

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

March 20, 2015

The Oklahoma Accountancy Board (OAB) convened in regular session on Friday, March 20, 2015, at the Oklahoma Accountancy Board, 201 NW 63<sup>rd</sup> Street; Suite 210, Oklahoma City, OK 73116. A recording of the meeting is on file in the OAB office. Members present at Call to Order:

Mike Sanner, CPA, Chair  
Jay Engelbach, CPA, Vice Chair  
Jody Manning, Secretary  
Barbara Ley, CPA, Member  
David Greenwell, CPA, Member  
Marc Delametter, CPA, Member

Board staff present at the meeting: Randy Ross, Executive Director; Colin Autin, Deputy Director; LaLisa Semrad, Enforcement Coordinator; Heather Grable, CPE Coordinator; and Rebekah Flanagan, Administrative Assistant. Assistant Attorney General John Crittenden was also present.

**Agenda Item #1a – Call To Order:** At approximately 8:32 AM. Chair Sanner called the meeting to order.

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

**Agenda Item #1c – Announcement of Legal Meeting Notice:** Executive Director Ross 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) Were Unavoidable Pursuant to Title 59, Section 15.3(B)(5):** Member Cunningham was absent. Chair Sanner excused her absence.

**Agenda Item #2 – Announcement of Visitors:** The following visitors were present for the appropriate time: Daryl Hill, representing the OSCPA; Dean Taylor, representing the OSA; Randy Calvert, with Calvert Law Firm; and David Buck, the Court Reporter.

**Agenda Item #3 – Public Comment Period:** Executive Director Ross advised the Board that he had not received any requests for public comment.

**Agenda Item #4 – Consent Agenda:** The Consent Agenda contained five items for the OAB's consideration; (1) Approve the Minutes of the February 20, 2015, Regular Meeting of the OAB; (2) Take official notice of the preliminary OAB financial statements for FY 2015, for the month ended February 28, 2015; (3) Take official notice of the experience verification applications which have been approved by the Executive Director; (4) Approve the actions taken by the Executive Director on applications and

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registrations filed since the previous meeting; and (5) Approve the verification of the administrative posting to the OAB's records and certification of scores for Window 1/2015 Examination, January and February 2015.

Motion by Delametter that the Board approve the Consent Agenda. Second by Greenwell.

Affirmative Votes: Sanner, Engelbach, Greenwell, Ley, Delametter and Manning.

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

**ADMINISTRATIVE CONSENT ORDERS:**

**Case No. 2046 – Steven John Rothaus, CPA**

This case was opened as a result of a referral by the Licensing Coordinator that Respondent practiced without a permit for approximately ten months. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$500, plus costs and attorney fees in the amount of \$420.48, which must be paid within 30 days from the effective date of this Order. In addition, a proven violation of this 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 reported 75.5 hours for 2011 (includes 2 hours ethics); 76.5 hours for 2012 (includes 5 hours ethics); and 40 hours for 2013 (includes 0 hours ethics).

Peer Review Status: N/A.

**Case No. 2047 – Darryl Patrick Payne, CPA**

This case was opened as a result of a referral by the CPE Coordinator that Respondent was 40 hours short of the 120-hour minimum for the three year period 2010-2012. The Respondent has submitted certificates for 40 hours taken in 2013 and 2014 to apply to the shortfall. An Administrative Consent Order was offered by the Enforcement Committee and accepted by the Respondent whereby Respondent is assessed a fine of \$500, plus costs and attorney fees in the amount of \$366.48, which must be paid within 30 days from the effective date of this Order. In addition, a proven violation of this 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 now in compliance (after adjustment). Registrant reported 20 hours for 2010 (includes 4 hours ethics); 20 hours for 2011 (includes 0 hours ethics); 80 hours for 2012 (includes 4 hours ethics); and 30 hours for 2013 (includes 4 hours ethics).

Peer Review Status: N/A.

Motion by Engelbach that the Board approve the ACOs in Case Nos: 2046 and 2047. Second by Greenwell.

Affirmative Votes: Sanner, Engelbach, Greenwell, Ley, Delametter and Manning.

### **Agenda Item #6 – Discussion and possible action to reschedule the June 2015 Board meeting from June 19<sup>th</sup> to June 12<sup>th</sup> due to conflict with National Association of State Boards of Accountancy regional meeting:**

Motion by Greenwell that the Board reschedule the June 19<sup>th</sup> Board meeting to June 12<sup>th</sup>. Second by Manning.

Affirmative Votes: Sanner, Engelbach, Greenwell, Ley, Delametter and Manning.

### **Agenda Item #7 – Discussion and possible action on report from Legislative Committee:** Executive Director Ross discussed the details of pending legislation.

- SB370 – legislation allowing a firm to be transferred to a trust upon a CPA's death
- HB1807 – legislation modifying the definition of attest

### **Agenda Item #8 – Discussion and possible action on report from the Executive Director:**

#### **Updates**

- Continue to work with legislators, the OSCP and the OSA on the attest legislation. Visited with both OSCP and OSA regarding the attest legislation.
- We have been notified that we will be required to appear at a Senate Budget hearing. I believe this will be during the first week of April.
- Made two presentations (ORU & OCU) and attended a career fair for high school students to promote a career in accounting and becoming a CPA.
- Karen Cunningham was approved in her Senate confirmation hearing.

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- Mike Sanner was reappointed by Governor Fallin and we are waiting on his confirmation hearing date.
- Monitoring several bills in the legislature that could impact the OAB.
- Details have been worked out for our April meeting at Cameron University. There will be a reception the evening before the Board meeting with CPA's, Faculty, and University leadership as well as business leaders from the community.

**Expenditures made by the Executive Director between \$2,500 and \$5,000 since the preceding Board meeting:**

- BEP One: Mar 2015 rent - \$4,392.00

**Expenditures made by the Executive Director with approval of the Chair between \$5,000 and \$10,000 since the preceding Board meeting:**

N/A

**Agenda Item #9 – Chair's Announcements:** There were no announcements.

**Agenda Item #9b – Announce date and time of the next meeting:** It was noted that the next meeting is scheduled to be held on Friday, April 17, 2015, at the Cameron University, 2800 Gore Boulevard, Lawton, OK 73505.

Note: Chair Sanner called for a break at approximately 8:50 AM and reconvened at 9:00 AM.

**Hearing Docket**

**Case No. 2032 – Hearing in the matter of Kent L. West, CPA, Certificate No. 14435; Kent L. West, CPA, P.C., Firm No. 12443 – Revoked; and Kent West CPA PLLC, Firm No. 13547:** This matter came for hearing at 9:05 AM. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

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

The purpose of the hearing was to consider the individual Respondent's failure to comply with the terms of the Findings of Fact, Conclusions of Law, and Order entered on February 15, 2013, and to consider additional counts of alleged violations of the Act and Board's Rules by the individual Respondent and Firm Respondents.

Special Prosecutor Calvert presented the State's case. During the presentation of the State's case, Mr. Calvert moved for the admission of State's Exhibits 1-15. At the

recommendation of Assistant Attorney General Crittenden, Chair Sanner accepted the Exhibits into the record.

At the conclusion of the State's case, Special Prosecutor Calvert moved for the admission of State's Exhibit 16, the fees and costs of Calvert Law Firm for said case. At the recommendation of Assistant Attorney General Crittenden, Chair Sanner accepted the Exhibit into the record.

The Board stated that they would deliberate in Executive Session to discuss Case No's 2032, 2044 and 2048 at the conclusion of the hearing docket.

**Case No. 2044 – Hearing in the matter of Amy Ann Anschutz, CPA, Certificate No. 12913:** This matter came for hearing at 9:29 AM. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

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

The purpose of this hearing was to review the formal complaint filed on January 27, 2015, against the Respondent alleging failure to comply with the Continuing Professional Education (CPE) requirements set out in the Act and Board's Rules.

Special Prosecutor Calvert presented the State's case. During the presentation of the State's case, Mr. Calvert moved for the admission of State's Exhibits 1-4. At the recommendation of Assistant Attorney General Crittenden, Chair Sanner accepted the Exhibits into record.

At the conclusion of the State's case, Special Prosecutor Calvert moved for the admission of State's Exhibit 5, the fees and costs of Calvert Law Firm for said case. At the recommendation of Assistant Attorney General Crittenden, Chair Sanner accepted the Exhibit into record.

**Case No. 2048 – Hearing in the matter of David Bruce Auer, CPA, Certificate No. 9356:** This matter came for hearing at 9:32 AM. The members of the Oklahoma Accountancy Board present were seated on the hearing panel.

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

The purpose of this hearing was to consider the proposed Consent Order signed by the Respondent.

Special Prosecutor Calvert moved that State's Exhibits 1-7 be entered into record. Chair Sanner accepted State's Exhibits 1-7 into record.

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At the conclusion of the State's case, Special Prosecutor Calvert moved for the admission of State's Exhibit 8, the fees and costs of Calvert Law Firm for said case. At the recommendation of Assistant Attorney General Crittenden, Chair Sanner accepted the Exhibit into record.

The Special Prosecutor presented a Consent Order signed by the Respondent under the following terms: 1) Respondent has violated Section 15.14B of the Act and Sections 10:15-39-1 and 10:15-39-9 of the Board's Rules by his acts of professional misconduct as follows: a) Respondent committed fraud or deceit in filing his September 30, 2014 renewal application with the Oklahoma Accountancy Board. b) Respondent violated or attempted to violate the Oklahoma Accountancy Act or the rules implementing that Act as above set forth. c) Respondent committed acts that reflect adversely on his fitness to practice public accounting as above set forth. d) Respondent engaged in conduct involving dishonesty, fraud, deceit, misrepresentation or omission of a known material fact in his most recent renewal application with the Oklahoma Accountancy Board, and by practicing law in the state of Colorado without a license for more than three years and engaging in dishonest conduct in Colorado. e) Respondent received a censure, suspension, cancellation, revocation, by a state or federal agency concerning the right of registrant to practice before a state or federal agency, whether by hearing, consent agreement, court order, or other administrative proceedings, as evidenced by his disbarment on July 23, 2014, as an attorney in the State of Colorado as more particularly set forth above, and as evidenced by the Stipulation and Final Agency Order dated January 30, 2015, of the State Board of Accountancy of the State of Colorado; 2) Respondent violated Section 15.14(H) of the Act by failing to report he was disbarred from the practice of law in the State of Colorado by Order and Notice of Disbarment in a case before the Supreme Court of the State of Colorado, Case Number 14PDJ006, within thirty (30) calendar days of said disbarment becoming effective; 3) Respondent is assessed a fine in the amount of \$1,000.00 for the above violation of the Act and Board's Rules; 4) Respondent is placed on probation for three (3) years from the effective date of this Order; 5) Respondent is assessed costs and attorney fees associated with this disciplinary matter in the amount of \$1,728.85; 6) Respondent is required to pay the fine, costs, and attorney fees within thirty (30) days of the effective date of this Consent Order; 7) Any failure of Respondents 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; 8) Respondent agrees not to violate the Act or Board's Rules in the future; 9) 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; and 10) 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.

At this time Chair Sanner entertained a motion to go into Executive Session.

Motion by Ley that the Board go into Executive Session.  
Second by Engelbach.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner,  
Delametter and Manning.

The Board entered into Executive Session at approximately 9:40 AM to discuss Case Nos. 2032, 2044 and 2048.

Motion by Manning that the Board come out of Executive Session. Second by Engelbach.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner,  
Delametter and Manning.

The Board came out of Executive Session at approximately 10:10 AM. No votes were taken during Executive Session.

**Case No. 2032 – Hearing in the matter of Kent L. West, CPA, Certificate No. 14435; Kent L. West, CPA, P.C., Firm No. 12443 – Revoked; and Kent West CPA PLLC, Firm No. 13547 [Revisited]:**

Motion by Greenwell that the Board adopts the Prosecutor's Findings of Facts and Conclusions of Law, that the individual Respondent's license be revoked and fines assessed as follows: \$1,000.00 for holding out as a CPA under a revoked firm; \$5,000.00 for violation of the Final Order dated February 15, 2013; and \$1000.00 for filing an erroneous firm registration. Also, in addition to the fines the Respondent is assessed costs and attorney's fees in the amount of \$6,437.47. All costs and fees are in addition to the fines and costs assessed from the Final Order dated February 15, 2013. Finally, the firm's registration shall be revoked for cause. Second by Engelbach.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner,  
Delametter and Manning.

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**Case No. 2044 – Hearing in the matter of Amy Ann Anschutz, CPA, Certificate No. 12913 [Revisited]:**

Motion by Greenwell that the Board adopts the prosecutor's allegations as Findings of Facts and Conclusions of Law and that the Respondent's certificate be revoked and Respondent assessed a fine of \$1,000.00 for failure to comply with CPE requirements, and assessed costs and attorney's fees in the amount of \$1285.00. Second by Ley.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner, Delametter and Manning.

**Case No. 2048 – Hearing in the matter of David Bruce Auer, CPA, Certificate No. 9356 [Revisited]:**

Motion by Greenwell that the Board adopts the prosecutor's allegations as Findings of Facts and Conclusions of Law and accepts the Consent Order as presented. Second by Engelbach.

Amended Motion by Greenwell that the Board accept the Consent Order as presented. Second by Engelbach.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner, Delametter and Manning.

Motion by Greenwell that the Board send a copy of the hearing and Exhibits for Case No. 2048 to the Oklahoma Bar Association. Second by Engelbach.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner, Delametter and Manning.

**Agenda Item #10 – Adjourn:** There being no further business to come before the Board, Chair Sanner entertained a motion to adjourn.

Motion by Ley to adjourn the meeting. Second by Manning.

Affirmative Votes: Engelbach, Ley, Greenwell, Sanner, Delametter and Manning.

The meeting was adjourned at approximately 10:17 AM.

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Mike Sanner, Chair      Date

ATTEST:

\_\_\_\_\_  
Jody Manning, Secretary      Date

## APPENDIX I

### Actions Approved by the Executive Director As of March 20, 2015

#### **APPLICATIONS FOR CERTIFICATION (Successful Candidates):**

Mary Ahonsi  
Andrea Alvis  
Allysa Frost  
Joseph Kenneth Graves II  
Stephen John Higginbotham  
Corey Paul Holland  
Dustin Johnson  
Michael Steven Messer  
Luke J Paulson  
Dawn Rena Percer  
Elisabeth Anne Randall  
Brian Lee Shafer  
Michael Stanley Summers  
Jared Ryan Thulin  
Laura Elizabeth Wheeler

#### **APPLICATIONS FOR REINSTATEMENT OF CPA CERTIFICATES:**

Lisa Deys	14309
James Weber	14588

#### **INITIAL FIRM REGISTRATIONS OF PROFESSIONAL CORPORATIONS:**

Ken McConnell, CPA PC  
Ludlum & Mannen, CPA's, PC  
Payne, White & Schmutz, Certified Public Accountants, P.A. (South Carolina)

#### **INITIAL FIRM REGISTRATIONS OF PROFESSIONAL LIMITED LIABILITY COMPANIES:**

Crowdis Accounting PLLC

#### **INITIAL FIRM REGISTRATIONS OF PROFESSIONAL LIMITED LIABILITY PARTNERSHIPS:**

Maxwell Locke & Ritter LLP (Texas)

#### **CERTIFICATES SURRENDERED BY REGISTRANTS:**

CPAs:

**No Longer Residing in Oklahoma:**

L. Douglas Critser	17324	Issued August 13, 2012
Dayna Ragland	9258	Issued January 29, 1987

**Retired:**

Jerry Champion	1938	Issued January 28, 1967
Lisa Coleman	11490	Issued January 30, 1992
Joe Hobson	4452	Issued July 20, 1978
Geraldine Knipmeyer	8279	Issued July 26, 1985
Raymond Wagner	4225	Issued November 21, 1977
Lynn Wenig	9575	Issued July 23, 1987

**DECEASED REGISTRANTS:****CPAs:**

Michael Bellamy	11077	Issued January 31, 1991
Jack Castleberry	1448	Issued February 4, 1961
Forrest Frueh	1552	Issued February 3, 1962

**INDIVIDUALS AUTOMATICALLY REVOKED AS A RESULT OF NON-COMPLIANCE WITH 68 O.S. § 238.1 AND 59 O.S. § 15.14:**

<b>Cert No.</b>	<b>Name</b>	<b>Revocation Date</b>
4846	PHYLLIS R. GAULT	Mar 1, 2015
5806	MACKI MOODY	Mar 1, 2015
8142	KATHERINE M. MILNER	Mar 1, 2015
8714	KIMBERLY JO WILSON	Mar 1, 2015
8717	MARY JANE WINHAM	Mar 1, 2015
10286	ARLENE DELORIS SCHNACK	Mar 1, 2015
12001	CHARLES E. FRANZMATHES	Mar 1, 2015
12238	MICHAEL LEE GAMBLE	Mar 1, 2015

**INACTIVE FIRMS:****CPA Corporations:**

Daniel R. McCormick, C.P.A., P.A. (Arkansas)  
Raymond L. Wagner, CPA Inc.

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**Experience verification applications approved by the  
Executive Director as of March 20, 2015**

Mary O. Ahonsi  
Andrea Alvis  
Mindy R. Anderson  
Thea D. Black  
Allysa K. Frost  
Joseph K. Graves II  
Dustin R. Johnson  
Michael C. Kemper  
Stephen M. Stetson  
Michael S. Summers