

**MINUTES OF THE KANSAS BOARD OF ACCOUNTANCY
OCTOBER 26, 2018
LONDON STATE OFFICE BUILDING, ROOM 556A
TOPEKA, KS**

1. ADMINISTRATIVE MATTERS:

A. CALL TO ORDER:

Kathryn J. Mitchell, Chair, called the meeting to order. Board members in attendance were Ms. Mitchell; Corlene R. Lange, CPA, Vice-Chair; John R. Helms, CPA, Michael L. Marsh, CPA; Meredith Richey, Public Member; and Sean P. Weaver, CPA. Also in attendance were Randall J. Forbes, Disciplinary Counsel to the Board; Darin M. Conklin, General Counsel to the Board; Chad Allen and Rita Barnard, on behalf of the Kansas Society of CPAs; and Joyce Schartz on behalf of the Public Accountants Association.

B. CONSENT CALENDAR:

1-3. The Board reviewed the minutes of the August 24, 2018 and September 11, 2018 meetings; reciprocity certificates/permits to practice; firm registrations; and the September 30, 2018 financials. Discussion was held to correct an error in the proposed August 24, 2018 minutes. Mr. Helms moved, and Mr. Weaver seconded to approve the Consent Calendar as corrected. Upon a vote, the motion carried.

2. CPA EXAM:

A. The Board reviewed the exam scores for the July/August/September testing exam window. After review, Mr. Weaver moved, and Ms. Richey seconded to ratify the grades. Upon a vote, the motion carried.

B. The Board reviewed the CPA exam statistics. No action was required to be taken.

C. The Board reviewed the Q2 2018 Exam Performance Report. No action was required to be taken.

3. CPE/PERMIT TO PRACTICE/PEER REVIEW/FIRM REGISTRATIONS:

A. The Board reviewed the list of firms with peer reviews either due or in process. No action was required to be taken.

B. The Board reviewed the results of the continuing education audit. Ms. Mitchell stated her intent to discuss with the executive director, the results of the continuing education audit. It was noted that the Board newsletter had addressed the importance of continuing education compliance. No action was required to be taken.

4. HEARINGS AND OTHER DISCIPLINARY MATTERS:

A. KEN SULTZ, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Mr. Sultz appeared by phone. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's failure to comply with requirements for permit renewal. The Stipulation and Consent Order censured Respondent, directed him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter.

Mr. Marsh moved, and Ms. Richey seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Ms. Mitchell not participating.

B. BRET DAVID WILLOUGHBY, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Mr. Willoughby appeared in person and through counsel Kelli Stevens. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's practice of certified public accountancy without a valid permit and his firm's continued practice of certified public accountancy in violation of K.S.A. 1-308. The Stipulation and Consent Order censured Respondent, directed him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter. Respondent's application to renew his permit to practice as a CPA I Kansas was granted without condition.

Mr. Weaver moved, and Mr. Helms seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Ms. Mitchell not participating.

C. KORWIN D. WALL, CPA, KDWALLSTREET INVESTMENT ADVISOR, LLC, KDWALLSSTREET MORTGAGE, LLC STIPULATION AND CONSENT ORDER: Corlene R. Lange, CPA, the investigator in this matter, recused herself. Mr. Wall and Respondent Firms appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Mr. Wall's conduct which reflected adversely on his fitness to practice certified public accountancy. In addition, Respondent KDWallStreet Investment Advisor, LLC and Respondent KDWallStreet Mortgage, LLC engaged in the practice of certified public accountancy without a lawful firm registration. The Stipulation and Consent Order censured Respondent, directed him to appear before the Board, and ordered him to pay a fine in the amount of \$500.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter. Respondent Firms were each censured, directed to appear before the Board and ordered to pay a fine in the amount of \$250.00. Respondent Firm's applications for firm registration were approved without condition.

Mr. Marsh moved, and Ms. Richey seconded, to proceed to convene in closed session to deliberate this matter. Upon a vote, the motion carried with Ms. Lange not participating.

When the Board reconvened in open session, Ms. Richey moved, and Mr. Marsh seconded to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Ms. Lange not participating.

D. DOUGLAS DEVIN DUTTON, CPA STIPULATION AND CONSENT ORDER: John R. Helms, CPA, the investigator in this matter, recused himself. Mr. Dutton appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's failure to register a fictitious professional name. The Stipulation and Consent Order censured Respondent, directed him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter.

Mr. Marsh moved, and Mr. Weaver seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Mr Helms not participating.

E. DENISE MICHELLE ENGLAND, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Ms. England appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's failure to comply with the requirements for permit renewal. The Stipulation and Consent Order censured Respondent, directed her to appear before the Board, and ordered her to pay a fine in the amount of \$500.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent was required to complete 10.5 hours of acceptable continuing education.

Mr. Helms moved, and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Ms. Mitchell not participating.

F. JACOB HEATON HOROWITZ STIPULATION AND CONSENT ORDER: John R. Helms, CPA, the investigator in this matter, recused himself. Mr. Horowitz appeared in person. Randall J. Forbes, disciplinary counsel appeared on behalf of the Board. This matter was before the Board for consideration of a Stipulation and Consent Order addressing Respondent's application for Kansas certificate by reciprocity and a determination that Respondent had been engaged in the practice of certified public accountancy in the State of Kansas without a lawful Kansas certificate and permit. The Stipulation and Consent Order censured Respondent, required him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent's application for Kansas certificate by reciprocity was granted without condition.

Mr. Marsh moved and Ms. Richey seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Mr. Helms not participating.

G. JACQUELINE M. IRVINE, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Ms. Irvine

appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order addressing Respondent's application for initial permit to practice as a CPA in Kansas and a determination that Respondent had been engaged in the practice of certified public accountancy without a lawful permit. The Stipulation and Consent Order censured Respondent, required her to appear before the Board, and ordered her to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent's application for initial permit to practice as a CPA in Kansas was granted without condition.

Mr. Marsh moved and Mr. Weaver seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Ms. Mitchell not participating.

H. RANDALL D. KING, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Mr. King appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order wherein it was determined that Respondent had committed an act of dishonesty in obtaining a permit; failed to comply with the requirements for renewal of his permit to practice as a CPA in Kansas; and violated a Kansas regulation by failing to maintain proper proof of completion of continuing education and failed to timely respond to an inquiry relative to his continuing education credentials. The Stipulation and Consent Order censured Respondent, required him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent was required to complete 7 hours of acceptable continuing education, to include 2 hours of professional ethics.

Ms. Richey moved and Mr. Marsh seconded to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Ms. Mitchell not participating.

I. GREGORY J. LOTT STIPULATION AND CONSENT ORDER: John R. Helms, CPA, the investigator in this matter, recused himself. Mr. Lott appeared in person. Randall J. Forbes, disciplinary counsel appeared on behalf of the Board. This matter was before the Board for consideration of a Stipulation and Consent Order addressing Respondent's application for Kansas certificate and a determination that Respondent had been engaged in the practice of certified public accountancy without a lawful Kansas certificate and permit to practice as a CPA in Kansas. The Stipulation and Consent Order censured Respondent, required him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent's application for Kansas certificate was granted without condition.

Mr. Weaver moved and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Mr. Helms not participating.

J. JASON ANDREW SEATON, CPA STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Sean

P. Weaver, CPA also recused himself. Mr. Seaton appeared in person. This matter was before the Board for consideration of a Stipulation and Consent Order addressing Respondent's application for renewal of his permit to practice as a CPA in Kansas and a determination that Respondent had been engaged in the practice of certified public accountancy without a lawful permit to practice as a CPA in Kansas. The Stipulation and Consent Order censured Respondent, required him to appear before the Board, and ordered him to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in this matter. In addition, Respondent's application for renewal of his permit to practice as a CPA in Kansas was granted without condition.

Ms. Richey moved and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried with Ms. Mitchell not participating.

K. STANLEY STARK, CPA AND ARBOR CREEK TAX SERVICES, LLC STIPULATION AND CONSENT ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. Respondents appeared in person. Randall J. Forbes, disciplinary counsel appeared on behalf of the Board. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Mr. Stark's practice of certified public accountancy without a valid permit, his failure to timely respond to an inquiry regarding continuing education, and his failure to comply with the requirements for renewal of his permit to practice as a CPA in Kansas. In addition, it was determined that the firm had practiced certified public accountancy in violation of K.S.A. 1-308. The Stipulation and Consent Order censured Respondents, directed them to appear before the Board, and ordered them to pay costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter. In addition, Mr. Stark was ordered to pay a fine in the amount of \$500.00. Respondent's application to renew his permit to practice as a CPA in Kansas was granted without condition.

Mr. Weaver moved, and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Ms. Mitchell not participating.

L. MCCLINTOCK & ASSOCIATES, P.C. STIPULATION AND CONSENT ORDER: Sean P. Weaver, CPA, the investigator in this matter, recused himself. Respondent appeared by telephone through a principal Ted Blenderman, CPA. This matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's failure to timely comply with peer review. The Stipulation and Consent Order censured Respondent, directed it to appear before the Board, and ordered it to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter.

Mr. Helms moved, and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Mr. Weaver not participating.

M. T. WAYNE OWENS & ASSOCIATES, P.C. STIPULATION AND CONSENT ORDER: Sean P. Weaver, CPA, the investigator in this matter, recused himself. Respondent appeared by telephone through a principal Mindy Toole, CPA. This

matter was before the Board for consideration of a Stipulation and Consent Order relating to Respondent's failure to timely comply with peer review. The Stipulation and Consent Order censured Respondent, directed it to appear before the Board, and ordered it to pay a fine in the amount of \$250.00 and costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees incurred in the matter.

Ms. Richey moved, and Mr. Marsh seconded, to accept the Stipulation and Consent Order. Upon a vote, the motion carried, with Mr. Weaver not participating.

O. MICHELLE MOEDER FINAL ORDER: Kathryn J. Mitchell, CPA, the investigator in this matter, recused herself. John R. Helms, CPA also recused himself from the proceedings. This matter was before the Board for consideration of Respondent's request submitted to the Board pursuant to K.A.R. 74-1-3(f), for extension of time within which to successfully complete the CPA examination. After the presentation of evidence, Ms. Richey moved, and Mr. Weaver seconded, for the Board to proceed to closed session for deliberation for a period of 15 minutes. Upon a vote the motion carried with Ms. Mitchell and Mr. Helms not participating. When the Board reconvened in open session, Ms. Richey moved and Mr. Marsh seconded, for the Board to proceed into closed session for purposes of deliberations for a period of 10 minutes. Upon a vote, the motion carried with Ms. Mitchell and Mr. Helms not participating.

When the Board reconvened, Ms. Richey moved and Mr. Weaver seconded, for the Board to deny Ms. Moeder's request pursuant to K.A.R. 74-1-3 and to issue a written order with the Board's findings which will be effective upon signature of the Chair. Upon a vote, the motion carried with Ms. Mitchell and Mr. Helms not participating.

5. ADJOURN

When the Board reconvened in open session, there being no further business to come before the Board, Ms. Richey moved, and Mr. Weaver seconded, to adjourn. Upon a vote, the motion carried.

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