

FITNESS STANDARDS FOR CANDIDATES FOR CFP® CERTIFICATION AND FORMER CFP® PROFESSIONALS SEEKING REINSTATEMENT

~~CFP Board established specific character and fitness standards for~~ These Fitness Standards apply to candidates for CFP® certification and former CFP® professionals seeking reinstatement whose certification has not been suspended. CFP Board has identified three categories of adverse conduct relevant to fitness:

1. Conduct to ensure that an individual's prior is unacceptable
2. Conduct that is presumed to be unacceptable; and
3. Other conduct ~~would not~~ that may reflect adversely upon the individual's integrity or fitness, the profession, or the CFP® certification marks. ~~CFP Board determined that such standards would also provide notice to individuals interested in attaining CFP® certification that certain conduct would bar certification, or require an~~

~~An individual to petition whose conduct is unacceptable is permanently barred from becoming certified.~~ Conduct that is presumed to be unacceptable or that may reflect adversely will bar an individual from becoming certified unless the individual petitions the Disciplinary and Ethics Commission (Commission) for consideration. ~~DEC~~ for a fitness determination in accordance with CFP Board's Procedural Rules, and the DEC grants the petition or permits the individual to reapply for certification at a later date. The individual may not file a Petition for Fitness Determination until after the individual has successfully completed the education, examination and experience requirements for certification. CFP Board requires those seeking CFP® certification to disclose relevant matters on the ethics declaration of the Certification Application.

~~Effective January 1, 2011, the Fitness Standards shall apply to Professionals Eligible for Reinstatement (PER), i.e., individuals who are not currently certified but have been certified by CFP Board in the past and are eligible to reinstate their certification without being required to pass the current CFP® Certification Examination.~~

CONDUCT DEEMED UNACCEPTABLE

~~Conduct~~ **Deemed Unacceptable**

The following conduct is unacceptable and will ~~always~~ bar an individual from becoming certified:

- Felony conviction for theft, embezzlement or other financially-based crimes.
- Felony conviction for tax fraud or other tax-related crimes.

- Revocation of a financial (e.g. registered securities representative, broker/dealer, insurance, accountant, investment advisor, financial planner) professional license, unless the revocation is administrative in nature, i.e. the result of the individual determining not to renew the license by not paying the required fees.
- Felony conviction for any degree of murder or rape.
- Felony conviction for any other violent crime within the last five years.

Conduct Deemed a Presumptive Bar **CONDUCT DEEMED A PRESUMPTIVE BAR**

The following conduct is presumed to be unacceptable ~~and will bar an individual from becoming certified unless the individual petitions the Commission for consideration, and the Commission grants the petition:~~

- Two or more personal or business bankruptcies.
- Revocation or suspension of a non-financial professional (e.g. real estate, attorney) license, unless the revocation is administrative in nature, i.e. the result of the individual determining not to renew the license by not paying the required fees.
- Suspension of a financial professional (e.g. registered securities representative, broker/dealer, insurance, accountant, investment advisor, financial planner) license, unless the suspension is administrative in nature, i.e. the result of the individual determining not to renew the license by not paying the required fees.
- Felony conviction for non-violent crimes (including perjury) within the last five years.
- Felony conviction for violent crimes other than murder or rape that occurred more than five years ago.

OTHER ADVERSE CONDUCT

Other ~~matters~~conduct that may reflect adversely upon the individual's integrity or fitness, the profession, or the CFP®-certification marks ~~will be reviewed by the Commission under the procedures outlined in CFP Board's Disciplinary Rules and Procedures, after the candidate or PER has successfully completed the education, examination and experience requirements for certification. These include, but are not limited to, customer~~includes:

- Customer complaints,~~arbitrations,~~
- Arbitrations and other civil proceedings,~~felony,~~

- Felony convictions for non-violent crimes that occurred more than five years ago, misdemeanor.
- Misdemeanor convictions, and employer.
- Employer investigations and terminations. CFP Board requires candidates for CFP® certification and PERs to disclose certain matters on the ethics declaration of the Certification Application.

PETITIONS FOR CONSIDERATION

Individuals who have conduct that either falls under the "Presumptive Bar" list (see above) or may reflect adversely upon the profession or the CFP® certification marks may petition the Commission for consideration and a determination whether their conduct will bar certification. The process for these reviews is as follows:

1. When CFP Board learns that an individual's conduct falls within the "Unacceptable" list (see above), CFP Board shall notify the individual that he/she is permanently barred from becoming certified.
2. The individual submits a written petition for consideration to CFP Board's Professional Standards Department, and signs a form agreeing to CFP Board's jurisdiction to review the matter.
3. CFP Board reviews the request to confirm that the conduct either falls within the "Presumptive Bar" list, or is conduct that may reflect adversely upon the profession or the CFP® certification marks. Once confirmed, CFP Board will request all relevant documentation from the individual, and a fee shall be paid by the individual submitting the petition for consideration.

Following the Commission's review of the petition, the Commission shall make one of the following determinations:

- Grant the petition after determining the conduct does not reflect adversely on the individual's fitness as either a registrant seeking reinstatement or as a candidate for CFP® certification, or upon the profession or the CFP® certification marks, and CFP® certification shall be issued to the individual.
- Deny the petition but allow the individual to re-apply for CFP® certification after a period not to exceed five years. The individual shall be required to satisfy the education, examination, experience and ethics requirements of CFP® certification at the time of re-application.
- Deny the petition after determining the conduct reflects adversely on the individual's fitness as a registrant seeking reinstatement or as a candidate for CFP® certification, or upon the profession or the CFP® certification marks, and the CFP® certification shall be permanently barred.

The Commission's decision regarding a petition for consideration may be appealed to the Appeals Committee of the Board of Directors, in accordance with Article 12 of the *Disciplinary Rules and Procedures*.

Registrants applying for reinstatement following a period of suspension must follow the reinstatement procedures outlined in Article 15 of the *Disciplinary Rules and Procedures*.