

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES
NUMBER 22131

This is a summary of a decision issued following the November 2008 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 his altercation with another individual (“Grievant”) resulted in two misdemeanor convictions against Respondent.

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

In January 2004, Respondent and Grievant got into an altercation over a taxicab. Respondent was with his girlfriend, who is now his wife. Grievant was struck during the altercation. Grievant’s emergency room x-ray report showed she had a fracture of the right and left nasal bone. In April 2005, Respondent was charged with simple assault and recklessly endangering another person in connection with the altercation. Both are misdemeanor charges in the state (“State”) where the altercation occurred. Respondent pleaded no contest to the charges.

III. Discipline Imposed

Article 3(c) of CFP Board’s *Disciplinary Rules and Procedures* (“*Disciplinary Rules*”) provides grounds for discipline for any act or omission which violates the criminal laws of any state or the United States. The Commission determined that Respondent violated the criminal laws of the State because he was convicted of two misdemeanors in the State. The Commission issued a Private Censure to Respondent pursuant to Article 4.1 of the *Disciplinary Rules*.

The Commission considered the following mitigating factors:

1. Respondent was contrite about arguing with Grievant over a taxicab;
2. Respondent otherwise had a clear record;
3. Respondent was defending his girlfriend (now wife) in the altercation with the Grievant;
4. Respondent appeared to be a good family man with good values; and
5. Grievant did not seek treatment until two days after the altercation and the injury to her nose could have arisen from a source other than Respondent.

The Commission considered no aggravating factors.