# **Investigation of CFP® Professionals**

In deciding whether to open an **Investigation**, **Enforcement Counsel** reviews information provided by the CFP® professional, reported by others or uncovered through independent research.

## Did Enforcement Counsel find reason to investigate? YES: NO: YES/NO **Enforcement Counsel** sends the Nothing happens. CFP® professional a Notice of **CFP Board closes** Investigation (NOI) requesting its file. information and documents. The recipient has 14 days to acknowledge receipt but may request additional time to respond. **Enforcement Counsel** reviews **Enforcement Counsel** decides the materials submitted and whether to proceed further. follows up if more information Does the information gathered or clarification is needed. This during the **Investigation** may include a request that the suggest there may have been a recipient of the NOI participate violation of CFP Board's ethical in an interview. standards? NO: YFS: YES/NO Does the potential violation **Enforcement** warrant review by the **Counsel** closes **Disciplinary and Ethics** the **Investigation Commission?** and sends a letter notifying the CFP® professional of the closure. YES/NO NO: **Enforcement Counsel** decides whether to **Enforcement** pursue a Settlement or file a Complaint with the Counsel closes the Disciplinary and Ethics Commission. **Investigation** and sends the CFP® (For next steps, see Complaints, Settlements professional a and Hearings Process Map.) Letter of Caution.

## DOES THIS MAP APPLY TO ME?

This process applies to current CFP® professionals and, with some exceptions, former CFP® professionals whose conduct might conflict with the <u>Code of Ethics and Standards of Conduct.</u>

### PRACTICE TIPS

**Concepts to Consider:** 

Duty to Cooperate: A CFP® professional is required to fully cooperate with CFP Board Investigations and Informal Inquiries. This means providing accurate, complete and timely information. A failure to cooperate could lead to a temporary or permanent ban from using the CFP Board certification marks.

Letter of Caution: A non-public letter issued by CFP Board warning a CFP® professional that their conduct may have violated CFP Board's Code and Standards or Rules of Conduct and that the letter may be considered in a future disciplinary proceeding.

Notice of Investigation (NOI):
A letter sent by CFP Board's
Enforcement Counsel informing
the recipient that an event or
conduct is being reviewed. The
NOI explains the general reason
for the review and provides
instructions on how and when
to respond. The NOI must be
acknowledged by the recipient
within 14 days.

Probable Cause: In considering whether a sanction may be warranted, Enforcement Counsel consults applicable CFP Board's Sanction Guidelines, Case History Database, and Code and Standards to determine whether it is more likely than not that CFP Board's standards were violated.

#### **KEY RESOURCES**

<u>Procedural Rules:</u> Article 1 governs the primary components of the <u>Investigations</u> process. Other <u>Procedural Rules</u> may apply in certain circumstances.

Code and Standards: Standard E.5 provides the basis for a CFP\* professional's obligation to cooperate with an Investigation.

Enforcement Process Overview Video

Introduction to Investigations
Video

**Duty of Cooperation Video** 

Handbook for Respondents