

**MINUTES OF THE KANSAS BOARD OF ACCOUNTANCY
DECEMBER 10, 2010
LONDON STATE OFFICE BUILDING
TOPEKA, KS**

1. ADMINISTRATIVE MATTERS:

A. CALL TO ORDER:

Virginia A. Powell, CPA, Chair, called the meeting to order. Board members in attendance were Ms. Powell; Paul Allen, CPA; Jeffery Bottenberg, Public Member; Jeffrey Leiserowitz, CPA; Patricia O'Sullivan, Public Member; and Kent Smoll, CPA. Also in attendance were Susan Somers, Executive Director; Darin Conklin, General Counsel to the Board; Marty Snyder, Disciplinary Counsel to the Board; Joyce Schartz, Public Accountants Association; and Emily Troman and Kori Guy, students from Wichita State University, guests of Ms. O'Sullivan.

B 1-3. CONSENT CALENDAR:

The Board reviewed the minutes of the October 29, 2010 meeting; reciprocity certificates/permits to practice/firm registrations; and the November 30, 2010 financials. Mr. Leiserowitz moved and Ms. O'Sullivan seconded to approve. Upon a vote, the motion carried.

2. CPA EXAM:

Ms. Somers presented a request from CPA Examination Services for the Board to consider allowing the score notice to be electronically submitted to Kansas candidates, rather than sending them paper notices. Mr. Leiserowitz moved and Mr. Van Norden seconded to approve the request. Upon a vote, the motion carried.

The Board continued the discussion of the request from the Kansas Society of CPAs allowing candidates to sit for the exam before they had met the 150 hour education requirement to the January 2011 meeting so that other interested parties could be in attendance.

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

A. The Board reviewed the list of Peer Reviews due and in process. Mr. Bottenberg moved, and Mr. Van Norden seconded that in the case of firms not timely complying with Peer Review, unless otherwise warranted, a "warning" letter would be sent notifying them that if they did not provide the Peer Review

letter of completion or “in process” letter within thirty days from the date of the letter, a Summary Order of Suspension and imposition of a fine would be issued. If the firm complied within the thirty days, no disciplinary action would be taken. If the firm did not comply within the thirty days, the Summary Order of Suspension and Fine would be issued. For those firms who have received a second “warning” letter, should the firm fail to comply again, a Summary Order would be issued without a warning letter. Upon a vote, the motion carried. The Board also set the next due date for Peer Review letters of completion or additional “in process” letters to be January 21, 2011, unless otherwise warranted. Upon a vote, the motion carried.

B. Discussion was held concerning the most recent CPE audit, the type of CPE that was claimed and the current CPE requirements. After discussion, Mr. Leiserowitz and Ms. O’Sullivan were instructed to present specifics of possible changes to the CPE requirements at a later Board meeting.

C. The Board reviewed a request from James Hord, CPA, for an extension of his Peer Review which expired November 30, 2010. Mr. Bottenberg moved and Mr. Leiserowitz seconded to extend the due date to December 23, 2010. Upon a vote, the motion carried.

The Board reviewed a request from Michael McInerney for an extension of his Peer Review which expired November 30, 2010. Mr. Van Norden moved and Mr. Leiserowitz seconded to extend the due date to December 23, 2010. Upon a vote, the motion carried.

4. HEARINGS:

A. **JANICE KORTE CONSENT ORDER:** Ms. O’Sullivan recused herself from this matter. Ms. Korte appeared before the Board as a condition of the Consent Order for failure to maintain compliance with the requirements for issuance of renewal of a permit the terms of which require her to obtain 12.5 hours of acceptable continuing professional education; complete the AICPA Comprehensive Ethics exam with a score of 90% or higher; pay a fine in the amount of \$250.00, and to reimburse the Board for costs incurred in the matter. Mr. Leiserowitz moved and Mr. Bottenberg seconded to approve the Consent Order. Upon a vote, the motion carried.

B. **EVAN GRUND CONSENT ORDER:** Mr. Smoll recused himself from this matter. Mr. Van Norden moved and Ms. O’Sullivan seconded to approve the Consent Order withdrawing the firm registration of Evan Grund, CPA for failure to maintain a permit to practice. Upon a vote, the motion carried.

C. **JOHN QUINLAN CONSENT ODER:** Ms. O’Sullivan recused herself from this matter. Mr. Quinlan appeared before the Board as a condition of the Consent Order for failure to maintain compliance with the requirements for

issuance of renewal of a permit, the terms of which require him to obtain 6 hours of acceptable continuing professional education, to include 2 hours of ethics and reimburse the Board for costs incurred in the matter. Mr. Allen moved and Mr. Van Norden seconded to approve the Consent Order. Upon a vote, the motion carried.

D. GUY MARTIN CONSENT ORDER: Mr. Smoll recused himself from this matter. Ms. O'Sullivan moved and Mr. Van Norden seconded to approve the Consent Order restricting the practice of Guy Martin, CPA. Upon a vote, the motion carried.

E. MATTHEW MELTON CONSENT ORDER: Ms. O'Sullivan recused herself from this matter. Mr. Melton appeared before the Board as a condition of the Consent Order for failure to timely file his personal federal and income tax returns, the terms of which require him to provide proof of timely filing of his personal tax returns for the next four years; complete the AICPA Comprehensive Ethics exam with a score of 90% or higher; pay a fine in the amount of \$1,000 and reimburse the Board for costs incurred in the matter. Mr. Allen moved and Mr. Leiserowitz seconded to approve the Consent Order. Upon a vote, the motion carried.

F. JEFF PORTER CONSENT ORDER: Ms. O'Sullivan recused herself from this matter. Mr. Porter appeared before the Board as a condition of the Consent Order for failure to maintain compliance with the requirements for issuance of renewal of a permit, the terms of which require him to obtain 68 hours of acceptable continuing professional education; completion of the AICPA comprehensive ethics exam with a score of 90% or higher; payment of a \$2500 fine and indefinite suspension of his certificate, permit and firm registration until he has completed all of the requirements of the Consent Order. Mr. Leiserowitz moved and Mr. Allen seconded to approve the Consent Order. Upon a vote, the motion carried.

G. DON TILTON CONSENT ORDER: Mr. Bottenberg recused himself from this matter. Mr. Tilton appeared before the Board by telephone and by counsel, Clint Patty, as a condition of the Consent Order for failure to register as a firm the terms of which require him to pay a fine in the amount of \$500.00. Upon a vote, Mr. Van Norden moved and Mr. Leiserowitz seconded to approve the Consent Order. Upon a vote, the motion carried.

5. EXECUTIVE SESSION:

Ms. O'Sullivan moved and Mr. Van Norden seconded for the Board to go into executive session to discuss administrative hearing policies for fifteen minutes. Upon a vote, the motion carried.

When the Board reconvened, Mr. Allen moved and Mr. Leiserowitz seconded to direct Mr. Conklin to put together a policy on administrative hearing procedures. Upon a vote, the motion carried.

6. ADJOURN:

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

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