

CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.

ANONYMOUS CASE HISTORIES
NUMBER 22655

This is a summary of a decision issued following the February 2009 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 an applicant for CFP® certification (“Respondent”) violated CFP Board’s *Standards of Professional Conduct* (“Standards”) when he failed to disclose his involvement in a misdemeanor theft on his Initial Certification Application.

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

In October 2008, Respondent submitted an Initial Certification Application in which he did not disclose his involvement in a criminal matter, a misdemeanor theft. Respondent answered “No” to Question (a) of CFP Board’s Ethics Profile (“Ethics Profile”) which asked if Respondent had ever been a defendant in any criminal proceeding. In a Settlement Agreement entered into with the Commission, Respondent consented to the facts presented below.

In October 2001, during Respondent’s senior year of high school, Respondent and his friends removed decorated yard signs from the front lawns of fans of a rival football team as a prank. Respondent’s friend was pulled over by a town police officer after running a stop sign. Respondent told the police officer about the prank. The police officer issued a citation for misdemeanor theft to Respondent. In December 2001, Respondent was convicted of misdemeanor theft in municipal court and fined \$350.00.

III. Commission’s Analysis and Conclusions Regarding Rule Violations

- A. *Rule 607 – A CFP Board designee shall not engage in any conduct which reflects adversely on his or her integrity or fitness as a CFP Board designee, upon the marks, or upon the profession.*

The Commission determined that by taking property that did not belong to him and being subsequently convicted of misdemeanor theft, Respondent engaged in conduct which reflects adversely on his integrity or fitness as a CFP Board candidate for certification. Thus, Respondent violated Rule 607 of CFP Board’s *Code of Ethics*.

IV. Discipline Imposed

The Commission found grounds for discipline under Articles 3(a), 3(c) and 3(g) of CFP Board's *Disciplinary Rules and Procedures* ("*Disciplinary Rules*"). Article 3(a) establishes grounds for discipline for any violation of CFP Board's *Code of Ethics*. Article 3(c) establishes grounds for discipline for a violation of any criminal law. Article 3(g) establishes grounds for discipline for any false or misleading statement made to CFP Board.

The Commission finds grounds for discipline under Article 3(a) because Respondent violated Rule 607 of the *Code of Ethics*. The Commission found Article 3(c) grounds for discipline because Respondent was convicted of misdemeanor theft, a criminal act. The Commission found Article 3(g) grounds for discipline because Respondent answered "No" to Question (a) of the Ethics Profile despite the fact that he had been a defendant in a criminal proceeding and was convicted of misdemeanor theft.

The Commission accepted an Offer of Settlement from Respondent wherein he consented to the above facts and reasoning. The Commission issued a Private Censure to Respondent in accordance with the Settlement Agreement.

The Commission considered the following mitigating factors:

1. Respondent's matter was a high school prank;
2. The theft resulted in an administrative charge and Respondent did not gain monetarily from the theft; and
3. Respondent provided a reference from an officer of the police department of the town where the theft was committed.

The Commission considered no aggravating factors.