

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

In the Matter of the Statement of Issues
Against:

KERI MARIE CHISOLM
123 9th Street, Apt. #2
Huntington Beach, CA 92648

Applicant for Certified Public Accountant
License

Respondent.

Case No. SI-2013-9

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Accountancy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on

APRIL 28, 2013.

It is so ORDERED

MARCH 29, 2013



FOR THE CALIFORNIA BOARD OF
ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS

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2 JAMES M. LEDAKIS
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9 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:
13 **KERI MARIE CHISOLM**
14 **123 9th Street, Apt. #2**
Huntington Beach, CA 92648
15 **Applicant for Certified Public Accountant**
License
16
17 Respondent.

Case No. SI-2013-9

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Patti Bowers (Complainant) is the Executive Officer of the California Board of
23 Accountancy. She brought this action solely in her official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, by Carl W. Sonne,
25 Deputy Attorney General.

26 2. Respondent Keri Marie Chisolm (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.
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1. Obey All Laws

Respondent shall obey all federal, California, other states' and local laws, including those rules relating to the practice of public accountancy in California.

2. Submit Written Reports

Respondent shall submit, within 10 days of completion of the quarter, written reports to the CBA on a form obtained from the CBA. The respondent shall submit, under penalty of perjury, such other written reports, declarations, and verification of actions as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of probation. Respondent shall immediately execute all release of information forms as may be required by the CBA or its representatives.

3. Personal Appearances

Respondent shall, during the period of probation, appear in person at interviews/meetings as directed by the CBA or its designated representatives, provided such notification is accomplished in a timely manner.

4. Comply With Probation

Respondent shall fully comply with the terms and conditions of the probation imposed by the CBA and shall cooperate fully with representatives of the California Board of Accountancy in its monitoring and investigation of the respondent's compliance with probation terms and conditions.

5. Practice Investigation

Respondent shall be subject to, and shall permit, a practice investigation of the respondent's professional practice. Such a practice investigation shall be conducted by representatives of the CBA, provided notification of such review is accomplished in a timely manner.

6. Comply With Citations

Respondent shall comply with all final orders resulting from citations issued by the California Board of Accountancy.

7. Tolling of Probation for Out-of-State Residence/Practice

In the event respondent should leave California to reside or practice outside this state,

1 respondent must notify the CBA in writing of the dates of departure and return. Periods of non-
2 California residency or practice outside the state shall not apply to reduction of the probationary
3 period, or of any suspension. No obligation imposed herein, including requirements to file
4 written reports, reimburse the CBA costs, and make restitution to consumers, shall be suspended
5 or otherwise affected by such periods of out-of-state residency or practice except at the written
6 direction of the CBA.

7 **8. Violation of Probation**

8 If respondent violates probation in any respect, the CBA, after giving respondent notice and
9 an opportunity to be heard, may revoke probation and carry out the disciplinary order that was
10 stayed. If an accusation or a petition to revoke probation is filed against respondent during
11 probation, the CBA shall have continuing jurisdiction until the matter is final, and the period of
12 probation shall be extended until the matter is final.

13 The CBA's Executive Officer may issue a citation under California Code of Regulations,
14 Section 95, to a licensee for a violation of a term or condition contained in a decision placing that
15 licensee on probation.

16 **9. Completion of Probation**

17 Upon successful completion of probation, respondent's license will be fully restored.

18 **10. Rehabilitation Program/Chemical Dependence**

19 Respondent shall successfully complete or shall have successfully completed a
20 rehabilitation program for chemical dependence that the CBA or its designee approves and shall
21 have reports submitted by the program. If a program was not successfully completed prior to the
22 period of probation, the respondent, within a reasonable period of time as determined by the CBA
23 or its designee but not exceeding 90 days of the effective date of the decision, shall be enrolled in
24 a program. In addition, respondent must attend support groups, (e.g. Narcotics Anonymous,
25 Alcoholic Anonymous etc.), as directed by the CBA or its designee. Respondent is responsible
26 for all costs of such a program.

27 **11. Drugs - Abstain From Use**

28 Respondent shall completely abstain from the personal use of all psychotropic drugs,

1 including alcohol, in any form except when the same are lawfully prescribed.

2 **12. Biological Fluid Testing**

3 Respondent, at any time during the period of probation, shall fully cooperate with the CBA
4 or its designee in its supervision and investigation of compliance with the terms and conditions of
5 probation, and shall, when requested, submit to such tests and samples as the CBA or its designee
6 may require for the detection of alcohol, narcotics, hypnotic, dangerous drugs, or controlled
7 substances. Respondent is responsible for all costs associated with this investigation and testing.
8

9 ACCEPTANCE

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
11 stipulation and the effect it will have on my application for a Certified Public Accountant
12 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
13 and intelligently, and agree to be bound by the Decision and Order of the California Board of
14 Accountancy.

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16 DATED: 3/6/2013

Keri Marie Chisolm
KERI MARIE CHISOLM
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Accountancy of the Department of Consumer Affairs.

Dated: 3-7-2013

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



CARL W. SONNE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. SI-2013-9

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11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Statement of Issues Against:

Case No. SI-2013-9

13 **KERI MARIE CHISOLM**

STATEMENT OF ISSUES

14 **Certified Public Accountant Certificate Applicant**

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Patti Bowers (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the California Board of Accountancy (CBA), Department of
21 Consumer Affairs.

22 2. On April 27, 2012, the CBA received an application for a Certified Public
23 Accountant Certificate from Keri Marie Chisolm (Respondent). On April 17, 2012, Respondent
24 certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The CBA denied the application on July 31, 2012.

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1 (B) The board may deny a license pursuant to this subdivision
2 only if the crime or act is substantially related to the qualifications, functions, or
3 duties of the business or profession for which application is made.

4 6. Section 482 of the Code states:

5 Each board under the provisions of this code shall develop criteria to
6 evaluate the rehabilitation of a person when:

7 (a) Considering the denial of a license by the board under Section
8 480; or

9 (b) Considering suspension or revocation of a license under
10 Section 490.

11 Each board shall take into account all competent evidence of rehabilitation
12 furnished by the applicant or licensee.

13 7. Section 493 of the Code states:

14 Notwithstanding any other provision of law, in a proceeding conducted by
15 a board within the department pursuant to law to deny an application for a license
16 or to suspend or revoke a license or otherwise take disciplinary action against a
17 person who holds a license, upon the ground that the applicant or the licensee has
18 been convicted of a crime substantially related to the qualifications, functions, and
19 duties of the licensee in question, the record of conviction of the crime shall be
20 conclusive evidence of the fact that the conviction occurred, but only of that fact,
21 and the board may inquire into the circumstances surrounding the commission of
22 the crime in order to fix the degree of discipline or to determine if the conviction
23 is substantially related to the qualifications, functions, and duties of the licensee in
24 question.

25 As used in this section, "license" includes "certificate," "permit,"
26 "authority," and "registration."

27 8. Section 5080 of the Code, states:

28 The "certified public accountant" license shall be granted by the board to
any person who meets the requirements of this article, has not committed acts or
crimes constituting grounds for denial of a license under Section 480, and files an
application for licensure on a form provided by the board.

9. Section 5100 of the Code, in pertinent part, states:

After notice and hearing the board may revoke, suspend, or refuse to
renew any permit or certificate granted under Article 4 (commencing with Section
5070) and Article 5 (commencing with Section 5080), or may censure the holder
of that permit or certificate for unprofessional conduct that includes, but is not
limited to, one or any combination of the following causes:

(a) Conviction of any crime substantially related to the qualifications,
functions and duties of a certified public accountant or a public accountant.

1 10. Section 5106 of the Code states:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this article. The
4 record of the conviction shall be conclusive evidence thereof. The board may
5 order the certificate or permit suspended or revoked, or may decline to issue a
6 certificate or permit, when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is
8 made, suspending the imposition of sentence, irrespective of a subsequent order
9 under the provisions of Section 1203.4 of the Penal Code allowing such person to
10 withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the
11 verdict of guilty or dismissing the accusation, information or indictment.

12 11. Section 5110 of the Code states:

13 (a) After notice and an opportunity for a hearing, the board may deny an
14 application to take the licensing examination, deny admission to current and
15 future licensing examinations, void examination grades, and deny an application
16 for a license or registration to any individual who has committed any of the
17 following acts:

18 (1) Made any false, fraudulent, or materially misleading statement or a
19 material omission in any application for a license, examination, or registration.

20 (2) Cheated or subverted or attempted to subvert any licensing
21 examination.

22 (3) Aided, abetted, or conspired with any other person to violate paragraph
23 (1) or (2).

24 (4) Any act that if committed by an applicant for licensure would be
25 grounds for denial of a license or registration under Section 480 or if committed
26 by a licensee or a registrant would be grounds for discipline under Section 5100.

27 (5) Any act committed outside of this state that would be a violation of
28 this article if committed within this state.

29 (b) Neither the withdrawal of an application for examination, licensure, or
30 registration, nor the expulsion or voluntary departure from an examination shall
31 deprive the board of its authority to deny an application for, or admittance to,
32 current or future licensing examinations, or to commence or continue a
33 proceeding based on a violation of this article.

34 (c) Nothing in this article shall be construed to limit the authority of the
35 board to refuse admittance to or to remove from the licensing examination, any
36 person suspected of cheating or failing to comply with examination procedures or
37 requirements.

38 (d) The term "licensing examination" includes the Uniform Certified
39 Public Accountant examination, ethics examination, and any other professional or
40 vocational licensing examination offered or administered by, or through, the
41 board or other agencies within or outside of this state, for professional or
42 vocational licensing purposes.

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1 (e) The board may take any of the actions described in subdivision (a)
2 based upon any determination, decision, ruling, or finding made by any state or
3 other governmental entity, foreign or domestic, that any individual has committed
any of the actions described in paragraphs (1) to (5), inclusive, of subdivision (a).

4 (f) The provisions of this section are in addition to any other remedies that
5 may be available under other provisions of law including, but not limited to, those
set forth in Sections 123, 480, and 496.

6 REGULATORY PROVISIONS

7 12. California Code of Regulations, title 16, section 99 states:

8 For the purposes of denial, suspension, or revocation of a certificate or
9 permit pursuant to Division 1.5 (commencing with Section 475) of the Business
10 and Professions Code, a crime or act shall be considered to be substantially
11 related to the qualifications, functions or duties of a certified public accountant or
12 public accountant if to a substantial degree it evidences present or potential
unfitness of a certified public accountant or public accountant to perform the
functions authorized by his or her certificate or permit in a manner consistent with
the public health, safety, or welfare. Such crimes or acts shall include but not be
limited to those involving the following:

13 (a) Dishonesty, fraud, or breach of fiduciary responsibility of any kind;

14 (b) Fraud or deceit in obtaining a certified public accountant's certificate
or a public accountant's permit under Chapter 1, Division III of the Business and
Professions Code;

15 (c) Gross negligence in the practice of public accountancy or in the
16 performance of the bookkeeping operations described in Section 5052 of the
code;

17 (d) Violation of any of the provisions of Chapter 1, Division III of the
18 Business and Professions Code or willful violation of any rule or regulation of the
board.

19 13. California Code of Regulations, title 16, section 99.1 states:

20 When considering the denial of a certificate or permit under Section 480 of
21 the Business and Professions Code, the suspension or revocation of a certificate or
22 permit or restoration of a revoked certificate under Section 11522 of the
Government Code, the board, in evaluating the rehabilitation of the applicant and
his present eligibility for a certificate or permit, will consider the following criteria:

23 (1) Nature and severity of the act(s) or offense(s).

24 (2) Criminal record and evidence of any act(s) committed subsequent to
25 the act(s) or offense(s) under consideration which also could be considered as
grounds for denial, suspension or revocation.

26 (3) The time that has elapsed since commission of the act(s) or offense(s)
referred to in subdivision (1) or (2).

27 (4) The extent to which the applicant or licensee has complied with any
28 terms of parole, probation, restitution, or any other sanctions lawfully imposed
against the applicant or licensee.

1 (5) If applicable, evidence of expungement proceedings pursuant to
2 Section 1203.4 of the Penal Code.

3 (6) Evidence, if any, of rehabilitation submitted by the applicant or
4 licensee.

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Dec. 18, 2007, Conviction for Driving With BAC .08 Percent or More On Sep. 2, 2007)**

7 14. Respondent's application is subject to denial under Code sections 475, subdivision
8 (a)(2); 480, subdivision (a)(1); and 5080, in that Respondent was convicted of a crime that is
9 substantially related to the qualifications, functions, and duties of a certified public accountant.

10 The circumstances are as follows:

11 a. On December 18, 2007, in a criminal proceeding entitled *The People of*
12 *the State of California v. Keri Marie Chisolm, aka Keri Marie L. Chisolm*, in Orange County
13 Superior Court, Harbor Justice Center-Newport Beach Facility, case number 07HM07488,
14 Respondent was convicted on her plea of guilty of violating Vehicle Code (VC) section 23152,
15 subdivision (b), driving with a blood alcohol content (BAC) of 0.08 percent or more, a
16 misdemeanor. A charge for violation of VC section 23152, subdivision (a), driving under the
17 influence of alcohol (DUI), a misdemeanor, was dismissed pursuant to a plea bargain.

18 b. As a result of the conviction, on December 18, 2007, Respondent was
19 granted three years informal probation and ordered to attend and complete a three-month first
20 offender alcohol program and Mothers Against Drunk Driving (MADD) Victim's Impact panel.
21 Respondent was also ordered to pay fines and fees. On May 2, 2008, Respondent's probation
22 was revoked. On May 19, 2008, Respondent was found in violation of her probation. As a result
23 of the violation, Respondent was sentenced to serve ten days at the Orange County Jail, her
24 probation re-activated, and modified to expire on January 3, 2011.

25 c. The facts that led to the conviction are that on September 2, 2007,
26 Respondent was apprehended on suspicion of DUI by the California Highway Patrol in Santa
27 Ana, California. Respondent submitted to a chemical test, which upon testing was found to have
28 .13 percent BAC.

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1 California. Respondent submitted to a chemical test, which upon testing was found to have .16
2 percent BAC.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**

4 **(Acts If Done By Licentiate)**

5 16. Respondent's application is subject to denial under Code sections 475,
6 subdivision (a)(4); 480, subdivision (a)(3)(A); 5080; and 5110, subdivision (a)(4) in that she
7 committed acts that if done by a licentiate of the business or profession in question, would be
8 grounds for suspension or revocation of license. The circumstances are detailed above in
9 paragraphs 14 and 15.

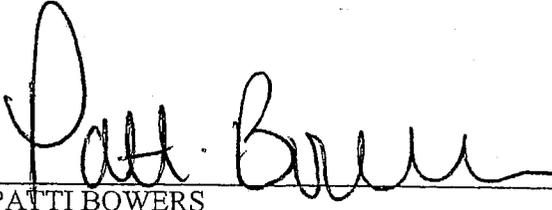
10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the California Board of Accountancy issue a decision:

13 1. Denying the application of Keri Marie Chisolm, also known as Keri Marie L.
14 Chisolm for a Certified Public Accountant Certificate;

15 2. Taking such other and further action as deemed necessary and proper.

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19 DATED: 1/14/2013


20 PATTI BOWERS
21 Executive Officer
22 California Board of Accountancy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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