



REPORT ON DISCIPLINARY ACTION

Details of Hearing: Warren, Rodney M. (Langley, BC)

On July 4, 2017, a Financial Planning Standards Council (FPSC®) Discipline Hearing Panel considered a Joint Settlement Agreement between FPSC and Rodney M. Warren, CFP®. Mr. Warren was represented by legal counsel.

Background

Mr. Warren was certified by FPSC as a *CERTIFIED FINANCIAL PLANNER*® in 1999. Mr. Warren consistently renewed his CFP® certification until November 2, 2016 at which time he voluntarily resigned his CFP certification.

In October 2016, Mr. Warren was the subject of a decision by a financial services regulator and an Order suspending his financial services licence for 90-days and imposing a fine in the amount of \$100,000. The suspension of his financial services licence followed a finding that Mr. Warren engaged in misconduct by recommending unsuitable leveraged investments to certain clients and by failing to handle client complaints appropriately. Mr. Warren is appealing the financial service regulator's finding of misconduct and penalty decision.

Applicable Standard

Mr. Warren was certified by FPSC in October 2016 and the 90-day suspension of his financial services licence triggered a Presumptive Bar to his continued certification with FPSC pursuant to the *FPSC*® *Fitness Standards*.

Procedural History

Mr. Warren was notified of the Presumptive Bar to continued certification triggered by the suspension of his financial services licence and afforded an opportunity to submit a Request for Reconsideration detailing why the Presumptive Bar should not apply to him. Mr. Warren submitted a Request for Reconsideration in May 2016.

In June 2016, in accordance with Article 4.1 of the *FPSC Disciplinary Rules and Procedures*, FPSC commenced an Investigation into Mr. Warren's fitness for certification.

On January 31, 2017, FPSC's Conduct Review Panel referred the matter to a Discipline Hearing Panel. The Hearing Panel convened on July 4, 2017, to consider a proposed Joint Settlement Agreement between FPSC and Mr. Warren.

FPSC Hearing Panel Decision

In executing the Settlement Agreement with FPSC, Mr. Warren accepted the Presumptive Bar to his continued certification with FPSC and agreed not to apply to FPSC for renewal of his CFP certification or for recertification as a CFP professional at anytime in the future.

The Hearing Panel found that Mr. Warren engaged in conduct that reflects adversely on his integrity and fitness as a CFP professional, the CFP marks, and the profession, noting, that a “*CFP professional must, among other things, exercise reasonable and prudent professional judgment in providing professional services and act in the interests of the client*”.

The Hearing Panel determined that the Joint Settlement Agreement was reasonable and should be accepted, noting:

“In assessing the propriety of the penalty proposed in the Joint Settlement Agreement, as Article 6.8 of the Disciplinary Rules and Procedures requires us to do, the Panel has considered all of the factors put before us together as a whole, with a focus on protecting the public interest. While it is regrettable that Mr. Warren has experienced difficulties including finding new employment, the Panel finds that in light of the misconduct at issue, the public interest is served by Mr. Warren no longer providing [financial planning] services. For all of these reasons, the Panel accepts the settlement between FPSC and Mr. Warren as not inappropriate in the circumstances.”

The Panel accepted the joint submissions with respect to Penalty and issued the following Order:

- a) Mr. Warren will not apply to FPSC for renewal of his CFP certification or for recertification by FPSC;
- b) Should Mr. Warren apply for certification by FPSC in the future, his application will be denied by FPSC in accordance with this Order; and
- c) Mr. Warren will not use the CFP Mark in representations of himself, including, without limiting the generality of the foregoing: on business cards, in social media, on letterhead or on signage. Further, Mr. Warren will not hold himself out to clients or the public as a CFP professional or certificant of FPSC.

FPSC did not seek costs and none were awarded.