

COMMENTS ON CFP BOARD'S PROPOSED REVISIONS TO THE PROCEDURAL RULES: ESTABLISHING AN APPEALS COMMISSION

CFP Board accepted public comments on proposed revisions to the *Procedural Rules*. The comment period ran November 11 - December 14, 2021. The comments received are posted below.

Name of Commenter	Date Submitted	Comment
Josephine Colacci on behalf of the Financial Planning Association (FPA)	December 14, 2021	The Financial Planning Association's comments can be found at the following link: https://www.cfp.net/-/media/files/cfp-board/standards-and-ethics/enforcement/2021-Comments-on-Appeals-Commission/FPA-Comments-12-14-21.pdf
Melissa Kemp, CFP®	December 14, 2021	The Financial Planning Association of Greater Phoenix supports these proposed changes.
Mary Gail Sycamore, CFP®	December 9, 2021	<p>An independent commission might be a good thing, if they are indeed independent. I guess I missed how those members would be appointed/elected. I did see what types of individuals one would expect to see on this commission.</p> <p>I would put some details around this toward the beginning of any rule changes to set the basis of the change and what one should expect if they have the unfortunate situation arise.</p> <p>Regarding keeping things "private" I believe the most important things would be fairness and transparency.</p>
James Watkins, CFP®	December 8, 2021	The key to the integrity any judicial or quasi-judicial is the impartiality of the tribunal or committee. A primary consideration for self-regulating organizations such as the Board must be to ensure objective and qualified panel members to protect against self-serving decisions by fellow CFP® professionals based on a "there but for the grace of God go I" standard as opposed to the facts of the case and the Board's rules and standards.
Matthew Bishop, CFP®	December 8, 2021	<p>Judicial independence serves as a safeguard for the rights and privileges provided by a limited constitution and prevents executive and legislative encroachment upon those rights. It serves as a foundation for the rule of law and democracy.</p> <p>The CFP Board needs this amendment to continue to improve its judicial due process.</p>

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		I would seek that any attorney who advises the Board or hearing panel members never prosecute a case or vice versa. Dedicate legal staff to each function to avoid clear conflicts.
Wayne Sellar, CFP®	December 7, 2021	"The proposal would establish an Appeals Commission comprising five members who currently do not sit on the Board. Members may include former Board directors, former DEC members, public members, individuals with regulatory experience, and CFP® professionals representing various business and compensation models." I AGREE WITH THE NEW PROPOSAL.
James Knaus, CFP®	December 7, 2021	Much cleaner...good work.
Jed Bandes, CFP®	December 7, 2021	I am all for this. Furthermore, I believe the people making the decisions in these matters to begin with should be members, not staff.
Shelbi Ruffino, CFP®	December 6, 2021	I agree with the proposal. Those making decisions on the appeals process should be separate from the Board and therefore impartial. This is a simple way to establish good internal controls and promote the legitimacy of the Board.
Susan John, CFP®	December 6, 2021	There are a number of different panels referenced in the document with similar names and it is a bit confusing. For example: 16.4B references both an Appeal Panel and the Appeals Commission. Elsewhere in the document "Appeal Panel" is stricken. 17.3 there is mention of a Settlement Review Panel for the first time. How are the Appeals Panel, Settlement Review Panel and Appeals Commission different and what is the composition of each. How are individual chosen for these activities.
Charles Dodds, CFP®	December 6, 2021	Seems like a good idea to me.
Robert Beswick, CFP®	December 6, 2021	If the commission will add a level of impartial compliance, then it should be established. History of some violations may have been decided differently, had the board not been involved. Thank You for requesting input. Compliance issues for RIAs and Broker Dealers need to always be refreshed and adjudicated in the full light of impartial decision making.
Mounir Ghaly, CFP®	December 6, 2021	It is my opinion that the proposed Amendment is sound and should be welcomed. The Amendment places a buffer layer, so to speak, between the code enforcers and the hearing and adjudication process. In the simplest analogy, this type of buffer is observed elsewhere in legal systems and it has so evolved on a sound basis.

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Christine Messmer, CFP®	November 12, 2021	I reviewed the red lined version, and it all looks fine. Sounds good. I have no additional recommendations.
Aaron Stark, CFP®	November 12, 2021	Public shaming only serves to taint the CFP certificate and organization for everyone. If it's a private matter keep it private.