

**CERTIFIED FINANCIAL PLANNER BOARD OF STANDARDS, INC.
WASHINGTON D.C.**

IN THE MATTER OF

BRIAN R. GILDER,

Respondent.

CFP Board Case No. 2023-65249

January 12, 2024

ORDER OF ADMINISTRATIVE REVOCATION

On December 11, 2023, pursuant to Article 4.2 of Certified Financial Planner Board of Standards, Inc.'s ("CFP Board") *Procedural Rules*, CFP Board Enforcement Counsel filed a Motion for Order of Administrative Revocation ("Motion"), enclosed with this order, requesting that Counsel for the Disciplinary and Ethics Commission ("DEC Counsel") issue an Order of Administrative Revocation to Brian R. Gilder ("Respondent").¹ Respondent did not file a Response to the Motion, so Enforcement Counsel did not file a Reply.

For the reasons stated below, Enforcement Counsel's Motion is granted.

I. Background

Respondent became a CFP® professional on March 31, 2003, but is currently suspended pursuant to an Interim Suspension Order entered against him on April 19, 2023.²

On both March 24, 2023 and April 26, 2023, Enforcement Counsel issued a Notice of Investigation ("NOI") to Respondent related to 2023 criminal charges of wire fraud and conspiracy to commit wire fraud. As demonstrated by Respondent's clear intent not to participate in CFP Board's investigation, Enforcement Counsel determined that Respondent was in default pursuant to Article 4.1.b. of the *Procedural Rules* and filed a Motion for Order of Administrative Revocation on December 11, 2023. As noted, Respondent did not file a Response to the Motion, so Enforcement Counsel did not file a Reply.

II. Discussion

a) Respondent is in Default

Pursuant to Article 4.1.b. of the *Procedural Rules*, if Respondent indicates a clear intention not to participate in CFP Board's investigation, then Respondent is in default. Respondent indicated his clear intention to not to participate in CFP Board's investigation through his counsel. (*See Exhibit 1 to Motion at 2-3 ("Per our conversation, Mr. Gilder does not intend to participate in the CFP Board Enforcement's investigation.")*) As a result, Respondent is in default under Article 4.1.b. of the *Procedural Rules*.

¹ Enforcement Counsel certified in its Motion that it had met and conferred with Respondent's counsel in a good faith attempt to resolve or narrow the issues in August 2023, but Enforcement Counsel and Respondent's counsel were unable to resolve the issue of Respondent's default.

² The Motion, any response to or reply in support of the Motion, and any Exhibits to the Order are not subject to publication under Article 17.7 of the *Procedural Rules*.

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b) *Respondent's Alleged Conduct Warrants an Administrative Revocation*

Respondent is charged with wire fraud and conspiracy to commit wire fraud. According to the Criminal Information, the Respondent and his co-defendants engaged in various schemes to defraud professional athletes. According to the Motion, Respondent's conduct may have violated Standard A.8 of the *Code of Ethics and Standards of Conduct* ("Code and Standards"), which requires a CFP® professional to comply with the laws, rules, and regulations governing Professional Services. Respondent's conduct may have also violated Standard E.2.a of the *Code and Standards*, which states a CFP® professional may not engage in conduct that reflects adversely on his or her integrity or fitness as a CFP® professional, upon the CFP certification marks, or upon the profession.

The seriousness, scope, and harmfulness of Respondent's conduct warrants an Order of Administrative Revocation. It should be noted that the same conduct offered in support of this Motion for Order of Administrative Revocation formed the basis for the interim suspension issued to Respondent by CFP Board on April 19, 2023. Specifically, charges of wire fraud and conspiracy to commit wire fraud pose a significant threat to the public and significantly impinges upon the reputation of the profession or the CFP Board certification marks. Respondent's conduct may have violated Standards A.8 and E.2.a of the *Code and Standards*, and Respondent intentionally chose not to cooperate with CFP Board's investigation. As a result, Respondent's conduct warrants the issuance of an Order of Administrative Revocation.

III. Conclusion

Respondent is in default pursuant to Article 4.1.b. of the *Procedural Rules*. After reviewing the seriousness, scope, and harmfulness of Respondent's conduct, Enforcement Counsel's Motion is **GRANTED**, and DEC Counsel issues this Order of Administrative Revocation ("Order") wherein Respondent's right to use the CFP Board certification marks is permanently revoked.

IV. Compliance with Order

Pursuant to Article 11.2 of the *Procedural Rules*, Respondent is required to submit to Enforcement Counsel, within 45 calendar days of issuance of this Order, written evidence that Respondent:

- Has advised Respondent's Firm(s), in writing, of this Order of Administrative Revocation in the manner set forth in Standard D.3 of the *Code and Standards*; and
- Has advised all Clients (as Client is defined in the Glossary to the *Code and Standards*) of this Order of Administrative Revocation and provided all Clients the location of CFP Board's website that sets forth Respondent's disciplinary history in the manner set forth in Standard A.10 of the *Code and Standards*.

Pursuant to Article 11.3 of the *Procedural Rules*, within 45 calendar days from the date of this Order, Respondent is required to submit to Enforcement Counsel, by sending an email to discipline@cfpboard.org, Respondent's statement of assurance that Respondent will not use the CFP Board certification marks and proof that Respondent has removed the CFP Board certification marks from all internet sites or other tangible materials that Respondent exposes to the public,

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including screenshots of the businesses, social media, and third-party financial advisor listing website profiles that Respondent controls, pictures of signage, and when applicable, copies of Respondent's business cards, letterhead, and marketing and promotional materials, as well as pictures of any other materials Respondent controls in which the CFP® marks previously appeared publicly in reference to Respondent or Respondent's services. Failure to do so may result in further disciplinary or legal action regarding the unauthorized use of the CFP Board certification marks.

Issued by:

Counsel to the Disciplinary and Ethics Commission

Date: January 12, 2024