

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES
NUMBER 22622

This is a summary of a decision issued following the July 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 he used the CFP® certification marks while not certified.

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

In September 2008, Respondent submitted an Initial Certification Application. During a routine background check, CFP Board discovered Respondent’s involvement in a 2005 customer complaint. In October 2008, CFP Board sent a Notice of Investigation (“NOI”) to Respondent. Respondent sent a response to the NOI in October 2008. In the letterhead on the response to the NOI, Respondent identified himself as a CFP® certificant.

III. Commission’s Analysis and Conclusions Regarding Rule Violations

A. *Rule 601 – A CFP Board designee shall use the marks in compliance with the rules and regulations of CFP Board, as established and amended from time to time.*

The Commission found that Respondent failed to use the marks in compliance with the rules and regulations of CFP Board because he identified himself as a CFP® certificant prior to becoming certified. Thus, Respondent violated Rule 601.

IV. Discipline Imposed

The Commission issued a six-month suspension to Respondent in accordance with Article 4.5(c) of CFP Board’s *Disciplinary Rules and Procedures*. The Commission considered no mitigating or aggravating factors.