

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES
NUMBER 21594

This is a summary of a decision issued following the June 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* when he did not respond to a Complaint issued to him by CFP Board.

II. Facts Relevant to CFP Board’s Decision



In September 2007, Respondent disclosed that he was admonished by the New York Stock Exchange (“NYSE”) for executing a transaction in a client’s account without authorization from the client. The NYSE issued a Letter of Admonition to Respondent after it determined that the unauthorized sale of stock in the client’s account was conduct inconsistent with just and equitable principles of trade in violation of NYSE Rule 476(a)(6). CFP Board opened its investigation into the matter. In April 2010, CFP Board mailed a Complaint to Respondent at his CFP Board address of record.

The Complaint alleged that Respondent violated *Code of Ethics* Rules 201, 406, 606(a), 606(b), 607 and 701 when he: 1) executed an unauthorized trade in a client’s account; 2) received a Letter of Admonition from the NYSE; and 3) signed a Letter of Reprimand with and was suspended by his employer.

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.