

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES
NUMBER 20002

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 CFP[®] professional (“Respondent”) violated CFP Board’s *Standards of Professional Conduct* (“Standards”) when he did not respond to a Complaint issued to him by CFP Board.

II. Findings of Fact Relevant to CFP Board’s Decision

In November 2006, CFP Board discovered during a routine background check that Respondent had been named in a Complaint filed by the Securities and Exchange Commission (“SEC”) in which the SEC alleged that Respondent misappropriated funds from clients. In December 2009, CFP Board mailed a Complaint to Respondent at his address of record.

The Complaint alleged that Respondent violated *Code of Ethics* Rules 102, 201, 406, 606(a), 606(b) and 607 when he: 1) was permanently enjoined from committing further violations of federal securities laws; 2) pleaded guilty to two counts of grand larceny in the second degree and one count of scheming to defraud in the first degree stemming from his misappropriation of client funds for his own benefit; and 3) was sentenced to serve 5 to 15 years in prison.

Respondent did not submit an Answer in response to CFP Board’s Complaint.

III. Discipline Imposed

Article 7.4 of CFP Board’s *Disciplinary Rules and Procedures* stipulates that if a Respondent fails to file an Answer to the Complaint within the 20-day period provided by Article 7.3, the Respondent shall be deemed to be in default, and the allegations set forth in the Complaint shall be deemed admitted. In such circumstance, an Order of Revocation shall be issued to the Respondent.

Therefore, pursuant to Article 7.4, CFP Board issued an Order to Revoke Respondent’s right to use the CFP[®], CERTIFIED FINANCIAL PLANNER[™],  and  certification marks.