

Appealing an Order

Any **Final Order** issued by the **Disciplinary and Ethics Commission** or **Administrative Order** issued by **Counsel to the Disciplinary and Ethics Commission (DEC Counsel)** may be appealed to CFP Board's Appeals Commission.

Does a party want to appeal a **Final Order** or an **Administrative Order**?

YES:

A **Notice of Appeal** must be filed within 30 days or the right to appeal is waived. Was a **Notice of Appeal** filed within 30 days?

YES/NO

NO:

The **Final Order** or **Administrative Order** will go into effect at the expiration of the 30 day period to file a **Notice of Appeal**.

YES/NO

YES:

Briefing the appeal:

- The party that filed the **Notice of Appeal** (the **Appellant**) has 60 days from the **Final Order** or **Administrative Order** to file the **Appellant's Brief**.
- The other party (the **Appellee**) then has 60 days to file the **Appellee's Brief**.
- The **Appellant** may submit a Reply Brief within 14 days.

The Chair of the Appeals Commission decides whether to hold an appeal hearing based on several factors. Does the Chair decide to hold a hearing?

YES:

The Chair of the Appeals Commission issues a **Notice of Appeal Hearing**, setting the date and time of the hearing, and whether it is in person or over video.

YES/NO

The Appeals Commission holds an **Appeal Hearing** to listen to the parties' arguments and ask questions.

The Appeals Commission issues its final order in writing, deciding the appeal based on the parties' Briefs, the Record on Appeal and the arguments made at the **Appeal Hearing** (if one was held). Appeals Commission orders are not subject to further appeal or review by CFP Board.

DOES THIS MAP APPLY TO ME?

This map applies to individuals who have received a **Final Order** or an **Administrative Order**.

The order may not be appealed if it is an **Interim Suspension Order**, although the individual who has been suspended may still seek relief. (See **Seeking Relief from Interim Suspension Process Map**.)

PRACTICE TIPS

Concepts to Consider:

Assessment of Fee: Proceedings before the Appeals Commission are subject to the assessment of a fee. In some circumstances, a waiver or reduction of the assessed fee may be available.

Notice of Appeal: The Notice of Appeal is a one-page document that states (i) who is filing the appeal, (ii) which decision you are appealing and (iii) whether you want an **Appeal Hearing**.

Grounds for Appeal: An appeal is not a redo of the proceedings that lead to the **Final Order** or **Administrative Order**. You must present different arguments addressing specific issues under the relevant Standard of Review, depending on the type of decision under appeal: (i) a **Final Order** resolving a **Complaint**, (ii) an **Administrative Order** or (iii) a **Final Order** resolving a **Petition**. See [Procedural Rule 15.3](#).

Brief Requirements:

Appellant's Brief in any appeal must not be longer than 30 double-spaced pages and must state the grounds for modifying or reversing the **Final Order** or **Administrative Order** under the relevant Standard of Review.

In an appeal of a **Final Order**, the **Appellant's Brief** must not refer to new evidence or raise new claims. In an appeal of an **Administrative Order**, the **Appellant's Brief** must attach any documents necessary to addressing whether the order resulted from excusable neglect and not raise arguments concerning the underlying allegations.

KEY RESOURCES

[Procedural Rules](#)

Article 15 governs the appeal process

[Post Hearing Compliance & Reinstatement Video](#)