

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES  
NUMBER 24390

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This is a summary of a decision issued following the February 2010 hearings of the Disciplinary and Ethics Commission (“Commission”) of Certified Financial Planner Board of Standards, Inc. (“CFP Board”). The conduct at issue in this case occurred prior to January 1, 2009. The Rules in effect at that time under the *Code of Ethics and Professional Responsibility* (“Code of Ethics”) were Rules 101 through 705.

I. Issue Presented

Whether a candidate for CFP® certification (“Respondent”) violated CFP Board’s *Standards of Professional Conduct* when he pleaded guilty to misdemeanor assault.

II. Findings of Fact Relevant to the Commission’s Decision

Respondent disclosed to CFP Board his 2003 arrest on charges of felony assault and violent crime – intent to cause death or serious bodily injury. Respondent struck his assailant in the face twice during a bar altercation. Respondent subsequently pleaded guilty to misdemeanor assault and entered into a deferred prosecution agreement on a unrelated charge.

III. Commission’s Analysis and Conclusions Regarding Rule Violations

Article 3(c) of the CFP Board’s *Disciplinary Rules and Procedures* (“Disciplinary Rules”) provides grounds for discipline for committing any act that violates state or federal criminal laws. The Commission found Article 3(c) grounds for discipline because Respondent pleaded guilty to misdemeanor assault.

After careful consideration of the evidence in Respondent’s matter, the Commission determined to dismiss Respondent’s matter with a caution based on its findings that Respondent acted in self-defense and that the incident occurred more than seven years ago. The Commission cautioned Respondent to remain aware of a measured response suitable to the occasion.

The Commission cited the following mitigating factors: 1) Respondent had no previous client complaints; 2) Respondent’s assailant had prior history of physical altercations; 3) Respondent’s supervisor testified to Respondent’s good character; and 4) Respondent successfully completed probation.

The Commission cited the following aggravating factors: 1) Respondent’s actions may have been excessive; and 2) outside of Respondent’s testimony, he provided no witnesses to support his explanation of the 2003 incident.