hearing before a peer-review adjudicatory body;

An opportunity to present documents, witnesses, and argument;

A written order that sets forth the basis for the decision; and

An appeal to a committee of the Board of Directors.

CFP Board created this guide to help CFP® professionals understand the enforcement process. The guide contains five flow charts that describe the investigative, settlement, and hearing process:

1. Consolidated Summary of the Investigative, Settlement, and Hearing Process;

2. Overview of the Investigative, Settlement, and Hearing Process;


4. Summary of the Hearing Process; and


Full details of this process are contained in CFP Board's Procedural Rules.
Full details of this process are contained in CFP Board’s **Procedural Rules**
OVERVIEW OF THE INVESTIGATIVE, SETTLEMENT, AND HEARING PROCESS

- **Investigation**
  - Matter Dismissed
  - Probable Cause Determined
    - Delivery of Complaint
      - Respondent Answer
        - Hearing Before Hearing Panel
          - DEC Final Order
            - Appeal to the Board of Directors’ Appeals Committee
    - Settlement Offer with Proposed Consent Order
      - Review of Settlement Offer by Settlement Review Panel then Disciplinary and Ethics Commission (DEC)
        - DEC Final Decision on Offer

Full details of this process are contained in CFP Board’s *Procedural Rules*
SUMMARY OF THE INVESTIGATIVE PROCESS

Complaint to CFP Board

Self-Disclosure

Staff-Discovered

Close without Investigation

Assign to Compliance Analyst or Counsel

Failure to Cooperate
A CFP® professional has a duty to cooperate with CFP Board’s investigation by providing timely, truthful, and complete information. Failure to satisfy the Duty to Cooperate may result in the delivery of a Notice of Failure to Cooperate that provides 14 calendar days to cure the failure. Ultimately, the DEC will determine if a CFP® professional failed to cooperate and what discipline to impose.

Settlement Offer
CFP Board Counsel and Respondent may agree on a Settlement Offer, in the form of a proposed Consent Order, at any point during this process. If either CFP Board Counsel or Respondent does not agree to a Settlement Offer, then the investigation will continue or the matter will proceed to hearing.

Administrative Order of Suspension or Revocation
Failure to acknowledge receipt of a Notice of Investigation will result in CFP Board Counsel delivering to Respondent either an Administrative Order of Suspension that suspends Respondent’s Certification and License for one year and one day or an Administrative Order of Revocation that revokes Respondent’s Certification and License.

Notice of Investigation (NOI)

Respondent response to NOI due within 30 days of initial request or 14 days from subsequent request

Compliance Counsel or Analyst Reviews Response

Questions by Oral Examination

Probable cause determination

Investigation Dismissed – No probable cause to believe violation occurred

Letter of Dismissal – Probable cause but, based on available evidence, does not warrant referral to Disciplinary and Ethics Commission (DEC)

Request for Information and/or Request for Production and/or Request for Admission

Respondent response to request due within 30 days of initial request or 14 days from subsequent request

Delivery of Complaint

Settlement

Full details of this process are contained in CFP Board’s Procedural Rules.
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### CFP Board Counsel Delivers Complaint

- **Settlement**
- **Respondent Answer due within 30 days**
- **Respondent pays Hearing/Settlement Review Fee or requests waiver or reduction of fee (due within 30 days of assessment)**

### Respondent may Request CFP Board Documents

**Administrative Order of Suspension or Revocation**

Failure to Answer a Complaint or pay the assessed hearing or settlement review fee will result in CFP Board Counsel delivering an Administrative Order of Suspension that suspends Respondent's Certification and License for one year and one day or an Administrative Order of Revocation that revokes Respondent's Certification and License. Pay the assessed hearing or settlement review fee (or obtain a waiver of such fee).

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### Hearing Documents, Witness List, Written Statement, and Stipulations

- Hearing Documents, Written Statements, and Stipulations (Hearing Documents, Written Statements, and Stipulations due within 45 days after delivery of Complaint; Witness List due within 30 days after delivery of Complaint)

### Notice of Hearing from CFP Board Counsel

(due not less than 30 days before hearing)

### Hearing before Hearing Panel

### Hearing Panel Recommendation

### Disciplinary and Ethics Commission (DEC) Reviews Hearing Panel Recommendation

### DEC Final Order

### Appeal to the Board of Directors' Appeals Committee

(must be filed within 30 days of issuance of DEC Final Order)
SUMMARY OF THE SETTLEMENT PROCESS

Full details of this process are contained in CFP Board’s Procedural Rules.