

POLICIES AND PROCEDURES FOR MEMBER'S PLACEMENT ON PLANNERSEARCH

PREAMBLE

The ability of a Member to list their name in PlannerSearch is a privilege of membership in FPA. The Board has adopted the following policies and procedures for eligibility, suspension, and revocation of the privilege of PlannerSearch.

1.0 Definitions

- 1.1 "PlannerSearch" -The consumer referral system operated by FPA; includes any successor system for such referrals.
- 1.2 "Suspension Event" -Any of the following actions involving or directed at the Member:
 - a) A pending investigation or regulatory action by the U.S. Securities & Exchange Commission, a state securities administrator, the insurance regulator of a state, a depository institution regulator or other financial services regulatory body;
 - b) A pending investigation by any self regulatory or certifying organization;
 - c) A pending criminal felony charge or a pending misdemeanor charge involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;
 - d) A temporary injunction or restraining order issued by a court of competent jurisdiction in an action instituted by a State, the Securities and Exchange Commission, or the United States, enjoining or restraining the Member from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;
 - e) Three or more open arbitration filings or three or more customer initiated complaints filed with the U.S. Securities & Exchange Commission, a state securities administrator, the insurance regulator of a state, a depository institution regulator or other financial services regulatory body.
 - f) A failure to respond to an inquiry from the FPA Ethics Committee within 30 days of the Member's receipt of the inquiry.
- 1.3 "Revocation Event" -Any of the following events or actions taken against the Member:
 - a) A Letter of Admonition, interim suspension, suspension, or revocation action by the CFP Board of Standards;

- b) A conviction for a felony or a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;
- c) A permanent injunction or restraining order issued by a court of competent jurisdiction in an action instituted by a State, the Securities and Exchange Commission, or the United States, enjoining or restraining the Member from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;
- d) An order, based on a substantive violation of the law, issued after notice and opportunity for hearing by:
 - i) the securities, depository institution, insurance, or other financial services regulator of a State or by the Securities and Exchange Commission or other federal agency denying, revoking, barring, or suspending registration as a securities agent or investment adviser representative;
 - ii) The Securities and Exchange Commission or by a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization;
 - iii) A court adjudicating a United States Postal Service fraud order;
 - iv) The insurance regulator of a State denying, suspending, or revoking the registration of an insurance agent; or
 - v) A depository institution regulator suspending or barring a person from the depository institution business;
- e) An adjudication or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodity Futures Trading Commission; the Federal Trade Commission; a federal depository institution regulator, or a depository institution, insurance, or other financial services regulator of a State that the person willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity Exchange Act, the securities or commodities law of a State, or a federal or state law under which a business involving investments, franchises, insurance, banking, or finance is regulated;
- f) A cease and desist order issued by the Securities and Exchange Commission or issued under the securities, commodities, investment, franchise, banking, finance, or insurance laws of a State;
- g) After notice and opportunity for a hearing, the Member has been found:
 - i) by a court of competent jurisdiction to have willfully violated the laws of a foreign jurisdiction under which the business of securities, commodities, investment, franchises, insurance, banking, or finance is regulated;
 - ii) to have been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the

- business of securities as a broker-dealer, agent, investment adviser, investment adviser representative, or similar person; or
- iii) to have been suspended or expelled from membership by or participation in a securities exchange or securities association operating under the securities laws of a foreign jurisdiction;
- h) Findings in a civil action or arbitration brought by a customer that the Member breached their fiduciary duty, or committed fraud or deceit; or
- i) A Member's failure to notify FPA of a Suspension Event within 30 days of the Member receiving notice of the event.

2.0 Eligibility for PlannerSearch

- 2.1 In order to be eligible to appear on PlannerSearch a planner must:
- a. Be a Member of the FPA and current on their dues;
 - b. Sign and agree to be bound by the PlannerSearch paragraphs included in their Membership application or renewal;
 - c. Be an investment adviser representative affiliated with a state or SEC-registered investment adviser, or a state or federally chartered trust or banking institution, unless otherwise exempt from registration as an investment adviser representative;
 - d. Be a current CFP practitioner; and
 - e. Hold themselves out to the public as financial planners or as offering financial planning services.

3.0 Suspension from PlannerSearch

- 3.1 Notwithstanding meeting the eligibility criteria described above, Members who are subject to a Suspension Event shall be suspended immediately from PlannerSearch.
- 3.2 As a condition of membership in FPA, Members have a duty to notify the FPA in writing of a Suspension Event within 30 days after the Member has received notice of the event.
- 3.3 A Member's suspension from PlannerSearch will continue while the Suspension Event is ongoing.
- 3.4 If the FPA learns of a Suspension Event from a source other than the Member, the FPA can act on that information if the FPA determines that the source is reliable.

4.0 Permanent Bar from PlannerSearch

- 4.1 Notwithstanding meeting the eligibility criteria described above, Members who are subject to a Revocation Event shall be permanently barred from PlannerSearch.
- 4.2 If a Revocation Event is overturned by a court on appeal, the Member is entitled to petition the Ethics Committee with a request to be reinstated on PlannerSearch, provided that they are not subject to any other Revocation Event.
- 4.3 As a condition of membership in the FPA, Members have a duty to notify the FPA in writing of any of a Revocation Event within 30 days after the Member has notice of the event.
- 4.4 If the FPA learns of a Revocation Event from a source other than the Member, the FPA can act on that information if the FPA determines that the source is reliable.

5.0 Appeals

- 5.1 If a Member believes that the Policies and Procedures produce an unfair result and that extenuating circumstances exist, the Member may appeal the effect of these Policies and Procedures on their access to PlannerSearch to the Ethics Committee.
- 5.2 To appeal, a Member should send a written request to the staff of the Ethics Committee detailing the reasons that the Policies and Procedures produce an unfair result and include all relevant materials.
- 5.3 The staff will present the information to the Ethics Committee at its next regularly scheduled meeting. The Committee, in its sole discretion, may vote to reinstate the Member on PlannerSearch. The vote shall be a majority of those present at the meeting.

6.0 Implementation

- 6.1 The staff of the FPA shall be responsible for implementing these policies and procedures.
- 6.2 The staff of the FPA shall be held harmless in the implementation of these policies and procedures.