



FINANCIAL PLANNING STANDARDS BOARD INDIA

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Disciplinary Policies & Procedures



Financial Planning's Highest Global Standard

Disciplinary Rules

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Article 1: Introduction

FPSB India has adopted a Financial Planner Code of Ethics and Professional Responsibility; the Financial Planner Model Rules of Conduct; and Financial Planning Practice standards (cumulatively referred to as the “Code”), which establishes minimum standards of acceptable professional conduct for individuals entitled to use the CFP^{CM} certification and the marks CFP^{CM}, CERTIFIED FINANCIAL PLANNER^{CM} and  (collectively, “the marks.”). The Code may be amplified and illustrated from time to time by the addition of Principles and Rules promulgated by the FPSB India at their sole discretion in any manner, which shall deem fit. A CFP^{CM} Certificant’s use of the marks is a proclamation to the public that the CFP^{CM} Certificant is a person to whom members of the public can trust their financial affairs with confidence, that the CFP^{CM} Certificant will be true to that trust, that the CFP^{CM} Certificant will hold inviolate the confidences of the client and that the CFP^{CM} Certificant will competently fulfill the responsibilities owed to the client. In order to maintain high standards of professional conduct, CFP^{CM} Certificants and its provisions will be strictly enforced by FPSB India. The disciplinary rules and procedures set forth below as amended from time to time (the “Procedures”) will be followed in enforcing the Code.

Article 2: Board of Professional Review

2.1 Function and Jurisdiction of the Board of Professional Review

FPSB India’s Board of Professional Review (referred to herein as the “Board”), governed by FPSB India, is charged with the duty of investigating, reviewing and taking appropriate action with respect to alleged violations of the Code and alleged non-compliance with the practice standards as promulgated by FPSB India and shall have original jurisdiction over all such disciplinary matters and procedures.

The Board of Professional Review shall be constructed with its Chairman being a person of high repute and exemplary career in financial services, and not being the Chairman or any of the Members of the current Board of Directors of FPSB India. The Board shall further consist of at least two current directors of members Board of Directors of FPSB India. Further, at least two members of the Board shall be CFP^{CM} Certificants.

The following would be the main function of the Board:

- Establishment, modification and maintenance of the Financial Planner Code of Ethics and Rules of Professional Responsibility and the Model Rules of Conduct of CFP^{CM} Certificants.

- Establishment of suitable mechanism to investigate, hear and thus adjudicate all complaints relating to ethical conduct of CFP^{CM} Certificants and matters related thereto.

2.2 Powers and Duties of the Board

The Board shall be authorized and empowered to:

- Enlist the assistance of CFP^{CM} Certificants to assist with investigations, or serve temporarily on the Hearing Panel;
- Call for documents, summon for hearing, conduct or order search in the office of financial planner, seize the documents, and call for clarification from various parties;
- Govern the inquiry and hearing panels;
- Report periodically to the Executive Board of FPSB India on the operation of the Board;
- Adopt amendments to these Disciplinary Rules and Procedures, subject to review and approval of FPSB India Executive Board; and
- Adopt such other rules or procedures as may be necessary or appropriate to govern the internal operations of the Board.

2.3 Panels of the Board

With respect to each individual complaint, the Chairman of the Board may divide the Board into two panels consisting of an Inquiry Panel and a Hearing Panel and designate a President for each Panel. At least one of the members on both the Panels will be a CFP^{CM} Certificant. No member of an Inquiry Panel shall act as a member of the Hearing Panel on the same matter. In the event a matter is referred to the Inquiry Panel for inquiry, if subsequently referred for hearing, such matter shall be heard by the Hearing Panel unless otherwise exempted from such requirement by any other provision of these Rules.

2.3.1 Inquiry Panel

An Inquiry panel shall, with appropriate assistance from those members of FPSB India staff who are charged with the responsibility of investigating and prosecuting alleged violations of the Code investigate any alleged grounds for discipline. They are hereinafter called “Staff Counsel”. The Inquiry Panel shall consist of at least two members, at least one of them shall be a CFP^{CM} Certificant and at least one should be representing on the current Board of Directors of FPSB India. The Inquiry Panel could be refurbished by at least one CFP^{CM} practitioner of the region belonging to the complainant or CFP^{CM} Certificant against whom the complaint is filed. The Board would designate one member of the Inquiry Panel as the President of that inquiry. The President shall rule on all motions, objections and other matters presented in the course of the hearing.

2.3.2 Hearing Panel

The Hearing Panel shall consist of at least two members of the Board, at least one of them shall be a CFP^{CM} Certificant and at least one should be representing on the current Board of Directors of FPSB India. The Hearing Panel shall be suitably refurbished by an independent person, who shall be non-CFP^{CM} Certificant, and may represent either industry, or consumer advocacy, or association, or such other group as the Chairman of the Board may decide in order to have a fair approach to adjudication proceedings. The Board would designate one member of the Hearing Panel as the President of that hearing. The President shall rule on all motions, objections and other matters presented in the course of the hearing.

2.3.3 Disqualification

Board members shall refrain from participating in any proceedings in which they, a member of their immediate family or a member of their firm has any interest or where such participation otherwise would involve a conflict of interest or the appearance of impropriety.

2.3.4 Staff Counsel

Staff Counsel may be either full or part-time employees of FPSB India or may be non-employees who are practicing advocates and solicitors, accountants, CFP^{CM} Certificants or consultants. It will be the duty of FPSB India to maintain an office as a central office designated for filing a complaint for the investigation of CFP^{CM} Certificant's conduct, for the coordination of such investigations, for the administration of all disciplinary enforcement proceedings to be carried out by the Staff Counsel, for all prosecution of charges of wrongdoing against CFP^{CM} Certificants, and for the performance of such other duties as designated by the Board. The Staff Counsel as designated by the Board for the purpose of an Inquiry shall be under the supervision of the President of the Inquiry Panel, and shall have ultimate responsibility to the Board.

Article 3: Grounds for Discipline

Misconduct by a CFP^{CM} Certificant, individually or in concert with others, including the following acts or omissions, shall constitute grounds for discipline, whether or not the act or omission occurred in the course of a client relationship

- a. Any act or omission, which violates the provisions of the Code;
- b. Any act or omission which violates any laws of India or of any province, territory or jurisdiction of any other country, provided however, that conviction thereof in a criminal proceeding shall not be a

- prerequisite to the institution of disciplinary proceedings, and provided further, that acquittal in a criminal proceeding shall not bar a disciplinary action;
- c. Any act which is the proper basis for professional suspension, as defined herein, provided professional suspension shall not be a prerequisite to the institution of disciplinary proceedings, and provided further, that dismissal of charges in a professional suspension proceeding shall not necessarily bar a disciplinary action;
 - d. Any act or omission which violates these Procedures or which violates an order of discipline;
 - e. Failure to respond to a request by the Board, without good cause shown, or impediment created in the proceedings of the Board, or any panel or Board thereof, or FPSB India staff or Staff Counsel in the performance of its or their duties;
 - f. Any false or misleading statement made to FPSB India.

The enumeration of the foregoing acts and omissions constituting grounds for discipline is not exclusive and other acts or omissions amounting to unprofessional conduct may constitute grounds for discipline.

Article 4: Forms of Discipline

In cases where no grounds for discipline have been established, the Board may dismiss the matter as without merit. In all cases, the Board has the right to require CFP^{CM} Certificants to complete additional continuing education or other remedial work. Such continuing education or remedial work may be ordered instead of, or in addition to, any discipline listed below. Where grounds for discipline have been established, any of the following forms of discipline may be imposed.

4.1 Private Censure

The Board may order private censure of a CFP^{CM} Certificant, which shall be an unpublished written reproach mailed by the Board to censured CFP^{CM} Certificant.

4.2 Public Letter of Admonition

The Board may order that a Letter of Admonition be issued against a CFP^{CM} Certificant, which shall be a publishable written reproach of the Certificant's behavior. It shall be standard procedure to publish the content of the Letter of Admonition on FPSB India's website and/or by way a suitable press release in the region where the incident or the cause of grievance occurred, or in such other form of publicity to be advised by the Board on a case to case basis. In some cases when the

Board determines that there are mitigating circumstances, it may decide to withhold public notification.

4.3 Suspension

The Board may order suspension for a specified period of time, not to exceed five (5) years, for those individuals it deems can be rehabilitated. In the event of a suspension, it shall be standard procedure to publish the fact of the suspension together with identification of the CFP^{CM} Certificant in a press release, or in such other form of publicity as is selected by the Board. In some cases when the Board determines that there are extreme mitigating circumstances it may decide to withhold public notification. CFP^{CM} Certificants receiving a suspension may qualify for reinstatement to use the marks as provided in Article 15.

4.4 Revocation

The Board may order permanent revocation of a CFP^{CM} Certificant's right to use the marks. In the event of a permanent revocation it shall be standard procedure to publish the fact of the revocation together with identification of CFP^{CM} Certificant in a press release, or in such other form of publicity as is selected by the Board. In some cases when the Board determines that there are extreme mitigating circumstances it may decide to withhold public notification. Revocation shall be permanent.

4.5 Forms of Discipline Concerning CFP^{CM} Certificants

Under certain circumstances, the Board may take action in matters involving the conduct of candidates for the CFP^{CM} Certification designation. Action that may be taken in these cases, where grounds have been established, correspond in character and degree to the four forms of discipline described in Articles 4.1 through 4.4 above, and are correspondingly as follows:

- a. Subject to the candidate's meeting all other requirements of certification, certification, if any, of the candidate with a private censure in the candidate's record in the form stated;
- b. Subject to the candidate's meeting all other requirements of certification, certification, if any of the candidate with issuance of a Letter of Admonition, published as applicable, and in the candidate's record in the form stated;
- c. Certification, if any, suspended for a specified period, not to exceed five (5) years;
- d. Certification, if any, denied.

In the event of either a suspension or a denial of certification, the fact of such suspension or denial shall be publishable at the discretion of the Board. A candidate for the CFP^{CM} Certification designation who has been the subject of an order to suspend certification may seek to reapply for certification according to the same procedures in 15.2. Such candidates, in addition, shall meet the requirements of original certification.

Article 5: Interim Suspension Status

Interim suspension is the temporary suspension by the Board of a CFP^{CM} Certificant's right to use the marks for a definite period of time while proceedings conducted pursuant to these procedures are pending against the CFP^{CM} Certificant. Imposition of an interim suspension shall not preclude the imposition of any other form of discipline decided by the Board in final resolution of the disciplinary proceeding.

5.1 Issuance of a Show Cause Order

Although a CFP^{CM} Certificant's right to use the marks shall not ordinarily be suspended during the pendency of such proceedings, when it appears that a CFP^{CM} Certificant has been convicted of a serious crime as defined in Article 12.5, or has converted property or funds, has engaged in conduct which poses an immediate threat to the public, or has engaged in conduct of gravity of which impinges upon the stature and reputation of the CFP Marks, the Inquiry Panel or Staff Counsel shall issue an Order to Show Cause why the CFP^{CM} Certificant's right to use the marks should not be suspended during the pendency of the proceedings.

5.2 Service

FPSB India shall serve the Order to Show Cause upon the CFP^{CM} Certificant either by personal service or by registered mail, return receipt requested, mailed to the last known address of the CFP^{CM} Certificant, as provided in Article 17.2.

5.3 Response

All responses to Orders to Show Cause shall be in writing and shall be submitted within twenty (20) calendar days from the date of service of the Order to Show Cause upon the CFP^{CM} Certificant.

5.4 Failure to Respond to the Order to Show Cause

If the CFP^{CM} Certificant fails to file a Response within the period provided in Section 5.3, that CFP^{CM} Certificant shall be deemed to have waived the right to respond and the allegations set forth

in the Order to Show Cause shall be deemed admitted and an interim suspension will be automatically issued.

5.5 Show Cause Hearing

Upon receiving the CFP^{CM} Certificant's Response as provided in Section 5.3, a hearing shall be scheduled before no less than a quorum of the Hearing Panel. The CFP^{CM} Certificant shall have the opportunity to participate at such hearing presenting arguments and evidence on his/her behalf. All evidence presented must be submitted to FPSB India's staff not less than twenty (20) days prior to the scheduled hearing. Any evidence not so submitted may only be admitted by motion at the hearing.

5.6 Interim Suspension

An interim suspension will be issued when the Board determines that the CFP^{CM} Certificant has failed to provide evidence which establishes, by a preponderance of the evidence, that the CFP^{CM} Certificant does not pose an immediate threat to the public and the gravity of the nature of the CFP^{CM} Certificant's conduct does not impinge upon the stature and reputation of the CFP Marks. The fact that a convicted or suspended CFP^{CM} Certificant is seeking appellate review of the conviction or suspension shall not limit the power of the Board to impose an interim suspension.

5.7 Automatic Reinstatement upon Reversal of Conviction or Suspension

A CFP^{CM} Certificant subject to an interim suspension under this Article shall have the suspension vacated immediately upon filing with the Board a certificate demonstrating that the underlying criminal conviction or professional suspension has been reversed provided, however, the reinstatement upon such reversal shall have no effect on any proceeding conducted pursuant to these procedures then pending against a CFP^{CM} Certificant.

5.8 Publication

It shall be standard procedure to publish the fact of an interim suspension together with identification of the CFP^{CM} Certificant on FPSB India's website and/or in a press release.

Article 6: Investigation

6.1 Commencement

Proceedings involving potential violations of the Code shall be commenced upon a written complaint for the investigation made by any person, which shall be directed to the Board. Proceedings involving non-conformance to the Practice Standards shall be commenced upon a written request for investigation made by any person(s) who have a contractual relationship with the CFP^{CM} Certificant whose practices are being called into question. In either situation, the Board may, in making a determination of whether to proceed, make such inquiry regarding the underlying facts, as they deem appropriate.

6.2 Procedures for Investigation of a Grievance

Upon receipt of a complaint for investigation containing allegations which could give rise to a violation of the Code, or upon the acquisition by Staff Counsel of information which could give rise to a violation of the Code, the CFP^{CM} Certificant in question shall be given a written notice by the Staff Counsel on behalf of the Board that the CFP^{CM} Certificant is under investigation and of the general nature of the allegations asserted against the CFP^{CM} Certificant. The CFP^{CM} Certificant shall have twenty (20) calendar days from the date of notice of the investigation to file a written response to the allegations with the Board.

No Response: At the expiration of the twenty (20) calendars day period if no response has been received, the matter shall be referred to a Hearing Panel.

Response: Upon receipt of a response, Staff counsel shall compile all documents and materials and submit a report to an Inquiry Panel as soon thereafter as is reasonably practicable.

6.3 Procedures before the Inquiry Panel

From the report of the Staff Counsel referred to in Article 6.2 (b), the Inquiry Panel shall determine if there is probable cause to believe grounds for discipline exists and shall either, (1) dismiss the allegations as being without merit; (2) dismiss allegations with a letter of caution recommending remedial action and entering other appropriate orders; or (3) refer the matter to FPSB India for preparation and processing of a complaint against the CFP^{CM} Certificant.

6.4 Disposition

Staff Counsel and the Inquiry Panel shall conduct FPSB India investigation as expeditiously as reasonably practicable.

Article 7: Complaint – Answer – Default

7.1 Inquiry Panel Decision

If the Inquiry Panel determines that there is probable cause to believe grounds for discipline exists, the Inquiry Panel shall direct Staff Counsel to issue a Complaint as set forth in Section 7.2 of this Article. The issuance of a Complaint for any other reason shall also be in accordance with Section 2 of this Article.

7.2 Complaint

An original Complaint shall be prepared by Staff Counsel and forwarded to the CFP^{CM} Certificant. Copies of the Complaint shall be included with the materials provided to the Hearing Panel in advance of the hearing. The Complainant shall reasonably set forth the grounds for discipline with which the CFP^{CM} Certificant is charged and the conduct or omissions, which gave rise to those charges.

7.3 Service of the Complaint

FPSB India shall promptly serve the Complaint upon the CFP^{CM} Certificant either by personal service or by registered mail, return receipt requested, mailed to the last known address of the CFP^{CM} Certificant or as provided in Article 17.2.

7.4 Answer

All Answers to Complaints shall be in writing. The Answer shall be submitted within (20) calendar days from the date of service of the Complaint by the CFP^{CM} Certificant. The CFP^{CM} Certificant shall file an original and the number of copies specified in the Complaint of such Answer with FPSB India. Copies of the Answer shall also include all accompanying documents/material that the CFP^{CM} Certificant relies on while answering the Complaint. The same shall be provided to the Hearing Panel in advance of the hearing. In the Answer, the CFP^{CM} Certificant shall respond to every allegation contained in the Complaint. In addition, the CFP^{CM} Certificant shall set forth in the Answer any defenses or mitigating circumstances.

7.5 Failure to Answer and Default

If the CFP^{CM} Certificant fails to file an Answer within the period provided by Section 7.4, such CFP^{CM} Certificant shall be deemed to be in default, and the allegations set forth in the Complaint shall be deemed admitted. In such circumstances, Staff Counsel shall serve upon the CFP^{CM} Certificant, consistent with section 17.2, an order of Revocation. The Order of Revocation

shall state clearly and with reasonable particularity the grounds for revocation of the CFP^{CM} Certificant's right to use the CFP Marks. The Order is subject to the CFP^{CM} Certificant's right of appeal as outlined in Article 11.

7.6 Request for Appearance

Upon filing of an Answer, the CFP^{CM} Certificant may request an appearance at the hearing before the Hearing Panel, at which the CFP^{CM} Certificant may present arguments, witness and evidence on his behalf.

Article 8: Discovery and Evidence

8.1 Discovery

Discovery of a disciplinary case may be obtained only after a Complaint has been issued against a CFP^{CM} Certificant. The CFP^{CM} Certificant may obtain copies of all documents in the CFP^{CM} Certificant's disciplinary file which are not privileged and which are relevant to the subject matter in the pending action before the Hearing Panel. Requests for copies of FPSB India documents must be made to Staff Counsel in writing. Release of information contained in a CFP^{CM} Certificant's disciplinary file is premised on the understanding that materials will be used only for purposes directly connected to the pending FPSB India's action.

8.2 Documents

CFP^{CM} Certificants will have all rights to submit documents to the Board for consideration in resolution of the issues raised during investigation. No evidence will be accepted less than thirty (30) days prior to the scheduled hearing, except by motion at the hearing.

8.3 Witness

Witness, if any, shall be identified to the Board no later than thirty (30) days prior to the scheduled hearing. When witnesses are identified, the CFP^{CM} Certificant shall also state the nature and extent of the witness testimony.

Article 9: Hearing

9.1 Notice

Not less than sixty (60) calendar days before the date set for the hearing of a Complaint, notice of such hearing shall be given as provided in Article 17.2 to the CFP^{CM} Certificant or to the

CFPCM^{CM} Certificant's counsel. The notice shall designate the date and place of the hearing and shall also advise the CFPCM^{CM} Certificant that the CFPCM^{CM} Certificant is entitled to be represented by counsel at the hearing, to cross-examine witness and to present evidence on behalf of the CFPCM^{CM} Certificant. No evidence may be accepted or witness endorsed less than thirty (30) days prior to the scheduled hearing, except by motion at the hearing.

9.2 Designation of the Hearing Panel

All hearings on Complaints seeking disciplinary action against a CFPCM^{CM} Certificant shall be conducted by the Hearing Panel.

9.3 Procedure and Proof

Hearings shall be conducted in conformity with such rules procedure and evidence as established by the Hearing Panel. It shall not be necessary that rules of procedure and evidence applicable in a court of law are followed in any hearing, but the Hearing Panel may be guided by such rules to the extent they believe it is appropriate based on the principles of natural justice and giving full opportunity and hearing to the CFPCM^{CM} Certificant to put forward its submissions. Proof of misconduct shall be established by a preponderance of the evidence. A complete record shall be made of all testimony taken at hearings before the Hearing Panel.

Article 10: Report, Findings of Fact and Recommendation

10.1 Hearing Panel

At the conclusion of the hearing, the hearing Panel shall record its findings of fact and recommendations and submit the findings and recommendations for its consideration. In making its recommendation, the Hearing Panel may take into consideration the CFPCM^{CM} Certificant's prior disciplinary record, if any.

10.2 Report of the Hearing Panel

The Hearing Panel shall report its findings and recommendations to the Chairman of the Board. In this report, the Hearing Panel shall: (1) determine that the Complaint is not proved or that the facts as established do not warrant the imposition of discipline and recommend the Complaint be dismissed without merit; or (2) refer the matter to the Chairman of the Board with the recommendation that discipline by the Hearing Panel and thereby by the Board is appropriate. The recommendation of the Hearing Panel shall state specifically the form of discipline the Hearing Panel deems appropriate. The Hearing Panel may also recommend that the Board enter other appropriate orders.

10.3 Power of the Board

The Board reserves the authority to review any determination made by the Hearing Panel in the course of a disciplinary or practice standards proceeding and to enter any order with respect there to including an order directing that further proceedings be conducted as provided by these Procedures. The Board shall review the report of the Hearing Panel and may either approve the report or modify it. The Board must accept the Hearing Panel's findings of fact, unless, on the basis of its own review of the record, it determines that such findings are clearly erroneous. The Board may modify the Hearing Panel's recommendation without reviewing the record and must state the reasons for the modification.

Article 11: Appeals

All appeals from orders of the Board shall be submitted to the Board of Appeals in accordance with the Rules and Procedures of the Board of Appeals. The Board of Appeals would be constituted by select directors from the current Board of Directors and such other professionals that the Board of Directors may deem appropriate, with its Chairman being the Chairman of the current Board of Directors. If an order of the Board is not appealed within thirty (30) calendar days after notice of the order is sent to the CFP^{CM} Certificant, such order shall become final. The Board of Appeals may call for further inputs from the Board and such further investigation in that matter as required for adjudicating the case. The Board of Appeals may uphold the Board's decision or alternately has power to send the decision of the Board for their review with suitable noting.

Article 12: Conviction of a Crime or Professional Suspension

12.1 Proof of Conviction or Professional Suspension

Except as otherwise provided in these Procedures, a conviction recorded in any court of criminal jurisdiction indicating that a CFP^{CM} Certificant has been convicted of a crime in that court or a letter or other writing from a governmental or industry self-regulatory authority to the effect that a CFP^{CM} Certificant has been the subject of an order of professional suspension for purposes of disciplinary proceedings and shall be conclusive proof of the commission of that crime or of the basis for such suspension, by the CFP^{CM} Certificant.

12.2 Duty to Report Criminal Conviction or Professional Suspension

Every CFP^{CM} Certificant, upon being convicted of a crime, except misdemeanor traffic offenses or traffic ordinance violations unless such offense involves the use of alcohol or drugs, or upon being the subject of professional suspension, shall notify FPSB India in writing of such conviction or

suspension within ten (10) calendar days after the date on which the CFP^{CM} Certificant is notified of the conviction or suspension. The failure of such notifying by the CFP^{CM} Certificant shall itself be one of the causes of violation of the Code.

12.3 Commencement of Disciplinary Proceedings upon Notice of Conviction or Professional suspension

Upon receiving notice that a CFP^{CM} Certificant has been convicted of a crime other than a serious crime (as defined herein) FPSB India shall, following investigation as provided in these Procedures, refer the matter to an Inquiry Panel for further proceedings. If the conviction is for a serious crime or if a CFP^{CM} Certificant is the subject of professional suspension, FPSB India shall obtain the record of conviction or proof of suspension and file a Complaint against the CFP^{CM} Certificant as provided in Article 7. If the CFP^{CM} Certificant's criminal conviction or professional suspension is either proved or admitted as provided herein, the CFP^{CM} Certificant shall have the right to be heard by the Hearing Panel only on matters of rebuttal of any evidence presented by Staff Counsel other than proof of the conviction or suspension.

12.4 Conviction of Serious Crime or Professional Suspension – Immediate Suspension

Upon receiving notification of a CFP^{CM} Certificant's criminal conviction or professional suspension, Staff Counsel shall issue a notice to the convicted or suspended CFP^{CM} Certificant directing that the CFP^{CM} Certificant show cause why the CFP^{CM} Certificant's right to use the CFP^{CM} Marks should not be immediately suspended pursuant to Article 5.

12.5 Serious Crime Defined

The term serious crime as used in these rules shall include: (1) any criminal offence; (2) any lesser crime, a necessary element of which as determined by its statutory or common law definition involves misrepresentation, fraud, extortion, corruption, misappropriation or theft; and/or (3) an attempt or conspiracy to commit such crime, or solicitation of another to commit such crime.

12.6 Definition of a Professional Suspension

A professional suspension as used herein shall include the suspension or bar as a disciplinary measure by any governmental or industry self-regulatory authority of a license as a registered securities representative, broker/dealer, insurance or real estate salesperson or broker, insurance agent/broker, attorney, accountant, investment advisor or Financial Planner.

Article 13: Settlement Procedure

A CFP^{CM} Certificant against whom proceedings are pending pursuant to these disciplinary rules and procedures may, after the issuance of a formal Complaint and prior to final action by the Board, tender an Offer of Settlement in exchange for a stipulated form of Board action. The Offer of Settlement shall be in writing and must be submitted to Staff Counsel for its recommendation prior to being tendered to the Hearing Panel who will act upon such request. Submitting an Offer of Settlement shall suspend all proceedings conducted pursuant to these Disciplinary Rules and Procedures.

13.1 Offer of Settlement

Offers of Settlement may be made where the nature of the proceeding, and the interests of the public and the FPSB India permit. A CFP^{CM} Certificant shall be permitted to submit only one Offer of Settlement during the course of a disciplinary proceeding. The Offer must be made in conformity with the provisions of this Article and should not be made frivolously or propose an action inconsistent with the seriousness of the violations alleged in the proceedings. Every Offer settlement shall contain and describe in reasonable detail:

- a. the act or practice which the member or person associated with a member is alleged to have engaged in or omitted;
- b. the principle, rule, regulation, or statutory provision which such act, practice or omission to act is alleged to have been violated;
- c. a statement that the CFP^{CM} Certificant consents to findings of fact and violations consistent with the statements contained in the offer required by paragraphs 13.1a and 13.1b;
- d. a waiver of all rights of appeal to the Board of appeals and the courts or to otherwise challenge or contest the validity of the Order issued if the Offer of Settlement is accepted.

13.2 Acceptance of Offer

If an Offer of Settlement is accepted by a Hearing Panel, the decision of the Hearing Panel shall be reviewed by the Board. The Board's decision to affirm the decision of the Hearing Panel to accept the Offer of Settlement shall conclude the proceeding as of date the Offer of Settlement is accepted. If the Offer of Settlement includes a penalty of revocation or suspension, the revocation or suspension shall become effective immediately upon acceptance by the Hearing Panel and affirmation by the Board.

13.3 Rejection of Offer

If the Offer of Settlement is rejected by a Hearing Panel, the Offer of Settlement shall be deemed void and the matters raised in the Complaint will be set for hearing at the next meeting of the Board. The CFP^{CM} Certificant shall not be prejudiced by the prior Offer of Settlement, and it shall not be given consideration in the determination of the issues involved in the pending or any other proceeding.

13.4 Publication

In the event proceedings pursuant to article 13 result in a permanent revocation, or suspension, or otherwise result in a termination of the right to use the marks, it shall be standard procedure to publish such fact together with identification of the CFP^{CM} Certificant in a press release, or in such other form of publicity as is selected by the Board.

Article 14: Required Action after Revocation or Suspension

After the entry of an order of revocation or suspension is final, the CFP^{CM} Certificant shall promptly terminate any use of the CFP^{CM} Marks and in particular shall not use them in any advertising, announcement, letterhead or business card.

Article 15: Reinstatement after Discipline

15.1 Reinstatement after Revocation

Revocation shall be permanent, and there shall be no opportunity for reinstatement.

15.2 Reinstatement after Suspension

Unless otherwise provided by the Board in its order of suspension,

- A CFP^{CM} Certificant who has been suspended for a period of one (1) year or less shall be automatically reinstated upon the expiration of the period of suspension, provided the CFP^{CM} Certificant files with FPSB India within thirty (30) calendar days of the expiration of the period of suspension an affidavit stating that the suspended CFP^{CM} Certificant has fully complied with the order of suspension and with all applicable provisions of these Procedures, unless such condition is waived by the Board in its discretion.

- A CFP^{CM} Certificant who has been suspended for a period longer than one (1) year must petition the Board for a reinstatement hearing within six months of the end of his/her suspension, or failure to do so will result in administrative relinquishment. Before any reinstatement hearing will be re-licensure, pay the reinstatement hearing costs and provide evidence, if necessary that all prior hearing costs have been paid. At the reinstatement hearing, the CFP^{CM} Certificant must prove by clear and convincing evidence that the CFP^{CM} Certificant has been rehabilitated has complied with all applicable disciplinary orders and provisions of these Procedures, and that the CFP^{CM} Certificant is fit to use the CFP^{CM} Marks.

15.3 Investigation

Immediately upon receipt of a petition for reinstatement, Staff Counsel will initiate an investigation. The petitioner shall cooperate in any such investigation, and Staff Counsel shall submit a report of the investigation to the Board, which shall report on the petitioner's past disciplinary record and any recommendation regarding reinstatement.

15.4 Reinstatement Fee

Petitioners for reinstatement will be assessed the costs of the reinstatement proceeding.

Article 16: Confidentiality of Proceedings

16.1 Confidentiality

Except as otherwise provided in these Procedures, all proceedings conducted pursuant to these Procedures shall be confidential and the records of the Board/ the Board of Appeals, the Inquiry Panel, the Hearing Panel, the Staff Counsel and FPSB India Staff shall remain confidential and shall not be made public.

16.2 Exceptions to Confidentiality

The pendency, subject matter and status of proceedings conducted pursuant to these Procedures may be disclosed if (1) the proceeding is predicted on criminal conviction or professional suspension as defined herein; (2) the CFP^{CM} Certificant has waived confidentiality; or (3) such disclosure is required by legal process of a court of law or other government body or agency having appropriate jurisdiction.

Article 17: General Provisions

17.1 Quorum

A majority of members of the Board shall be present in order to constitute a quorum of such Board, and the approval of a majority of the quorum shall be the action of such Board.

17.2 Notice and Service

Except as may otherwise be provided in these Procedures, notice shall be in writing and the giving of notice and/or service shall be sufficient when made either personally or by registered mail or overnight mail sent to the last known address of the CFP^{CM} Certificant according to the records of FPSB India.