

***FP Canada Standards Council™
and
Roger Gebhardt***

STATEMENT OF ALLEGATIONS

THE CFP® PROFESSIONAL

1. Roger Gebhardt (“Mr. Gebhardt” or the “Respondent”) was certified by the Financial Planning Standards Council®, now FP Canada™, as a CERTIFIED FINANCIAL PLANNER® professional between October 1, 1996 and March 31, 2019. Mr. Gebhardt’s certification was cancelled on April 1, 2019 due to non-renewal. Mr. Gebhardt does not have a prior discipline history with the FP Canada Standards Council™ (the “Standards Council”).
2. Mr. Gebhardt has been registered in the mutual fund industry since 1980. Commencing in 2001, Mr. Gebhardt was registered in Ontario as a dealing representative with IPC Investment Corporation (“IPC”) until he resigned in January 2019, shortly after the events described below became known.
3. At all material times, Mr. Gebhardt conducted business in Hanover, Ontario.

HISTORY OF THE PROCEEDINGS

4. This matter came to the attention of the Standards Council after the Mutual Fund Dealers Association of Canada (“MFDA”) issued a News Release dated October 14, 2021, announcing that disciplinary proceedings had been commenced against Mr. Gebhardt with respect to his professional conduct.
5. Mr. Gebhardt and the MFDA ultimately entered into a Settlement Agreement dated August 5, 2022¹ in which Mr. Gebhardt admitted to the following:

¹ [SA202072 | MFDA](#)

- a. Commencing on September 17, 2018, he failed to disclose to [IPC] a conflict or potential conflict of interest that arose when he became aware that a client had named his spouse as the sole estate trustee and sole beneficiary of the client's estate in the client's will. He thereby failed to ensure that the conflict or potential conflict of interest was immediately disclosed to the Member and addressed by the exercise of responsible business judgment influenced only by the best interests of the client, contrary to the Member's policies and procedures and MFDA Rules 2.1.4 and 2.1.1; and
 - b. Commencing no later than November 9, 2018, Mr. Gebhardt failed to disclose to [IPC] a conflict or potential conflict of interest that arose when he became aware that he was named by a client as the recipient of a \$25,000 bequest in the client's will. He thereby failed to ensure that the conflict or potential conflict of interest was immediately disclosed to the Member and addressed by the exercise of responsible business judgment influenced only by the best interests of the client, contrary to the Member's policies and procedures and MFDA Rules 2.1.4 and 2.1.1.
6. By Order dated October 31, 2022², an MFDA Hearing Panel accepted the Settlement Agreement, which prohibits Mr. Gebhardt from conducting securities related business in any capacity while in the employ of or associated with any MFDA Member for a period of eight (8) years and imposed a fine in the amount of \$70,000 and costs in the amount of \$7,500.
7. The conduct occurred while Mr. Gebhardt was a CFP certificant.
8. The Standards Council initiated an investigation into Mr. Gebhardt's conduct on August 30, 2022.
9. On February 13, 2023, the Conduct Review Panel ("CRP") convened and referred the allegations set out herein to a Hearing Panel.

FACTUAL BACKGROUND

Client #1

10. Commencing in the mid-2000s, Mr. Gebhardt was one of three individuals who was responsible for servicing Client #1's investment accounts and in 2010, he became the sole person responsible for servicing Client #1's investment accounts. Mr. Gebhardt states that he and his spouse had been long-time and close friends of Client #1.

² [Order2-202072](#) | [MFDA; Reasons202072](#) | [MFDA](#)

11. Client #1 passed away on September 15, 2018. Mr. Gebhardt continued to service Client #1's account after Client #1 passed away and Mr. Gebhardt's spouse was named as the sole estate trustee and sole beneficiary, in the same manner as if Client #1 was still alive. Mr. Gebhardt failed to inform IPC that Client #1 passed away, of his spouse's appointment or that he continued to service Client #1's accounts; and

Client #2

12. Commencing in the 1990s, Mr. Gebhardt was responsible for servicing Client #2's investment accounts.
13. Client #2 passed away on June 18, 2018. Mr. Gebhardt failed to inform IPC that he was a beneficiary of Client #2's estate. In fact, he failed to inform IPC about Client #2 when specifically asked by IPC, in the context of their investigation into the circumstances surrounding Client #1, whether Mr. Gebhardt was named as an executor or beneficiary on any of his other client accounts.

NOTICE

14. Further to the direction of the CRP, and in accordance with Article 5.1 of the *FP Canada Standards Council Disciplinary Rules and Procedures*, 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 Roger Gebhardt*.
15. The Standards Council requests that the hearing be held in writing.

APPLICABLE STANDARDS

Mr. Gebhardt's conduct occurred between September and December 2018. Accordingly, his conduct is governed by the *Standards of Professional Responsibility* in force between June 2017 and December 2018. The applicable Principles and Rules are attached at **Appendix "A"**.

ALLEGATIONS

The Standards Council makes the following allegations against the Respondent:

1. Between September 2018 and October 2018, after the Respondent's client ("Client #1") passed away and named the Respondent's spouse as the sole estate trustee and sole beneficiary of Client #1's estate, the Respondent failed to inform IPC that Client #1 passed away or of his spouse's appointment. This conduct was contrary to Principles 1, 2, 3, 5, 8 and Rules 1 and 2 of the *Standards of Professional Responsibility* in force between June 2017 and December 2018;

2. Between September 2018 and October 2018, after Client #1 passed away and named the Respondent's spouse as the sole estate trustee and sole beneficiary of Client #1's estate, the Respondent continued to service Client #1's accounts in the same manner as if Client #1 was still alive. This conduct was contrary to Principles 1, 2, 3, 5, 8 and Rules 1 and 2 of the *Standards of Professional Responsibility* in force between June 2017 and December 2018;
3. Between June 2018 and December 2018, after the Respondent became aware that he was named by a client ("Client #2") as the recipient of a \$25,000 bequest in Client #2's will, the Respondent failed to inform IPC that that he was a beneficiary of Client #2's estate. This conduct was contrary to Principles 1, 2, 3, 5, 8 and Rules 1 and 2 of the *Standards of Professional Responsibility* in force between June 2017 and December 2018;
4. Between November 2018 and December 2018, the Respondent denied awareness of being named as an executor or beneficiary on any client accounts other than for Client #1, when he was aware that he had been named as a beneficiary in Client #2's will and had already received a cheque in the amount of \$25,000 as beneficiary. This conduct was contrary to Principles 1, 2, 3, 5, 8 and Rules 1 and 2 of the *Standards of Professional Responsibility* in force between June 2017 and December 2018; and
5. By being found to have engaging in conduct that contravened MFDA Rules 2.1.4 and 2.1.1, as set out in the MFDA Hearing Panel Order dated October 31, 2022, the Respondent failed to perform financial planning in accordance with applicable laws, regulations, rules or established policies of governmental agencies or other applicable authorities, contrary to Rule 18 and/or Principle 2 and Rule 2 of the *Standards of Professional Responsibility* in force between July 2017 and December 2018.

Dated: March 17, 2023



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

Appendix A

Standards of Professional Responsibility for CFP Professionals and FPSC Level 1 Certificants in Financial Planning – June 2017 to December 2018

Principle 1: Client First

A CFP professional shall always place the client's interests first.

Placing the client's interests first requires the CFP professional to act honestly and to place the client's interests ahead of his/her own and ahead of all other interests.

Principle 2: Integrity

A CFP professional shall always act with integrity.

Integrity means rigorous adherence to the moral rules and duties imposed by honesty and justice. Integrity requires the CFP professional to observe both the letter and the spirit of the Code.

Principle 3: Objectivity

A CFP professional shall be objective when providing advice and/or services to clients.

Objectivity requires intellectual honesty, impartiality and the exercise of sound judgment, regardless of the services delivered or the capacity in which a CFP professional functions.

Principle 5: Fairness

A CFP professional shall be fair and open in all professional relationships.

Fairness requires providing clients with what they should reasonably expect from a professional relationship, and includes honesty and disclosure of all relevant facts, including conflicts of interest.

Principle 8: Professionalism

A CFP professional shall act in a manner reflecting positively upon the profession.

Professionalism refers to conduct that inspires confidence and respect from clients and the community, and embodies all of the other principles within the Code.

Rule 1: A CFP professional 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.

Rule 2: A CFP professional shall not engage in any conduct that reflects adversely on his or her integrity or fitness as a CFP professional, the CFP marks or the profession.

Rule 18: A CFP professional shall perform financial planning in accordance with applicable laws, regulations, rules or established policies of governmental agencies and other applicable authorities including FPSC.