

TEXAS STATE BOARD REPORT

TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY, AUSTIN, TEXAS

NASBA, AICPA Seek Comments on Firm Name Proposals

The National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA) have released an Exposure Draft outlining proposed revisions to the Uniform Accountancy Act (UAA) regarding firm names. Before these proposals are adopted, NASBA and AICPA are requesting comments on these proposals. Deadline for comments from the public is March 4, 2011.

The UAA, although nonbinding, serves as a model for the 55 licensing jurisdictions that fall under NASBA's umbrella. The first model bill was published in 1916 by the predecessor of the AICPA. AICPA and NASBA put forth the first joint model in 1984 and the UAA evolved from there. The UAA is designed to be an evergreen model in that it is continually reviewed and revised as issues develop in the profession and the global marketplace. Changes in the UAA often lead to regulatory changes at the state level, which is why the Texas Board is providing the Exposure Draft to its licensees (see pages 2 and 3 of this newsletter). A link on the TSBPA website, www.tsbpa.state.tx.us, will also take you to the Exposure Draft.

Rules governing firm names, as promulgated by the various state boards, lack uniformity and consistency in defining what is and what is not acceptable in the practice of naming firms. The purpose of establishing standards is to protect the public from firm names that could be misleading or names that, however unintentionally, tend to conceal the true nature of the firm. A second issue addressed by the proposed new language revolves around the need to define "network" and "network firm" as it relates to the concept of independence.

The two bodies initially began considering firm names in August 2008 and determined that there was a need for a joint committee to study the issues and propose new language that would provide clarification and consistency across the spectrum. The resulting AICPA/NASBA UAA Committee studied the issues at hand and consulted with AICPA's Professional Ethics Executive Committee (PEEC) so that any action they took would be consistent with PEEC's Interpretation 101-17 under Rule 101.

Interpretation 101-17 sought to define when firms that form associations with other firms in order to provide professional services constitute a *network*, and which shared characteristics of the network firms dictate that those firms be independent of certain attest clients of other firms within the network. The joint committee also considered concepts outlined in the AICPA Code of Professional Conduct Rule 505, "Form of Organization and Name," and PEEC's Ethics Ruling 179, "Practice of Public Accounting Under Name of Association or Group."

ALSO IN THIS ISSUE

- 2 UAA Exposure Draft
- 4 CPE Providers
- 5 Swearing-in Ceremony
- 6 Enforcement Actions

Comments on the Exposure Draft should be submitted by March 4, 2011, to:

Aaron Castelo – acastelo@aicpa.org

or

Louise Dratler Haberman – lhaberman@nasba.org

EXPOSURE DRAFT

PROPOSED REVISIONS TO AICPA/NASBA UNIFORM ACCOUNTANCY ACT and NASBA UNIFORM ACCOUNTANCY ACT RULES

SECTION 3 and Article 14

SUMMARY OF PROPOSED REVISIONS

The proposed changes add a definition of “Network” and “Network Firm” to the Uniform Accountancy Act.

A new Rule 14-1 is being proposed to provide guidance to State Boards and firms on CPA Firm names. The new rule provides specific criteria on which names should be considered misleading and which are permissible, and sets guidelines for the usage of Network Firm names.

New language is being recommended to the commentary of Rule 14-1 of the Uniform Accountancy Act Model Rules to recognize implications to mobility when considering CPA Firm names.

TEXT OF PROPOSED STATUTE REVISIONS BY SECTION

Note: *The material set out below is the proposed statutory text and commentary of the relevant UAA provisions. The proposed new language follows.*

SECTION 3. DEFINITIONS

3(n) “Network” means an association of two or more entities that includes at least one CPA firm that:

(1) Cooperates pursuant to an agreement for the purpose of enhancing the firms’ capabilities to provide professional services, and;

(2) Shares one or more of the following characteristics:

(a) The use of a common brand name, including common initials, as part of the firm name;

(b) Common control, as defined by generally accepted accounting principles in the United States, among the firms through ownership, management, or other means;

(c) Profits or costs, excluding costs of operating the association, costs of developing audit methodologies, manuals and training courses, and other costs that are immaterial to the firm;

(d) Common business strategy that involves ongoing collaboration amongst the firms whereby the firms are responsible for implementing the association’s strategy and are held accountable for performance pursuant to that strategy;

(e) Significant part of professional resources;

(f) Common quality control policies and procedures that participating firms are required to implement and that are monitored by the association.

A Network may comprise a subset of entities within an association if only that subset of entities cooperates and shares one or more of the characteristics set forth in the previous list.

3(o) “Network Firm” means a CPA Firm, as defined in Section 3(g), that is part of a Network, as defined in Section 3(n).

COMMENT: *For the purposes of subsection (2)(f), “monitored” means the process comprising an ongoing consideration and evaluation of the firm’s system of quality control, the objective of which is to enable the association to obtain reasonable assurance that the firm’s system of quality control is designed appropriately and operating effectively.*

TEXT OF PROPOSED RULES REVISIONS BY ARTICLE

Note: *The material below is the proposed rules text and commentary of the relevant UAA provisions. The proposed deleted language is stricken-through.*

ARTICLE 14. UNLAWFUL ACTS

Rule 14-1 - Misleading CPA Firm names.

A CPA firm name is misleading within the meaning of Section 14(i) of the Act if, among other things:

(a) The CPA firm name implies the existence of a corporation when the firm is not a corporation;

(b) The CPA firm name implies existence of a partnership when there is not a partnership (as in “Smith & Jones, C.P.A.s”);

(c) The CPA firm name includes the name of a person who is neither a present nor a past partner, member or shareholder of the firm; or

(d) The CPA firm name includes the name of a person who is not a CPA if the title “CPAs” is included in the firm name.

(a) A misleading CPA Firm name is one which:

(1) Contains any representation that would be likely to cause a reasonable person to misunderstand or be confused about the legal form of the firm, or about who are the owners or members of the firm, such as a reference to a type of organization or an abbreviation thereof which does not accurately reflect the form under which the firm is organized, for example:

(A) Implies the existence of a corporation when the firm is not a corporation such as through the use of the words “corporation,” “incorporated,” “Ltd.,” “professional corporation”, or an abbreviation thereof as part of the firm name if the firm is not incorporated or is not a professional corporation;

(B) Implies the existence of a partnership when there is not a partnership such as by use of the term “partnership” or “limited liability partnership” or the abbreviation “L.L.P.” if the firm is not such an entity;

(C) Includes the name of an individual who is not a CPA if the title “CPAs” is included in the firm name;

(D) Includes information about or indicates an association with persons who are not members of the firm, except as permitted pursuant to Section 3(n) and 3(o) of the Act; or

(E) Includes the terms “& Company,” “& Associate,” or “Group,” but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least one other unnamed partner, shareholder, owner, member, or staff employee.

(2) Contains any representation that would be likely to cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities, through the use of a false or unjustified statement of fact as to any material matter;

(3) Claims or implies the ability to influence a regulatory body or official;

(4) Includes the name of an owner whose license has been revoked for disciplinary reasons by the Board, whereby

the licensee has been prohibited from practicing public accountancy or prohibited from using the title CPA or holding himself out as a Certified Public Accountant.

(b) The following types of CPA Firm names are not in and of themselves misleading and are permissible so long as they do not violate the provisions of Rule 14-1(a):

(1) A firm name that includes the names of one or more former or present owners;

(2) A firm name that excludes the names of one or more former or present owners;

(3) A firm name that uses the CPA title as part of the firm name when all named individuals are owners of the firm who hold such title or are former owners who held such title at the time they ceased to be owners of the firm;

(4) A firm name that includes the name of a non-CPA owner if the CPA title is not a part of the firm name;

(c) The following types of Network Firm names are not in and of themselves misleading and are permissible so long as they do not violate the provisions of Rule 14-1(a), and when offering or rendering services that require independence under AICPA standards, a firm that is part of a Network and a Network Firm, as defined in Section 3(o) of the Act, shall be required to comply with AICPA independence standards applicable to Network Firms:

(1) A firm name that uses a common brand name, or shares common initials, as part of the firm name, provided the firm is a Network Firm as defined in Section 3(o) of the Act;

(2) A Network Firm, as defined in Section 3(o) of the Act, may use the Network name as the firm name, provided it also shares one or more of the characteristics described in Section 3(n)(2) (b) through 3(n)(2)(f) of the Act.

COMMENT: *With regard to practice in this State under Section 7(a)(1)(c), 7(a)(2) or 7(a)(3) of the Act, in determining whether a CPA Firm name is misleading, the Board recognizes that it is the policy of this State to promote interstate mobility for CPAs and CPA firms which employ them, and shall also consider the basis for approval of the same CPA Firm name by another state’s board of accountancy.*

Rule 14-2. Fictitious firm names:

A fictitious CPA firm name (that is, one not consisting of the names or initials of one or more present or former partners, members or shareholders) may not be used by a CPA firm unless such name has been registered with and approved by the Board as not being false or misleading.

Note: *Current UAA Rule 14-3 Safe Harbor Language will be renumbered to Rule 14-2.*

Report CPE as You Earn It to Simplify Renewal Process

Reporting CPE online as you earn it throughout the year simplifies and speeds up the renewal process because it eliminates the need to key in CPE hours at renewal time. Paying online also eliminates the need to fill out hard-copy forms and send them to the Board office (the only exception being Form L0002, if you are applying for credit from a non-registered sponsor).

If you pay online and fill out everything completely and correctly, you send nothing to the Board (no hard copies) and your license is issued and mailed the next business day.

CPE Sponsors Successfully Completing Review

(since November 2010 *Board Report*)

Sponsor #	Sponsor Name	Date of Next Review	Status
009444	360Training.com, Inc	10/01/2012 - 09/30/2013	A
000211	Accounting Education Associates	11/01/2012 - 10/31/2013	A
000243	Adrian Hernandez & Associates, PC	12/01/2012 - 11/30/2013	A
003905	Affiliated Computer Services Inc	01/01/2013 - 12/31/2013	A
000353	Alexander Lankford & Hiers Inc	12/01/2012 - 11/30/2013	E
008787	APEX CPE	10/01/2012 - 09/30/2013	A
002598	Baker Hughes Incorporated	12/01/2012 - 11/30/2013	A
008458	BEPCO, LP	02/01/2013 - 01/31/2014	A
005839	BHP Billiton Petroleum (Americas), Inc	10/01/2012 - 09/30/2013	A
009357	Bonnie S. Mobley	11/01/2012 - 10/31/2013	A
000060	Carneiro, Chumney & Co., LC	11/01/2012 - 10/31/2013	A
009457	Carolyn M Marshall, CPA	12/01/2012 - 11/30/2013	A
005405	CGI Technologies & Solutions, Inc	11/01/2012 - 10/31/2013	A
001117	Council of Petroleum Accounts Societies	11/01/2012 - 10/31/2013	A
006675	Crescent Real Estate Equities	11/01/2012 - 10/31/2013	A
009341	Excel Solutions Team	09/01/2012 - 08/31/2013	A
009772	Goldcal LLC DBA Soft Audit Consulting	10/01/2012 - 09/30/2013	A
009783	Hercules Offshore, Inc.	11/01/2012 - 10/31/2013	A
009774	Julie Gilmer, CPA	11/01/2012 - 10/31/2013	A
009454	Live Nation	11/01/2012 - 10/31/2013	A
002579	Matson, Driscoll & Damico	11/01/2012 - 10/31/2013	E
009773	MLC Consultants, LLC	11/01/2012 - 10/31/2013	E
000416	Mosher, Seifert & Co., CPAs	01/01/2013 - 12/31/2013	A
009796	National Health Administrators, Inc	01/01/2013 - 12/31/2013	A
009787	NuStar Energy	12/01/2012 - 11/30/2013	A
007486	Odyssey OneSource, Inc	10/01/2012 - 09/30/2013	A
000222	Pannell Kerr Forster of Texas, PC	11/01/2012 - 10/31/2013	A
000325	Pattillo, Brown and Hill, LLP	12/01/2012 - 11/30/2013	E
009245	PMB Helin Donovan, LLP	11/01/2012 - 10/31/2013	A
000623	Practice Management Group	02/01/2013 - 01/31/2014	A
000124	Professional Development Institute	11/01/2012 - 10/31/2013	A
000043	Rylander Clay & Opitz, LLP	11/01/2012 - 10/31/2013	A
001201	Snow, Garrett & Company	11/01/2012 - 10/31/2013	E
009447	South Texas Money Management, Ltd	11/01/2012 - 10/31/2013	A
000205	SMU-Cox School of Business	11/01/2012 - 10/31/2013	A
005721	TEXPERS	08/01/2012 - 07/31/2013	A
003717	Weatherford International Ltd	10/01/2012 - 09/30/2013	A

Registration Status: A = Currently active E = Currently expired

Texas CPAs should check the Board website, www.tsbpa.state.tx.us, for qualified CPE providers before enrolling in a CPE course.

TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

333 Guadalupe
Tower 3, Suite 900
Austin, Texas 78701-3900

BOARD MEMBERS

GREGORY L. BAILES, CPA
PRESIDING OFFICER

DOROTHY M. FOWLER, CPA
ASSISTANT PRESIDING OFFICER

A. CARLOS BARRERA, CPA
TREASURER

JAMES C. FLAGG, PhD, CPA
SECRETARY

DAVID L. KING, CPA
MEMBER-AT-LARGE

JOHN W. (JAY) DUNBAR, CPA
EVERETT R. (RAY) FERGUSON, CPA

JON R. KEENEY

EVELYN M. MARTINEZ, Esq.

MARIBESS L. MILLER, CPA

STEVE D. PEÑA, CPA

JAMES W. POLLARD

THOMAS G. PROTHRO, CPA

CATHERINE J. RODEWALD

JOHN W. STEINBERG, CFE

EXECUTIVE DIRECTOR

WILLIAM TREACY

EDITOR

BARBARA C. STOOKSBERRY

Accounting/Administration
(512) 305-7800
FAX (512) 305-7854
accounting@tsbpa.state.tx.us

CPE
(512) 305-7844
FAX (512) 305-7875
licensing@tsbpa.state.tx.us

Enforcement
(512) 305-7866
FAX (512) 305-7854
enforcement@tsbpa.state.tx.us

Executive Director
(512) 305-7800
FAX (512) 305-7854
executive@tsbpa.state.tx.us

Licensing/Peer Review
(512) 305-7853
FAX (512) 305-7875
licensing@tsbpa.state.tx.us

Publications
(512) 305-7804
FAX (512) 305-7875
publicinfo@tsbpa.state.tx.us

Qualifications
(512) 305-7851
FAX (512) 305-7875
exam@tsbpa.state.tx.us

Swearing-in Ceremony December 4, 2010

*At the December 4 swearing-in ceremony in Austin,
872 candidates were eligible to receive their certificates.
Of those, 446 were women and 426 were men.*



BOARD MEMBERS, above, participating in the ceremony were, L-R, Thomas Prothro, CPA, Tyler; Jon Kenney, Taylor Lake Village; Carlos Barrera, CPA, Brownsville; James Flagg, PhD, CPA, College Station; and Greg Bailes, CPA, presiding officer, Bee Cave.



OUTSTANDING CANDIDATES, above, included Johan Oosthuizen, Evelyn Veal, Matthew Kubic, Stephanie Kuhl, Jared Borton, Matthew Aulds, and James Palmer. Not pictured were Ansel Michels, Jeffrey Stringer, and Lisa Broussard.

AUSTIN SOCIETY MEMBERS, left, who assisted were, L-R, back, Christi Mondrik, David Crumbaugh, and Jan Keeling, and front, Kayo Kawamoto, Olivia Espinoza-Riley, Nancy Foss, Michele Heyman, Joyce Smith, and Connie Clark. Linda Messing also assisted.



50-YEAR HONOREES who attended included, L-R, front, J. Clayton Baum, Laredo; John O. Clayton, Fort Worth; Gayland Daugherty, Comanche; Edwin Dentler, Victoria; J. Leon Funk, Dallas; Willard Graves, Whitehouse; and Jack Hales, Jr., New Braunfels; and, back, Eddie H. Mendel Jr., Houston; Chester Nowak, Cypress; Henry Pearson, Dallas; Rosemary Reifel, Sugar Land; Harold Richardson, Tyler; Jimmy Steele, Athens; Emmitt Taylor, Dallas; Bette Williams, Austin; John Zimmerman, Corpus Christi; and David Stovall, Fort Worth.

ACTIONS TAKEN BY THE BOARD
NOVEMBER 18, 2010

A. AGREED CONSENT ORDERS

BEHAVIORAL ENFORCEMENT COMMITTEE

- 1. Investigation No.:** 10-07-22L
Hometown: Stephenville, Texas
Respondent: David Thomas Cheatham
Certificate No.: 008380
Firm License No.: P02102
Rule Violation: 501.90(4)
Act Violations: 901.502(6),901.502(10),901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's certificate and firm license were revoked in lieu of further disciplinary proceedings. In addition, Respondent must pay \$195.76 in administrative costs within 30 days of the date the Board ratified the order.

On June 22, 2010, Respondent pleaded guilty to theft (\$200,000 or more; aggregated), a first degree felony (the date of the offense was from November 16, 1989, to May 4, 2009), theft (\$200,000 or more; aggregated), a felony offense (April 3, 2003, to October 15, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (November 21, 2003, to January 5, 2007), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (July 29, 2004, to July 2, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (July 29, 2004, to July 2, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (November 2, 2003, to January 15, 2009).

- 2. Investigation No.:** 10-05-07L
Hometown: Plano, Texas
Respondent: Steven Bradley Clapp
Certificate No.: 079982
Rule Violation: 501.90(5)
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended; however, the suspension was stayed and Respondent was placed on probation for two years. In addition, Respondent must pay an administrative penalty of \$1,000 and \$277.39 in administrative costs within 30 days of the date the Board ratified the order.

In July 1993, Respondent was convicted of driving while intoxicated, a Class A misdemeanor offense. In January 1996, Respondent was placed on deferred adjudication for assault, a Class C misdemeanor offense. On April 1, 2010, Respondent pleaded guilty to public intoxication.

- 3. Investigation No.:** 10-07-15L
Hometown: Pflugerville, Texas
Respondent: William Max Dumond
Certificate No.: 007720
Firm License No.: S0139, 501.90(2)
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent surrendered his certificate and firm license

for revocation in lieu of further disciplinary proceedings. In addition, Respondent must pay \$251.69 in administrative costs within 30 days of the date the Board ratified the order.

Respondent used the stationery of a deceased CPA to issue a review report on financial statements. In addition, Respondent failed to participate in a peer review program.

- 4. Investigation No.:** 10-04-11L
Hometown: Keene, Texas
Respondent: Christopher Michael Hill
Certificate No.: 070134
Rule Violations: 501.90, 501.90(5), 501.90(10), 501.91
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended for two years; however, the suspension was stayed and Respondent was placed on probation for two years under the following conditions: Respondent must pay an administrative penalty of \$4,000 and \$501.11 in administrative costs within 30 days of the date the Board ratified the Order.

On August 9, 2009, Respondent was convicted of violation of a domestic protective order, a Class B misdemeanor. On March 27, 2010, Respondent was convicted of assault, a Class B misdemeanor. In 2002, Respondent pleaded no contest to driving under the influence. In 1992, Respondent pleaded no contest to reckless conduct. Respondent failed to report the convictions to the Board within 30 days of the events.

- 5. Investigation No.:** 10-07-23L
Hometown: Stephenville, Texas
Respondent: Paul Anthony Lansford
Certificate No.: 009755
Firm License No.: P02102
Rule Violation: 501.90(4)
Act Violations: 901.502(6), 901.502(10), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's certificate and firm license were revoked in lieu of further disciplinary proceedings. In addition, Respondent must pay \$195.76 in administrative costs within 30 days of the date the Board ratified the order.

On June 22, 2010, Respondent pleaded guilty to theft (\$200,000 or more; aggregated), a first degree felony (the date of the offense was from November 16, 1989, to May 4, 2009), theft (\$200,000 or more; aggregated), a felony offense (April 3, 2003, to October 15, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (November 21, 2003, to January 5, 2007), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (July 29, 2004, to July 2, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (July 29, 2004, to July 2, 2008), theft (\$20,000 or more but less than \$100,000; aggregated), a third degree felony (November 2, 2003, to January 15, 2009).

- 6. Investigation No.:** 10-06-07L
Hometown: Keller, Texas

ENFORCEMENT ACTIONS

Respondent: Jeffrey Elliott McFelea
Certificate No.: 084274
Rules Violation: 501.90(5)
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended for two years; however, the suspension was stayed and Respondent was placed on probation for the two years. In addition, Respondent must pay \$1,000 in administrative penalties and \$370.61 in administrative costs within 30 days of the date the Board ratified the order.

On January 3, 1995, Respondent was convicted of driving while intoxicated, a Class B misdemeanor offense, and on May 4, 2010, Respondent was convicted of driving while intoxicated-second, a Class A misdemeanor offense.

7. Investigation No.: 10-05-03L
Hometown: The Woodlands, Texas
Respondent: Barton R. Payne
Certificate No.: 044914
Rule Violations: 501.90(5) and 501.91
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended; however, the suspension was stayed and Respondent was placed on probation for two years. In addition, Respondent must pay an administrative penalty of \$1,000 and \$277.39 in administrative costs within 30 days of the date the Board ratified the order.

On March 12, 2009, Respondent was convicted of driving while intoxicated-second, a Class A misdemeanor offense. On November 17, 1978, Respondent was convicted of driving under the influence of liquor. Respondent failed to report the 2009 conviction to the Board within 30 days of the event.

8. Investigation No.: 10-03-08L
Hometown: Garland, Texas
Respondent: Gregory Brian Porter
Certificate No.: 068747
Rule Violations: 501.80, 501.81, 501.93
Act Violation: 901.502(6)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent was reprimanded. Respondent also must pay an administrative penalty of \$6,250 and \$503.39 in administrative costs within 30 days of the date the Board ratified the Order.

Respondent practiced public accountancy with a delinquent, expired individual license. In addition, Respondent practiced public accountancy with a revoked firm license for 11 years. Respondent also failed to respond to the Board's written communications dated March 12 and April 15, 2010.

9. Investigation No.: 10-06-14L
Hometown: Abilene, Texas
Respondent: Gerald Alan Reid
Certificate No.: 066265
Rule Violation: 501.90(5)
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended for two years;

however, the suspension was stayed and Respondent was placed on probation for those two years. In addition, Respondent must pay an administrative penalty of \$1,000 and \$342.64 in administrative costs within 30 days of this Order.

On May 13, 2010, Respondent pleaded no contest to Deadly Conduct, a Class A misdemeanor.

10. Investigation No.: 10-09-09L
Hometown: Allen, Texas
Respondent: Randall Clarke Reitz
Certificate No.: 084654
Firm License No.: C06088
Rules Violations: 501.90(4), 501.91
Act Violations: 901.502(6), 901.502(10), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's certificate and firm license were revoked. In addition, Respondent must pay \$111.86 in administrative costs within 30 days of the date the Board ratified the Order.

On April 22, 2010, Respondent was convicted of a third Lifetime DUI, a felony offense. Respondent failed to report the conviction within 30 days of the event.

11. Investigation No.: 08-11-07L
Hometown: Gulf Shores, Alabama
Respondent: William A. Shelton
Certificate No.: 025465
Rule Violations: 501.74(b), 501.76, 501.80, 501.90(11), 501.93
Act Violation: 901.502(6)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license will be revoked 30 days after the date the Board ratified the Order. In addition, Respondent must pay an administrative penalty of \$4,000 and \$310.80 in administrative costs within 30 days of the date the Board ratified the Order.

Respondent practiced public accountancy without a license, failed to timely communicate with clients, failed to timely return client records, failed to timely prepare and file a client's tax return, and failed to timely respond to Board communications.

TECHNICAL STANDARDS REVIEW I COMMITTEE

1. Investigation Nos.: 10-04-07L and 10-04-08L
Hometown: Lubbock, Texas
Respondents: James W. Kingery and James Kingery, CPA
Certificate No.: 050191
Firm License No.: T05801
Rule Violations: 501.90(12), 501.90(17), 527.4
Act Violations: 901.502(6), 901.502(11), 901.502(12)

Respondent Kingery entered into an Agreed Consent Order with the Board whereby he surrendered his certificate in lieu of further disciplinary proceedings. In addition, Respondent Kingery must pay an administrative penalty of \$8,000 and \$1,343.32 in administrative costs within 30 days of the date the Board ratified the Order.

Respondent Kingery and Respondent firm were subject to a previous Agreed Consent Order (ACO), ratified by the Board on January 8, 2009, which limited their practice and imposed a pre-

ENFORCEMENT ACTIONS

issuance requirement. Respondent firm issued two audits on December 10, 2009, that had not been reviewed by a pre-issuance reviewer. On December 9, 2009, Respondent Kingery had represented to Board staff that Respondent firm did not have any engagements that could be reviewed by a pre-issuance reviewer. Respondent firm failed to begin a peer review within three years of the previous review's due date. Respondents also failed to substantively respond to Board communications.

2. **Investigation Nos.:** 08-08-11L and 08-08-12L
Hometown: San Antonio, Texas
Respondents: Bill Contreras Rocha and Bill C. Rocha, CPA
Certificate No.: 012635
Firm License No.: T04040
Rule Violation: 501.90(6)
Act Violation: 901.502(6)

Respondent Rocha entered into an Agreed Consent Order with the Board whereby his certificate was revoked; however, the revocation was stayed and Respondent was placed on probated revocation for two years from the effective date of this Order and must comply with the following terms and conditions: Respondent must pay an administrative penalty of \$7,314.08 and \$2,685.92 in administrative costs within 30 days of the date the Board ratified the Order. All licensed Respondent firm staff shall complete and submit proof of completion of 8 hours of live CPE in the area of internal controls, risk assessment, or fraud detection. This requirement is in addition to Respondent's annual CPE requirement and must be completed within 90 days of the Order. Respondent shall make a semi-annual report to the Board, which shall include but is not limited to the following: his continued compliance with the terms of the ACO, the nature of his practice, the completion of CPE, and (if applicable) any criminal convictions.

The Board found that, while performing the annual audit of the Housing Authority of Bexar County for the year ended June 30, 2007, Respondent Rocha did not comply with audit guidance provided in the Statement on Audit Standard 54 as codified in AU Section 317, Illegal Acts by Clients. Respondent Rocha became aware of information concerning a possible illegal act and failed to inquire of management at a level above those involved, failed to determine whether the transaction had been properly authorized, and failed to consider other similar transactions or events that may have occurred and apply procedures to identify them. Respondents do not agree to, or deny, the foregoing findings of fact.

TECHNICAL STANDARDS REVIEW II COMMITTEE

- **Investigation No.:** 10-05-06L
Hometown: Dallas, Texas
Respondent: C. Eugene Ward, CPA, P.C.
Firm License No.: C04988
Rule Violation: 527.5
Act Violation: 901.502(12)

Respondent and Enforcement Staff offered an Agreed Consent Order to the Board whereby Respondent's license was placed on Limited Scope and its attest work is subject to pre-issuance review for at least two years. Respondent must also pay \$182.71 in administrative costs to the Board within 30 days of the date the Board issued an Order ratifying the Agreed Consent Order.

Respondent received an adverse peer review in 2003, a modified peer review in 2006, and a "passed with deficiencies" review in 2009.

B. AGREED CEASE AND DESIST ORDERS

1. **Investigation No.:** 10-08-32N
Hometown: Dallas, Texas
Respondent: Augustus A. Richardson
Act Violations: 901.451, 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent offered attest services and used the "CPA" designation and the term "accounting" to assert expertise in accounting, although Respondent does not hold a Texas license.

2. **Investigation No.:** 10-08-35N
Hometown: Livingston, Texas
Respondent: Don Goodwin d/b/a Data Plus
Act Violations: 901.451, 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent offered attest services and used the "CPA" designation and the terms "accountant" and "accounting" to assert expertise in accounting, although Respondent does not hold a license in Texas.

3. **Investigation No.:** 10-09-01N
Hometown: Houston, Texas
Respondent: Donna S. Whittington
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the terms "accountant" and "accounting" to assert expertise in accounting and performed an attest service, although Respondent does not hold a license in Texas.

4. **Investigation No.:** 10-09-02N
Hometown: Frisco, Texas
Respondent: Randall Smith
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

ENFORCEMENT ACTIONS

Respondent offered attest services and used the terms “accountant” and “accounting” to assert expertise in accounting, although Respondent does not hold a license in Texas.

5. **Investigation No.:** 10-10-01N
Hometown: Vernon, Texas
Respondent: Norman Brints
Act Violations: 901.451, 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent performed an attest service, used the CPA designation, and used the term “accounting” to assert expertise in accounting, although Respondent does not hold a license in Texas.

6. **Investigation No.:** 10-10-09N
Hometown: Katy, Texas
Respondent: Steven Berley
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the CPA designation and used the term “accounting” to assert expertise in accounting, although Respondent does not hold a license in Texas.

7. **Investigation No.:** 10-10-20N
Hometown: San Antonio, Texas
Respondent: Luis Valencia and Almanza & Valencia, LLC
Act Violations: 901.451, 901.453

Respondents entered into an Agreed Cease and Desist Order with the Board whereby Respondents will cease and desist from providing attest services and using reserved terms until or unless Respondents comply with the registration and licensing provisions of the Act, and until or unless Respondents have obtained licenses to practice public accountancy.

Respondents used the “Certified Public Accountant” designation and the terms “accounting” and “accountant” to assert expertise in accounting, although Respondents do not hold licenses in Texas.

8. **Investigation No.:** 10-10-22N
Hometown: Vernon, Texas
Respondent: Blaine Verhelle & Verhelle’s Tax & Bookkeeping Service, Inc.
Act Violations: 901.451, 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing

provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent performed an attest service, using the term “accounting” to assert expertise in accounting, although Respondent does not hold a license in Texas.

C. PROPOSALS FOR DECISION

1. **Investigation Nos.:** 09-03-05L and 09-07-15L
Hometown: Dallas, Texas
Respondent: Veronica Lynn Kumpf
SOAH Docket No.: 457-10-4734
Certificate No.: 074674
Firm License No.: T08050
Rule Violations: 501.74, 501.76, 501.80, 501.81, 501.90(11), 501.93

The State Office of Administrative Hearings Administrative Law Judge (ALJ) issued a Proposal For Decision (PFD) finding that Respondent violated Board Rules. The ALJ recommended in the PFD that Respondent’s certificate be revoked and that Respondent be assessed a \$6,000 administrative penalty and \$1,186.80 in administrative costs.

Respondent failed to complete clients’ engagements, failed to respond to client inquiries within a reasonable time without good cause, and failed to return client records. In addition, Respondent failed to substantively and timely respond to Board communications. Further, Respondent practiced public accountancy with delinquent expired individual and firm licenses.

2. **Investigation Nos.:** 09-08-02L and 09-09-11L
Hometown: Huntsville, Texas
Respondent: Richard S. Ohendalski
SOAH Docket No.: 457-10-2637
Certificate No.: 020858
Firm License No.: S06879
Rule Violations: 501.74(b), 501.76(a), 501.90(2), 501.90(7) 501.91, 501.93

The State Office of Administrative Hearings Administrative Law Judge (ALJ) issued a Proposal For Decision (PFD) finding that Respondent violated Board Rules. The ALJ recommended in the PFD that Respondent’s certificate and firm license be revoked and that Respondent be assessed a \$15,000 administrative penalty and \$554 in administrative costs.

Respondent was suspended from practice before the IRS for failure to file his income tax returns for the years 2002, 2003, 2004, and 2005, and Respondent failed to report the IRS suspension within 30 days of the event. In addition, Respondent failed to correctly prepare a client’s income tax returns, failed to competently represent the client before the IRS, and failed to return the client’s records. Further, Respondent failed to substantively respond to Board communications within 30 days.

D. PROPOSAL FOR DECISION

- **Investigation No.:** 09-07-06L
Hometown: Grapevine, Texas
Respondent: Philip Andrew Ferrant
Certificate No.: 046392
Firm License No.: C054415

ENFORCEMENT ACTIONS

Rule Violations: 501.81, 501.93(a), 501.93(c), 527.4(b)
Act Violation: 901.502(6)

to pay an administrative penalty of \$15,000 and \$1,030.29 in administrative costs within 30 days of the effective date of this Order.

Respondent performed attest services through the unregistered entity, Financial Business Solutions. Additionally, Respondent failed to substantively respond to Board communications and failed to participate in the Board's peer review program.

The State Office of Administrative Hearings Administrative Law Judge (ALJ) issued a Proposal For Decision (PFD) finding that Respondent violated Board Rules. The ALJ recommended in the PFD that Respondent's certificate and firm license be suspended for a period of two years. Except for the first 90 days, the two-year suspension was probated. In addition, Respondent was ordered

ACTIONS TAKEN BY THE BOARD

JANUARY 20, 2011

A. AGREED CONSENT ORDERS

BEHAVIORAL ENFORCEMENT COMMITTEE

1. Investigation No.: 08-03-11L
Hometown: Arlington, Texas
Respondent: Robert Pauley
Certificate No.: 079895

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's certificate was reinstated, but for a period of two years from the date his certificate was reinstated, Respondent was placed on probated revocation.

In March 2008, Board staff discovered Respondent was practicing public accountancy while his licenses were suspended and he continued to use the CPA designation on his business card. Staff opened an investigation; however, Petitioner failed to respond to multiple Board communications. In July 2008, the full Board ratified an Agreed Consent Order that revoked Respondent's certificate and firm license.

2. Investigation No.: 10-07-26L
Hometown: Houston, Texas
Respondent: Lionel Sims, Jr.
Certificate No.: 053258
Rule Violations: 501.90, 501.90(7), 501.91
Act Violations: 901.502(2), 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended for a period of one year from the effective date of the Board Order. However, the suspension was stayed and the Respondent was placed on probation for one year. In addition, Respondent must pay an administrative penalty of \$3,000 and \$184.57 in administrative costs within 30 days of the date of the order.

The Internal Revenue Service suspended Respondent's right to practice before that agency for thirty months because Respondent failed to timely file his personal tax returns for tax years 2000 and 2001. Respondent failed to report this sanction in writing to the Board.

3. Investigation No.: 10-09-06L
Hometown: Hurst, Texas
Respondent: Deborah D. Vore
Certificate No.: 053340
Rule Violation: 501.90(5)
Act Violations: 901.502(6), 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's license was suspended for a period of two years from the effective date of the Board Order. However, the suspension was stayed and the Respondent was placed on probation for two years. Respondent shall also make a quarterly report to the Board, which shall include but is not limited to the following: her continued compliance with the terms of the ACO, the nature of her practice, the completion of her continuing professional education, and (if applicable) any criminal arrests. In addition, Respondent must pay an administrative penalty of \$1,000 and \$311.35 in administrative costs. Respondent shall submit a first \$500 payment within 30 days of the date of the order, a second \$500 payment within 30 days of the date Respondent makes the first payment, and a final payment of \$311.35 within 30 days of the date Respondent makes her second payment.

On June 22, 2009, Respondent was convicted of DWI, a Class B misdemeanor. On August 6, 2010, Respondent was convicted of DWI – 2nd, a Class A misdemeanor. On August 6, 2010, Respondent was convicted of driving with an open alcohol container, a Class A misdemeanor. On August 10, 2010, Respondent was convicted of DWI – 2nd, a Class A misdemeanor.

TECHNICAL STANDARDS REVIEW I COMMITTEE

1. Investigation No.: 10-05-09L
Hometown: Houston, Texas
Respondent: Jaswant Gill
Certificate No.: 094164
Firm License No.: C07385
Rule Violations: 501.81, 501.82
Act Violations: 901.502(6), 901.502(12)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent would be reprimanded and his certificate revoked. However, the revocation was stayed, and Respondent was placed on probation until March 11, 2012. In addition, Respondent is ordered to pay \$2,013.48 in administrative costs within 30 days of the date the Board ratifies the order.

On January 21, 2010, Respondent was subject to a Cease and Desist Order. Respondent violated the Cease and Desist Order after being licensed by the Board, when Respondent participated in developing a website for a firm that held itself out to the public as a certified public accounting firm although Respondent knew the firm was not registered with the Board. Respondent also

caused misleading statements to be placed on the websites that could be viewed by the public.

- 2. Investigation No.:** 10-06-03L
Hometown: Austin, Texas
Respondent: Michael Duane Parks
Certificate No.: 059549
Rule Violations: 501.60, 501.76, 501.81, 501.93, 527.4
Act Violations: 901.502(6), 901.502(11), 901.502(12)(B), 901.502(12)(C)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent surrendered his certificate for revocation in lieu of further disciplinary proceedings.

Respondent issued three audits at a time when he did not have a firm license and was not enrolled in the Board's mandatory peer review program. Respondent also failed to submit work documents to the Board for review although work documents are required to be maintained for a period of not less than five years and did not substantively respond to numerous Board communications.

TECHNICAL STANDARDS REVIEW II COMMITTEE

- 1. Investigation Nos.:** 10-02-01L and 10-02-02L
Hometown: Plano, Texas
Respondents: Fei-Fei Catherine Fang and Fei-Fei Catherine Fang, CPA
Certificate No.: 027452
Firm License No.: T01705
Rule Violations: 501.60, 501.74(b), 501.81, 501.90(7), 527.4, 527.6
Act Violations: 901.502(6), 901.502(9), 901.502(11), 901.502(12)(B), 901.502(12)(C)

Respondents entered into an Agreed Consent Order with the Board whereby Respondent and Respondent firm were placed on probated suspension for a period of three years. In addition, Respondents must pay an administrative penalty of \$5,000 and \$277.79 in administrative costs within 30 days of the date the Board ratified the Order.

The U.S. Department of Housing and Urban Development (HUD) rejected an application submitted by a client of Respondent firm due to numerous errors and deficiencies. On June 24, 2010, the Securities and Exchange Commission (SEC) issued an order denying Respondent the privilege of appearing or practicing before that agency as an accountant.

- 2. Investigation No.:** 10-06-11L
Hometown: Port Neches, Texas
Respondent: Mitchell Todd Fontenote
Certificate No.: 068927
Firm License No.: C07008
Rule Violation: 501.80
Act Violations: 901.456(a), 901.502(5), 901.502(6)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent was issued a reprimand.

On December 31, 2009, Respondent issued an audit report for the Zoe Learning Academy although his personal license was delinquent, expired on that date.

UNAUTHORIZED PRACTICE OF PUBLIC ACCOUNTANCY

- Investigation No.:** 10-07-02N
Hometown: Arlington, Texas
Respondent: Phyllis Persley Scott
Certificate No.: 095266
Rule Violation: 501.80
Act Violations: 901.451, 901.453, 901.502(11)

Respondent entered into an Agreed Consent Order with the Board whereby Respondent's certificate would be revoked for a period of one year from the effective date of the Board Order. However, the revocation was stayed and Respondent was placed on probation for one year. Respondent is required to submit a quarterly report regarding the nature of her CPA practice.

While Respondent was an applicant, she held out as a certified public accountant although she did not have a certificate issued by the Board. Accordingly, Respondent was subject to a Cease and Desist Order.

B. AGREED CEASE AND DESIST ORDERS

- 1. Investigation No.:** 08-06-41N
Hometown: Houston, Texas
Respondent: Charles P. Sandles d/b/a Charles P. Sandles Associates, Inc.
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "accounting" to assert an expertise in accounting and offered attest services although Respondent does not hold a license in Texas.

- 2. Investigation No.:** 10-10-05N
Hometown: Ballinger, Texas
Respondent: Josilyn Peterson
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "accounting" to assert an expertise in accounting and performed an attest service although Respondent does not hold a license in Texas.

- 3. Investigation No.:** 10-10-19N
Hometown: Dallas, Texas
Respondent: R. Scot Dykema
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing

ENFORCEMENT ACTIONS

provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "public accounting" to assert an expertise in accounting and used the "CPA" designation although Respondent does not hold a license in Texas.

4. Investigation No.: 10-10-53N
Hometown: Whitehouse, Texas
Respondent: John Phillips
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "accounting" to assert an expertise in accounting and offered attest services although Respondent does not hold a license in Texas.

5. Investigation No.: 10-10-55N
Hometown: San Antonio, Texas
Respondent: Robert J. Torres
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "accounting" to assert an expertise in accounting and used the "CPA" designation although Respondent does not hold a license in Texas.

6. Investigation No.: 10-10-66N
Hometown: Missouri City, Texas
Respondent: Quintin F. Wiggins
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the terms "accountant" and "accounting" to assert an expertise in accounting and offered attest services although Respondent does not hold a license in Texas.

7. Investigation No.: 10-10-72N
Hometown: Dallas, Texas
Respondent: Joye Germany
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the terms "accountant" and "accounting" to assert an expertise in accounting and used the "CPA" designation although Respondent does not hold a license in Texas.

8. Investigation No.: 10-10-73N
Hometown: Farmers Branch, Texas
Respondent: Douglas A. Sledge
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the terms "accounting" and "accountant" to assert an expertise in accounting and used the "CPA" designation although Respondent does not hold a license in Texas.

9. Investigation No.: 10-10-83N
Hometown: Kaufman, Texas
Respondent: Sherri Sinkule
Act Violations: 901.453, 901.456

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the term "accounting" to assert an expertise in accounting and offered attest services although Respondent does not hold a license in Texas.

10. Investigation No.: 10-10-84N
Hometown: Katy, TX
Respondents: Craig Narum and Trisperity Advisors, LLC
Act Violations: 901.453, 901.456

Respondents entered into an Agreed Cease and Desist Order with the Board whereby Respondents will cease and desist from providing attest services and using reserved terms until or unless Respondents comply with the registration and licensing provisions of the Act, and until or unless Respondents have obtained a license to practice public accountancy.

Respondents used the term "accounting" to assert an expertise in accounting and offered attest services although Respondents do not hold a license in Texas.

11. Investigation No.: 10-10-88N
Hometown: Houston, Texas
Respondent: Cynthia Facundo d/b/a The Bookkeeping Key
Act Violations: 901.451, 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing

ENFORCEMENT ACTIONS

provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent continued to use the "CPA" designation and the term "accounting" to assert an expertise in accounting although Respondent does not hold a license in Texas.

12. Investigation No.: 10-10-89N
Hometown: Houston, Texas
Respondent: AAT Tax Services, Inc d/b/a Perficio Solutions
Act Violation: 901.453

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent continued to use the reserved term "accounting" to assert an expertise in accounting although Respondent does not hold a license in Texas.

13. Investigation No.: 10-11-03N
Hometown: San Antonio, Texas
Respondent: Roche Leonides
Act Violation: 901.451

Respondent entered into an Agreed Cease and Desist Order with the Board whereby Respondent will cease and desist from providing attest services and using reserved terms until or unless Respondent complies with the registration and licensing provisions of the Act, and until or unless Respondent has obtained a license to practice public accountancy.

Respondent used the "CPA" designation although Respondent does not hold a license in Texas.

14. Investigation No.: 10-12-07N
Hometown: Pflugerville, Texas
Respondents: Kathy Millsap and Accounting Contractors
Act Violations: 901.453, 901.456

Respondents entered into an Agreed Cease and Desist Order with the Board whereby Respondents will cease and desist from providing attest services and using reserved terms until or unless Respondents comply with the registration and licensing provisions of the Act, and until or unless Respondents have obtained licenses to practice public accountancy.

Respondents used the term "accounting" to assert an expertise in accounting and offered attest services although Respondents do not hold a license in Texas.

15. Investigation No.: 10-12-13N
Hometown: San Antonio, Texas
Respondents: Ana G. Cervantes and Eagle Tax Service and Bookkeeping
Act Violations: 901.451, 901.453

Respondents entered into an Agreed Cease and Desist Order with the Board whereby Respondents will cease and desist from providing attest services and using reserved terms until or unless Respondents comply with the registration and licensing provisions of the Act, and until or unless Respondents have obtained licenses to practice public accountancy.

Respondents used the "certified public accountant" designation and the term "accounting" to assert expertise in accounting, although Respondents do not hold a license in Texas.

Moving??

Be sure to let us know.



Board rules require licensees to inform the Board within 30 days of a change of address.

- **Online under "Online Services" at www.tsbpa.state.tx.us**
- **Email: licensing@tsbpa.state.tx.us**
- **Phone: 512-305-7853**
- **Mail: TSBPA
333 Guadalupe, Twr 3, Ste 900
Austin, TX 78701**

ENFORCEMENT ACTIONS

CPE ACTIONS

The certificate of each respondent listed below was not in compliance with the Board's CPE requirements as of the date of the Board meeting. Each respondent was suspended for the earlier of a period of three years, or until the respondent complies with the licensing requirements of the *Act*. Additionally, a \$100 penalty was imposed for each year the respondent continues to be in non-compliance with the Board's CPE requirements. The respondents were found to be in violation of *Section 523.111* (mandatory CPE reporting) and *501.94* (mandatory CPE) of the Board's *Rules*, as well as *Section 901.411* (CPE) of the *Act*.

Respondent / Location	Board Date	Respondent / Location	Board Date
Caroline Denise Becker, Cypress, TX	11/18/2010	Edelba Kercado, Wylie, TX	01/20/2011
Douglas Michael Blanchard, Houston, TX	01/20/2011	Brady Russell Kilpper, Flower Mound, TX	01/20/2011
Milton A. Bolanos, Houston, TX	11/18/2010	Kenneth Wing Leung Lam, Katy, TX	01/20/2011
Suzanne Leigh Bradford, Austin, TX	11/18/2010	James Michael Lambert, Corpus Christi, TX	11/18/2010
Christopher Cummings Cagley, Houston, TX	01/20/2011	Ashraf Meghani, Stafford, TX	11/18/2010
Michele Renee Chauviere, Cypress, TX	11/18/2010	Sook Lee Miller, Houston, TX	11/18/2010
Paul Elden Christensen, Mansfield, TX	11/18/2010	Jennifer Leigh Moseley, Fort Worth, TX	01/20/2011
Daniel Carl Clower, Lewisville, TX	01/20/2011	Jonathan N. O'Sullivan, Dallas, TX	11/18/2010
Daniel Alan Cruise, Houston, TX	11/18/2010	Donna Jean Pessel, Texarkana, TX	01/20/2011
Mary Ellen Davenport, Friendswood, TX	01/20/2011	Robert Elton Petty, Dallas, TX	01/20/2011
Andrey V. Dokuchayev, London, UK	11/18/2010	Patrick Victor Phillips, N Richland Hills, TX	11/18/2010
Jean Anderson Escalona, Austin, TX	11/18/2010	John E. Pitts, Dallas, TX	01/20/2011
David Ausbon Estes, Rising Star, TX	01/20/2011	Roger Kevin Puckett, Amarillo, TX	11/18/2010
Robert Daniel Ferman, Austin, TX	01/20/2011	Debra M. Round, Dallas, TX	01/20/2011
Kelly R. Fontenot, Colleyville, TX	01/20/2011	Alfonso Soto, El Paso, TX	01/20/2011
Debra Ann Neff Fry, Tomball, TX	11/18/2010	Mark Daniel Sprague, Houston, TX	01/20/2011
Mai-Phuong Nguyen Garland, Houston, TX	11/18/2010	Etsegenet Tafesse, Hurst, TX	01/20/2011
Christopher Terry George, San Antonio, TX	11/18/2010	Dale Ray Teague, San Antonio, TX	01/20/2011
Charles Alan Gilstrap, McKinney, TX	01/20/2011	Joseph Nunes Terra, Houston, TX	01/20/2011
Duane W. Herman, Fort Stockton, TX	11/18/2010	Sheri Jordan Trammell, Kingwood, TX	01/20/2011
Charles Elliott Jeter, Dallas, TX	01/20/2011	Nancee Michelle Lowrance Upton, Houston, TX	01/20/2011
Shari Lynette Joseph, Austin, TX	11/18/2010	Latoysa Washington, Cypress, TX	11/18/2010
Mauricio Kaim, Houston, TX	11/18/2010	Joy Kris Wolfe, Fort Worth, TX	11/18/2010

THREE-YEAR DELINQUENT ACTIONS

The respondents listed below violated *Sections 901.502(4)* and *901.502(11)* of the *Act* when they failed to pay license fees for three consecutive license periods. The certificate of each respondent was revoked without prejudice as the respondent was not in compliance as of the Board meeting date. Each respondent may regain his or her certificate by paying all the required license fees and penalties and by otherwise coming into compliance with the *Act*.

Respondent / Location	Board Date	Respondent / Location	Board Date
Gary Nolan Agee, New Orleans, LA	01/20/2011	Michael Robert Caldwell, Ruidoso, NM	01/20/2011
Perry George Alevras, Carrollton, TX	11/18/2010	Hsiu-E Chiang, Kung Kuan Maoli, Taiwan	11/18/2010
Amani Armand-Charles A. Ballou, Abidjan, Ivory Coast	01/20/2011	Daniel Robert Coe, Houston, TX	01/20/2011
Ivy Ruth Williamson Bankston, Plano, TX	11/18/2010	Marianne Lenore Collins, Garland, TX	11/18/2010
Elizabeth Joan Becker, Flower Mound, TX	11/18/2010	Jody Wayne Cox, Portland, OR	11/18/2010
Tina Bergeron, Birmingham, AL	01/20/2011	John Edward Cunningham, Columbus, GA	01/20/2011
Benjamin Eldred Bami-Kole Boyle, Lawrenceville, GA	11/18/2010	Francis Leonard Davis, III, Carrollton, TX	11/18/2010
Stewart Franklin Brubaker, Bastrop, TX	11/18/2010	Patricia Dawn DeHaven, Houston, TX	01/20/2011
Michael Eugene Buquoi, Tagvig, Philippines	11/18/2010	Philip Maxwell Dyer, Arlington, TX	11/18/2010
		Jennifer Joy Elo, Kingwood, TX	01/20/2011
		Russell Alan Faldik, Flower Mound, TX	11/18/2010

ENFORCEMENT ACTIONS

Respondent / Location	Board Date	Respondent / Location	Board Date
Denise Lynette Farmer, Amarillo, TX	01/20/2011	Jeffery Martinez, Las Vegas, NV	11/18/2010
Elvin Franklin, Grand Prairie, TX	11/18/2010	Jesse Wayne Mecham, Orem, UT	01/20/2011
Sandra Gayle Galnor, Pflugerville, TX	01/20/2011	Bahram Hassan Nourouzian, Encino, CA	01/20/2011
Fredrick Martin Gipson, Charlotte, NC	01/20/2011	Karen Eubanks O'Dell, Ft Worth, TX	01/20/2011
Gordon Goldstein, Dallas, TX	01/20/2011	Molly Tynan Perry, Plano, TX	11/18/2010
Laura Elena Gonzalez, Houston, TX	11/18/2010	William Clayton Potter, Baton Rouge, LA	11/18/2010
Thomas P. Gragg, Robinson, TX	01/20/2011	Patrick Lynn Reed, Hunt, TX	11/18/2010
Anna Oden Graves, Dallas, TX	11/18/2010	Robt. Whitt Robinson, Houston, TX	01/20/2011
Philip Wayne Green, Kingwood, TX	01/20/2011	Richard Mark Rosenberg, Houston, TX	01/20/2011
Julie Donnelly Greenspan, Fort Worth, TX	11/18/2010	John Thomas Ross, New York, NY	11/18/2010
George Arthur Gross, Jr., Dallas, TX	11/18/2010	Taneji Shirato, Choshi-Shi Chiba, Japan	11/18/2010
Don Robert Groth, Portland, OR	11/18/2010	Laura Soledad Sierra, Fort Worth, TX	01/20/2011
Kerry Shows Hadden, Houston, TX	11/18/2010	Steve Wayne Smitherman, Blanco, TX	11/18/2010
Ernest Alexander Hale, Midland, TX	01/20/2011	Elizabeth Anne Snodgrass, Elizabeth, CO	11/18/2010
Eric Wayne Hall, Allen, TX	11/18/2010	Charles Mark Spaulding, Frisco, TX	11/18/2010
Mary Jane Livingston Hall, Justin, TX	01/20/2011	Thomas Charles Steadman, Corinth, TX	01/20/2011
Robert Michael Helms, Midland, TX	11/18/2010	Jeanet Flowers Steffey, Grapeland, TX	11/18/2010
Dominic Chiu Fai Ho, Hong Kong, Hong Kong	01/20/2011	Robert G. Szeman, West Hollywood, CA	01/20/2011
Charles Eugene Huggins, Shreveport, LA	11/18/2010	Christina Yi-Huang Tang, New Orleans, LA	11/18/2010
James Albert Hurst, Boerne, TX	01/20/2011	Horace Dudley Tole, Colleyville, TX	11/18/2010
Kristi Leigh Hyzak, Houston, TX	11/18/2010	Truc Sarah Tran, Houston, TX	11/18/2010
Laila Issa Jaffar, Ruwi, Oman	11/18/2010	James Egbert Trumble, Jr., Plano, TX	01/20/2011
Larry Duane Kalmbach, Spring, TX	01/20/2011	John Herbert Von Rusten, III, Coronado, CA	11/18/2010
Chung Shin Kao, Harrison, NJ	01/20/2011	Keith Alan Ward, Austin, TX	01/20/2011
James Russell Lacy, JR., Portland, OR	01/20/2011	Katharine Grace Westerfield, Kingwood, TX	01/20/2011
Brenda Flowers Lander, Dallas, TX	11/18/2010	Vickie Anita White, Spring, TX	01/20/2011
Orland Sherer Lee, Stillwater, OK	11/18/2010	Michael E. Williams, Austin, TX	01/20/2011
Billy Wayne Luther, Dallas, TX	01/20/2011		

FAILURE TO COMPLETE LICENSE RENEWAL

The respondents listed below were found to be in violation of Section 501.80 (practice of public accountancy) and 501.93 (responses) of the Board's Rules, and were also found to be in violation of Sections 901.502(6) (violation of a rule of professional conduct) and 901.502(11) (conduct indicating a lack of fitness to serve the public as a professional accountant) of the Act. The certificate of each respondent who was not in compliance at the time of the Board meeting was revoked without prejudice until such time as the respondent complies with the licensing requirements of the Act.

Respondent / Location	Board Date
Richard Andrew Leslie, Tormarton GL91HZ, England	11/18/2010

Save Time! Save Effort! Save a Tree!
If you complete your renewal and pay online, your license will be issued and mailed the next business day!
(Hint: Reporting CPE as you earn it saves even more time.)

Renew Online!



Texas State Board of Public Accountancy
333 Guadalupe, Tower 3, Suite 900
Austin, Texas 78701-3900

PRSRT STD
U.S. POSTAGE PAID
PERMIT NO. 834
AUSTIN, TEXAS

RenewOnlineRenewOnlineRenewOnlineRenewOnlineRenewOnlineRenewOnlineRenewOnlineRenewOnlineRenewOnline



Accountants Confidential Assistance Network

Assistance for CPAs, exam candidates, and accounting students with alcohol or drug dependency problems or mental health issues.

1-866-766-2226

VOLUNTEERS NEEDED

ACAN needs volunteers across the state. If you are a CPA in recovery and interested in volunteering, please call 1-866-766-2226.

LEGAL NOTICE: The identity and communications and fact of membership of anyone attending this group are confidential and protected under penalty of law under *Chapter 467* of the *Texas Health and Safety Code*.

Administered by the TSCPA and Funded in Part by the Board