



CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

COMMENTS ON CFP BOARD'S PROPOSED *PROCEDURAL RULES*

CFP Board invited public comments on its proposed *Procedural Rules*. The comment period ran March 24 through April 24, 2020. The comments received are posted below.

Name of Commenter	Date Submitted	Comment
Craig Waugh	4/24/2020	The Financial Planning Association of Greater Phoenix Board of Directors' comments can be found at the following link: https://www.cfp.net/-/media/files/cfp-board/standards-and-ethics/enforcement/2020-Procedural-Rules-Comments/2020-04-24-FPA-of-Greater-Phoenix-Comments-on-CFP-Board-Procedural-Rules.pdf
Craig Waugh	4/24/2020	In addition to its comments submitted by letter, the Financial Planning Association of Greater Phoenix Board of Directors makes the following comment: Article 17.1 would designate the existence of an investigation by the CFP Board and the record of proceedings pursuant to the Procedural Rules as "Confidential Information" and prohibit Respondents from disclosing or using Confidential Information other than in connection with defending the investigation, proceeding, or in an appeal of their outcome. This could force Respondents to choose between violating the Procedural Rules and violating their obligations to comply with subpoenas, discovery requests, or other legally binding demands for Confidential Information. If CFP Board proceedings are misrepresented or portions of a record are cherry-picked by an adversary in litigation or other proceedings, the Respondent should be able to use the record in their defense. Respondents should also be allowed to disclose the CFP Board investigation or proceedings to an employer or other contract party who requires disclosure of such things. The Article allows the CFP Board to disclose Confidential Information if "required by legal process of a court of law" or, with or without being required by legal process, to a "governmental agency or an industry self-regulatory organization having appropriate jurisdiction." These exceptions acknowledge there are circumstances when otherwise confidential matters must be disclosed and used. The CFP Board should revise Article 17.1 to account for the circumstances that Respondents might face.

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Financial Planning Association (FPA)	4/24/2020	FPA's comments can be found at the following link: https://www.cfp.net/-/media/files/cfp-board/standards-and-ethics/enforcement/2020-Procedural-Rules-Comments/FPA.pdf
Phil Couture, CFP®	4/24/2020	Please postpone the comment Period and implementation date on this due to the current health emergency.
Marguerita Cheng, CFP®	4/23/2020	Hi! One of the questions that I have relates to Duty to the Profession & Duty to CFP Board. How will CFP Board handle the topic of circumvention, meaning if we know that another CFP professional is engaging activities to help another FA who isn't a CFP professional circumvent compliance & other regulatory matters? Yes, we do have a responsibility to CFP Board and the public.
National Association of Personal Financial Advisors (NAPFA)	4/22/2020	NAPFA's comments can be found at the following link: https://www.cfp.net/-/media/files/cfp-board/standards-and-ethics/enforcement/2020-Procedural-Rules-Comments/NAPFA.pdf
Dave Hutchison, CFP®	4/22/2020	Act of moral turpitude? Page 6 section (b)(2). What is that? A religious conservative would say being gay, having an affair, going to a strip club, not wearing a mask in public during a pandemic? It seems very vague vs. (1) which relates to a crime. I do not believe there is any crime called that, but some other serious crimes are considered this depending on the State. But to include merely an "act" but not a crime could be many things depending on the views of the individuals on the board.
Jeremy Finger, CFP®	4/22/2020	With the PPP loan there is a provision that allows for forgiveness, if used for payroll. There is also a section in the U4 that asks if you had any "loans forgiven". Not sure if is relevant here, but I do recommend there needs to be an exception for loan forgiveness within the CARES act.
Natalie Theut, CFP®	4/22/2020	I agree this is not the best time to be doing this. Anyhow I also think that the response time frames are very confusing and, in some cases, unrealistic. You should definitely at least narrow it down to fewer options.
Joseph Nola, CFP®	4/21/2020	As a new CFP® Professional, I am neutral. I trust the judgment and expertise of the CFP Board and will abide by any change that they see necessary. Stay safe and be well!

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Edward Barrett, CFP®	4/21/2020	It is April 21, 2020 and this is the first email that I have seen with regards to this request. It seems to me that the Board is trying to sneak this by everyone and rushing to get this through during this time when everyone has their minds set on how to keep their own business and health in this pandemic. You need to postpone this to a later time.
Lynn Kaye, CFP®	4/21/2020	I would appreciate you postpone this. We are in a Pandemic. I believe that many have their hands full and are trying their best to serve their clients and organizations. Our annual conference was canceled and all organizations I work with have either gone virtual or postponed activities until further notice. This Pandemic has affected families, their lifestyles, jobs etc. Our time should be put into giving them the best service and care. I want to do the same for this.
Patricia Howe, CFP®	4/21/2020	I will continue to send you my grave disappointment in your betrayal of supporting the FEE ONLY CFP® professionals by removing this descriptor from our search platform. It IS sought after by clients seeking objective advice outside of a SALES environment. This is obvious bending to the large brokerage firms. Who are you working for?
Michael Miller, CFP®	4/21/2020	I have no issue with the new provisions.
William Cantrell, CFP®	4/21/2020	I have read the first 10 pages of the Proposal and all of the comments listed to date. I agree with all of the comments--too much going on to consider this responsibly; too many date options, anything less than 14 days is unrealistic; inappropriate title, does not describe the topic; a clear disparity in time we have to comment versus the Board's time to deal with the last comments sends a message of questionable motives. The redline changes I have read are acceptable overall except for the date issues.
Charles Hung, CFP®	4/21/2020	I started studying CFP five years ago and starting with last year studying into for the exam, I had to study the new procedural rules. Even though it is new material, I feel it is better layout and better way to uncover client's financial needs and provide the solutions.
Thomas Montgomery, CFP®	4/21/2020	Does this apply to our industry... Turbo Tax Guy said yes...? Appears to specifically list " Financial Advisors ". Provision 11011 Section 199A - Qualified Business Income Deduction.

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Kristin Hetzer, CFP®	4/21/2020	If a CFP has no disciplinary events, etc. on their record for a period of 10 or even 15 years, past history should be not relevant. This is the only industry where a disciplinary event is disclosed forever. This is not right since we know there are no repercussions for the Regulatory people who are incentivized to take out Registered Representatives, sometimes with non-substantiated evidence. This industry needs to reflect other industries and allow for a clear record after a stated number of years.
Patricia Hendricks, CFP®	4/21/2020	I completely agree with my fellow CFP professionals who have commented on your exceedingly poor timing! Please think more about your constituents and all that we are juggling!! In that same spirit, I believe you should call a postponement of renewal and late fees for 6 months.
David Zientara, CFP®	4/21/2020	I would seek more brevity and clarity - simplify and have internally consistent time lines. A long rule does not a good rule make.
Christine Messmer, CFP®	4/21/2020	The Procedural Rules with the redline changes are much clearer than the proposal. However, I completely agree with others who have mentioned that compensation method must be disclosed, and the CFP Board should not "bend to Wall Street and the brokerage industry." In addition, simplified, brief and concise Procedural Rules would be much better for everyone.
Neal Van Zutphen, CFP®	4/21/2020	Delay review process. It does seem reasonable to delay the time frame for certificants to review given the pandemic and the need for practitioners to tend to the needs of their clients. And, for those practitioners with employees, to ensure, by taking care of clients, their roles within the firm.
Ray Schnell, CFP®	4/21/2020	Point of clarification for the following section: "Use of Transcript and Video: There is a presumption that the transcript and video of the examination will be admissible at a hearing, which a party may overcome for good cause shown." I'm not sure what is being referred to by the phrase "...which a party may overcome for good cause shown." Does it refer to the transcript and video of the examination, or the actual admissibility of it? Might be a case of legalese creating ambiguity.
Ray Schnell, CFP®	4/21/2020	The words "Request for Admission" may be misleading to some, since it is actually a request for more than just an admission. The request is for either (i) admission, (ii) denial, or (ii) a declaration of insufficient information. A respondent may look superficially at the

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		<p>name ("Request for Admission") and not fully understand the true nature of the scope of potential responses. Even worse, a respondent may feel that CFP Board Counsel has already reached a (preliminary) conclusion regarding respondent's guilt. While brevity is the soul of wit, transparency plays a similar role in the assurance of fairness. Perhaps change the section/process title to: "Request for Admission, Denial or Declaration of Insufficient Information"?</p>
Ray Schnell, CFP®	4/21/2020	<p>Article 2: "...Respondent must submit screenshots of websites, including of Respondent's businesses, social media, and third party financial advisor listing website profiles that Respondent controls, pictures of signage, and, when applicable, copies of Respondent's new interim business cards, letterhead, marketing and promotional materials, as well as pictures of any other materials Respondent controls that the CFP® certification marks previously appeared publicly in reference to Respondent or Respondent's services." Just a grammar comment: "...as well as pictures of any other materials Respondent controls ["where", or "in which"] the CFP® certification marks previously appeared publicly in reference to Respondent or Respondent's services."</p>
Ray Schnell, CFP®	4/21/2020	<p>Couple of points for clarification on the "Questions by Oral Examination", which must be conducted under oath or affirmation: "Order of Questioning. After CFP Board Counsel completes its examination, Respondent or Respondent's counsel may question the examinee. CFP Board Counsel then may ask the examinee additional questions. Counsel for an examinee other than Respondent then may question the examinee. CFP Board Counsel then may ask the examinee additional questions." 1.) The "Order of Questioning" paragraph above addresses what may happen "After CFP Board Counsel completes the examination." Are respondent/respondent's counsel still under oath or affirmation AFTER CFP Board Counsel has completed the examination? 2) If CFP Board Counsel then asks examinee additional questions, does that mean that the examination is re-opened? It would seem that yes, the respondent and/or third parties should still be under oath or affirmation throughout the entirety of the questions by oral examination. And, it would also seem then the CFP Board Counsel actually has NOT completed its examination if there is still questioning back and forth. Perhaps change the phrase "After CFP Board Counsel completes the examination..." to: "While the CFP Board Counsel is conducting its questions by oral examination...?"</p>

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		or "After CFP Board Counsel has completed its initial questions by oral examination..."?
Michael Libardi, CFP®	4/21/2020	Can't ask for worse timing...
Alvin Gebhart, CFP®	4/21/2020	It appears that the board is again delaying something they should have addressed in the past. In 2018 they delayed and in 2020 they are delaying for a commission and decision which means another delay. Other organizations have allowed for this action and it would appear they could have reviewed their process to come up with a practical solution. Leadership begins when tough decisions are made. Waiting doesn't improve the solution. I believe the notification in the last addition should be quarterly. 6 months is too long and does not allow for a faster process to complete the review and move on.
Amir Abdelwahed, CFP®	4/20/2020	I suspect that many Investment professionals that own their own company have applied for federal assistance under the Cares ACT Paycheck Protection Program. Under the Codes and Standards Of the CFP, I believe that it is important for those that have accepted PPP funding disclose the sums taken and provide documentation as to how they were affected by Covid 19. Guidance by the board would be helpful in preventing possible actions that could taint the reputation of the CFP designation.
Tiffany Beard, CFP®	4/17/2020	I have several issues with this issue (particular right now): These updates are in response to feedback you received from 11/27/2018 through 1/29/2019. After over a year of updating the rules and procedures, you are submitting them to us for the first time on 3/24/2020 in the middle of an international pandemic and significant market downturn. Not great timing. The email subject line reads "CFP Board Requests Comments on Revised Proposed Procedural Rules". Given that this is related to Disciplinary Rules, it might have been relevant to state "...Revised Disciplinary Rules and Procedures". A subject line that doesn't seem as if you are trying to pass this change off under the radar. You have given 1 month to submit commit on something that evidently was not your top priority for over a year and, again, in the middle of an international pandemic. These are not insignificant changes. Please consider adjusting the feedback timeline and implementation timeline.
Carrie Jones, CFP®	4/16/2020	Please postpone the comment period and implementation date on this due to the current health emergency.

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Brandon Truitt, CFP®	4/3/2020	The response time frames still seem to be very inconsistent. There are some that are 5 days, 7 days, 10 days, 14 days, 30 days, and 45 days. Please narrow this down to fewer more consistent options. I would say pick 3 of those response times and use them for everything like 14, 30, and 45. Or 7, 14, and 30. etc. Likewise, it seems that 5- and 7-day response times may be unrealistic to begin with for complex disciplinary matters.
Ken Gilpin, CFP®	3/24/2020	Go ahead with it.
Patricia Howe, CFP®	3/24/2020	My only comment to CFP Board is to revert BACK to showing the compensation method in the CFP(R) listing. The removal of that was a major shift in the basis of the organization representing CFP® professionals. It was an obvious bend to the Wall Street and brokerage industry.
Bradley Lester, CFP®	3/24/2020	Do you really think this is the best time to be doing this? I have too much to think about with running a practice and keeping my employees without spending time on this.
William Braun, CFP®	3/24/2020	I don't mean to be rude, but, at this particular time, I can't really think of anything less important than procedural rule changes.
Amy Jo Lauber, CFP®	3/24/2020	My request is that you strive to make the procedures simpler, clearer and briefer. It is taxing to read procedural text and it's also important -yet taxing- to read the terms and conditions when renewing certification. The more complex and lengthier, the more difficult to grasp and, therefore, comply with (or reference if/when needed). Thank you.