

**Comments on Proposed Revisions to CFP Board's *Rules and Procedures of the Appeal Panel***

On August 6, 2012, CFP Board issued a [request for comments](#) (PDF, 117KB) on proposed changes to its *Rules and Procedures of the Appeal Panel (Appeal Rules)*. The deadline for submitting comments on these proposals was September 20, 2012.

The individuals and organizations listed below responded to CFP Board's request for comments by providing comments regarding proposed changes to the *Appeal Rules* between August 6 and September 20, 2012. The content of each comment is available for review below. CFP Board accepts no responsibility for the content of the comments.

Name	Comment
<p>David A. Cohen Assistant Director, Government Relations  Financial Planning Association</p>	<p>The Financial Planning Association® (FPA®)<sup>1</sup> welcomes the opportunity to comment on the Certified Financial Planner Board of Standards' Proposed Revisions to CFP Board's Rules and Procedures of the Appeals Panel (the "Rules"). We appreciate your continuing efforts to improve the disciplinary process for your certificants and we support the proposed changes.</p> <p>We are very glad to see that the CFP Board has provided a 45 day deadline for all of its most recent Requests for Comment. This extended time frame allows interested parties more time to thoroughly review the proposals and make meaningful comments. We are also pleased with the new provisions that allow the CFP Board to, if necessary, make changes to a proposal and rerelease it for a second round of comments. We believe that these provisions will lead to better and more nuanced rulemaking.</p> <p>Your continuing efforts to streamline the disciplinary process, including the proposed changes to Article 5, are laudable. Indeed, our only question relates to proposed Article 4.2. There is no indication of why the Board Counsel (Counsel) needs to be able to appeal a Disciplinary and Ethics Commission (DEC) decision. Here, as elsewhere, it would be helpful if proposals included some rationale for the proposed changes to help commenters evaluate and provide meaningful feedback. Without such information we have no way to determine if DEC decisions been a problem in the past. We note that these changes would appear to mean that every certificant should now assume they will now have to undergo four levels of review (Hearing Panel, DEC, Appeal Panel, Appeals Committee) even if they win on the first level. Finally, there is nothing that indicates the standards or parameters for the Counsel to seek review. In assessing if this is an appropriate structure it would help to know the Counsel's criteria for appeal. For these reasons, we ask that the CFP Board reissue this portion of the proposal with an explanation for the change to help commenters provide meaningful feedback on this section.</p> <p>In the final analysis, however, we believe that the proposed changes are a net benefit to your certificants and we support them.</p>
<p>Elaine Ries, CFP®</p>	<p>I vote to accept the proposed revisions to above issue.</p>
<p>Donald D. Duncan, CFP®</p>	<p>Streamlining the process makes sense.</p>

<sup>1</sup>The Financial Planning Association is the largest membership organization for personal financial planning experts in the U.S. and includes professionals from all backgrounds and business models. Most are affiliated with investment adviser firms registered with the Securities and Exchange Commission or state securities administrators, and approximately 58 percent hold insurance licenses. FPA is incorporated in Washington, D.C., where it maintains an advocacy office, with headquarters in Denver, Colorado.

Name	Comment
John Chapman, CFP®	<p>With regard to the proposed rule changes:                      Proposed Revisions to Appeal Rules: Oppose                      Your efforts do not help the cause but rather hinder the debate.</p>
William H. Kirby, CFP®	<p>Article I, 2.2 removes the definition of a quorum. Is the minimum number of members for the Appeal Committee and Appeals Panel spelled out elsewhere? Can a Committee or Panel act with only one member present?</p>
Thomas Kelly, CFP®	<p>I will comment as requested but am finding it convenient to comment on one proposed change at a time. This response pertains to the suggestion to add Article 11 thereby changing the method of appeal. If I understand it correctly, the current method of having a review for appeal considered by a 10 member committee is to be replaced with a review for appeal to be considered by a three member panel that, after their consideration, will have their decision reviewed by a 5 member committee in an effort to make the process more efficient. Jay Leno would have a field day with that proposal. Can anyone seriously follow that line of reasoning and find efficiency as a result? How about just changing the current committee to 5 people in an effort to make the process more efficient. You may not like my comment but "you asked for it".</p>
John Campbell, CFP®	<p>With respect to the following sentences, "The Appeals Committee, which will consist of five members of the Board of Directors, will review the decisions of each three-member panel with the ability to affirm the decision or remand the decision to the three-member panel for further consideration. These changes are designed to make the appeals process more efficient."</p> <p>Does the Appeals Committee not have the right to reverse the findings of each three-member panel? What happens if the case is sent back down for further consideration and the panel reaches the same decision as they did originally? Does it stop there with no further chance for reversal by the Appeals Committee? Panels have the right to modify decisions from the DEC, but the Appeals Committee doesn't seem to have such powers as explained in the above material.</p> <p>_____</p> <p>Is there no longer a "quorum" requirement for the Appeals Panel? If not, why not?</p>
Thomas Lampert, CFP®	<p>I appreciate all the hard work that the CFP Board in conjunction with outside counsel has done to enhance the process of Appeal Rules, and Disciplinary Rules. I know that there is a lot of effort that goes into something like that. From what I have reviewed, I have no further comments.</p> <p>Thank you again!</p>
E.B. Chang, CFP®	<p>I wonder why the Board is concerned about disciplining its members too much. Why does it not focus on helping its members develop business?</p>