

OKLAHOMA ACCOUNTANCY BOARD**MINUTES OF REGULAR MEETING AND HEARINGS**

April 19, 2011

The Oklahoma Accountancy Board (OAB) convened in regular session on Tuesday, April 19, 2011, in the Board Room of the Oklahoma Accountancy Board, 201 NW 63rd Street, Suite 210, Oklahoma City, Oklahoma. A recording of the meeting is on file in the OAB office. Members present at the meeting:

Janice L. Gray, CPA, Chair
Barbara Ley, CPA, Vice Chair
Vicky Petete, CPA, Member
Mike Sanner, CPA, Member
Kim Shoemake, CPA, Member
Tom Volturo, Representing the Public, Member

Board staff present at the meeting: Colin Autin, Interim Executive Director; Linda Ruckman, Interim Deputy Director; LaLisa Semrad, Enforcement Coordinator; Matthew Sinclair, Records Coordinator; and Rebekah Flanagan, Administrative Assistant II. Assistant Attorney General John Crittenden was also present. Randy Ross, who was appointed Executive Director during the meeting, was also present.

Agenda Item #1a – Call To Order: At approximately 8:33 a.m. Chair Gray called the meeting to order.

Agenda Item #1b – Declaration of Quorum: Chair Gray declared a quorum.

Agenda Item #1c – Announcement of Legal Meeting Notice: Interim Executive Director Autin confirmed the notice of the meeting was filed with the Secretary of State and the agenda for the meeting was properly posted in compliance with the Open Meeting Act.

Agenda Item #1d – Announcement of Absences and Action, if Necessary, to Determine Whether Absence(s) Was Unavoidable Pursuant to Title 59, Section 15.3(B)(5): Chair Gray announced that Member St. John was absent and that his absence was excused.

Agenda Item #2 – Announcement of Visitors: The following visitors were present: Dick Shanahan and Daryl Hill, representing the Oklahoma Society of Certified Public Accountants (OSCPA); and Dean Taylor, representing the Oklahoma Society of Accountants (OSA).

Agenda Item #3 – Public Comment Period: Interim Executive Director Autin advised the Board that he had not received any written requests or been informed of any member of the public wishing to speak before the OAB.

Agenda Item #4 – Consent Agenda: The Consent Agenda contained six items for the OAB's consideration; (1) Approve the Minutes of the March 18, 2011, Regular Meeting of the OAB; (2) Take official notice of the OAB's YTD Statement of Receipts and Disbursements Report for FY 2011, for the month ended March 31, 2011; (3) Approve the verification of the administrative posting to the OAB's records and certification of scores for Window 1/2011 Examination, January – February 2011; (4) Ratify the CPE/Experience Verification Committee's approval of the verification of experience by non-registrant individuals; (5) Take official notice of the experience verification applications which have been approved by the Interim Executive Director; (6) Approve the actions taken by the Interim Executive Director on applications and registrations filed since the previous meeting. (Appendix I)

Motion by Sanner that the Consent Agenda be approved.
Second by Petete.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake,
and Volturo. Absent: St. John.

Agenda Item #5 – Discussion and possible action on Administrative Actions and recommendations and report from the Enforcement Committee:

ADMINISTRATIVE CONSENT ORDERS:

Case No. 1873 – Robin L. Blackwell, CPA

This case is a result of a referral by the Licensing Coordinator. For approximately a year, Respondent practiced public accounting without a permit after failing to timely file for an Oklahoma reciprocal certificate. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$1,000 and costs and attorney fees in the amount of \$360, which must be paid within 30 days of the effective date of this Order. Any failure by the Respondent to comply with any of the terms of this Order shall result in an immediate hearing before the Board. In addition, a proven violation of the ACO, the Act or the Board's Rules authorizes the Board to take such other and further action as the Board may deem appropriate under the Act. The Enforcement Committee recommends the Administrative Consent Order in this case be approved by the Board.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant was certified in 2010.
Peer Review Status: Not Applicable.

Case No. 1878 – F & L Tax Service, PLLC, CPA Firm

This case is a result of a referral by the Licensing Coordinator that Respondent Firm practiced public accounting before registering with the OAB. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$2,500 and costs and attorney fees in the amount of \$607.79, which must be paid within thirty (30) days from the effective date of

the Order. Any failure by the Respondent to comply with any of the terms of this Order shall result in an immediate hearing before the Board. In addition, a proven violation of the ACO, the Act or the Board's Rules authorizes the Board to take such other and further action as the Board may deem appropriate under the Act. The Enforcement Committee recommends the Administrative Consent Order in this case be approved by the Board.

OAB Records Summary

CPE Status: Not Applicable
Peer Review Status: Registrant is in compliance.

Case No. 1879 – R. P. Varner Co, PC, CPA Firm

This case is a result of a referral by the State Auditor and Inspector's Office that Respondent Firm performed a governmental entity audit before registering as an approved governmental auditor with the OAB. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$1,000 and costs and attorney fees in the amount of \$289.04, which must be paid in monthly installments of at least \$500 until all fines and costs are paid in full. The first payment is due on or before May 19, 2011 with subsequent payments due on or before the 19th day of each succeeding month. Any failure by the Respondent to comply with any of the terms of this Order shall result in an immediate hearing before the Board. In addition, a proven violation of the ACO, the Act or the Board's Rules authorizes the Board to take such other and further action as the Board may deem appropriate under the Act. The Enforcement Committee recommends the Administrative Consent Order in this case be approved by the Board.

OAB Records Summary

CPE Status: Not Applicable
Peer Review Status: Registrant is in compliance.

Case No. 1880 – Donald Baker, CPA

This case is a result of a referral by the CPE Coordinator that Respondent failed to complete eight hours of required CPE for the rolling three-year period 2006-2008, and twenty-four hours of required CPE for the rolling three-year period 2007-2009. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$500 and costs and attorney fees in the amount of \$251.54, which must be paid within 30 days of the effective date of this Order. In addition, Respondent must complete and report to the Board the past-due CPE within ninety days of the effective date of this Order. Any failure by the Respondent to comply with any of the terms of this Order shall result in an immediate hearing before the Board. In addition, a proven violation of the ACO, the Act or the Board's Rules authorizes the Board to take such other and further action as the Board may deem appropriate under the Act. The Enforcement Committee recommends the Administrative Consent Order in this case be approved by the Board.

5843.

OAB Records Summary

CPE Status: Registrant is not in compliance. Registrant reported 20 hours of CPE for 2006 (includes 4 hours of ethics); 22 hours of CPE for 2007 (includes 2 hours of ethics); 70 hours of CPE for 2008 (includes 2 hours of ethics); and 4 hours of CPE for 2009 (includes 4 hours of ethics).

Peer Review Status: Not Applicable.

Motion by Ley to accept the Administrative Consent Order in Case Nos. 1873, 1878, 1879 and 1880. Second by Volturo.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

FILES TO CLOSE:

File No. 1279

The registrant self-reported a DHS investigation of alleged abuse of a mentally impaired person and provided relevant facts regarding his innocence. The DHS investigation was dropped and the registrant made no admission of guilt, but did agree to surrender registrant's nurse's aid certificate. No criminal charges were ever filed. The Enforcement Committee recommends the file be closed.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant reported 85 hours of CPE for 2007 (includes 11 hours of ethics); 34 hours of CPE for 2008 (includes 4 hours of ethics); and 35 hours of CPE for 2009 (includes 3 hours of ethics).

Peer Review Status: Not Applicable.

File No. 1806

This file was opened as a result of a referral by the Licensing Coordinator that the registrant failed to timely file for a reciprocal certificate. The registrant has submitted information that suggests faulty information may have been given by an OAB employee regarding registrant's eligibility to obtain Oklahoma certification; therefore, the Enforcement Committee recommends the file be closed.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant was certified in 2010.

Peer Review Status: Not Applicable.

File No. 1810

This file was opened as a result of a referral by the Licensing Coordinator that staff members for a management company used their CPA designations on the company website. The firm manager conducts accounting business under a registered firm

name; however, a letter was sent to the firm requesting that it clearly display on its website that the management company is separate from the CPA firm. The company has removed all CPA designations from the company website; therefore, the Enforcement Committee recommends the file be closed.

File No. 1813

This file was opened as a result of a referral by the Licensing Coordinator that the registrant failed to timely file an application for a reciprocal certificate. The registrant provided information to show that registrant did not qualify for Oklahoma certification during the time period in question. The Enforcement Committee recommends the file be closed.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant was certified in 2010.
Peer Review Status: Not Applicable.

File No. 1829

This file was opened as a result of a referral by the Licensing Coordinator that the registrant failed to timely file an application for a reciprocal certificate. Sufficient information was provided to demonstrate that registrant thought an additional auditing class was required to qualify for Oklahoma certification and that application for Oklahoma licensure was applied for shortly after completion of the auditing class. The Enforcement Committee recommends the file be closed.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant was certified in 2010.
Peer Review Status: Not Applicable.

File No. 1832

This file was opened as a result of a referral by the CPE Coordinator that the registrant practiced public accounting for a firm for a month before applying for a permit to practice. The Enforcement Committee recommends that the file be closed with a private reprimand letter sent to the registrant and the firm employing him.

OAB Records Summary

CPE Status: Registrant is in compliance. Registrant reported 34 hours of CPE for 2007 (includes 4 hours of ethics); 65 hours of CPE for 2008 (includes 4 hours of ethics); and 52 hours of CPE for 2009 (includes 0 hours of ethics).
Peer Review Status: Not Applicable.

File No. 1837

This file was opened as a result of a referral by the Licensing Coordinator that the out-of-state registrant firm operated under a new name for approximately six weeks before notifying the OAB and completing an initial firm registration as required to reflect a firm name change. The Enforcement Committee recommends that the file be closed with a private reprimand letter sent to the firm.

OAB Records Summary

CPE Status: Not Applicable
Peer Review Status: Registrant is in compliance.

Motion by Ley to close File Nos. 1279, 1806, 1810, 1813, 1829, 1832, and 1837. Second by Volturo.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

CASES TO DISMISS:

Case No. 1738

The unregistered firm was listed in the OKC telephone directory under "Accountants-Public." A cease and desist letter was sent ordering the company to take necessary steps to correct the listing. The company has complied. The Enforcement Committee recommends the case be dismissed.

Motion by Ley to dismiss Case No. 1738. Second by Shoemake.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

Chair Gray reported that with regard to the actions being taken concerning Michael Douglas, a hearing has been set in District Court for 1:30 p.m. on Thursday, April 21, 2011. She stated the Board would be kept apprised.

Agenda Item #6 – Discussion and possible action on report from the Legislative Committee:

Chair Gray addressed this item. Chair Gray reported that Senate Bill 270, the bill requested by the OSCPA which the Board voted to support, passed in the House yesterday; however, the emergency clause did not pass. She stated that there are a number of consolidation bills which could create some issues for the OAB, and these are being watched. Chair Gray reported that the bill that would have allowed the Governor to name the Executive Directors of most agencies is now dormant. The bill that would have allowed the Governor to appoint Board members at any time is also dormant.

Agenda Item #7 – Discussion and possible action on nominations for the NASBA Nominating Committee Members, Directors-at-Large and Regional Directors positions: Interim Executive Director Autin addressed this item. Mr. Autin reported that Chair Gray currently serves as Southwest Regional Director, and she would like the Board to consider nominating her for the position for the next year.

Member Ley stated that the Board is very appreciative of Chair Gray's service as Southwest Regional Director. She has given of her own time this past year to serve in this capacity, and it is quite a "feather in the cap" for Oklahoma to have the Board's current Chair serving in that position.

Motion by Ley to nominate Janice L. Gray to serve another year as the NASBA Southwest Regional Director. Second by Petete.

Affirmative Votes: Ley, Petete, Sanner, Shoemake, and Volturo. Abstentions: Gray. Absent: St. John.

Agenda Item #8 – Discussion and possible action on report from Ad Hoc Committee to review and recommend changes to the Oklahoma Accountancy Board Consolidated Records Disposition Schedule 88-06: Records Coordinator Sinclair reported that the amendments to the OAB's Records Disposition Schedule which were approved by the Board at the January 2011 meeting have been sent to the Archives and Records Commission. The Commission will be meeting on April 28.

Member Sanner reported that the Ad Hoc Committee has reviewed the Records Disposition Schedule that the Commission will be considering for approval. The Committee looked at the various record categories, at how and when records would move from one category to another, and at the period of time that it is being recommended records be retained. He stated that the Committee does not have any action to recommend as the Committee agrees with the Schedule previously approved. Chair Gray inquired as to whether Mr. Sanner believes that the Records Disposition Schedule is in order and that the Ad Hoc Committee's work is done. Member Sanner responded affirmatively. Chair Gray expressed her appreciation to the Committee for their work in this regard.

Agenda Item #9 – Discussion and possible action on recommendation from CPE Coordinator regarding 2011 CPE audit: Chair Gray stated that this item will be deferred to the May Board meeting in order to give the CPE Committee an opportunity to review the recommendation prior to it being presented to the Board.

Agenda Item #10 – Discussion and possible action on Calvert Law Firm invoice for professional services rendered February 1, 2011, through February 28, 2011: Interim Executive Director Autin addressed this matter. He stated that in accordance with the Purchasing Procedures, any invoice greater than \$10,000.00 is subject to approval by the Board. Member Ley stated that the Enforcement Committee has reviewed the Invoice and has approved it for payment in the normal course of the Enforcement Committee business.

Motion by Ley that the Board approve the Calvert Law Firm Invoice for professional services rendered from February 1, 2011, through February 28, 2011, in the amount of \$12,423.86. Second by Volturo.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

Agenda Item #11 – Discussion and possible action on request from Lori Dawn Wharton, Certificate 11670 – Revoked, to rescind the revocation: Interim Deputy Director Ruckman addressed this item. She reported that Lori Dawn Wharton called the Board office on March 23, 2011, and spoke with Records Coordinator Sinclair. Ms. Wharton indicated that she had called and spoke with a representative of the Board in January to find out what she needed to do to cancel her CPA certificate. Ms. Wharton claimed that she was told to send an email to www.generic@oab.ok.gov, which is not a valid email address. Ms. Ruckman noted that the email was not received by the Board, she did not know why Ms. Wharton did not receive a message indicating that the message was undeliverable. Ms. Wharton is now requesting that the revocation of her certificate be reversed and that the certificate be cancelled.

Member Volturo noted that Ms. Wharton indicated in her letter that she is retiring. He asked if the Board allows registrants who are retired to keep their certificate. Ms. Ruckman responded that if an individual has retired from all forms of employment they are allowed to keep their certificate when it is cancelled. Member Volturo inquired as to how long Ms. Wharton has been a registrant. Ms. Ruckman responded that it appears she became a registrant in the early 1990's. Vice Chair Ley asked if the Board's records reflect that Ms. Wharton was most recently in industry. Ms. Ruckman stated that she believed Ms. Wharton was in inactive status, and this was later confirmed by Mr. Sinclair.

Member Sanner asked if Ms. Wharton would be able to keep her certificate if the Board rescinded the revocation and cancelled the certificate. Ms. Ruckman responded that Ms. Wharton could keep the certificate, but that she would not be able to use the CPA designation in any way. Member Sanner asked if there would have been anything that would have prevented the Board from cancelling the certificate if written notification had been received timely. Ms. Ruckman responded in the negative.

Motion by Sanner that the revocation of Lori Dawn Wharton's certificate be rescinded, and that the certificate be cancelled.
Second by Volturo.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

Case 1635 – Hearing in the matter of Gayle P. Miles-Scott, CPA, Certificate No. 7667: This matter came on for hearing at 9:00 a.m. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

Assistant Attorney General John Crittenden advised the Board. The Respondent was not present and was not represented by counsel. Special Prosecutor Calvert represented the State.

The purpose of the hearing was to consider Respondent's failure to comply with the terms of the Administrative Consent Order (ACO) filed on March 27, 2006, specifically the failure of Respondent to pay the fines and costs assessed in the prior ACO.

Special Prosecutor Calvert moved for admission of Exhibits 1-5 into the record. Chair Gray accepted the Exhibits into the record. Special Prosecutor Calvert noted that Exhibit 3 states Ms. Miles is self-employed, but she is essentially retired.

The Special Prosecutor presented a Consent Order signed by the Respondent under the following terms: 1) Respondent has violated the Act and/or Board's Rules by failing to comply with the ACO entered on March 27, 2006, *In the Matter of Gayle P. Miles-Scott, CPA*, Oklahoma Accountancy Board Case No. 1635; 2) Respondent is assessed costs assessed in the ACO entered on March 27, 2006, *In the Matter of Gayle P. Miles-Scott, CPA*, Oklahoma Accountancy Board Case No. 1635, in the amount of \$1,400.00; 3) Respondent is assessed costs and attorney fees associated with this disciplinary matter in the amount of \$375.00; 4) Respondent is required to make monthly payments in the amount of \$200.00 until all costs and attorney fees are paid in full. The first payment is due on or before May 19, 2011, with subsequent payments due on or before the 19th day of each succeeding month; 5) Any failure of Respondent to comply with any of the terms of this Consent Order shall result in an immediate hearing before the Board. In addition, a proven violation of this Consent Order, the Act, or the Board's Rules, authorizes the Board to take such other and further action as the Board may deem appropriate under the Law; 6) Respondent agrees not to violate the Act or Board's Rules in the future; 7) Respondent and the Board acknowledge that the Board has stated for the record that all violations of this Consent Order, the Act, or the Board's Rules are viewed as very serious in nature. Any further violations by Respondent will be grounds for the Board to convene a hearing to determine Respondent's eligibility to retain any Certified Public Accountant's certificate, license and/or permit to practice public accounting which may, at that time, be held by the Respondent; 8) A copy of this Consent Order shall be on file in the Board's offices and shall be made available to any person who inquires and requests access to the Board's records. Further, notice of these proceedings should be reported by press release, in the Board's Bulletin, online through the Board's website, and as otherwise deemed appropriate by the Board.

Special Prosecutor Calvert stated that upon receipt of the notice of this hearing, Respondent immediately contacted his office and entered into a payment plan as outlined in the Consent Order. He noted that the original fines/costs assessed totaled \$1,400.00, and there will be an additional \$357.00 in costs associated with today's hearing. Chair Gray inquired as to whether there was any kind of probation in the original ACO. Mr. Calvert stated that there was a requirement for pre-issuance review. He noted that the original case had to do with a compilation which she had done as a "one-off thing" as a favor to someone. Enforcement Coordinator Semrad reported that Respondent has executed an affidavit stating that she has done no engagements that would require the pre-issuance review.

5849.

Motion by Sanner to approve the proposed Consent Order in Case No. 1635. Second by Volturo.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

The proceedings and the individual votes of the members were conducted in open session. The evidence is contained in Docket File No. 1635.

Case 1838 – Hearing in the matter of John L. Yeager Jr., CPA, Certificate No. 14441 – Revoked: This matter came on for hearing at approximately 9:20 a.m. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

Assistant Attorney General John Crittenden advised the Board. The Respondent was not present and was not represented by counsel. Special Prosecutor Calvert represented the State.

Special Prosecutor Calvert moved for the admission of Exhibits A, B, and B1 through B7, into the record. Chair Gray accepted the Exhibits into the record.

The purpose of the hearing was to consider the recommendations of the Administrative Law Judge (ALJ) that: 1) Respondent's certificate which was revoked "administratively" pursuant to 15.14(E)(2) of the Act, should also be revoked for "cause" for Respondent's violation of Section 15.35(C) of the Act, and Section 10:15-30-5(a) and (b) of the Board's Rules; 2) Should Respondent apply for reinstatement, Respondent must meet his burden of proof at a show cause hearing, and have completed Professional Ethics: AICPA's Comprehensive Course with a score of 90% or better, which was taken no earlier than ninety (90) days prior to applying for reinstatement. All costs must be paid prior to applying for reinstatement; 3) Respondent should be assessed all costs of this matter, including but not limited to attorney fees, investigation costs, hearing officer costs, and court reporter costs; 4) These Findings of Fact, Conclusions of Law and Recommendations should be considered at the next available Board meeting; 5) A copy of the Board Order should be on file in the Board's offices and should be made available to any person who inquires and requests access to the Board's records. Further, notice of these proceedings should be reported by press release and in the Board's Bulletin, and as otherwise deemed appropriate by the Board.

Motion by Sanner to accept the findings of the ALJ and revoke Mr. Yeager's certificate for cause, and to assess fees and costs in the amount of \$2,097.07. Second by Ley.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

The proceedings and the individual votes of the members were conducted in open session. The evidence is contained in Docket File No. 1838.

Case 1858 – Hearing in the matter of Charles S. Powell, CPA, Certificate No. 2648:

This matter came on for hearing at approximately 9:27 a.m. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

Assistant Attorney General John Crittenden advised the Board. The Respondent was not present and was not represented by counsel. Special Prosecutor Calvert represented the State.

Special Prosecutor Calvert moved for the admission of Exhibits 1 through 11 into the record. Chair Gray accepted the Exhibits into the record.

Special Prosecutor Calvert noted that the purpose of the hearing was to consider Respondent's failure to comply with the terms of a previous Order entered on December 14, 2001. The previous Order was appealed to District Court, and in August of 2003 the District Court confirmed the Board's Order. The Order assessed fines totaling \$10,500.00 and costs in the amount of \$7,300.00. Respondent has not made any payments on the fines and costs assessed. Respondent currently lives in Mena, Arkansas.

Special Prosecutor Calvert stated that it is Respondent's contention that since five years have past since the Order was confirmed by the District Court, there is no longer a judgment on which to collect. He noted that would be a rough characterization of the rules in a civil case among private parties; however, with regard to a sovereign entity, the State of Oklahoma, carrying out its core duties in the supervision of professional licenses, the statute of limitations does not apply. Special Prosecutor Calvert requested that the Board revoke Respondent's certificate and assess the cost of this hearing.

Mr. Crittenden agreed that there is no statute of limitations in this matter. He stated there is a statute that provides for money judgments to go dormant if a notice of renewal, executions, or garnishments are not performed at least once every five years. However, as a sovereign entity, the State of Oklahoma by case law would still be entitled to come back and seek a new judgment to re-establish the judgment for the fines and costs totaling \$17,800.00. Under the State Constitution, the Legislature does not have the power to forgive a debt.

Motion by Sanner that in accordance with the Formal Complaint filed on February 15, 2011, the following action be taken: 1) Respondent's certificate be revoked for cause; 2) in addition to the fines of \$10,500.00 and costs of \$7,300.00 previously assessed which are still outstanding, the Board assess an additional fine of \$5,000.00 plus costs incurred for today's hearing; and 3) that notification of this action be sent to the Arkansas Accountancy Board.
Second by Volturo.

Special Prosecutor Calvert stated that he will prepare an Order in this matter for the Board's review.

5851.

The proceedings and the individual votes of the members were conducted in open session. The evidence is contained in Docket File No. 1858.

Case 1874 – Hearing in the matter of Kent Alan Mayberry, PA, License No. 1067:

This matter came on for hearing at approximately 9:53 a.m. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

Assistant Attorney General John Crittenden advised the Board. The Respondent was not present and was not represented by counsel. Special Prosecutor Calvert represented the State.

Special Prosecutor Calvert stated this is another case involving a Respondent not in compliance with an Order. He noted that he received a phone call from Respondent's brother-in-law, who is also his legal counsel. They are making every effort to get Respondent into compliance. Respondent has mailed payment of the fines/fees assessed, but it has not yet been received as it was mailed to the Board's old address. Mr. Calvert stated that the other part of the Order at issue is the requirement for peer review. Respondent's legal counsel has indicated that Respondent has not performed any audits.

Special Prosecutor Calvert requested that this hearing be continued and that he will report back regarding Respondent's attempts to get into compliance with the prior Order.

Chair Gray indicated she had no objection to the hearing being continued, but she believed Respondent should be required to provide a written statement that he has not performed any audits or reviews since the date of the prior Order in this case that would require him to have had a peer review.

Motion by Sanner to continue the Hearing in Case No. 1874 to the May Board meeting. Second by Ley.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

The proceedings and the individual votes of the members were conducted in open session. The evidence is contained in Docket File No. 1874.

Motion by Ley to adjourn the Hearings. Second by Shoemake.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

The hearings were adjourned at approximately 10:00 a.m.

Agenda Item #12 – Proposed Executive Session pursuant to Title 25 O.S. Supp. 2006, Section 307(B)(1) for discussion and possible action on employment, hiring appointment, promotion, disciplining, resignation, changes to existing salaries, or setting salary ranges for the following individual positions: a) Executive Director; b) Interim Executive Director; c) Deputy Director; d) Interim Deputy Director; e) Licensing Coordinator; f) Examination Coordinator; g) CPE Coordinator; h) Peer Review Coordinator; i) Records Coordinator; j) Enforcement Coordinator; k) Accountant II; l) Administrative Assistant I; and m) Administrative Assistant II: Member Volturo, Chair of the Personnel Committee, stated that he did not believe an Executive Session was needed.

Agenda Item #13 – Discussion and possible action on report from the Personnel Committee: Member Volturo addressed this item. He noted that at the last Board meeting the Board voted to allow the Chair to negotiate with the top candidate for the Executive Director position. Chair Gray was successful in negotiating the terms with Randall A. Ross as outlined in a proposal letter provided to the Board. The proposal letter has been reviewed by legal counsel, and legal counsel is in agreement that the terms as indicated in the letter meet all state requirements.

Motion by Volturo to hire Randy Ross as the Executive Director at an annual salary of \$125,000.00 effective today in accord with the provisions of the proposal letter. Second by Sanner.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

Motion by Volturo that as of today Colin Autin and Linda Ruckman will no longer serve as Interim Executive Director and Interim Deputy Director, respectively, and that they will return to their prior positions and salaries. Second by Sanner.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

Member Volturo as well as Chair Gray expressed the Board's appreciation for the service Mr. Autin and Ms. Ruckman provided to the Board.

Agenda Item #14 – New Business: Mr. Volturo announced that after much consideration about his reappointment, he has decided not to seek another four-year term. He said he has thoroughly enjoyed his eight years on the Board. With the hiring of the new Executive Director, he believes it is time for him to simplify some things in his life. He stated he will be sending the Governor a letter sometime this week formalizing the discussion he had with the Governors Appointment Secretary and submitting his resignation. Member Volturo stated that it has been a pleasure working with everyone and he wished the Board well.

Chair Gray stated that she and Member Volturo have had several discussions regarding this issue. She used all avenues of persuasion she felt she had to try to persuade Member Volturo not to resign, but she also understands his decision. Member Volturo has served eight years as the public member, one of those years also serving as Board Chair. Chair Gray stated that Member Volturo has been a great asset to the Board.

Vice Chair Ley expressed her appreciation to Member Volturo. She stated it has been a great opportunity to work with him, and she has learned more about state government from Member Volturo than from anyone else.

It was the unanimous consensus of the Board that Member Volturo's resignation be acknowledged with sincerest regrets.

Agenda Item #15 – Interim Executive Director's Report: Interim Executive Director Autin reported on the following:

- The newest OAB employee, Rebekah Flanagan, Administrative Assistant II, was introduced.
- First notice of birth month renewal implementation was sent to all registrants on April 5th and April 6th.
- Testing of online Individual Reporting with newly implemented prorated fees began on April 15th.
- Statement of Financial Interests must be submitted to the Ethics Commission by May 16, 2011.
- Expenditures made by the Interim Executive Director with approval of the Chair between \$2,500 and \$10,000 since the preceding Board meeting:
 - BEP One; April 2011 Rent - \$4,392.00

Interim Executive Director Autin and Interim Deputy Director Ruckman expressed their appreciation to the Board for the opportunity to serve in the interim positions.

Agenda Item #16a – Chair's Announcements: Chair Gray noted that she will be hosting a social function at her home on the evening of Wednesday, May 18, and all Board members will be invited. She requested that it be noted that a quorum of the Board may be present at this social event, but that no Board business will be discussed.

Chair Gray reported that she received an email from a managing partner of a CPA firm in Oklahoma City. The firm has had issues with hiring employees certified in another jurisdiction who do not meet the requirement of applying for reciprocity within 120 days of the date they begin performing public accounting in Oklahoma. The managing partner presented an excellent suggestion for the Board's consideration. Chair Gray stated she will be working with the Executive Committee and with Executive Director Ross to develop a presentation on current issues the Board has seen, changes in statutes and rules, etc. This presentation could be made a couple of times per year in

Oklahoma City and Tulsa. Vice Chair Ley stated that consideration might want to be given to a webinar as well.

Executive Director Ross stated that he has visited briefly with Daryl Hill about making such a presentation at some of the OSCPAs CPE seminars. The plan is to develop a format that could be presented not only at the OSCPAs seminars, but anytime there is an opportunity to get out in public. He stated that developing an "issues" presentation is a high priority. Chair Gray noted that she thought the email she received was suggesting something specifically directed to managing partners. Managing partners do not always get into the trenches, but they need to have that information.

Executive Director Ross stated that he has "hit the road running." All OAB staff have been sent to Fish Management Training which he believes the staff enjoyed. He noted that with regard to legislation that would impact the Board, he has visited with several legislators and he has networked with a number of Executive Directors of other licensing agencies.

Agenda Item #16b – Announce date and location of the next meeting: It was noted that the next meeting is currently scheduled to be held on Thursday, May 19, 2011, at the OAB Board Room, 201 N.W. 63rd Street, Suite 210, Oklahoma City, OK 73116.

Agenda Item #17 – Adjourn: There being no further business to come before the Board, Chair Gray entertained a motion to adjourn.

Motion by Ley that the meeting be adjourned. Second by Shoemake.

Affirmative Votes: Gray, Ley, Petete, Sanner, Shoemake, and Volturo. Absent: St. John.

The meeting was adjourned at approximately 10:30 a.m.

Janice L. Gray, Chair

Date

ATTEST:

E. B. St. John, Secretary

Date

APPENDIX I

GRADES CERTIFIED: The OAB took official notice of the administrative posting of scores to the OAB's records for the Window 1/2011 Examination which were certified by the Interim Executive Director.

The following candidates successfully passed the Certified Public Accountant Examination Window 1/2011:

Name

PAIGE A. ARTHUR
BENJAMIN DAVID BLOSCH
BRIAN JOSEPH BLUNDELL
DIANE MARIE CARLSON
COLLEY DAKOTA COLE
MARK LYNN DAVIS
TONIA DARNETTE FITZPATRICK
GILBERT BOUGHTON FLETCHER
MEGAN RACHELLE FREDRICKSON
DARYL RAY GEORGE
JASON ANDREW HENRY
AMANDA RAE HUBLER
GRANT RUSSELL JOHNSON
TYRA JOPLIN
VANESSA LYNN MCLAUGHLIN
PATRICIA MENDOZA
JOSHUA RYAN NEIL
ERIC PANNELL
JACOB EDWARD PASBY
TRAVIS LEE RAKES
JULIA ROHRS
VERONICA CAROLINE SANDUBRAE
DAVID MICHAEL SEVER
SCOTT RAY SMITH
ROBERTA FLORENCE STEWART
MELISSA FARRALL THOMAS
ALEXANDRIA ELAINE WADE
NICOLE ELIZABETH WADE
LAURA ELIZABETH ZERGER

BOLD = Each section passed on first sitting

CERTIFICATES SURRENDERED BY REGISTRANTS:

CPAs:

Coming into Oklahoma to practice under Mobility:

Kurt D. Needles

Certificate No. 11697-R

Issued Jan. 30, 1992

No Longer Residing in Oklahoma:

Charles M. Watson III Certificate No. 12811 Issued Aug. 1, 1994

No Longer Practicing in Oklahoma:

Jane Secondine Eckert Certificate No. 15903 Issued Feb. 2, 2004

DECEASED REGISTRANTS:**CPAs:**

Glenn Marvin Tebow	Certificate No. 947	Issued Jan. 21, 1954
David Dean Walden	Certificate No. 1768	Issued Aug. 1, 1964
James Lynn Norris	Certificate No. 2379	Issued July 27, 1970
August L. Helmbright	Certificate No. 5964	Issued Jan. 29, 1982
Debbie Lynn Hubbard	Certificate No. 6617	Issued Jan. 17, 1983
Danny Paul Kilhoffer	Certificate No. 10232	Issued Jan. 26, 1989

DISSOLVED FIRMS:**CPA Corporations:**

Turnbulls Tax Service P.C.

CPA Limited Liability Partnerships:

Lane Gorman Trubitt, L.L.P. (Texas)
Travis, Wolff & Company, L.L.P. (Texas)

APPLICATIONS APPROVED: The OAB took official notice of the following experience verification applications which have been approved by the Interim Executive Director:

Jennifer Kathryn Arms
David Brock Blotevogel
Reid Andrew Brooks
Amanda Claire Brown
Hillary Marie Campagna (Non CPA Verifier)
Diane Marie Carlson
Colley Dakota Cole
Amanda Joyce Crane
Genevieve dela Torre Foster (Non CPA Verifier)
Megan Rachelle Fredrickson
Jason Andrew Henry
Amanda Rae Hubler
Brian Wayne Jackson
Grant Russell Johnson
Vanessa Lynn McLaughlin
George Warren Paul
Travis Lee Rakes
Veronica Caroline Sandubrae

5857.

David Michael Sever
Minh Khanh Vuong
Laura Elizabeth Zerger

APPLICATIONS FOR CERTIFICATION (Successful Candidates):

16962	Kyle Asher Abrahams
16995	Sarah Ruth Dash
17005	Rabih Ali Mehdi
17010	Jared D. Robinson
17012	Moyosore Adebawale Ayoola
17018	Christopher Richard Walters
17020	Mekall Denae Costner
17027	David Brock Blotevogel
17033	Veronica Caroline Sandubrae

APPLICATIONS FOR RECIPROCAL CPA CERTIFICATES:

Holly L. Beitel (Arkansas)
Luke Oyster (Missouri)

APPLICATIONS FOR REINSTATEMENT OF CPA CERTIFICATES:

11683	Kenneth Alan Yancey
12491	Ronald L. Hall
15977	Cynthia Nicole Lindsey

INITIAL FIRM REGISTRATIONS OF PROFESSIONAL LIMITED LIABILITY PARTNERSHIPS:

J.H. Cohn LLP (New Jersey)
Travis Wolff, L.L.P. (Texas)

INITIAL FIRM REGISTRATIONS OF PROFESSIONAL LIMITED LIABILITY COMPANIES:

Cochran Tax & Accounting Service, PLLC
Lane Gorman Trubitt, PLLC
Michael L. Young CPA, PLLC
Subrosa Consulting, PLLC