



DEPARTMENT OF CONSUMER AFFAIRS
 CALIFORNIA BOARD OF ACCOUNTANCY
 2000 EVERGREEN STREET, SUITE 250
 SACRAMENTO, CA 95815-3832
 TELEPHONE: (916) 263-3680
 FACSIMILE: (916) 263-3675
 WEB ADDRESS: <http://www.cba.ca.gov>



CBA MISSION: To protect consumers by ensuring only qualified licensees practice public accountancy in accordance with established professional standards

**CALIFORNIA BOARD OF ACCOUNTANCY (CBA)
 ENFORCEMENT ADVISORY COMMITTEE (EAC)**

**EAC MEETING
 NOTICE & AGENDA**

**Thursday, May 5, 2016
 9:00 a.m. – 5:00 p.m.**

Wyndham Irvine-Orange County Hotel
 17941 Von Karman Ave.
 Irvine, CA 92614
 Telephone: (949) 863-1999

Important Notice to the Public

All times indicated, other than those identified as “time certain,” are approximate and subject to change. Action may be taken on any item on the agenda. Agenda items may be discussed and action taken out of order at the discretion of the EAC Chair. The meeting may be canceled without notice. For verification of the meeting, call (916) 561-1734 or access the CBA website at www.cba.ca.gov.

- | | |
|-------------|--|
| 9:00 – 9:05 | I. Call to Order, Roll Call, Establishment of Quorum, and Opening Remarks (Joseph Rosenbaum, Chair). |
| 9:05 – 9:10 | II. Report of the Committee Chair (Joseph Rosenbaum, Chair).
A. Approval of the December 10, 2015 EAC Meeting Minutes. |
| 9:10 – 9:25 | III. Report of the CBA Liaison (Michael Savoy, CPA).
A. Report of the March 17-18, 2016 CBA and Committee Meetings. |
| 9:25 – 9:45 | IV. Report of the Enforcement Chief (Dominic Franzella).
A. Enforcement Activity Report.
B. Report of Accusations Filed and Final Disciplinary Orders Effective November 17, 2015 through March 16, 2016. |
| 9:45 – 9:50 | V. Public Comments for Items not on the Agenda. |

9:50 – 11:30 VI. Review Enforcement Files on Licensees.
[Closed Session: The EAC will meet in closed session to review and deliberate on enforcement files as authorized by Government Code section 11126(c)(2) and Business and Professions Code section 5020.]

11:30 – 1:00 **LUNCH**

1:00 – 5:00 VII. Conduct Closed Hearings.
[The Committee will meet in closed session as authorized by Government Code Sections 11126(c)(2) and (f)(3), and Business and Professions Code Section 5020 to conduct a closed session to interview and consider disciplinary action against an individual licensee or applicant prior to the filing of an Accusation.]

VIII. Adjournment.

In accordance with the Bagley-Keene Open Meeting Act, all meetings of the EAC are open to the public. Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the EAC prior to the EAC taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the EAC, but the EAC Chair may, at her discretion, apportion available time among those who wish to speak. Individuals may appear before the EAC to discuss items not on the agenda; however, the EAC can neither discuss nor take official action on these items at the time of the same meeting. CBA members who are not members of the EAC may be attending the meeting. However, if a majority of members of the full board are present at the EAC meeting, members who are not members of the EAC may attend the meeting only as observers.

The meeting is accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Allison O'Connor at (916) 561-1734, or by email at allison.oconnor@cba.ca.gov, or send a written request to the CBA office at 2000 Evergreen Street, Suite 250, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

For further information regarding this meeting, please contact:

Allison O'Connor, Management Services Technician
(916) 561-1734 or allison.oconnor@cba.ca.gov
California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815

An electronic copy of this agenda can be found at www.cba.ca.gov.

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**EAC ITEM II.A.**

May 5, 2016

**DEPARTMENT OF CONSUMER AFFAIRS
 CALIFORNIA BOARD OF ACCOUNTANCY (CBA)**

**MINUTES OF THE
 DECEMBER 10, 2015
 ENFORCEMENT ADVISORY COMMITTEE (EAC) MEETING**

Hilton San Diego/Harbor Island
 1960 Harbor Island Drive
 San Diego, CA 92101
 Telephone: (619) 291-6700

I. Roll Call and Call to Order.

EAC Chair, Jeffrey De Lyser, CPA, called to order the regularly scheduled meeting of the EAC at 9:06 a.m. on December 10, 2015.

Members

Jeffrey De Lyser, CPA, Chair	Present
Joseph Rosenbaum, CPA, Vice-Chair	Present
Katherine Allanson, CPA	Present
Dale Best, CPA	Present
Joseph Buniva, CPA	Present
Gary Caine, CPA	Present
Nancy Corrigan, CPA	Present
Mary Rose Caras, CPA	Present
William Donnelly, CPA	Absent
Thomas Gilbert, CPA	Absent
Robert A. Lee, CPA	Present
Mervyn McCulloch, CPA	Present
Michael Schwarz, CPA	Present

CBA Staff and Legal Counsel

Paul Fisher, Supervising Investigative CPA
 Dorothy Osgood, Supervising Investigative CPA
 Allison Nightingale, Enforcement Technician
 Malcolm Mitchell, Enforcement Manager
 Holly Roznowski, Investigative CPA
 Marla Weitzman, Investigative CPA
 Gregory Francis, Investigative CPA
 Tina MacGregor, Investigative CPA
 Carl Sonne, Deputy Attorney General (DAG), Department of Justice

II. Report of the Committee Chair (**Jeffrey De Lyser**).

A. Approval of the October 22, 2015 EAC Meeting Minutes.

It was moved by Mr. Lee and seconded by Ms. Allanson to approve the minutes of the October 22, 2015 EAC meeting.

Yes: Mr. De Lyser, Mr. Rosenbaum, Ms. Allanson, Mr. Best, Mr. Caine, Ms. Corrigan, Mr. Buniva, Mr. Lee, and Mr. McCulloch.

No: None.

Abstain: Ms. Caras and Mr. Schwarz

The motion passed.

III. Report of the CBA Liaison (**Paul Fisher on behalf of Herschel Elkins**)

A. Report of the November 19, 2015 CBA and Committee Meetings.

Mr. Fisher provided the report for this agenda item. He reported that during the November CBA meeting, the CBA elected the 2016 leadership, which included Katrina Salazar as President, Alicia Berhow as Vice-President, and Michael Savoy as Secretary/Treasurer.

Mr. Fisher also reported the CBA appointed the new committee Chair, Joseph Rosenbaum, and Vice-Chair, Nancy Corrigan to the EAC. They will serve as Chair and Vice-Chair for one-year terms effective January 1, 2016.

Mr. Fisher also reported the 2016 EAC meeting dates were approved by the CBA Members.

Mr. Fisher also reported the CBA adopted the proposed changes to Title 16, California Code of Regulations Division 1, section 42 to replace compilations where no report is issued with preparation engagements in the peer review exclusions. This change was necessary as a result of Statement on Standards for Accounting and Review Services (SSARS) 21, which replaced compilations with preparation engagements.

Mr. Fisher also reported the CBA considered the impact of SSARS 21 as it relates to the 24-hour accounting and auditing (A&A) and four-hour fraud continuing education (CE) requirement. After discussion, the CBA directed staff to initiate the rulemaking to require licensees that perform preparation engagements as their highest level of service to complete eight hours of A&A and four hours of fraud. This change will not impact the requirement of 24 hours of A&A and four hours of fraud CE for a licensee who plans, directs, performs a substantial portion of the work, or reports on audit, review, compilation, or attestation service on a non-governmental entity.

Mr. Fisher also reported that the CBA was provided with an update on the study of California's attest experience requirement. Preliminary data shows there were

10,162 total responses.

IV. Report of the Enforcement Chief (**Dominic Franzella**).

A. Enforcement Activity Report.

Mr. Fisher provided an overview of this item. He also provided an update on the current vacancies for the Enforcement Division.

B. Report on Accusations and Final Disciplinary Orders Effective September 17, 2015 to November 16, 2015.

Mr. Fisher reported that since September 17, 2015, the CBA filed 17 accusations and took 11 disciplinary actions.

V. Public Comments for Items not on the Agenda.

No public comment was given.

VI. Review Enforcement Files on Individual Licensees.

[Closed Session: The EAC met in closed session to review and deliberate on enforcement files as authorized by Government Code section 11126(c)(2) and Business and Professions Code section 5020.]

VII. Conduct Closed Hearings.

[The Committee met in closed session as authorized by Government Code sections 11126(c)(2) and (f)(3) and Business and Professions Code section 5020 to conduct closed sessions to interview and consider possible disciplinary action against an individual licensee or applicant prior to the filing of an accusation.]

VIII. Adjournment.

The next EAC meeting is scheduled for January 28, 2016 at the California Board of Accountancy.

Having no further business to conduct, the EAC general meeting adjourned at approximately 9:27 a.m. to convene in closed session. Closed session adjourned at approximately 11:30 a.m. Closed session reconvened for investigative hearings from 1:00 p.m. to 3:00 p.m.

Jeffery De Lyser, CPA, Chair
Enforcement Advisory Committee

Prepared by: Allison Nightingale, Enforcement Technician

**California Board of Accountancy
Enforcement Activity Report**
Report as of January 31, 2016

EAC Agenda Item IV.A
May 5, 2016

Complaints

Complaints/Records of Convictions	FY 2013/14	FY 2014/15	FY 2015/16 <small>7 months of data</small>
Received	3,255	2,702	1,632
<i>Internal</i>	<i>2,861</i>	<i>2,248</i>	<i>1,338</i>
<i>Internal – Peer Review¹</i>	<i>1,892</i>	<i>449</i>	<i>284</i>
<i>Internal – All Other</i>	<i>969</i>	<i>1,799</i>	<i>1,054</i>
<i>External</i>	<i>394</i>	<i>454</i>	<i>294</i>
Assigned for Investigation	2,969	2,007	1,114
Closed – No Action	289	713	521
Average Days from Intake to Closure or Assignment for Investigation	4	4	5
Pending	0	0	1
Average Age of Pending Complaints (days)	0	0	0

¹ Peer Review internal complaints typically include investigation of failed peer review reports, failure to comply with peer review citations, filing an incorrect PR-1, or renewing a license without undergoing a peer review when a peer review is required. For FY 2013/14, these complaints included failures to respond during the initial peer review phase-in period (July 1, 2011 to July 1, 2013).

- The California Board of Accountancy (CBA) has received 1,632 complaints since the beginning of the new fiscal year, with 82 percent of these complaints being internal referrals.
- The top external complaint is regarding non-CPAs practicing public accounting.

California Board of Accountancy Enforcement Activity Report

Report as of January 31, 2016

Investigations

Investigations	FY 2013/14	FY 2014/15	FY 2015/16 7 months of data
Assigned	2,969	1,953	1,114
<i>Internal</i>	2,628	1,579	837
<i>Internal – Peer Review¹</i>	1,888	439	271
<i>Internal – All Other</i>	740	1,140	566
<i>External</i>	341	374	277
Closed	2,669	1,773	1,127
Average Days to Close	74	167	184
Total Investigations Pending	825	1,081	1,130
<i>0-6 Months</i>	472	639	554
<i>6-12 Months</i>	191	211	313
<i>12-18 Months</i>	111	120	104
<i>18-21 Months</i>	18	39	46
<i>21-24 Months</i>	22	33	28
<i>> 24 Months</i>	11	39	85
Average Age of Open Cases (days)	202	222	263
Median Age of Open Cases (days)	153	126	185

¹ For FY 2013/14, these investigations included failures to respond to multiple CBA requests to file the required PR-1 as part of the initial peer review phase-in period that occurred between July 1, 2011 and July 1, 2013.

Chart A on Page 7 illustrates the percentage of open cases by length of time.

- The CBA has closed 1,127 assigned investigations since the beginning of the fiscal year.
- Presently, there are 85 investigations over 24 months, which includes 35 new cases. These cases are the most complex investigations requiring additional time to resolve. Of the 85 investigations, staff has completed or neared completion on 45 of the cases, as follows:
 - Four cases have had an investigative report completed and are pending supervisor review
 - Nineteen cases have had investigations completed and are being prepared for referral to the Attorney General’s Office
 - Eight cases are being prepared for citations and fines

California Board of Accountancy Enforcement Activity Report

Report as of January 31, 2016

- Fourteen cases will be closed as of the next report
- As previously communicated, management have been working diligently with staff to complete the investigations pending over 24 months and have successfully closed 56 of these cases during Fiscal Year (FY) 2015/16, including 10 since the last report.

Discipline

Attorney General Referrals	FY 2013/14	FY 2014/15	FY 2015/16 7 months of data
Referrals	74	97	58
Accusations Filed	34	47	48
Statements of Issues Filed	8	9	1
Petitions for Revocation of Probation Filed	2	2	5
Closed	31	63	46
<i>Via Stipulated Settlement</i>	21	55	30
<i>Via Proposed Decision</i>	4	2	2
<i>Via Default Decision</i>	6	6	14
Discipline Pending	95	119	123
<i>0-6 Months</i>	50	42	47
<i>6-12 Months</i>	15	40	39
<i>12-18 Months</i>	16	28	22
<i>18-21 Month</i>	7	4	6
<i>21-24 Months</i>	4	0	4
<i>> 24 Months</i>	3	5	5

Chart B on Page 7 illustrates the percentage of cases pending at the AG's Office by length of time.

- There are five cases pending at the Attorney General's Office for more than 24 months. The current status of the cases are as follows:
 - A writ was filed with the California Superior Court in August 2012 following adoption of a proposed decision and denial of a Petition for Reconsideration in July 2012. A decision was issued on August 28, 2014 denying the writ of mandate. The stay previously issued was dissolved and the CBA's decision revoking the Petitioner's license became effective. The Petitioner immediately filed a Notice of Appeal with the Appellate Court seeking a stay of the decision. The motion requesting a trial was denied at a hearing on December 12, 2014. A ruling from the Court of Appeals is pending.
 - Two cases settled and were adopted by the CBA at its January 2016 meeting and will be removed from the next report

California Board of Accountancy Enforcement Activity Report

Report as of January 31, 2016

- Two cases have a hearing scheduled for mid-2016

Citations and Fines

Citations	FY 2013/14	FY 2014/15	FY 2015/16 7 months of data
Total Citations Issued	1,522 ¹	348	175
Total Fines Assessed	\$399,020	\$119,387	\$65,200
Fines Average	\$702	\$343	\$373
Average number of days from receipt of a complaint to issuance of a citation	33	142	150
Top 3 Violations Resulting in Citation			
1:	Response to CBA Inquiry (Reg 52)	CE Basic Requirements (Reg 87)	CE Basic Requirements (Reg 87)
2:	CE Basic Requirements (Reg 87)	Response to CBA Inquiry (Reg 52)	Response to CBA Inquiry (Reg 52)
3:	Name of Firm (BPC 5060)	Name of Firm (BPC 5060)	Fingerprinting & Disclosure (Reg 37.5)

¹ For FY 2013/14, 1,481 citations were issued for failure to respond to multiple CBA requests to file the required PR-1 as part of the initial peer review phase-in period that occurred between July 1, 2011 and July 1, 2013.

- As noted in previous reports, the Average number of days from receipt of a complaint to issuance of a citation has increased from the FY 2013/14. This is due to the high volume of Peer Review (Failure to Respond) citations that were issued and the quick turn-around time that was initiated.
- The fine amount assessed varies from \$100 to \$5,000 and is determined on a case-by-case basis. Factors that may increase or decrease the fine amount include aggravating or mitigating circumstances, and length of time the violation existed.
- Violation of the continuing education basic requirements is currently the most common reason for issuance of a citation.

California Board of Accountancy Enforcement Activity Report

Report as of January 31, 2016

Probation Monitoring

Monitoring Activities	FY 2015/16 7 months of data
Number of Licensees on Probation as of Last Report	100
New Probationers	6
Total Number of Probationers	102
Out-of-State Probationers	7
Probation Orientations Held since Last Report	14

Criminal Offender Record Information (CORI)

CORI Fingerprints ¹	FY 2014/15	FY 2015/16 7 months of data
Notification Letters Sent	19,715	4,723
CORI Compliances Received	11,971	5,715
Non-Compliance Notifications Sent (Audit)	742	403

CORI Enforcement Cases	FY 2014/15	FY 2015/16 7 months of data
Received	624	346
Assigned for Investigation	185	212
Closed – No Action	439	134
Non-Compliance Citations and Fines Issued	45	52
Referred to the Attorney General's Office	14	13

¹ CORI-related activities that occurred in FY 2013/14 were previously reflected on the Licensing Activity Report.

- Effective January 1, 2014, all licensees renewing their license in active status are required to have fingerprints on file for the purpose of conducting a state and federal criminal offender record information background check.

California Board of Accountancy Enforcement Activity Report

Report as of January 31, 2016

Mobility

Enforcement Aspects of Mobility	FY 2014/15	FY 2015/16 7 months of data
Pre-Notification Forms Received	2	0
Cessation Event Forms Received	0	0
SEC Discipline Identified	27	29
PCAOB Discipline Identified	21	10
Out-of-State Accounting Firm Registrants That Reported Other Discipline	14	3
Complaints Against Practice Privilege Holders	11	3

Effective July 1, 2013, the CBA implemented a no notice, no fee practice privilege model in California. This table depicts the enforcement aspects of mobility, including the receipt and investigation of Practice Privilege Pre-Notification Forms and Notification of Cessation Event Forms.

- The complaints against practice privilege holders include practice without permit, discipline by other states/governmental agencies, and practice complaints.
- Staff sends letters to all CPAs who were disciplined by either the Securities and Exchange Commission or the Public Company Accounting Oversight Board to inform them that they must seek CBA authorization prior to practicing in California.

Division Highlights and Future Considerations

The Enforcement Division has the following vacancies:

- One Staff Services Manager over the Attorney General and Citation Units
- One Associate Governmental Program Analyst in the Criminal Offender Record Information Unit (CORI)
- Two Investigative Certified Public Accountants (ICPA) Limited-term and one ICPA Retired Annuitant in the Investigations Unit
- One Office Technician in the Attorney General Unit
- One Student Assistant in the Probation Unit
- Nine CORI positions are scheduled to expire on June 30, 2016 and June 30, 2017.

**California Board of Accountancy
Enforcement Activity Report**
Report as of January 31, 2016

Chart A – Open Investigations as of January 31, 2016

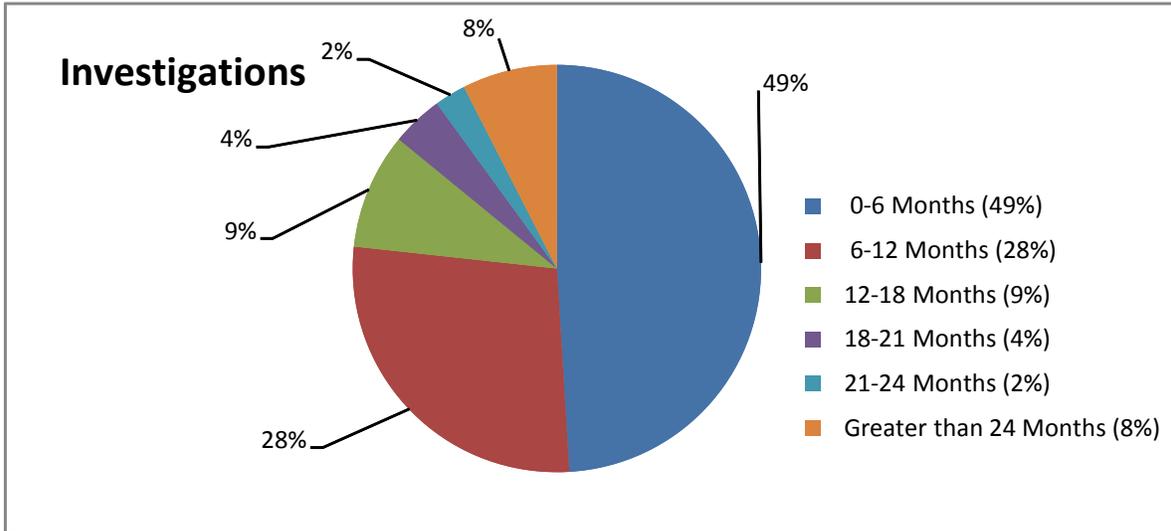
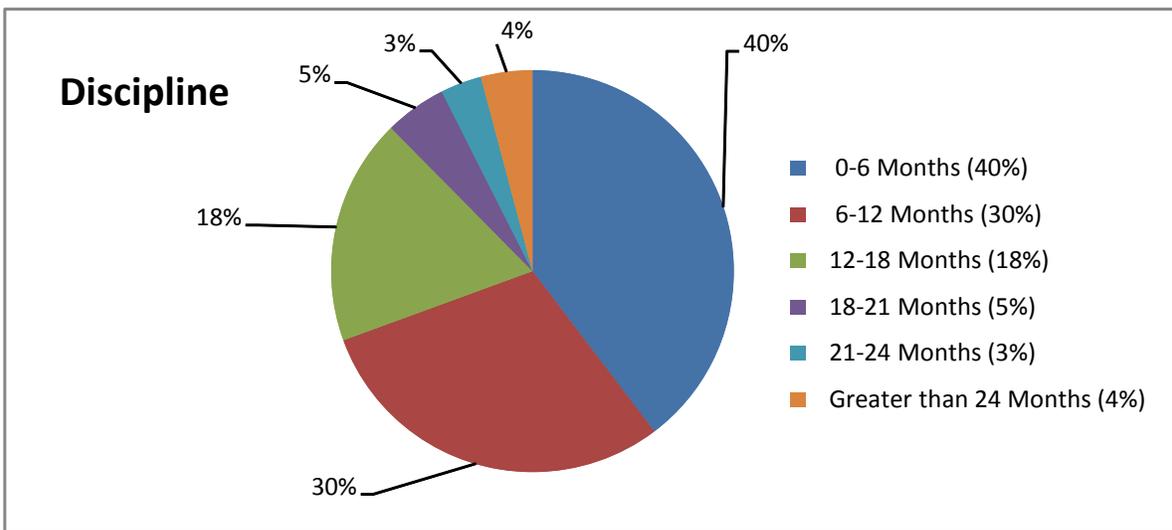


Chart B – Discipline Pending at the Attorney General Office as of January 31, 2016





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EAC Item IV.B
 May 5, 2016

Report on Accusations Filed and Final Disciplinary Orders Effective November 17, 2015 – March 16, 2016

Presented by: Dominic Franzella, Chief, Enforcement Division

Purpose of the Item

The purpose of this agenda item is to provide the Enforcement Advisory Committee (EAC) with information related to accusations filed and final disciplinary orders effective November 17, 2015 through March 16, 2016.

Consumer Protection Objectives

The accusations filed and disciplinary orders issued by the California Board of Accountancy (CBA) assist in ensuring consumer protection by identifying and subsequently taking action against those who are in violation of the provisions of the Accountancy Act and CBA Regulations.

Action(s) Needed

No specific action is required on this agenda item.

Background

At the conclusion of the October 2014 EAC meeting, members completed a survey via SurveyMonkey providing comments and feedback on various aspects of the meeting. Among the comments was a request for staff to bring information related to accusations filed and final disciplinary orders effective since the prior EAC meeting. As a result, staff has placed this topic as a standing agenda item for all future EAC meetings.

Comments

Between November 17, 2015 and March 16, 2016, the CBA has filed 25 accusations and taken 19 disciplinary actions. All matters are listed below along with a summary of the cause for discipline and action taken. The complete accusations and final disciplinary orders are available for review on the CBA website at www.cba.ca.gov.

Accusations Filed

- | | | |
|----------------------|--------------------------------|--------------------------------|
| | Sapiandante, Joselito Custodio | |
| | Sapiandante and Chung | |
| 1. <u>AC-2014-75</u> | Sapiandante and Sundiang | <u>Filed December 14, 2015</u> |

**Report on Accusations Filed and Final Disciplinary Orders
Effective November 17, 2015 – March 16, 2016**

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23. AC-2016-47 Harner, Edward Lai Filed February 8, 2016

The causes for discipline identified in the accusation include criminal conviction of a crime substantially related to the duties of a CPA and failure to report a criminal conviction.

24. AC-2016-50 Qum & Co. LLP Filed January 27, 2016

The causes for discipline identified in the accusation include imposition of discipline by the SEC.

25. AC-2016-65 Doyle, Vincent J. Filed February 24, 2016

The causes for discipline identified in the accusation include conviction of a crime related to the duties of a CPA, fiscal dishonesty and breach of fiduciary responsibility, embezzlement, theft and misappropriation of funds, and failure to report conviction.

Disciplinary Orders

1. AC-2013-54 Ebert, Caran Lee Effective February 27, 2016

Accusation number AC-2015-4 contains the following allegations:

Ms. Ebert is subject to disciplinary action in that she was grossly negligent and committed repeated acts of negligence in connection with the income tax preparation services that she performed for her clients, husband and wife, D.T. and K.T.

Ms. Ebert is subject to disciplinary action on the grounds of unprofessional conduct in that she violated regulations promulgated by the CBA that require certified public accountants to comply with all applicable professional standards.

Ms. Ebert is subject to disciplinary action on the grounds of unprofessional conduct in that in responses to both the CBA's inquiries and questions at the investigative hearing, she gave inconsistent, inaccurate, and conflicting information.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Ms. Ebert shall reimburse the CBA \$10,000.00 for its investigation and prosecution costs. The payment shall be made in 10 quarterly payments, due with the quarterly written reports.

Ms. Ebert shall complete four hours of CE in ethics. The course hours shall be completed within 12 months of the effective date of the Decision and Order and are in addition to the CE hours required for relicensing.

**Report on Accusations Filed and Final Disciplinary Orders
Effective November 17, 2015 – March 16, 2016**

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Ms. Ebert shall complete and provide proper documentation of 24 hours of professional education courses in the subject matter of taxation every year she is on probation. The courses shall be completed by March 31st of each year, and are in addition to the CE requirement for relicensing.
Ms. Ebert shall maintain an active license status.

Other standard terms of probation.

2. AC-2014-20 Thibault, Robert H. Effective February 27, 2016
Accusation No. AC-2014-20 contains the following allegations:

Mr. Thibault is subject to disciplinary action in that on or about February 8, 2012, the PCAOB imposed disciplinary sanctions against him.

On or about February 8, 2012, the PCAOB entered its Order Making Findings and Imposing Sanctions (Order) against Mr. Thibault as a result of his Offer of Settlement which was accepted by the PCAOB. Mr. Thibault consented to entry of the Order without admitting or denying the findings therein, except as to jurisdiction, which he admitted.

In its Order, the PCAOB determined that Mr. Thibault had violated certain PCAOB rules and auditing standards in regard to its audit of the financial statements of Medicis Pharmaceutical Corporation. According to the PCAOB's Order, Mr. Thibault failed to properly evaluate a material component of the Company's financial statements, namely, its sales returns reserve. Overall, the PCAOB found that Mr. Thibault's approach to evaluating the Company's sales returns reserve methodology and estimate was inconsistent with his obligations to exercise professional skepticism as the Company's independent auditor.

Mr. Thibault is subject to disciplinary action in that on or about February 8, 2012, the PCAOB imposed disciplinary sanctions against him, including barring him from being an "associated person of a registered public accounting firm" thereby suspending him from practice before the PCAOB.

CBA Actions:

Surrender of CPA license, via stipulated settlement.

Mr. Thibault shall pay the CBA \$3,771.66 for its investigation and enforcement costs prior to the issuance of a new or reinstated license.

3. AC-2014-21 Christie, Thomas A. Effective December 30, 2015
Accusation No. A-2014-21 contains the following allegations:

Mr. Christie is subject to disciplinary action in that on or about February 8, 2012,

**Report on Accusations Filed and Final Disciplinary Orders
Effective November 17, 2015 – March 16, 2016**

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the PCAOB imposed disciplinary sanctions against Mr. Christie. The PCAOB censured Mr. Christie on the basis of finding that he violated PCAOB rules and auditing standards as the second partner on Ernst & Young's audit team related to his audit of the December 31, 2007 financial statements of Medicis Pharmaceutical Corporation.

CBA Actions:

Revocation stayed with 18 months' probation, via stipulated settlement.

Mr. Christie shall complete four hours of CE in ethics. The hours shall be completed by June 30, 2016 and are in addition to the CE hours required for relicensing.

Mr. Christie shall complete a CBA-approved Regulatory Review course. The hours shall be completed by June 30, 2016 and are in addition to the CE hours required for relicensing.

Mr. Christie shall maintain an active license status.

Other standard terms of probation.

4. AC-2014-43 Chan, Alan Effective December 30, 2015
Accusation No. AC-2014-43 contains the following allegations:

Mr. Chan is subject to disciplinary action for fiscal dishonesty in that for the tax years 2011 and 2012, he allocated a portion of his client's tax refund into his own bank account, without the knowledge or consent of his client.

Mr. Chan is subject to disciplinary action for gross negligence in that for the tax years 2011 and 2012, he improperly used United States Internal Revenue Service Form 8888 in order to obtain payment of his fees, by allocating a portion of his client's tax refund into his own bank account.

Mr. Chan is subject to disciplinary action for the unlicensed practice of public accountancy, in that for the tax year 2011, he held himself out as a CPA in correspondence directed to his client even though his CPA license expired in 1992.

Mr. Chan is subject to disciplinary action in that he practiced public accountancy under a name ("CNC International Inc., CPA's") for which he did not hold a valid permit to practice by the CBA.

Mr. Chan is subject to disciplinary action for false advertising, in that in or about March and July 2014, he held himself out to the public as a CPA on Facebook

**Report on Accusations Filed and Final Disciplinary Orders
Effective November 17, 2015 – March 16, 2016**

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via the Internet, soliciting accounting and tax work, even though his CPA license expired in 1992.

Mr. Chan is subject to disciplinary action for failing to respond to the CBA's inquiry regarding a consumer complaint filed with the CBA by his client.

CBA Actions:

Surrender of CPA license, via stipulated settlement.

Mr. Chan shall pay the CBA \$11,642.09 for its investigation and enforcement costs prior to issuance of a new or reinstated license.

5. AC-2014-57 Boitano, Steven F Effective February 27, 2016
First Amended Accusation No. AC-2014-57 contains the following allegations:

Mr. Boitano is subject to disciplinary action in that he was convicted of crimes that are substantially related to the duties, function, or qualifications of a certified public accountant.

On or about August 9, 2013, Mr. Boitano plead guilty to three misdemeanor charges of violating 26 USC section 7203 for failing to file a required tax return for the calendar years 2005, 2006, and 2007, a misdemeanor.

Mr. Boitano is subject to disciplinary action in that he knowingly prepared, published, or disseminated false, fraudulent, or materially misleading financial statement, reports, or information. Mr. Boitano prepared and signed tax returns for calendar years' 2001, 2002, and 2003, which contained false, fraudulent, or materially misleading information. The tax returns contained estimated tax payments that were not actually made. Mr. Boitano gave those tax returns to an IRS agent who was auditing him.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Boitano's certified public accountant certificate No. CPA 49589 is suspended for 90 days.

Mr. Boitano shall reimburse the CBA \$10,170.76 for its investigation and prosecution costs. The payment shall be made within 30 days of the date the CBA's decision is final.

Mr. Boitano shall complete four hours of CE in ethics. The hours shall be completed within 12 months of the date the CBA's decision is final and are in addition to the CE hours required for relicensing.

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Mr. Boitano shall complete a CBA-approved Regulatory Review course. The hours shall be completed within 12 months of the date the CBA's decision is final and are in addition to the CE hours required for relicensing.

Mr. Boitano shall comply with procedures provided by the CBA regarding notification to, and management of, clients.

Mr. Boitano shall maintain an active license status.

Other standard terms of probation.

6. AC-2014-59 Coley, Reed Allen Effective December 30, 2015
Accusation No. AC-2014-59 contains the following allegations:

Mr. Coley is subject to disciplinary action in that he committed gross negligence, and/or repeated acts of negligence, as follows:

(a) in Mr. Coley's preparation of the IRS Forms 1099-MISC, nonemployee compensation for tax years 2009, 2010 and 2011 for M.O. and O.O., when M.O. and O.O did not provide services to Posterra Energy, LLC; and,

(b) in the preparation of tax year 2009 IRS Form 1065 for Mr. Coley's company Posterra Energy, LLC, which included a Schedule K-1 which incorrectly reported that M.O. was a general member and domestic partner of Posterra Energy, LLC.

Mr. Coley is subject to disciplinary action in that he knowingly prepared and disseminated the foregoing false information.

Based on the foregoing facts, Mr. Coley is subject to disciplinary action in that he willfully violated professional standards.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Coley shall reimburse the CBA \$16,488.92 for its investigation and prosecution costs.

Mr. Coley shall complete four hours of CE in ethics. The hours shall be completed by June 30, 2016 and are in addition to the CE hours required for relicensing.

Mr. Coley shall complete a CBA-approved Regulatory Review course. The hours shall be completed by June 30, 2016 and are in addition to the CE hours required for relicensing.

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Mr. Coley shall complete and provide proper documentation of 16 hours of CE in courses in the subject matter of tax, such as tax preparation, tax regulations, and practice before the Internal Revenue Service. The hours shall be completed by June 30, 2016 and are in addition to the CE hours required for relicensing.

Mr. Coley shall maintain an active license status.

Other standard terms of probation

7. AC-2014-66 Deloitte & Touche LLP Effective February 27, 2016
First Amended Accusation No. AC-2014-66 contains the following allegations:

Deloitte & Touche LLP is subject to disciplinary action in that on or about October 22, 2013 the PCAOB imposed sanctions against Deloitte & Touche LLP. Specifically, the PCAOB ordered, in pertinent part, that Deloitte & Touche LLP was censured. Additionally, the PCAOB imposed a civil money penalty in the amount of \$2,000,000.

The PCAOB entered an order and imposed sanctions on Deloitte & Touche LLP based on findings of violation including a finding that Deloitte & Touche LLP violated PCAOB rules by permitting a former partner of Deloitte & Touche LLP, who was subject to a PCAOB suspension order, to become an associated person of Deloitte during his period of suspension. On three occasions during the suspension year, the PCAOB found that the former partner responded to questions from engagement team members seeking guidance on the interpretation of firm-wide policies and procedures and the applicability of PCAOB audit standards concerning subjects falling within the former partner's areas of expertise, including, for example, the use of specialists and journal-entry testing in performing audits of the financial statements of issuer clients. Specifically, during the suspension year the former partner provided advice in connection with Deloitte & Touch LLP's audits of the fiscal year-end 2009 financial statements of three issuers, each of which the former partner knew, at the time, was an issuer audit client of Deloitte & Touch LLP. The PCAOB found that the former partner performed services related to the audit of a public company located in California and performed by CPAs located in California.

CBA Actions:

30-day suspension stayed with 20 months probation, via stipulated settlement.

Deloitte & Touche LLP shall comply with all requirements of the PCAOB Order and report such compliance in its quarterly written reports submitted to the CBA.

Maintain an active license.

Within 15 days of the effective date of the order, Deloitte & Touche LLP shall

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disseminate the Stipulated Settlement and Disciplinary Order to all of its professional personnel located in California, and shall confirm such dissemination in writing to the CBA.

Deloitte & Touche LLP shall pay an administrative penalty in the amount of \$300,000. Payment shall be made to the CBA within 60 days of the effective date of the order.

Deloitte & Touche LLP shall reimburse the CBA a sum not to exceed \$100,000 for its investigation and prosecution costs, including those costs associated with probation monitoring. The CBA will periodically present Deloitte & Touche LLP with a certified statement of costs to date, including additional costs incurred during probation, and Deloitte & Touche LLP shall pay those costs to the CBA within 30 days thereafter. If costs are billed after the completion of the probationary period, the obligation to pay the costs shall continue, but the probation shall not be extended thereby.

Other standard terms of probation.

- Kies, Daniel R.
8. AC-2015-29 aka Kies, Daniel Roy Effective February 27, 2016
Accusation No. AC-2015-29 contains the following allegations:

Mr. Kies is subject to disciplinary action in that he was convicted of an offense substantially related to the qualifications, functions, or duties of a licensee.

On or about September 30, 2010, Mr. Kies was convicted after a jury trial of violating Penal Code (PC) section 273.5(a) (inflicting corporal injury upon a spouse), a felony. The jury also convicted Mr. Kies of three misdemeanors: two violations of PC section 240 (assault), and one violation of PC section 243(e)(1) (battery on a spouse).

Mr. Kies is subject to disciplinary action in that he failed to report in writing to the CBA within 30 days following his conviction.

Mr. Kies is subject to disciplinary action in that he failed to comply with a citation issued to him in 2011 for failing to respond to a CBA inquiry.

Mr. Kies is subject to disciplinary action in that he failed to respond to an inquiry by the CBA and/or failed to provide true and accurate information in response to the CBA's request for information.

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CBA Actions:

Revocation of CPA License via decision.

In the event Mr. Kies applies for a new license or petitions for reinstatement and the license is issued, he shall reimburse the CBA \$4,169.14 for its reasonable costs of investigation and enforcement.

9. AC-2015-35 Ammann, Jennifer L Effective December 30, 2015
Accusation No. AC-2015-35 contains the following allegations:

Ms. Ammann is subject to disciplinary action on the grounds of unprofessional conduct in that she was convicted of crimes substantially related to the qualifications, functions or duties of a certified public accountant or public accountant.

On or about November 25, 2013, after pleading nolo contendere, Ms. Ammann was convicted of one felony count of violating PC section 245(a)(1) [assault with deadly weapon or instrument]. The Court sentenced Ms. Ammann to 326 days in jail, placed her on five years' formal probation, ordered her to complete a one year residential women's recovery program, ordered her to complete a substance abuse program, ordered her to complete a 52-week domestic violence program, and ordered termination of the protective order issued.

On or about November 17, 2014, after violating probation, the court sentenced Ms. Ammann to 76 days in jail, and ordered her to complete a six-month sober living program.

On or about November 25, 2013, after pleading guilty and failing the deferred entry of judgment program, Ms. Ammann was convicted of one felony count of violating Health and Safety Code section 11377(a) [unlawful possession of a controlled substance].

On or about November 25, 2013, after pleading guilty, Ms. Ammann was convicted of two felony counts, Count 1, violating Health and Safety Code section 11351 [unlawful possession of a controlled substance for sale], and Count 4, violating Health and Safety Code section 11377(a) [unlawful possession of a controlled substance].

Ms. Ammann is subject to disciplinary action on the grounds of unprofessional conduct in that she failed to notify the CBA in writing within 30 days of sustaining a felony conviction.

Ms. Ammann is subject to disciplinary action on the grounds of unprofessional

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conduct in that she failed to respond within 30 days to the CBA's June 26, 2014, inquiry.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Ms. Ammann shall reimburse the CBA \$4,017.50 for its investigation and prosecution costs. The payment shall be made in quarterly payments, the final payment being due six months before probation is scheduled to terminate.

Ms. Ammann shall complete four hours of CE in ethics. The course hours shall be completed within 12 months of the effective date of the Decision and Order and are in addition to the CE hours required for relicensing.

Ms. Ammann shall complete a CBA-approved Regulatory Review course. The course shall be completed within 12 months of the effective date of the Decision and Order and are in addition to the CE hours required for relicensing.

Ms. Ammann shall comply with terms and conditions related to her criminal court probation.

Ms. Ammann shall maintain an active license status.

Other standard terms of probation.

10. AC-2015-58 Comstock, James Milton Effective December 30, 2015

Accusation No. AC-2015-58 contains the following allegations:

Mr. Comstock is subject to disciplinary action in that he was convicted of a crime substantially related to the qualifications, functions and duties of a Certified Public Accountant. On or about April 17, 2014, the court convicted Mr. Comstock on his plea of guilty to two counts of violating PC section 506 (fraudulent appropriation by an administrator, executor or trustee), with an enhancement charge under PC section 12022.6(a)(2) for causing aggregate losses exceeding \$200,000, which are felonies.

Mr. Comstock is subject to disciplinary action in that he engaged in conduct constituting fraud and dishonesty towards his client and employer.

Mr. Comstock is subject to disciplinary action in that he engaged in conduct constituting fiscal dishonesty or breach of fiduciary responsibility towards his client and employer.

Mr. Comstock is subject to disciplinary action in that he engaged in conduct

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constituting embezzlement, theft, misappropriation of funds or property, or obtaining money, property, or other valuable consideration by fraudulent means or false pretenses.

Mr. Comstock is subject to disciplinary action in that he failed to report his conviction within 30 days of its occurrence.

CBA Actions:

Surrender of CPA license, via stipulated settlement.

Mr. Comstock shall pay the CBA \$1,577.21 for its investigation and enforcement costs prior to the issuance of a new or reinstated license.

11. AC-2015-67 Ransbarger, George Ronald
aka Ransbarger, George R. Effective February 27, 2016
Accusation No. AC-2015-67 contains the following allegations:

Mr. Ransbarger is subject to disciplinary action in that on or about June 11, 2014, he was convicted on his plea of no contest of violating PC section 273a, subdivision (a) (child endangerment), a felony, a crime substantially related to the qualifications, functions, and duties of a certified public accountant.

On October 1, 2014, Mr. Ransbarger was sentenced to four years in state prison. Mr. Ransbarger was also ordered to pay restitution to the victim(s), in an amount to be determined, and to register as a sex offender (following his release from prison) per PC section 290.

Mr. Ransbarger is subject to disciplinary action in that he failed to report his felony conviction to the CBA within 30 days of the conviction.

Mr. Ransbarger is subject to disciplinary action in that he failed to provide a written explanation or any information pertaining to the facts underlying his conviction.

CBA Actions:

Surrender of CPA license, via stipulated settlement.

Mr. Ransbarger shall pay the CBA \$3,151.70 for its investigation and enforcement costs prior to issuance of a new or reinstated license.

12. AC-2015-69 Acctax Accountants and
Consultants, Rehan Saeed
Saeed, Rehan Effective December 30, 2015
Accusation No. AC-2015-69 contains the following allegations:

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Mr. Saeed is subject to disciplinary action in that his right to practice before a governmental body or agency was suspended or revoked for failing to perform timely concurring review after release of the firm's audit report filed with the SEC and backdating of concurring review documentation.

Mr. Saeed is subject to disciplinary action in that on or about May 21, 2013, the PCAOB imposed discipline, penalty, or sanctions on Mr. Saeed. The PCAOB censured and barred him from being an associated person of a registered public accounting firm.

Mr. Saeed is subject to disciplinary action in that he failed to report in writing within 30 days of cancellation, revocation, or suspension of the right to practice as a Certified Public Accountant before the PCAOB.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Saeed shall reimburse the CBA \$3,352.10 for its investigation and prosecution costs.

Mr. Saeed shall complete four hours of CE in ethics. The hours shall be completed within 180 days of the order, and are in addition to the CE hours required for relicensing.

Mr. Saeed shall complete a CBA-approved Regulatory Review course. The hours shall be completed within 180 days of the order and are in addition to the CE hours required for relicensing.

Mr. Saeed shall complete and provide proper documentation of 16 hours of CE in audit-related subjects. The hours shall be completed within 12 months of the effective date of the order and are in addition to the hours required for relicensing.

Mr. Saeed shall maintain an active license status.

Other standard terms of probation

13. AC-2015-81 Marcus, Ronald A. Effective December 30, 2015
Accusation No. AC-2015-81 contains the following allegations:

Mr. Marcus is subject to disciplinary action on the grounds of unprofessional conduct in that Mr. Marcus failed to conduct a required peer review, failing to retain enrollment in a Board-approved peer review program, and failing to timely report to the CBA regarding his compliance with the peer review requirement.

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Mr. Marcus is subject to disciplinary action on the grounds of unprofessional conduct in that he practiced public accountancy without a permit, as follows:

(a) On or about November 30, 2011, Mr. Marcus issued a compiled financial statement for a law firm client.

(b) On or around April 10, 2013, Mr. Marcus prepared a 2012 federal tax return for a client "Travis K."

(c) As of November 20, 2014, Mr. Marcus had continued to use the "CPA" designation on LinkedIn, a professional networking website.

Mr. Marcus is subject to disciplinary action on the grounds of unprofessional conduct in that he failed to timely respond to the CBA's inquiries.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Marcus shall reimburse the CBA \$1,250.00 for its investigation and prosecution costs.

Mr. Marcus shall not engage in and shall be restricted from performing audits, review, compilations, or attestation services.

Mr. Marcus shall complete four hours of CE in ethics. The course hours shall be completed within 12 months of the effective date of the Decision and Order and are in addition to the CE hours required for relicensing.

Mr. Marcus shall complete a CBA-approved Regulatory Review course. The course shall be completed within 12 months of the effective date of the Decision and Order and are in addition to the CE hours required for relicensing.

Mr. Marcus shall pay the CBA an administrative penalty in the amount of \$2,500.00. The payment shall be made within 90 days of the effective date of the Decision and Order.

After the completion of probation, Mr. Marcus shall be permanently restricted from engaging in and performing any audit services, reviews, compilations, or attestation services. This condition shall continue until such time, if ever, that Mr. Marcus successfully petitions the CBA for the reinstatement of the ability to perform audit services, reviews, compilations, or attestation services.

Mr. Marcus shall maintain an active license status.

Other standard terms of probation.

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14. AC-2015-88 Choi, Chris J. Effective February 27, 2016

Accusation No. AC-2015-88 contains the following allegations:

Mr. Choi is subject to disciplinary action in that on or about June 3, 2014 he was suspended from appearing or practicing before the SEC as an accountant. The conduct underlying Mr. Choi's violations occurred between approximately 2009 and 2010, when he worked at Nvidia Corporation (Nvidia). The SEC complaint alleged that, during this time period, Mr. Choi obtained nonpublic information about Nvidia's financial results and relayed the information to his friend. The friend later provided the information to an analyst working for a trust company in return for payment. Mr. Choi breached a fiduciary duty or obligation arising from a similar relationship of trust and confidence by disclosing the nonpublic information to the individual.

Mr. Choi failed to report in writing to the CBA within 30 days of his suspension to practice as a certified public accountant before the SEC.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Choi's certified public accountant certificate is suspended for 30 days.

Mr. Choi shall reimburse the CBA \$1,500.00 for its investigation and prosecution costs. The payment shall be made in quarterly payments due with the quarterly written reports. The final payment is due one year before the probation is scheduled to terminate.

Mr. Choi shall complete four hours of CE in ethics. The hours shall be completed during the 30-day time period when his license is suspended and are in addition to the CE hours required for relicensing. Mr. Choi shall not resume practice until the hours are completed, he provides proof to the CBA, and has been notified by the CBA that he may resume practice. Mr. Choi must complete the course no later than 180 days after the effective date of the decision and order.

Mr. Choi shall complete a CBA-approved Regulatory Review course. The hours shall be completed during the 30-day time period when his license is suspended and are in addition to the CE hours required for relicensing. Mr. Choi shall not resume practice until the hours are completed, he provides proof to the CBA, and has been notified by the CBA that he may resume practice. Mr. Choi must complete the course no later than 180 days after the effective date of the decision and order.

Mr. Choi shall maintain an active license status.

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Mr. Choi shall comply with procedures provided by the CBA regarding notification to, and management of, clients.

Other standard terms of probation.

- Macarthur, Molly McGuinness
15. AC-2015-94 aka McGuinness, Molly Erin Effective December 30, 2015
Accusation No. AC-2015-94 contains the following allegations:

Ms. McGuinness has subjected her certificate to disciplinary action in that she was convicted of crimes substantially related to the qualifications, functions or duties of a certified public accountant, as follows:

On or about April 4, 2007, Ms. McGuinness was convicted on her plea of guilty to violating PC section 602.5, criminal trespass, a misdemeanor count added by interlineation to the original complaint.

On or about April 4, 2007, Ms. McGuinness was convicted on her plea of guilty to violating PC section 273a(a), child abuse, a felony reduced to a misdemeanor under PC section 17(b).

On or about April 19, 2007, Ms. McGuinness was convicted on her plea of guilty to violating Vehicle Code (VC) section 23152(b) driving with a blood alcohol concentration (BAC) of .08 percent or more, a misdemeanor.

On or about May 26, 2006, Ms. McGuinness was convicted on her plea of guilty to violating VC section 23152(b), driving with a BAC of .08 percent or more, a misdemeanor.

On or about April 4, 2007, Ms. McGuinness was convicted on her plea of guilty to violating VC section 23153(a), driving under the influence of alcohol causing bodily injury, and VC section 20002(a) hit and run driving with property damage, a misdemeanor.

On or about January 30, 2008, Ms. McGuinness was convicted on her plea of guilty to violating PC section 647(f), public intoxication, a misdemeanor.

On or about January 6, 2015, Ms. McGuinness was convicted on her plea of guilty to violating VC section 23152(a), driving under the influence of alcohol/drugs, with three or more prior convictions for violating VC section 23152, pursuant to VC 23550, a felony; VC section 23152(b), driving with a BAC of .08 percent or more with prior DUI convictions, a felony; and VC section 23573(i), failure to install an ignition interlock device on her vehicle, a misdemeanor.

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Ms. McGuinness has subjected her certificate to disciplinary action in that she failed to report her convictions to the CBA within 30 days.

CBA Actions:

Revocation of CPA License, via default decision.

16. AC-2015-102 Mendoza, Henry Effective February 27, 2016

Accusation No. AC-2015-102 contains the following allegations:

Mr. Mendoza is subject to disciplinary action in that his right to practice before a governmental body or agency was suspended or revoked.

On or about May 6, 2014, the PCAOB censured Mr. Mendoza and barred him from being an associated person of a registered accounting firm for failing to comply with the PCAOB's rules and auditing standards. According to the PCAOB order, Mr. Mendoza failed to comply with PCAOB's auditing standards by failing to cooperate with the investigation of the PCAOB by improperly altering, adding to, and backdating, or directing others to improperly alter, add to, and backdate, work papers in advance of the PCAOB's inspection and provided misleading work papers to PCAOB inspectors. In addition, the misleading work papers that were provided to the PCAOB inspectors did not indicate that information was added to the work papers, the names of the persons who prepared the additional documentation, and the reasons for adding the additional information to the work papers months after the relevant documentation completion date.

Mr. Mendoza is subject to disciplinary action in that he was disciplined by the PCAOB.

CBA Actions:

Revocation stayed with three years' probation, via stipulated settlement.

Mr. Mendoza's certified public accountant certificate is suspended for 30 days.

Mr. Mendoza shall reimburse the CBA \$2,050.32 for its investigation and prosecution costs. The payment shall be made in quarterly payments due with the quarterly written reports. The final payment is due one year before the probation is scheduled to terminate.

Mr. Mendoza shall complete four hours of CE in ethics. The hours must be completed within 12 months of the effective date of the Order and shall be in addition to the requirements for relicensing.

Mr. Mendoza shall complete a CBA-approved Regulatory Review course. The

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course must be completed within 12 months of the effective date of the Order and shall be in addition to the requirements for relicensing.

Mr. Mendoza shall maintain an active license status.

Mr. Mendoza shall comply with procedures by the CBA or its designee regarding notification to, and management of, clients.

Other standard terms of probation.

- Roemmich Accountancy Corporation
17. AC-2015-104 Roemmich, Duane Clayton Effective February 27, 2016
Accusation No. AC-2015-104 contains the following allegations:

Mr. Roemmich and Roemmich Accountancy Corporation are subject to disciplinary action by Mr. Roemmich making false statements on his renewal application for the August 31, 2013 renewal of his individual license by signing his application without having a peer review and claiming that he was not subject to the accounting and auditing requirement.

Mr. Roemmich and Roemmich Accountancy Corporation subjected their certificates to disciplinary action for gross negligence and repeated acts of negligence in that they failed to comply with the Statements on Standards for Accounting and Review Services (SSARS) in the preparation of six compilation reports for the years ending 2010 and 2011.

Mr. Roemmich and Roemmich Accountancy Corporation subjected their certificates to disciplinary action by failing to comply with professional standards when issuing compilation reports and financial statements.

Mr. Roemmich and Roemmich Accountancy Corporation subjected their certificates to disciplinary action by failing to participate in the peer review process as required by law.

Mr. Roemmich and Roemmich Accountancy Corporation subjected their certificates to disciplinary action by failing to provide true and accurate responses to the CBA for peer review reporting.

Mr. Roemmich and Roemmich Accountancy Corporation subject their certificates to disciplinary action based on their willful violation of professional standards, failure to enroll in and complete a peer review, and failing to correctly complete the renewal licensure application.

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CBA Actions:

Revocations stayed with three years' probation, via stipulated settlement.

Mr. Roemmich and Roemmich Accountancy Corporation shall reimburse the CBA \$11,041.57 for its investigation and prosecution costs. The payment shall be made in quarterly payments due with the quarterly written reports. The final payment is due within six months of the termination of probation.

Mr. Roemmich and Roemmich Accountancy Corporation shall be prohibited from providing all audit, review, compilation, and attestation services until they provide proof that a peer review has been accepted by a Board-recognized peer review program provider.

Mr. Rommeich shall complete four hours of continuing education in ethics. The hours must be completed within six months of the effective date of the Decision and Order and shall be in addition to the requirements for relicensing.

Mr. Roemmich shall complete a CBA-approved Regulatory Review course. The course must be completed within six months of the effective date of the Decision and Order and shall be in addition to the requirements for relicensing.

Mr. Roemmich and Roemmich Accountancy Corporation shall undergo and complete a peer review by June 30, 2016. During the period of probation, all audit, review, compilation, and attestation reports and work papers shall be subject to peer review by a CBA-recognized peer review program provider at Respondents' expense.

Mr. Roemmich shall complete 16 hours of CE in subject matter on SSARS. The hours must be completed within six months of the effective date of the Decision and Order and shall be in addition to the requirements for relicensing.

During the period of probation, if the Mr. Roemmich and Roemmich Accountancy Corporation undertake an audit, review or compilation engagement, they shall submit to the CBA as an attachment to the required quarterly report a listing of the same. The CBA or its designee may select one or more from each category and the resulting report and financial statement and all related working papers must be submitted to the CBA or its designee upon request.

Mr. Roemmich and Roemmich Accountancy Corporation shall pay to the CBA an administrative penalty in the amount of \$2,500.00. The payment shall be made within 90 days of the effective date of the Decision and Order.

Mr. Roemmich and Roemmich Accountancy Corporation shall maintain an active license.

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Other standard terms of probation.

18. AC-2016-4 Fierro, Alfonso Jr. Effective December 30, 2015

Accusation No. AC-2016-4 contains the following allegations:

Mr. Fierro is subject to disciplinary action for fiscal dishonesty in that he was convicted of a crime that is substantially related to the qualifications, functions, and duties of a Certified Public Accountant. On or about March 11, 2014, Mr. Fierro entered a plea of guilty to Count 1 of a federal indictment for violating Title 18 United States Code sections 1341, mail fraud, a felony. As a result of Mr. Fierro's guilty plea, on May 30, 2014, the court entered judgment sentencing him to serve a term of 15 months in federal prison, followed by three years of supervised release on standard conditions, and special conditions that require he submit to a Fourth Amendment waiver, report all vehicles owned/operated, and provide complete disclosure of personal and business financial records to his probation officer. Mr. Fierro was ordered to pay restitution in the amount of \$2,480,967.11 to WSA Distributing, Inc.

Mr. Fierro is subject to disciplinary action for unprofessional conduct in that while entrusted with the duties of corporate comptroller and chief financial officer (CFO), he committed acts of fiscal dishonesty.

Mr. Fierro is subject to disciplinary action for unprofessional conduct in that while he was entrusted with the duties of corporate comptroller and CFO, he obtained money from his employer through embezzlement, theft, misappropriation of funds, and/or obtained money by fraudulent means or false pretenses.

Mr. Fierro is subject to disciplinary action in that he failed to report his felony conviction with 30 days of its occurrence.

Mr. Fierro is subject to disciplinary action in that he failed to respond to an inquiry by the CBA.

CBA Actions:

Surrender of CPA license, via stipulated settlement.

Mr. Fierro shall pay the CBA \$1,959.14 for its investigation and enforcement costs prior to the issuance of a new or reinstated license.

19. AC-2016-20 Tomlinson, Bruce William Effective February 27, 2016

Accusation No. AC-2016-20 contains the following allegations:

Mr. Tomlinson is subject to disciplinary action in that he was disciplined in June 2013 by the SEC. The SEC suspended Mr. Tomlinson's right to practice as an

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accountant before the SEC based on a SEC civil judgment. The complaint SEC Civil Case alleged that Mr. Tomlinson engaged in insider trading by tipping a friend and former business associate to material nonpublic information in advance of an announcement regarding the approval of certain pharmaceuticals.

Mr. Tomlinson is subject to disciplinary action in that his right to practice before a governmental body was suspended.

Mr. Tomlinson is subject to disciplinary action in that he failed to report the SEC discipline to the CBA in writing within 30 days.

CBA Actions:

Revocation of CPA License, via default decision.

Fiscal/Economic Impact Considerations

There are no fiscal/ economic impact considerations.

Recommendation

Staff does not have a recommendation on this agenda item.