

FP Canada Standards Council™
and
Helen Harry

STATEMENT OF ALLEGATIONS

THE FORMER CERTIFICANT

1. Helen Harry (“Ms. Harry” or the “Respondent”) was certified by the Financial Planning Standards Council®, now FP Canada™, as a CERTIFIED FINANCIAL PLANNER® professional in April 1998. Mrs. Harry consistently renewed her certification until March 31, 2021, when her certification lapsed due to voluntary non-renewal.
2. Ms. Harry has a prior discipline history with the FP Canada Standards Council™ (the “Standards Council”) for failing to report to FP Canada proceedings commenced by another regulator and for failing to cooperate during staff’s initial review of the matter¹.
3. Ms. Harry was registered as a dealing representative with the Mutual Fund Dealers Association of Canada (“MFDA”) in 1991. She was registered as a dealing representative with Investia Financial Services (“Investia”) from December 2006 to August 2019 and was also registered as an exempt market dealer from September 2009 until December 2010. Ms. Harry was terminated by Investia on August 20, 2019, as a result of underlying conduct in this matter. Following Ms. Harry’s termination from Investia, she continued to provide financial planning services to clients independently, and recommended segregated funds and Guaranteed Income Certificates (“GICs”). Ms. Harry has not worked in the financial services industry since 2021.
4. Ms. Harry resides in Stirling, Ontario.

¹ [harry-SOA-summary-and-decisions](#)

HISTORY OF THE PROCEEDINGS

5. By News Release dated August 19, 2020, the Standards Council became aware of disciplinary proceedings commenced by the MFDA against Ms. Harry by way of Notice of Hearing dated July 6, 2020.
6. On January 11, 2021, the MFDA Hearing Panel found that between January 2009 and January 2019, contrary to MFDA Rule 2.1.1., Ms. Harry obtained 14 pre-signed account forms which in some instances were used for transactions; altered 18 account forms; and cut and pasted 3 client signatures onto 2 account forms (collectively the “Deficient Forms”). Ms. Harry did not respond to the MFDA’s investigation or participate in the hearing. She was ordered to pay a fine of \$16,000 and costs of \$5,000.²
7. The Standards Council initiated an independent investigation into Ms. Harry’s conduct on November 16, 2021.
8. On June 6, 2023, the Conduct Review Panel (“CRP”) convened and referred the allegations set out herein to a Hearing Panel.

THE STANDARDS COUNCIL’S INVESTIGATION

9. The Standard Council’s investigation revealed, in addition to the misconduct relating to the Deficient Forms, several other instances of professional misconduct relating to, among other issues, failure to disclose information to clients and impersonating a client.

Scope of Practice

10. In August 2019, following her departure from Investia, Ms. Harry placed investments held by approximately 30% to 50% of the clients who were at Investia into segregated funds, for the primary purpose of enabling her to continue working with these clients without a mutual fund dealer.

Disclosure Issues

11. In August 2019, Ms. Harry failed to adequately disclose to clients:
 - a. the fact that her scope of practice after August 2019 was narrowed to offering segregated funds and GICs;
 - b. her compensation and an accurate written description of the costs of segregated funds and GICs; and
 - c. the risks of investing in segregated funds.

² [Decision202035](#) | [MFDA; Order3-202035](#) | [MFDA](#)

Client Capacity

12. Ms. Harry provided financial planning services to her client, MM, from approximately 2001 until 2021. MM was in her early 90s in or around 2019 and owned several GICs jointly with her two adult children. A Power of Attorney for Property document was executed in 2000, naming MM's children as her joint Attorneys for property in the event of her incapacity. MM experienced cognitive decline commencing in approximately 2019.
13. Between January 2019 and January 2021, Ms. Harry did not request a copy of MM's Power of Attorney for Property document or consider whether MM had requisite capacity to provide her with instructions and direction notwithstanding certain red flags.

Impersonating a Client

14. On December 15, 2020, Ms. Harry impersonated MM on a telephone call with MM's investment firm (with the client present). Ms. Harry informed the investment firm representative that she was MM and answered security questions as MM. During this call, Ms. Harry obtained information regarding the amount of funds in MM's account, which was provided by the investment firm on the mistaken belief Ms. Harry was MM.

NOTICE

15. 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 Helen Harry*.
16. The Standards Council requests that the hearing be held in writing.

APPLICABLE STANDARDS

Ms. Harry's conduct with respect to the Deficient Forms occurred between January 2009 and January 2019; her lack of disclosure upon transferring her clients' investments occurred in August 2019; and her conduct involving MM occurred from in or about January 2019 to January 2021. Accordingly, Ms. Harry's conduct is governed by the *Standards of Professional Responsibility* in effect between April 2005 and June 2021. The applicable Principles and Rules of the *Standards of Professional Responsibility* are attached at **Appendix "A"**.

ALLEGATIONS

The Standards Council makes the following allegations against the Respondent:

1. Between January 2009 and January 2019, the Respondent obtained and/or used fourteen (14) pre-signed account forms, altered eighteen (18) account forms and cut and

pasted three (3) client signatures onto two (2) forms, and thereby failed to act with integrity and diligence, contrary to Principles 1 and 7 and Rule 601 of the *CFP Code of Ethics* in effect between April 2005 and October 2011 and Principles 2 and 7 and Rule 2 of the *Standards of Professional Responsibility* in effect between November 2011 and March 2019.

2. In August 2019, following her departure from Investia, the Respondent placed the investments held by approximately 30% to 50% of her clients into segregated funds for the primary purpose of enabling her to continue working with the clients, without a mutual fund dealer, and thereby failed to place the clients' interests first and act with objectivity, contrary to Principles 1 and 3 of the *Standards of Professional Responsibility* in effect between April and December 2019.
3. In August 2019, the Respondent failed to adequately disclose to her clients:
 - a. the fact that her scope of practice was narrowed to offering segregated funds and GICs;
 - b. her compensation and an accurate written description of the costs of segregated funds and GICs; and
 - c. the risks of investing in segregated funds,

and thereby failed to disclose all relevant information to her clients, failed to place her clients' interests first and failed to act with fairness and diligence, contrary to Principles 1, 5 and 7 and Rules 7 and 12 of the *Standards of Professional Responsibility* in effect between April and December 2019.

4. Between January 2019 and January 2021, Ms. Harry did not request a copy of her elderly client, MM's, Power of Attorney for Property document or consider whether MM had the requisite capacity, notwithstanding the existence of red flags, and thereby failed to act with the care, skill and diligence of a prudent professional or place her client's interest first, contrary to Principles 1 and 7 of the *Standards of Professional Responsibility* in effect between January 2019 and June 2021;
5. On December 15, 2020, Ms. Harry impersonated her client, MM, on a telephone call with MM's investment firm and thereby failed to act with integrity and engaged in conduct involving dishonesty, fraud, deceit or misrepresentation, or knowingly making a false or misleading statement to another party, contrary to Principle 2 and Rules 1 and 2 the *Standards of Professional Responsibility* in effect between January 2020 and June 2021; and

6. By being found by the MFDA to have engaged in conduct that contravened MFDA Rule 2.1.1, as set out in the MFDA's Order dated January 11, 2021, the Respondent failed to provide professional services in accordance with applicable laws, regulations, rules or established policies of other applicable authorities, contrary to Rule 24 of the *Standards of Professional Responsibility* in force between January 2020 and June 2021.

Dated: July 17, 2023



Tamara Center

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

Appendix A

Code of Ethics – April 2005 to October 2011

Principle 1: Integrity

A CFP professional shall always act with integrity.

CFP professionals may be placed by clients in positions of trust and confidence. The ultimate source of such public trust is the CFP's professional's personal integrity. In deciding what is right and just, a CFP professional should rely on his or her integrity as the appropriate touchstone. Integrity demands honesty and candor that must not be subordinated to personal gain and advantage. Within the characteristic of integrity, allowance can be made for legitimate difference of opinion; but integrity cannot co-exist with deceit or subordination of one's principles. Integrity requires the CFP professional to observe not only the letter but also the spirit of this Code.

Principle 7: Diligence

A CFP professional shall act diligently in providing financial planning.

Diligence is the provision of services in a prompt and thorough manner. Diligence also includes proper planning for and supervision of the rendering of professional services.

Rule 601

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

Standards of Professional Responsibility for CFP Professionals and FPSC Registered Candidates – November 2011 to February 2014; and Standards of Professional Responsibility for CFP Professionals and FPSC Level 1 Certificants in Financial Planning – March 2014 to December 2018

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 7: Diligence

A CFP professional shall act diligently when providing advice and/or services to clients.

Diligence is the degree of care and prudence expected from CFP professionals in the handling of their clients' affairs. Diligence requires fulfilling professional commitments in a timely and thorough manner and taking due care in guiding, informing, planning, supervising, and delivering financial advice and/or services to clients.

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.

Standards of Professional Responsibility for CFP Professionals and FPSC Level 1 Certificants in Financial Planning – January 2019 to March 2019

Principle 1: Duty of Loyalty to the Client

The Duty of Loyalty encompasses:

- The duty to act in the client's interest by placing the client's interests first. Placing the client's interests first requires the Certificant place the client's interests ahead of their own and all other interests;
- The obligation to disclose conflicts of interest and to mitigate conflicts in the client's favour; and
- The duty to act with the care, skill and diligence of a prudent professional.

Principle 2: Integrity

[No material change]

Principle 7: Diligence

[No material change]

Rule 1

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.

Rule 2: Integrity

[No material change]

***Standards of Professional Responsibility for CFP Professionals and FPSC Level 1 Certificants
in Financial Planning – April 2019 to December 2019***

Principle 1: Duty of Loyalty to the Client

[No material change]

Principle 2: Integrity

[No material change]

Principle 3: Objectivity

A Certificant 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 Certificant functions.

Principle 5: Fairness

A Certificant 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 7: Diligence

[No material change]

Rule 1: Misrepresentation

[No material change]

Rule 2: Integrity

[No material change]

Rule 7

A Certificant shall disclose the following information to the client in writing, with the exception of subsection (b) below. The information under subsection (b) below may be disclosed orally:

- a) An accurate and understandable description of the known costs of the services and products, to the client;
- b) When the services include financial planning or elements of the financial planning process, an accurate and understandable description of how the Certificant, the Certificant's firm are compensated for providing the products and services;
- ...
- f) Any information about the Certificant or the Certificant's employer that could reasonably be expected to materially affect the client relationship/engagement;
- g) Any information that the client might reasonably want to know in establishing the scope and nature of the relationship, including, but not limited to, information about the Certificant's areas of expertise;
- ...

Rule 12

A Certificant shall take all reasonable steps to ensure that the client is informed of material changes in circumstances that arise subsequent to the original engagement that may have an impact on the professional relationship or services to be rendered. Such changes may include, but are not limited to:

- a) conflicts of interest;
- b) the Certificant's business affiliation;
- c) compensation structures affecting the professional services to be rendered; and
- d) new or changed agency relationships.

Standards of Professional Responsibility for CFP Professionals and QAFP Professionals – January 2020 to June 2021

Principle 1: Duty of Loyalty to the Client

[No material change]

Principle 2: Integrity

[No material change]

Principle 7: Diligence

[No material change]

Rule 1: Misrepresentation

[No material change]

Rule 2: Integrity

[No material change]

Rule 24

A Certificant shall provide their professional services in accordance with applicable laws, regulations, rules or established policies of governmental agencies and other applicable authorities, including FP Canada and the FP Canada Standards Council.