



## REPORT ON DISCIPLINARY ACTION

### Details of Hearing: Einar Lisborg, CFP® (Surrey, BC)

On May 28, 2018, a Financial Planning Standards Council (FPSC®) Discipline Hearing Panel found that Einar Lisborg breached the *FPSC Rules of Conduct* and the *FPSC Code of Conduct*. On August 13, 2018, the Discipline Hearing Panel ordered, among other penalties, that Mr. Lisborg's certification be suspended for a period of six months commencing August 13, 2018 and ending February 13, 2019.

### Background

Mr. Lisborg was certified by FPSC as a CERTIFIED FINANCIAL PLANNER® professional in August 2001. He does not have a prior discipline history with FPSC.

In 2013 a compliance audit by his employer revealed that Mr. Lisborg had falsified (and/or directed his assistant to falsify) client signatures on account forms. Mr. Lisborg's conduct was reviewed by a financial services regulator and his mutual fund license was suspended for three (3) months from April 2016 to July 2016.

Mr. Lisborg declared the financial services regulator's review of his conduct when he submitted his application to renew his CFP certification for 2015/2016. FPSC undertook an independent review of Mr. Lisborg's conduct.

### Applicable Standard

The underlying conduct occurred in 2013 and 2014 and was, accordingly, governed by the:

- *Standards of Professional Responsibility for CFP® Professionals and FPSC Level 1™ Certificants in Financial Planning*, in force from November 2011 until September 2014, with a name change in March 2014.

### Agreed Statement of Facts

Mr. Lisborg and FPSC entered into an Agreed Statement of Facts in which Mr. Lisborg admitted that he:

- Falsified client signatures on 87 account forms; and
- Directed his assistant to falsify client signatures on 42 account forms.

Mr. Lisborg further admitted that he:

- Failed to perform financial planning in accordance with applicable policies and/or regulations;
- Failed to provide reasonable and prudent supervision of his assistant;
- Failed to act in a manner reflecting positively upon the profession; and
- Failed to act with integrity and engaged in conduct involving dishonesty which conduct reflects adversely on his integrity or fitness as a CFP professional.

## FPSC Hearing Panel Decision

The Hearing Panel considered written submissions by FPSC and Mr. Lisborg, and in accordance with Article 7.2 of the *Disciplinary Rules and Procedures*, determined that Mr. Lisborg engaged in misconduct that is deserving of sanctions. In reaching this conclusion, the Hearing Panel noted, among other things, that:

- Mr. Lisborg's conduct constituted a serious breach of FPSC's *Standards of Professional Responsibility*;
- Involving his assistant in the falsifications added to the severity of the misconduct;
- Mr. Lisborg's clients did not suffer any financial loss as a result of this misconduct; and
- Mr. Lisborg cooperated with FPSC's investigation and demonstrated remorse for his actions.

On August 13, 2018, the Hearing Panel Ordered that:

- a. Mr. Lisborg's CFP certification and entitlement to use the CFP marks be suspended for a period of six (6) months commencing August 13, 2018 and ending February 13, 2019;
- b. During the 6 month suspension Mr. Lisborg is prohibited from using the CFP certification marks and/or hold himself out as a CFP professional or certificant of FPSC;
- c. Prior to December 31, 2018, in addition to completing the 25 hours of Continuing Education (CE) activities required of every FPSC certificant, Mr. Lisborg shall, at his own expense, successfully complete an additional:
  - i. two (2) hours of FPSC-accredited CE in the category of Professional Responsibility; and
  - ii. 2 hours of FPSC-accredited CE in the category of Practice Management;
- d. Mr. Lisborg shall provide proof of completion of 25 hours of CE and the further 4 hours of CE requirements, to FPSC by December 31, 2018; and
- e. Mr. Lisborg shall pay costs to FPSC of \$5,000 on or before December 31, 2018.

Having complied with the above terms, Mr. Lisborg will be eligible for recertification on February 14, 2019.