

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

In the Matter of the Statement of Issues  
Against:

ANNE DREW ST. GERMAIN,  
aka ANNE D. ST. GERMAIN

Respondent.

Case No. SI-2014-72

OAH No. 2014100655

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 2-28-15.

It is so ORDERED 1-29-15.

  
\_\_\_\_\_  
FOR THE CALIFORNIA BOARD OF  
ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS

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9 **BEFORE THE**  
**CALIFORNIA BOARD OF ACCOUNTANCY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:  
13 **ANNE DREW ST. GERMAIN,**  
14 **aka ANNE D. ST. GERMAIN**  
15 Respondent.

Case No. SI-2014-72

OAH No. 2014100655

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Patti Bowers ("Complainant") is the Executive Officer of the California Board of  
21 Accountancy. She brought this action solely in her official capacity and is represented in this  
22 matter by Kamala D. Harris, Attorney General of the State of California, by Kent D. Harris,  
23 Supervising Deputy Attorney General.

24 2. Respondent Anne Drew St. Germain ("Respondent") is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.  
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**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, respondent must notify the CBA in writing of the dates of departure and return. Periods of non-California residency or practice outside the state shall not apply to reduction of the probationary period, or of any suspension. No obligation imposed herein, including requirements to file written reports, reimburse the CBA costs, and make restitution to consumers, shall be suspended or otherwise affected by such periods of out-of-state residency or practice except at the written direction of the CBA.

**8. Violation of Probation**

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

The CBA's Executive Officer may issue a citation under California Code of Regulations,

1 Section 95, to a licensee for a violation of a term or condition contained in a decision placing that  
2 licensee on probation.

3 **9. Completion of Probation**

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

5 **10. Ethics Continuing Education**

6 Respondent shall complete four hours of continuing education within the first year of  
7 probation, in course subject matter pertaining to the following: a review of nationally recognized  
8 codes of conduct emphasizing how the codes relate to professional responsibilities; case-based  
9 instruction focusing on real-life situational learning; ethical dilemmas facing the accounting  
10 profession; or business ethics, ethical sensitivity, and consumer expectations. Courses must be a  
11 minimum of one hour as described in California Code of Regulations Section 88.2. This course is  
12 in addition to the continuing education requirements for license renewal.

13 If respondent fails to complete said courses within the time period provided, respondent  
14 shall so notify the CBA and shall cease practice until respondent completes said courses, has  
15 submitted proof of same to the CBA, and has been notified by the CBA that he or she may  
16 resume practice. Failure to complete the required courses no later than 100 days prior to the  
17 termination of probation shall constitute a violation of probation.

18 **11. Regulatory Review Course**

19 Respondent shall complete a CBA-approved course on the provisions of the California  
20 Accountancy Act and the California Board of Accountancy Regulations specific to the practice of  
21 public accountancy in California emphasizing the provisions applicable to current practice  
22 situations within the first year of probation. The course also will include an overview of historic  
23 and recent disciplinary actions taken by the CBA, highlighting the misconduct which led to  
24 licensees being disciplined. The course shall be (a minimum of two hours) hours. This course is  
25 in addition to the continuing education requirements for license renewal.

26 If respondent fails to complete said course within the time period provided, respondent shall  
27 so notify the CBA and shall cease practice until respondent completes said courses, has submitted  
28 proof of same to the CBA, and has been notified by the CBA that he or she may resume practice.

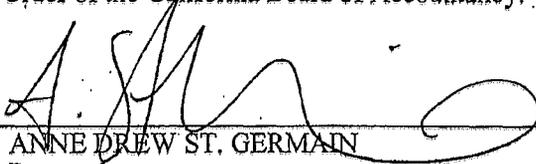
1 Failure to complete the required courses no later than 100 days prior to the termination of  
2 probation shall constitute a violation of probation.

3 12. **Active License Status**

4 Respondent shall at all times maintain an active license status with the CBA, including  
5 during any period of suspension. If the license is expired at the time the CBA's decision becomes  
6 effective, the license must be renewed within 30 days of the effective date of the decision.

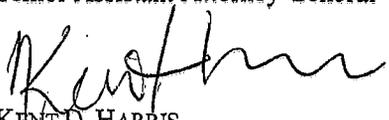
7 ACCEPTANCE

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

12  
13 DATED: 12/17/14   
14 ANNE DREW ST. GERMAIN  
Respondent

16 ENDORSEMENT

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

19  
20 Dated: 12/19/14  
21 Respectfully submitted,  
22 KAMALA D. HARRIS  
Attorney General of California  
23 LINDA SCHNEIDER  
Senior Assistant Attorney General  
24   
25 KENT D. HARRIS  
Supervising Deputy Attorney General  
26 Attorneys for Complainant.  
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**Exhibit A**

**Statement of Issues No. SI-2014-72**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Acting Senior Assistant Attorney General  
3 KENT D. HARRIS  
Supervising Deputy Attorney General  
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6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues Against:  
12 **ANNE DREW ST. GERMAIN,**  
13 **aka ANNE D. ST. GERMAIN**  
14 **Certified Public Accountant License Applicant**  
15 **Respondent.**

Case No. SI-2014-72

**STATEMENT OF ISSUES**

16 Complainant alleges:

17 **PARTIES**

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

21 2. On or about December 27, 2013, the Board received an application for a certified  
22 public accountant license from Anne Drew St. Germain, also known as Anne D. St. Germain  
23 ("Respondent"). On or about December 24, 2013, Respondent certified under penalty of perjury  
24 to the truthfulness of all statements, answers, and representations in the application. The Board  
25 denied the application on June 11, 2014.

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1 JURISDICTION

2 3. This Statement of Issues is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code unless otherwise  
4 indicated.

5 STATUTORY AND REGULATORY PROVISIONS

6 4. Code section 5080 states:

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

10 5. Code section 480 states, in pertinent part:

11 (a) A board may deny a license regulated by this code on the grounds that  
12 the applicant has one of the following:

13 (1) Been convicted of a crime. A conviction within the meaning of this  
14 section means a plea or verdict of guilty or a conviction following a plea of nolo  
15 contendere. Any action that a board is permitted to take following the establishment  
16 of a conviction may be taken when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal, or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under the  
provisions of Section 1203.4 of the Penal Code.

17 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
substantially benefit himself or herself or another, or substantially injure another.

18 (3) (A) Done any act that if done by a licentiate of the business or  
19 profession in question, would be grounds for suspension or revocation of license.

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

22 6. Code section 5100 states, in pertinent part:

23 After notice and hearing the board may revoke, suspend, or refuse to  
24 renew any permit or certificate granted under Article 4 (commencing with Section  
25 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:

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

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1 7. California Code of Regulations, title 16, section 99 states, in pertinent part:

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

11 (a) Dishonesty, fraud, or breach of fiduciary responsibility of any kind . . .

12 **FIRST CAUSE FOR DENIAL**

13 **(Criminal Conviction)**

14 8. Respondent's application is subject to denial pursuant to Code section 480,  
15 subdivisions (a)(1) and (a)(3)(A), in that on or about February 4, 2004, in the criminal proceeding  
16 entitled *State of Nevada vs. Anne D. St. Germain* (Clark County Dist. Ct., Case No. C198271),  
17 Respondent pled guilty to violating Nevada Revised Statute sections 205.090, 205.110, and  
18 193.330 (attempted forgery), a gross misdemeanor. On or about March 31, 2004, Respondent was  
19 sentenced to serve 9 months in the Clark County Detention Center. However, the sentence was  
20 suspended and Respondent was placed on probation for an indeterminate period not to exceed two  
21 (2) years. Respondent was also ordered to pay restitution in the amount of \$1,452.12 and an  
22 administrative assessment fee of \$25. Respondent's conviction would constitute cause for  
23 discipline against her pursuant to Code section 5100, subdivision (a), were she a licentiate of the  
24 Board. The circumstances of the crime are as follows: On or about April 20, 2003, Respondent  
25 knowingly cashed a counterfeit check in the amount of \$1,452.12 at the Palace Station Casino in  
26 Las Vegas, Nevada. The check had been drawn from the account of Sonoma State University.

27 **SECOND CAUSE FOR DENIAL**

28 **(Dishonesty, Fraud or Deceit)**

9. Respondent's application is subject to denial pursuant to Code section 480,  
subdivision (a)(2), in that Respondent committed an act involving dishonesty, fraud, or deceit  
with the intent to substantially benefit herself or another, or substantially injure another, as set  
forth in paragraph 8 above.

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PRAYER

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

1. Denying the application of Anne Drew St. Germain, also known as Anne D. St. Germain, for a certified public accountant license;
2. Taking such other and further action as deemed necessary and proper.

DATED: October 9, 2014 Patt Bowers

PATT BOWERS  
Executive Officer  
California Board of Accountancy  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2014313720