

**MINUTES OF THE KANSAS BOARD OF ACCOUNTANCY  
APRIL 30, 2009  
9:00 AM, LANDON STATE OFFICE BUILDING, ROOM 106  
TOPEKA, KS**

**1. ADMINISTRATIVE MATTERS:**

**A. CALL TO ORDER:**

Rodney Van Norden, CPA, Chair, called the meeting to order. Board members in attendance were Mr. Van Norden; Jeffrey Leiserowitz, CPA; Paul Allen, CPA; Virginia Powell, CPA; and Kent Smoll, CPA. Also in attendance were Susan Somers, Executive Director; Darin Conklin General Counsel to the Board; Derenda Mitchell, Assistant Attorney General, Disciplinary Counsel to the Board; Joyce Schartz, Public Accountants Association; Carolyn Banning, CPA, Smoll and Banning; Steve Wassom, CPA; Jim Clark, Interim Executive Director, Gary Boomer, President, and Teresa Keating, Peer Review Coordinator, Kansas Society of CPAs. In addition, participants of the KSCPA's "20 under 40" Class of 2009 were present: Chet Buchman, CPA; Noelle Caldwell, CPA; Sean Copp, CPA; Matt Deutsch, CPA; Matt Haase, CPA; Christopher Kohart, CPA; Jaclyn Larson, CPA; Jason Mayers, CPA; Angela Mehl, CPA; Mindi Ormiston, CPA; Steven Peiffer, CPA; Tyler Roe, CPA; Trisha Spader, CPA; Kent Simpson, CPA; Alisa Snavely, CPA; Charles Thrasher, CPA; Lori Wenrich, CPA; Jamin Will, CPA; Kari Wolff, CPA; James Wurbs, CPA; and Aron Dunn, CPA.

**B-1. CONSENT CALENDAR:**

A. The Board reviewed the minutes of the January 23, 2009, February 25, 2009 and March 27, 2009 meetings; reciprocity certificates/permits to practice; practice by notification; firms; and the March 31, 2009 financials. Mr. Smoll moved and Mr. Leiserowitz seconded to approve. Upon a vote, the motion carried.

**2. CPA EXAM:**

A. The Board reviewed the grades and statistics from the January/February 2009 testing window. Mr. Allen moved and Mr. Smoll seconded to approve. Upon a vote, the motion carried.

**3. CPE/PERMITS TO PRACTICE/PEER REVIEW/FIRM REGISTRATIONS:**

A. The Board reviewed a list of Peer Reviews that were due or "in process". Since the Board had made a motion in the previous meetings to cover

the next two due dates for submission of Peer Review "in process" letters or letters of completion, no action was required to be taken.

#### **4. RULES AND REGULATIONS:**

**AT 9:30 AM, UPON MOTION OF MR. SMOLL, SECONDED BY MS. POWELL, THE REGULAR MEETING WAS RECESSED IN ORDER TO HOLD A PUBLIC HEARING ON REGULATION CHANGES. UPON A VOTE, THE MOTION CARRIED.**

Mr. Van Norden convened the public hearing to consider amendments to K.A.R. 74-4-7; 74-4-8; 74-5-2; 74-5-2a; 74-5-101; 74-5-102; 74-5-103; 74-5-201; 74-5-202; 74-5-301; 74-5-302; 74-5-401; 74-5-403; 74-5-405a; 74-5-406; 74-7-4; and 74-11-6.

Public attendees of the meeting were Joyce Schartz, Public Accountants Association; Carolyn Banning, CPA; Steve Wassom, CPA; Jim Clark, CPA; Gary Boomer, CPA; Teresa Keating; Chet Buchman, CPA; Noelle Caldwell, CPA; Sean Copp, CPA; Matt Deutsch, CPA; Matt Haase, CPA; Christopher Kohart, CPA; Jaclyn Larson, CPA; Jason Mayers, CPA; Angela Mehl, CPA; Mindi Ormiston, CPA; Steven Peiffer, CPA; Tyler Roe, CPA; Trisha Spader, CPA; Kent Simpson, CPA; Alisa Snavely, CPA; Charles Thrasher, CPA; Lori Wenrich, CPA; Jamin Will, CPA; Kari Wolff, CPA; James Wurbs, CPA and Aron Dunn, CPA.

No one testified for or against the adoption of these Regulations.

Mr. Allen then closed the public hearings.

**MR. SMOLL MOVED AND MR. LEISEROWITZ SECONDED TO RECONVENE THE REGULAR BOARD MEETING. UPON A VOTE, THE MOTION CARRIED.**

Ms. Somers was instructed to take a roll-call vote of the Board members for the adoption of the Regulations. All Board members in attendance voted in favor of the amendments. The Regulations were declared to be approved and adopted.

#### **5. HEARINGS AND EXECUTIVE SESSION:**

**A. ROBERT STEPHEN WAGNER CONSENT ORDER:** Ms. O'Sullivan was the investigative Board member and was not present at the meeting. Mr. Wagner appeared in person and with counsel, Randall J. Forbes for approval of a Consent Order which requires him to pay a fine in the amount of \$500 within 30 days of the date of the Consent Order; provide proof of timely filing of federal and state withholding tax returns for tax years 2008 through 2012. Ms. Powell moved

and Mr. Allen seconded to approve the Consent Order. Upon a vote, the motion carried.

**B. W.S. PIROTTE CONSENT ORDER:** Ms. O'Sullivan was the investigative Board member and was not present at the meeting. Mr. Pirotte appeared in person for approval of a Consent Order which requires him to pay a fine in the amount of \$500.00 and provide proof of timely filing and payment of federal and state withholding taxes for tax years 2009 through 2013. Mr. Allen moved and Mr. Leiserowitz seconded to approve. Upon a vote, the motion carried.

**C. LINDSAY SMITH EQUEST FOR REINSTATEMENT:** Ms. Smith appeared before the Board to request reinstatement of her CPA certificate and permit to practice. Ms. Smith's certificate was revoked in 2002 for failure to cooperate. The Board reviewed her conduct subsequent to the revocation and other factors set forth in *Vakas v. State Board of Healing Arts*. After discussion, Mr. Smoll moved and Mr. Leiserowitz seconded for the Board to go into executive session for ten minutes to deliberate the matter. Upon a vote, the motion carried.

When the Board reconvened, Mr. Allen moved and Mr. Smoll seconded to reinstate Ms. Smith's CPA certificate, but deny the request for reinstatement of her permit to practice; and require her to provide proof of timely filing and payment of her 2008, 2009 and 2010 federal and state tax returns to the Board by December 31 of each year the returns are required to be filed. Upon a vote, the motion carried.

**D. RONALD MINDA DISCIPLINARY HEARING:** Mr. Van Norden recused himself as he was the investigator in this matter. Mr. Minda failed to appear for the hearing. The findings of fact in this matter are: Mr. Minda's certificate and permit were suspended in 2007; the firm of Ronald L. Minda, CPA Chartered was withdrawn by the Board in 2007 for failure to maintain a lawful and active permit to practice as a CPA; Ronald Minda, CPA, Chartered issued an audit report on October 19, 2007 and October 28, 2008; the January 2008 Kansas City Yellow Pages lists Ronald Minda CPA under the listing for certified public accountants; and on December 4, 2008, a certified letter was sent to Mr. Minda requesting information in conjunction with a Board investigation to which he failed to respond. The conclusions of law in this matter are: Mr. Minda performed or offered to perform services as a CPA without holding a Kansas certificate permit and firm registration; he exhibited dishonesty, fraud and/or gross negligence in the practice of certified public accountancy; and he continued to advertise as a CPA in the telephone book. Ms. Powell moved and Mr. Leiserowitz seconded to revoke Mr. Minda's CPA certificate and impose a fine in the amount of \$2,000 to be paid within 30 days of the date of the Order. Upon a vote, the motion carried, with Mr. Van Norden not participating.

**E. DAVID SCHNAUFER, HARLAN WALKER, APPLICATION FOR CERTIFICATE AND PERMIT; SCHNAUFER & WALKER APPLICATION FOR FIRM REGISTRATION:**

The Board reviewed the applications for a certificate and permit to practice for David Schnauffer and Harlan Walker. Ms. Somers had presented the applications to the Board for the reason that it had come to her attention that they had issued a Review report for a Kansas client without being properly licensed to do so in the State of Kansas. In addition, the firm (Schnauffer & Walker, P.C.) had submitted an application for a firm registration. Ms. Somers also reported that the firm had not submitted a Peer Review letter of completion or "in process" letter with the firm's application form. During discussion, the Board was informed that the firm had received a modified Peer Review report and that there were certain follow up requirements that needed to be completed before a letter of completion could be issued by the Texas Society of CPAs. Mr. Allen moved and Mr. Leiserowitz seconded for the Board to go into executive session for ten minutes to deliberate the matter. Upon a vote, the motion carried.

When the Board reconvened, Ms. Powell moved and Mr. Allen seconded to approve the applications of Mr. Schnauffer and Mr. Walker for a certificate and permit to practice, and approve the application for a firm registration of Schnauffer & Walker, P.C. with the condition that they provide a copy of the Peer Review Report, Letter of Comments, Letter of Response, follow-up requirement letter and "in process" letter from the Texas Society of CPAs within thirty days of the date of the Final Order. The firm is to timely comply with any due dates assigned by the Board to submit an "in process" letter or letter of completion. Upon a vote, the motion carried.

**F. ROBERT O. BRENTON CONSENT ORDER:** Mr. Van Norden recused himself from this matter as he was the investigative Board member. Mr. Brenton appeared in person and with counsel, Douglas Patterson for approval of a Consent Order which required Mr. Brenton to pay a fine in the amount of \$2,000 within thirty days of the date the Consent Order is approved by the Board; surrender of his certificate and permit; to agree to waive and forego any request for reinstatement of his certificate at any time in the future; for revocation of his CPA certificate; and to advise the Board within 30 days of the date of the Consent Order of what steps he has taken to remove the CPA designation from any and all business, personal, or professional settings. Ms. Powell moved and Mr. Smoll seconded for the Board to go into executive session for five minutes to deliberate the matter. Upon a vote, the motion carried.

When the Board reconvened, Mr. Smoll moved and Ms. Powell seconded to approve the Consent Order. Upon a vote, the motion carried, with Mr. Van Norden not participating.

**6. OTHER:**

A. The Board discussed developing a policy for the issuance of subpoenas. Ms. Somers requested that during the course of an investigation, if the investigative Board member deemed it necessary to issue a subpoena for information relative to investigation of a case, the investigative Board member is to provide a written request specifying the information to be requested and authorize Ms. Somers to sign the subpoena.

B. The Board discussed the use of the "CPA" designation as a credential or title. The Board determined that it would look at each matter as it arose on a case by case basis.

**7. ADJOURN**

There being no further business to come before the Board, the meeting was adjourned.

/s/ Susan L. Somers  
Susan L. Somers, Executive Director