

## REPORT ON DISCIPLINARY ACTION

### Details of Hearing: Peter Gillen, CFP® (Windsor, ON)

On April 9, 2019, an FP Canada Standards Council™ Discipline Hearing Panel accepted a Joint Settlement Agreement between FP Canada™ and Peter Gillen, CFP and ordered that Mr. Gillen's status on the "Find A Planner" page maintained by FP Canada be recorded as "Retired", that Mr. Gillen not apply for renewal of his certification, and that any application to renew his certification be denied by FP Canada.

### Background

Mr. Gillen was certified by FP Canada as a CERTIFIED FINANCIAL PLANNER® professional in January 2001. He does not have a prior discipline history with the Standards Council.

On March 7, 2018, Mr. Gillen was charged with two counts of sexual assault. The Crown proceeded by way of summary conviction. On June 11, 2018, Mr. Gillen pleaded guilty to one count of simple assault. He received a conditional discharge and 12 months' probation.

Mr. Gillen did not report the charges or the finding of guilt to FP Canada and he misled FP Canada on his 2018/2019 renewal application form.

### Admitted Conduct

In the Settlement Agreement with FP Canada, Mr. Gillen admits that:

- I. By pleading guilty to one (1) count of assault under section 266 of the *Criminal Code of Canada* he is presumptively barred from continued certification with FP Canada;
- II. In addition, he breached Rule 2 of the FP Canada Standards Council *Rules of Conduct*;
- III. He failed to meet his disclosure obligations when he failed to report the criminal charges within fifteen (15) days of the charges being laid;
- IV. He misled FP Canada when submitting his certification renewal application for the year 2018/2019; thereby engaging in conduct contrary to Rule 25 of the *Rules of Conduct*.

## Applicable Standard

The underlying conduct occurred between 2016 and 2018, and was, accordingly, governed by the:

- *Standards of Professional Responsibility for CFP Professionals and FPSC® Level 1 Certificants*, in force from March 2016 to May 2017; and
- *Standards of Professional Responsibility for CFP Professionals and FPSC Level 1 Certificants in Financial Planning*, in force from June 2017 to December 2018.

## FP Canada Standards Council Hearing Panel Decision

The Hearing Panel determined that the Joint Settlement Agreement and proposed Penalty were reasonable and should be accepted in accordance with Article 6.8 of the *Disciplinary Rules and Procedures*. In reaching this conclusion, the Hearing Panel noted, among other things, that Mr. Gillen suffers from a mental health issue that significantly contributed to his behaviour.

The Hearing Panel accepted the joint proposed Penalty and, on May 1, 2019, ordered that:

- I. Mr. Gillen's status will be "Retired," and this will be reflected on the Find A Planner Tool maintained by FP Canada;
- II. Mr. Gillen will not apply to FP Canada for renewal of his CFP certification or for recertification by FP Canada;
- III. Should Mr. Gillen apply for certification by FP Canada at any time in the future, his application will be denied by FP Canada in accordance with this Order; and
- IV. Mr. Gillen's discipline history will be published by FP Canada in accordance with the *Policy on the Publication of Disciplinary Information including*, without limitation, on the Find A Planner Tool and on FP Canada's website.

FP Canada Standards Council did not seek costs associated with this matter.