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10 BEFORE THE
BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation) No. D1-93-13
13 and Petition to Revoke Probation)
Against:)
14)
PATRICK CRAIG BUSHTA) DEFAULT DECISION
15 1201 Alhambra Blvd., Suite 160) AND ORDER
Sacramento, CA 95816)
16)
Certificate No. CPA 26005)
17)
Respondent.)
18)

19 Respondent Patrick Craig Bushta (hereinafter
20 "respondent") having been served with the Accusation, Statement
21 to Respondent, form Notice of Defense in duplicate and Government
22 Code sections 11507.5, 11507.6 and 11507.7 as provided by
23 sections 11503 and 11505 of the Government Code, and having
24 failed to file a notice of defense within the time allowed by
25 section 11506 of said Code, and the default of said respondent
26 having been duly entered; the Board of Accountancy (hereinafter
27 "Board"), having determined that respondent has waived his right

1 returns and supporting documentation that were to be prepared by
2 respondent.

3 A(2). During this period and until on or about October
4 14, 1993, respondent failed and refused to produce the tax
5 returns or supporting documentation.

6 CRAIG M.

7 B(1). During the period beginning in or about 1992
8 through in or about 1994, Craig M., and others on his behalf,
9 made numerous requests to respondent regarding the filing of 1991
10 and 1992 S Corporation tax returns as well as requests to
11 respondent to return source documents such as bank account
12 statements so that other persons could prepare said returns.

13 B(2). Respondent continually failed and refused to
14 produce the required documents.

15 CAROLYN F. AND DANNY F.

16 C(1). During the period from early 1993 through in or
17 about 1994, Carolyn F and Danny F made numerous requests to
18 respondent to release financial documents previously provided to
19 respondent.

20 C(2). Respondent failed and refused to produce the
21 documents until on or about April 7, 1994.

22 CORDOVA MEDICAL GROUP

23 D(1). During the period from on or about 1993 through
24 in or about 1994, persons on behalf of Cordova Medical Group made
25 numerous requests to respondent that he complete their 1992
26 federal tax return and release all of their records to their new
27 accountant.

1 D(2). Respondent failed and refused to complete the
2 tax return and to produce the required information.

3 3. Respondent was grossly negligent in the practice of
4 public accountancy in that he repeatedly refused to provide
5 copies of documents prepared and to return documents to clients
6 as set forth in Findings of Fact 2A(1) through 2D(2) hereinabove.

7 4. Respondent has violated section 5050 of the
8 Business and Professions Code in that in or about March 1994,
9 during a period that respondent's license had been suspended by
10 the Board and at a time when his license had also expired and had
11 not been renewed, respondent held himself out as a CPA.

12 5. Respondent has violated Rule 3 of Title 16 of the
13 California Code of Regulations in that at some date prior to on
14 or about February 2, 1994, respondent changed his address and
15 thereafter failed to notify the Board in writing as required.

16 PETITION TO REVOKE PROBATION

17 6. Effective on or about December 23, 1993, in the
18 case entitled "In the Matter of the Accusation Against Patrick
19 Craig Bushta, CPA", Board of Accountancy case number AC-93-13,
20 respondent's license was revoked, the revocation was stayed and
21 he was placed on probation for a period of three years upon
22 various terms and conditions.

23 The terms and conditions included the following:

24 "(1) Respondent's certificate is suspended for
25 one hundred and twenty (120) days.

26 "(2) Within thirty (30) days from the effective
27 date of this decision, respondent shall pay Peter

1 Dallas three hundred dollars (\$300.00) and shall submit
2 proof of such payment to the Board.

3 ".
4 "(4) Respondent shall reimburse the Board seven
5 thousand dollars (\$7,000) for investigation and
6 prosecution costs. The payments shall be no less than
7 \$200 per month and shall begin on the first day of the
8 month following the effective date of the decision.

9 ".
10 "(6) Respondent shall obey all federal,
11 California, other U.S. states and local laws including
12 those rules relating to the practice of public
13 accountancy in California.

14 "(7) Respondent shall submit quarterly written
15 reports to the Board on a form provided by the Board.

16 ".
17 "(10) Respondent shall cooperate fully with the
18 Board of Accountancy, and any of its agents or
19 employees in their supervision and investigation of his
20 compliance with the terms and conditions of this
21 probation, including the Board's probation surveillance
22 program."

23 7. Respondent violated the terms and conditions of his
24 probation as follows:

25 A. Respondent held himself out as a CPA while his
26 certificate was suspended and had expired, in violation of

27 ///

1 Conditions 1 and 6 of the decision as set forth in Finding of
2 Fact 4 hereinabove.

3 B. Respondent failed to pay Peter Dallas three hundred
4 dollars, in violation of Condition 2 of the decision.

5 C. Respondent failed to reimburse the Board any money
6 for investigation and prosecution costs, in violation of
7 Condition 4 of the decision.

8 D. Respondent failed to obey California laws and rules
9 relating to the practice of public accountancy in California, in
10 violation of Condition 6 of the decision as set forth in Findings
11 of Fact 2 through 5 hereinabove.

12 E. Respondent failed to submit any quarterly reports
13 to the Board, in violation of Condition 7 of the decision.

14 F. Respondent failed to notify the Board of a change
15 of address within 30 days from that change, in violation of
16 Condition 6 of the decision as set forth in Finding of Fact 5
17 hereinabove.

18 G. Respondent failed to cooperate with the Board and
19 its employees in the investigation of the matters set forth in
20 Findings of Fact 2 through 5 hereinabove, in that he failed on
21 numerous occasions to respond to telephone messages or letters
22 sent to him, in violation of Condition 10 of the decision.

23 * * * * *

24 Pursuant to the foregoing Findings of Fact, the Board
25 makes the following determination of issues:

26 1. Respondent's certificate is subject to disciplinary
27 action under Business and Professions Code section 5100,

1 subdivision (f), based on Findings of Fact 2 through 2D(2), 4 and
2 5 hereinabove.

3 2. Respondent's certificate is subject to disciplinary
4 action under Business and Professions Code section 5100,
5 subdivision (c), based on Findings of Fact 2 through 2D(2) and 3
6 hereinabove.

7 3. Grounds exist to vacate the stay of the revocation
8 of respondent's certificate based on the violations of probation
9 set forth in Findings of Fact 2 through 7 hereinabove.

10 WHEREFORE, the following order is made:

11 1. Certified public accountant certificate issued to
12 respondent Patrick Craig Bushta is hereby revoked.

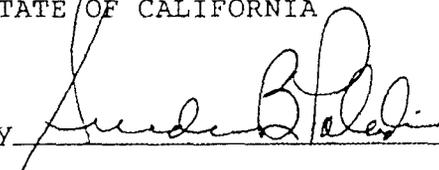
13 2. The stay of the revocation previously ordered is
14 vacated, and the certified public accountant certificate issued
15 to respondent Patrick Craig Bushta is hereby revoked.

16 3. Respondent shall not be deprived of making any
17 further showing by way of mitigation; however, such showing must
18 be made in writing to the Board of Accountancy, 2000 Evergreen
19 Street, Suite 250, Sacramento, California 95815, prior to the
20 effective date of this decision.

21 This decision shall become effective on the 27th day
22 of May 1995.

23 Dated this 27th day of April 1995.

24 BOARD OF ACCOUNTANCY
25 DEPARTMENT OF CONSUMER AFFAIRS
26 STATE OF CALIFORNIA

27 By 

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of the State of California
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10 BEFORE THE
BOARD OF ACCOUNTANCY
11 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

12 In the Matter of the Accusation and)	No. D1-93-13
13 Petition to Revoke Probation Against:)	
)	
14 PATRICK CRAIG BUSHTA)	ACCUSATION AND
1201 Alhambra Blvd., Suite 160)	PETITION TO
15 Sacramento, CA 95816)	<u>REVOKE PROBATION</u>
)	
16 Certificate No. CPA 26005)	
)	
)	
17 Respondent.)	
)	

19 Carol Sigmann, the complainant herein, alleges as
20 follows:

21 1. She is the Executive Officer of the Board of
22 Accountancy of the State of California and makes and files this
23 accusation and petition to revoke probation in her official
24 capacity as such and not otherwise.

25 2. On or about May 18, 1978, respondent Patrick Craig
26 Bushta (hereinafter "respondent") was issued certified public
27 accountant certificate number 26005 under the laws of the State

1 of California. Said certificate expired on or about August 1,
2 1993, and has not been renewed. Effective on or about December
3 23, 1993, in a case entitled "In the Matter of the Accusation
4 against Patrick Craig Bushta, CPA", case number AC-93-13,
5 respondent's CPA certificate was revoked, said revocation was
6 stayed and he was placed on probation for a period of three years
7 upon various terms and conditions.

8 3. Section 118, subdivision (b), of the Business and
9 Professions Code (hereinafter "the Code") provides, in pertinent
10 part, that the expiration of a license issued by a board shall
11 not, during any period in which it may be renewed, restored,
12 reissued or reinstated, deprive the board of its authority to
13 institute or continue a disciplinary action against a licensee
14 upon any ground provided by law or to enter an order suspending
15 or revoking a license or otherwise taking disciplinary action
16 against the licensee under any such grounds.

17 4. Section 5100 of the Code provides that a
18 certificate may be disciplined for unprofessional conduct which
19 includes, but is not limited to, the grounds set forth in said
20 section.

21 5. Section 5100, subdivision (c), of the Code
22 provides, in pertinent part, that gross negligence in the
23 practice of public accountancy constitutes unprofessional
24 conduct.

25 6. Section 5037, subdivision (b), of the Code and
26 section 68 of Title 16 of the California Code of Regulations
27 (hereinafter "Rule 68") provide, in pertinent part, that a

1 and 1992 S Corporation tax returns as well as requests to
2 respondent to return source documents such as bank account
3 statements so that other persons could prepare said returns.

4 B(2). Respondent continually failed and refused to
5 produce the required documents.

6 III. CAROLYN F. AND DANNY F.

7 C(1). During the period from early 1993 through in or
8 about 1994, Carolyn F. and Danny F. made numerous requests to
9 respondent to release financial documents previously provided to
10 respondent.

11 C(2). Respondent failed and refused to produce the
12 documents until on or about April 7, 1994.

13 IV. CORDOVA MEDICAL GROUP

14 D(1). During the period from on or about 1993 through
15 in or about 1994, persons on behalf of Cordova Medical Group made
16 numerous requests to respondent that he complete their 1992
17 federal tax return and release all of their records to their new
18 accountant.

19 D(2). Respondent failed and refused to complete the
20 tax return and to produce the required information.

21 9. Respondent is further subject to disciplinary
22 action pursuant to section 5100, subdivision (c), of the Code in
23 that he has been grossly negligent in the practice of public
24 accountancy in that he has repeatedly refused to provide copies
25 of documents prepared and to return documents to clients as
26 alleged in paragraphs 8A(1) through 8D(2) hereinabove, which are
27 incorporated herein by reference as though fully set forth at

1 this point.

2 10. Section 5050 of the Code provides that no person
3 shall engage in the practice of public accountancy unless such
4 person is the holder of a valid permit to practice public
5 accountancy.

6 11. Respondent is subject to disciplinary action
7 pursuant to sections 5100, subdivision (f), and 5050 of the Code
8 in that in or about March 1994, during a period that respondent's
9 license had been suspended by the Board and at a time when his
10 license had also expired and had not been renewed, respondent
11 held himself out as a CPA.

12 12. Section 3 of Title 16 of the California Code of
13 Regulations (hereinafter "Rule 3") provides that a permit holder
14 shall file in writing, a change of address within 30 days from
15 the change.

16 13. Respondent is subject to disciplinary action
17 pursuant to section 5100, subdivision (f), of the Code in
18 conjunction with Rule 3 in that at some date prior to on or about
19 February 2, 1994, respondent changed his address and thereafter
20 failed to notify the Board in writing as required.

21 PETITION TO REVOKE PROBATION

22 14. Effective on or about December 23, 1993, in a case
23 entitled "In the Matter of the Accusation against Patrick Craig
24 Bushta, CPA," Board of Accountancy case number AC-93-13,
25 respondent's license was revoked, said revocation was stayed and
26 he was placed on probation for a period of three years upon
27 various terms and conditions.

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Said terms and conditions included the following:

"(1) Respondent's certificate is suspended for one hundred and twenty (120) days.

"(2) Within thirty (30) days from the effective date of this decision, respondent shall pay Peter Dallas three hundred dollars (\$300.00) and shall submit proof of such payment to the Board.

".

"(4) Respondent shall reimburse the Board seven thousand dollars (\$7,000) for investigation and prosecution costs. The payments shall be no less than \$200 per month and shall begin on the first day of the month following the effective date of the decision.

".

"(6) Respondent shall obey all federal, California, other U.S. states and local laws including those rules relating to the practice of public accountancy in California.

"(7) Respondent shall submit quarterly written reports to the Board on a form provided by the Board.

".

"(10) Respondent shall cooperate fully with the Board of Accountancy, and any of its agents or employees in their supervision and investigation of his compliance with the terms and conditions of this probation, including the Board's probation surveillance program."

1 15. Grounds exist to vacate the stay of respondent's
2 revocation in that respondent has violated terms and conditions
3 of his probation as more particularly alleged hereinafter:

4 A. Respondent held himself out as a CPA while his
5 certificate was suspended and had expired in violation of
6 conditions 1 and 6 of the decision as alleged in paragraph 11
7 hereinabove which is incorporated herein by reference as though
8 fully set forth at this point.

9 B. Respondent failed to pay Peter Dallas three hundred
10 dollars in violation of condition 2 of the decision.

11 C. Respondent failed to reimburse the Board any money
12 for investigation and prosecution costs in violation of condition
13 4 of the decision.

14 D. Respondent failed to obey California laws and rules
15 relating to the practice of public accountancy in California in
16 violation of condition 6 of the decision as alleged in paragraphs
17 8B(1) through 8D(2) hereinabove which are incorporated herein by
18 reference as though fully set forth at this point.

19 E. Respondent failed to submit any quarterly reports
20 to the Board in violation of condition 7 of the decision.

21 F. Respondent failed to notify the Board of a change
22 of address within 30 days from that change in violation of
23 condition 6 of the decision as alleged in paragraph 13
24 hereinabove which is incorporated herein by reference as though
25 fully set forth at this point.

26 G. Respondent failed to cooperate with the Board and
27 its employees in the investigation of the matters set forth in

1 paragraphs 8A(1) through 8D(2), 11 and 13 hereinabove, in that he
2 failed on numerous occasions to respond to telephone messages or
3 letters sent to him, in violation of condition 10 of the
4 decision.

5 16. Section 5107 of the Code provides for recovery by
6 the Board as specified costs of investigation and prosecution in
7 disciplinary actions against certified public accountants where
8 the accountant is found guilty of violating section 5100,
9 subdivision (c), of the Code.

10 17. Notice is hereby given that pursuant to the
11 provisions of section 5107 of the Code, the Board seeks recovery
12 for costs of investigation and prosecution of the disciplinary
13 action.

14 WHEREFORE, complainant prays that the Board of
15 Accountancy hold a hearing on the matters alleged herein and
16 following said hearing issue a decision:

17 1. Suspending or revoking respondent's certificate as
18 a certified public accountant;

19 2. Vacating the stay of the decision previously issued
20 and imposing the revocation of respondent's certificate as a
21 certified public accountant previously ordered;

22 3. Requiring respondent to pay costs pursuant to
23 Business and Professions Code section 5107; and

24 ///

25 ///

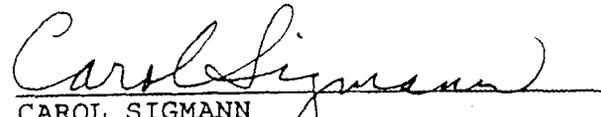
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4. Taking such other and further action as may be proper.

DATED: *December 8, 1994*



CAROL SIGMANN
Executive Officer
Board of Accountancy
Department of Consumer Affairs
State of California

Complainant