

FP Canada Standards Council™

and

Jeffrey Devlin, CFP®

AMENDED STATEMENT OF ALLEGATIONS

THE CFP® PROFESSIONAL

1. Jeffrey Devlin (“Mr. Devlin” or the “Respondent”) was certified by the Financial Planning Standards Council®, now FP Canada™, as a CERTIFIED FINANCIAL PLANNER® professional in January 2010. Mr. Devlin has consistently renewed his certification and, as of the date of this Statement of Allegations, is a CFP professional in good standing. Mr. Devlin does not have a prior discipline history with the FP Canada Standards Council™ (the “Standards Council”).
2. Mr. Devlin was registered as a dealing representative with the Mutual Fund Dealers Association of Canada (“MFDA”) from at least 2009 until October 2022. Mr. Devlin has been licensed in British Columbia as an agent for life insurance, and in Alberta and Ontario as an agent for life insurance as well as sickness and accident insurance.
3. In 2010, Mr. Devlin began working at Elementus Wealth Management Inc. (“Elementus”) as ‘President and Certified Financial Planner’. He held this role until November 2022, when he became a ‘Corporate Strategy Lead and Insurance Advisor’, which remains his current role.
4. Mr. Devlin resides in Victoria, British Columbia.

HISTORY OF THE PROCEEDINGS

5. This matter came to the attention of the Standards Council in December 2021, when a CFP professional brought to the Standards Council’s attention an article authored by Mr. Devlin titled, “*How I Bought a House for Free*”, noting her concern that the article was misleading.

6. In the article, Mr. Devlin appeared to make misleading and exaggerated statements regarding the strategy he personally implemented to, essentially, purchase a second house through refinancing and taking a loan on existing assets. The article emphasized the benefits of the strategy yet failed to disclose the narrow suitability, risk and negative impacts of the strategy, including adverse tax implications.
7. The Standards Council initiated an investigation into Mr. Devlin's conduct on March 10, 2022.
8. On February 13, 2023, the Conduct Review Panel ("CRP") convened and referred the allegations set out herein to a Hearing Panel.

FACTUAL BACKGROUND

9. The article appeared in the December 2021 issue of a Victoria, British Columbia community magazine called "Neighbours of Fairfield".
10. The article outlines how Mr. Devlin purchased a second home using funds from a refinancing of his current mortgage and by taking out a contract loan on the balance of his whole life insurance policy. He characterizes this strategy as buying a house "for free" and the introduction to the Article reads "*How would you like to buy a house for free?*".
11. A largely similar article was published in the 'blog posts' section of Elementus' website on September 15, 2021, ~~which was removed on or about March 20, 2023 after the issuance of the within~~, ~~where it remains to the date of this~~ Statement of Allegations. The prelude to the article notes that the article provides "*an example of implementing the recommendations [Elementus] provide[s]*" noting that the story is that of Elementus' President. Directly underneath the article is an advertisement inviting readers to contact Mr. Devlin's firm, Elementus.

NOTICE

12. Further to the direction of the CRP, and in accordance with Article 5.1 of the *FP Canada Standards Council Disciplinary Rules and Procedures* (DRP), I hereby give notice of the Standards Council's request that a hearing date be set with respect to the matter identified as: *FP Canada Standards Council™ and Jeffrey Devlin, CFP®*.
13. The Standards Council requests that the hearing be held in writing.

APPLICABLE STANDARDS

The underlying conduct ~~first~~ occurred ~~in-between~~ December 2021 and ~~March 2023~~ ~~continues to the date of these~~ ~~Statement of Allegations, as the article remains published on Elementus' website~~. Accordingly, Mr. Devlin's conduct is governed by the two *Standards of Professional Responsibility* in force between July 2021 to present. The

applicable Principles and Rules of the *Standards of Professional Responsibility* are attached as **Appendix "A"**.

ALLEGATION

The Standards Council makes the following allegation against the Respondent:

1. ~~Starting in~~Between December 2021 and ~~continuing~~March 2023, the Respondent engaged in conduct involving misrepresentation and adopted a method of obtaining clients that lowers the standard of dignity of the profession, by making misleading communications to the public that create unverifiable expectations, contrary to Rules 1 and 19(b) of the *Standards of Professional Responsibility* in force between July 2021 and April 2022 and Rules 1 and 19(c) of the *Standards of Professional Responsibility* in force May 2022 to present.

Dated: March ~~17~~20, 2023



Tamara Center
Director, Professional Conduct and Enforcement
Counsel to FP Canada Standards Council™

Appendix “A”

Applicable Principle and Rules of the <i>Standards of Professional Responsibility</i>, July 2021 - April 2022
<p>Rule 1</p> <p>A Certificant shall not engage in or associate with individuals engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, or knowingly make a false or misleading statement to clients or any other parties.</p>
<p>Rule 19</p> <p>A Certificant shall not adopt any method of obtaining or retaining clients that lowers the standard of dignity of the profession. For greater certainty:</p> <ul style="list-style-type: none">a) A Certificant shall not make a false or misleading communication about the size, scope or areas of competence of their practice or of any organization with which the Certificant is associated;b) A Certificant shall not make false or misleading communications to the public or create unverifiable expectations regarding matters relating to financial planning or competence of the Certificant; andc) A Certificant shall not give the impression that they are representing the views of FP Canada, the FP Canada Standards Council or any other group unless the Certificant has been authorized to do so.

Applicable Principle and Rules of the <i>Standards of Professional Responsibility</i>, May 2022 – Current
<p>Rule 1</p> <p>A Certificant shall not engage in or associate with individuals engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, or knowingly make a false or misleading statement to clients or any other parties.</p>
<p>Rule 19</p> <p>A Certificant shall not adopt any method, including marketing or other promotional methods, of obtaining or retaining clients that lowers the standard of dignity of the profession. For greater certainty:</p>

- a) A Certificant shall not market or promote their services in a manner that is misleading, confusing, or deceptive;
- b) A Certificant shall not make a false or misleading communication about the size, scope or areas of competence of their practice or of any organization with which the Certificant is associated;
- c) A Certificant shall not make false or misleading communications to the public or create unverifiable expectations regarding matters relating to financial planning or competence of the Certificant; and
- d) A Certificant shall not give the impression that they are representing the views of FP Canada, or the FP Canada Standards Council unless the Certificant has been authorized to do so.