

PUBLIC SESSION MINUTES
North Carolina State Board of CPA Examiners
January 20, 2009
1101 Oberlin Road
Raleigh, NC 27605

MEMBERS ATTENDING: Arthur M. Winstead, Jr., CPA, President; Michael C. Jordan, CPA, Vice President; Jeffrey T. Barber, CPA; Norwood G. Clark, Jr., CPA (via telephone); and Jose R. Rodriguez, CPA.

STAFF ATTENDING: Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Lisa R. Hearne, Manager-Communications; Buck Winslow, Manager-Licensing; and Noel L. Allen, Legal Counsel.

GUESTS: Curt Lee, Legislative Liaison, NCSA; and Suzanne Jolicoeur, AICPA.

CALL TO ORDER: President Winstead called the meeting to order at 10:12 a.m.

OATH OF OFFICE: Mr. Rodriguez was sworn the Oath of Office by President Winstead.

MINUTES: The minutes of the December 17, 2008, meeting were approved as submitted.

FINANCIAL AND BUDGETARY ITEMS: The December 2008 financial statements were accepted as submitted.

Messrs. Barber and Jordan moved to approve the audit contract with Boyce Furr & Company LLP for its annual audit of the Board. Motion passed.

LEGISLATIVE AND RULE-MAKING ITEMS: The Board reviewed and discussed the draft of the mobility legislation as presented by the Board's Mobility Committee and the NCACPA. The Board reviewed and discussed the comments submitted by the AICPA. Messrs. Jordan and Rodriguez moved to approve the draft (Appendix I) be sent to the legislature. Motion passed with five (5) affirmative and zero (0) negative votes.

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE: Mr. Jordan moved and the Board approved the following recommendations of the Committee:

C20085857 – Donald E. Gillespie – Approve the signed Consent Order (Appendix II).

C2008558 – Thu Thuy Tran – Approve the signed Consent Order (Appendix III).

C2007116 – Close the case without prejudice.

C20085869 – Close the case without prejudice.

REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE:

Mr. Barber moved and the Board approved the following recommendations of the Committee:

Transfer of Grades Applications - The following were approved:

Geoffrey Bayo
John William Paul Bryant
Clyde Fernandez de Castro
Katherine Laura Drew
Ya Liu

Brandon A. Monkus
Gregg Bradley Paulsen
Katherine McMillan Saudo
Charles Worth White

Original Certificate Applications - The following were approved:

Nicole Emilie Abbott
Justin Layne Anders
Melissa Ellen Andrews
William Robert Apple
Joseph Parker Auer
Leslie David Bailey
David William Bardin
Holly Barker
Bradley Stephen Barger
Geoffrey Bayo
Elizabeth Patricia Bemisderfer
Jonathan Adam Bennett
Elana Blizzard
Adrienne Marie Blume
Melissa Norene Brady
Teresa Lynne Brenan
John William Paul Bryant
Jonathan William Cadwell
Audra Lawson Chilton
Emily S. Cook
Elizabeth Robertson Davis
Clyde Fernandez de Castro
Margaret Mary Dempsey
Katherine Laura Drew
Rachelle L. Drummond
Lynn Douglas Fitch
Rebecca Anne Frahm
Scot Alan Garner
Kevin Taylor Garrison

Devin Frank Gilreath
Jennifer Corbitt Hall
John Joseph Healy
Patawee Promsuttigul Heasley
Thomas Alan Henrikson Jr.
Michael Blair Hughes
Kelly Lee Irwin
Katherine Reynell Jackson
Rachel Marie Jordan
Megan Lynn Keifer
Sarah Khanani
Julie Anne Lackey
Gary Scott Laws
Sarah K. Lindholm
Ya Liu
Eric Norman Madara
Brooke H. K. Magee
Jeremy Michael Magee
Michael Scott Massey
James Daniel McClelland Jr.
Melissa Lynn McLamb
Sarah Agsten McMillan
Natalie Gail McPeters
Nancy Elizabeth McRee
Brandon A. Monkus
Monica Elisha Morgan
Sheila Katherine Nemitz
Sean Patrick O'Leary
Gregg Bradley Paulsen

Quynh Ngoc Pham
Susan Gayle Rizenbergs Pippin
Michele Katherine Primeau
Erin Lindsay Rash
Michael Anthony Ricci
Kimberly Cary Sanford
Katherine McMillan Saudo
Kevin Phillip Saunders
Lori Finch Sirotek
Katherine Claire Steinbicker
Selina Gail Stewart

Nadine E. Taylor
Elizabeth McCulloch Varner
Kristen Jayne Wallace
Justin Adam Waller
Jie Xiao Wei
William Charles Whaley III
Charles Worth White
Jenna Marie Windschitl
Crystal Angel Wingo
Ford S. Worthy
Yelena Zaytseva

Staff reviewed and recommended approval of the original application submitted by Parker Douglas O'Daniel. Mr. O'Daniel failed to disclose a citation for disturbing the peace with his exam application but provided pertinent information with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

Staff reviewed and recommended approval of the original application submitted by Stephen Robert Franklin. Mr. Franklin failed to disclose a ticket for underage possession of alcohol with his exam application but provided pertinent information with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

Reciprocal Certificate Applications - The following were approved:

Kirk Arthur Broadbooks
Diana Militello Carter
Daniel Leon Clemmens
Terry Matthew Comstock
Ronald Edward Donnelly
Shalini Hemant Gandhi
Richard Gary Gilbert Jr.
Liqing Gong
Vicky Barrow Gupton
Lyle Michael Henderson
Ivory Michelle Isaacson
Michael Auguston Jewell
Andrew J. Kane
Mark Smith Longley
Elizabeth Michelle McEuen
Cathy Elizabeth McKinley
Ashraf S. Mehdi

Kelly June Haberstroh Pinckard
Deborah Prentice
Karl Richard Ruben
Russell Aaron Savage
Najla Rajeeyah Shareef
Peta-Gaye Shaw
Amy E. Smith
Janee Lynn Smith
Lori Lyn Snodgrass
Sukhwa Song
Gaetano David Sperduto
Mark Harry Strausbaugh
Reneé Lynch Teasdale
Jennifer Lynn Thompson
Mark Richard Trever
Brooke Boles Whalen
Kelly Kathleen Wilcox

Temporary Permits - The following temporary permits were approved by the Executive Director and ratified by the Board:

Terry Matthew Comstock T5270
Shalini Hemant Gandhi T5271
Kelly June Haberstroh Pinckard T5272
Rachel Lynn Fink T5273

Ronald Wayne Routh T5274
Jay Abram Zack T5275
Andrew J. Kane T5276

Reinstatements - The following were approved:

Theresa Marie Allison #27222
Elizabeth Carolina Digirolamo #29018
Annamarie Garcia Estrada #29040
Anita H. Hester #26712
Elizabeth Stromire Marquez #17916
Paula Shyree McMillan #24921

Richard Ferrell Miller #10822
Lee Nicholas Palles #13820
Donna Stammer #21707
Amanda Cothren Stowe #19661
Shannon Lee Ziemba #30899

Reissuance of New Certificate - Applications for reissuance of new certificate submitted by the following were approved.

Scarlet Diane Ford #23917
John Houser Inabnit #18751
Randal Gene Mann #16313

George C. Moore Jr. #17974
James M. Wood II #31851

Firm Registrations - The following professional corporations, professional limited liability companies, and limited liability partnerships were approved by the Executive Director and ratified by the Board:

Bennie R. Anderson, CPA PLLC
Barnes & Associates Certified Public
Accountants, P.A.
Teresa T. Carrelli, CPA, P.A.
Julie L Duriga, CPA, Inc.
JONATHAN S. KAY, CPA, PLLC
Lewis & Cone, PLLC

Katie S. Matthews, CPA, PC
Rector, Lindsay, & Reeder, P.C.
H. Donald Scott, CPA, P.A.
Thomas J. Stowe, CPA, PA
Angela Williams, CPA, PC
David L. Willis, CPA, P.A.

CPE Matters - The Committee approved the following ethics courses:

- Professional Ethics and Conduct-2009 (Update) Eagle CPE (Board-Approved CPE Sponsor)
- Ethics for North Carolina-2009 (Update) Surgent McCoy CPE LLC (NASBA-Approved CPE Sponsor)

Extension Requests - The Committee approved the following individuals for extension for completion of CPE until the dates noted:

William H. Bunch #14555 – 6/30/09

Sandra Dillon Yarnall #17580 – 4/30/09

Michael Raymond Nash #24027 – 6/30/09

Letters of Warning - Staff reviewed and recommended approval of the requests to rescind the letters of warning awarded to Robert Charles Gibson (#33000). The Committee approved staff recommendation.

Examinations – The Committee reviewed and approved the following staff approved applicants to sit for the Uniform CPA Examination:

Holly Adams
Jennifer Adams
Alla Alexandrova
Jonathan Allen
Rodney Allison
Tori Alston
Jonathan Anders
Joshua Anderson
James Askew
Anne Asplin
Maurice Atkinson
Mary Bailey
Jessica Bastedo
Jennifer Beasley
Nicole Benford
Sarah Bisson
Lora Blackburn
Andrew Blair
Heather Blake
Stephen Bogdon
Sandra Breitschwerdt
Wyona Brinegar
Andrea Broadhurst
Michael Brooks
Melvin Brown
Bevan Buchanan
Mao Chen
Galina Chichlova
Matthew Choplin

Ruth Christian
Nicholas Christodoulou
Meghan Clark
Elizabeth Cogswell
Kelly Colf
Sierra Cooley
Jeffrey Cooper
Jo Corum
Sheila Crabtree
Kathryn Crane
Alexander Crenshaw
Natalie Crumpler
Frank Crutchfield
Amanda Davis
William Davis
Alfred Dawson
Jessica Daymude
Tanya DeGrace
Felicia Diggs
Elizabeth Duckett
Kathryn Duncan
John Dunn
Catherine Eastwood
Trisha Edwards
Allison Ellmers
Leah Englebright
Aynalem Eshete
Amanda Estes
Amanda Evans

Heather Farrell
Gibora Feigenbaum
Lindsey Ferguson
Sheralyn Fields
Timothy Finch
Mathew Fisher
Mark Fogle
Jennifer Ford
Mary Fortuno
Rachel Gable
Lisa Garcia
Michael Gardner
Tammy Gaydon
Robert Gentry
Matthew Gill
Stephanie Gilmer
Hannah Grantham
Daniel Gray
Rebecca Griffin
Daniel Haddon
Dustin Hamilton
Corbin Hankins
David Haskins
Judith Hernandez
Steven Hodges
Emily Holbrook
Dawain Holshouser
Lauren Holt
Jenna Hoover
LaToya Horton
Gerri Houston
Graham Hunt
Kimberly Hunter
Paragi Jariwala
Joseph Jarman
Sheldon Johnson
Robyn Jones
Megan Judy
Janet Kahl
Amphone Keonakhone
Kerian King
Christina Kmetz
Julie Koehler

John Lancaster
Elizabeth Lee
Erin Lentz
Daniel Lewis
Rebecca Lewis
Paige Littlejohn
Ruben Lopez
Kristen Lorick
Howard Lucas
Rebecca Maddocks
Arun Malik
Kristin Mangum
Christi Manivanh
Janice Marie
Joey Marsh
Jeffery Mason
Brandon Massie
Lea Matthis
Alison Mccomb
Rachelle Mckee
Angelyn McKeel
Eugenia Medynskaya
Christopher Meidenbauer
Andrea Miller
Jamie Miller
Sarah Miller
Ashley Milne
Clayton Mitchell
Valerie Mitchell
Rubin Moise
Steven Natoli Durant
Brian Neiheisel
Andre Newman
Adam Nicholson
Kimberly Norby
Thomas O'Connor
Elizabeth Overby
Constance Owen
Thersa Owens
Stephanie Park
Kimberly Patterson
Justin Pease
Neil Peraza

Lori Perry
Jon Philipkopsky
Lyle Phipps
Suzanne Pitsiniagas
David Poisson
James Pollack
Theresa Poole
Abigail Pope
Coleen Powell
Melissa Powell
Jimmy Prassas
Jennifer Prescott
Daniel Prorock
Mark Ramirez
Laurence Ratnofsky
Bekgah Reed
Joseph Reid
Kimberly Rigdon
Olga Rivenbark
Heidi Rogers
Morgan Rutherford
Charles Safley
Brenda Sage
Amanda Salerno
Louis Scheibla
Adam Schuett
Cathryn Schutte
Allison Scott
Roger Scott
Angela Sedberry
Kavita Shankar
Amber Sheeler
Steve Shelton
Hanna Short
Angela Shrock
Michael Siler
Rebecca Silleman

Kaysie Silver
Amber Smith
Billie Smith
Blair Smith
William Snell
Randy Sparks
Amy Stafford
Priscilla Staten
LaTisha Steele
Timothy Steele
Rita Stell
Carey Stewart
Roxanne Stiles
William Storrs
John Strother
Gregory Surratt
Joseph Swope
Brittany Thomas
Allan Thompson
Mark Thompson, Jr
Dustin Traylor
Marcus Turnage
Alison Upton
Terri Vaught
Adam Ward
Melissa Warren
Stephen Watkins
William Weeks
Amanda Whitley
John Whitley
Dennis Wiener
Anthony Wilson
Matthew Wilson
Erin Wise
Heather Woodard
Dakun Wu
Brent Young

Staff recommended that the committee determine and accept the grades received for the October - November 2008 exams. Twenty-five files with grade reports were randomly selected and reviewed by a Board member. The Committee approved staff recommendation.

) **EXECUTIVE STAFF AND LEGAL COUNSEL REPORT:** Former Board Member Walter C. Davenport, CPA, requested (via telephone) the Board's support of him for the position of NASBA Vice Chair for 2009-2010. Motion passed with five (5) affirmative and zero (0) negative votes.

ADJOURNMENT: Messrs. Winstead and Rodriguez moved to adjourn the meeting at 11:40 a.m. Motion passed.

Respectfully submitted:

Attested to by:



Robert N. Brooks
Executive Director



Arthur M. Winstead, Jr., CPA
President

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Chapter 93 - Certified Public Accountants**§ 93-1. Definitions; practice of law.**

(a) Definitions. - As used in this Chapter certain terms are defined as follows:

- (1) An "accountant" is a person engaged in the public practice of accountancy who is not a certified public accountant as defined in this Chapter.
- (2) "Board" means the Board of Certified Public Accountant Examiners as provided in this Chapter.
- (3) A "certified public accountant" is a person who holds a certificate as a certified public accountant ~~issued to him~~ under the provisions of this Chapter.
- (5) A person is engaged in the "public practice of accountancy" who holds himself out to the public as a certified public accountant or an accountant and in consideration of compensation received or to be received offers to perform or does perform, for other persons, services which involve the auditing or verification of financial transactions, books, accounts, or records, or the preparation, verification or certification of financial, accounting and related statements intended for publication or renders professional services or assistance in or about any and all matters of principle or detail relating to accounting procedure and systems, or the recording, presentation or certification and the interpretation of such service through statements and reports.

(b) Practice of Law. - Nothing in this Chapter shall be construed as authorizing certified public accountants or accountants to engage in the practice of law, and such person shall not engage in the practice of law unless duly licensed so to do.

§ 93-2. Qualifications. Any person who is a citizen of the United States, has declared the intention of becoming a citizen, is a resident alien, or is a citizen of a foreign jurisdiction which extends to citizens of this State like or similar privileges to be examined or certified, and who is over 18 years of age and of good moral character, and who has received from the State Board of Certified Public Accountant Examiners a certificate of qualification to practice as a certified public accountant shall be licensed to practice and be styled and known as a certified public accountant.

§ 93-3. Unlawful use of title "certified public accountant" by individual. It shall be unlawful for any person who has not received a certificate of qualification or has not been granted a practice privilege pursuant to G.S. 93-10 admitting him to practice as a certified public accountant to assume or use such a title, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that the person using same has been admitted to practice as a certified public accountant.

§ 93-4. Use of title by firm. It shall be unlawful for any firm, copartnership, or association to assume or use the title of certified public accountant, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that the members of such firm, copartnership or association have been admitted to practice as certified public accountants, unless each of the members of such firm, copartnership or association first shall have received a certificate of qualification from the State Board of Certified Public Accountant Examiners or shall have been granted a practice privilege pursuant G. S. 93-10 admitting him to practice as a certified public accountant; provided, however, that the Board may exempt those persons who do not actually practice in or reside in the State of North Carolina from registering and receiving a certificate of qualifications under this section.

§ 93-5. Use of title by corporation. It shall be unlawful for any corporation to assume or use the title of certified public accountant, or to use any words, letters, abbreviations, symbols or other means of identification to indicate that such corporation has received a certificate of qualification from the State Board of Certified Public Accountant Examiners admitting it to practice as a certified public accountant.

§ 93-6. Practice as accountants permitted; use of misleading titles prohibited. It shall be unlawful for any person to engage in the public practice of accountancy in this State who is not a holder of a certificate as a certified public accountant issued by the Board, unless such person uses the term "accountant" and only the term "accountant" in connection with his name on all reports, letters of transmittal, or advice, and on all stationery and documents used in connection with his services as an accountant, and refrains from the use in any manner of any other title or designation in such practice.

§ 93-8. Public practice of accounting by corporations prohibited. It shall be unlawful for any certified public accountant to engage in the public practice of accountancy in this State through any corporate form, except as provided in General Statutes Chapter 55B.

§ 93-9. Assistants need not be certified. Nothing contained in this Chapter shall be construed to prohibit the employment by a certified public accountant or by any person, firm, copartnership, association, or corporation permitted to engage in the practice of public accounting in the State of North Carolina, of persons who have not received certificates of qualification admitting them to practice as certified public accountants, as assistant accountants or clerks: Provided, that such employees work under the control and supervision of certified public accountants and do not certify to anyone the accuracy or verification of audits or statements; and provided further, that such employees do not hold themselves out as engaged in the practice of public accounting.

§ 93-10. Practice Privileges~~Persons certified in other states.~~

(a) ~~_____~~ An individual whose principal place of business is outside this State ~~is~~ may be granted the privilege to perform or offer to perform services in this State as a certified public accountant if the individual meets all of the following conditions:

- (1) Holds a valid and unrevoked certificate as a certified public accountant, or its equivalent, issued by another state, a territory of the United States, or the District of Columbia.
- (2) Holds a valid and unrevoked license or permit to practice as a certified public accountant issued by another state, a territory of the United States, or the District of Columbia, ~~and that jurisdiction's requirements for licensure are substantially equivalent to the requirements of this Chapter.~~
- (3) Has passed the Uniform CPA Examination.
- (4) Has not been convicted of a felony under the laws of the United States, any state, a territory of the United States, or the District of Columbia and has not been convicted of any crime, an essential element of which is dishonesty, deceit or fraud.

~~(b) _____~~ An individual who satisfies the requirements of subsection (a) (1)-(4) of this Section and who exercises the privilege afforded under this Section by performing or offering to perform services as a certified public accountant in this State hereby simultaneously consents as a condition of the grant of this privilege:

~~Notifies the State Board of Certified Public Accountant Examiners that the person intends to perform or offers to perform services in this State as a certified public accountant.~~

- ~~(14) Agrees to e~~ To comply with the laws of this State, the provisions of this Chapter and the rules adopted by the Board, regarding notification and practice.
- ~~(25) Consents to h~~ To have an administrative notice of hearing served on the licensing board in the individual's principal state of business, notwithstanding the individual notice requirements of G.S. 150B-38.
- ~~(36) Pays an annual fee not to exceed fifty dollars (\$50.00).~~ To the personal and subject matter jurisdiction and disciplinary authority of the Board.

~~(c) _____~~ A firm whose principal place of business is outside this State and has no office in this State is granted the privilege to perform or offer to perform services in this State as a firm and which exercises the privilege afforded under this Section hereby simultaneously consents as a condition of the grant of this privilege:

- (1) To comply with the laws of this State, the provisions of this Chapter and the rules of this Board.
- (2) To the personal and subject matter jurisdiction and disciplinary authority of the Board.

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(3) To notify the Board if any individual with the firm who has been granted privileges in this State performs any of the following services for a North Carolina client:

(a) Any financial statement audit or other engagement to be performed in accordance with the Statements on Auditing Standards:

(b) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements; or

(c) Any engagement to be performed in accordance with the PCAOB auditing standards.

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NORTH CAROLINA
WAKE COUNTY

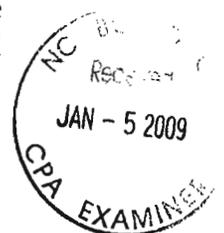
BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: C20085857

IN THE MATTER OF:
Donald E. Gillespie, #7090
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number #7090 as a Certified Public Accountant.
2. Respondent informed the Board on his 2007-2008 individual certificate renewal (renewal) that he had obtained forty-five (45) hours of continuing professional education (CPE) to meet the 2006 CPE requirement. Further, Respondent informed the Board on the renewal that he earned some of said CPE between January 1, 2007, and June 30, 2007.
3. Based on Respondent's representation that prior to June 30, 2007, he had completed a total of forty-eight (48) hours of CPE which included three (3) hours of carryforward from 2005, the Board accepted his renewal and issued a letter of warning to him dated December 10, 2007.
4. Board staff requested, by letter, that prior to January 1, 2008, Respondent provide course listings for the CPE reported to meet his 2006 CPE requirement.
5. Respondent provided a statement that, although he had participated in forty (40) hours of self-study CPE in 2006, he had failed to complete the exams required to receive credit for the CPE courses and therefore had no CPE hours for 2006. Respondent's 2007 CPE Report showed zero (0) hours of CPE taken between January 1, 2007, and June 30, 2007.
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written.



Consent Order - 2
Donald E. Gillespie

Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12(8b)a, 93-12(9)c and 93-12(9)e and 21 NCAC 08J .0101(b), 08N .0202(a), .0202(b)3, .0202(b)4, and .0203(b)(1).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent's application for renewal is insufficient and untimely under NCGS 150-B-3(a). Hence, his certificate is automatically forfeited pursuant to NCGS 93-12(8b).
2. Respondent must return his certificate to the Board with this signed Consent Order.
3. Respondent may not apply for the reinstatement of his certificate for at least one year from the date the Board receives Respondent's forfeited certificate and until the civil penalty required in number five (5) of this Order has been paid by Respondent.
4. Respondent may apply to return his certificate to active status by submission and approval of a reissuance application which includes:
 - a. Application form,
 - b. Payment of the application fee,
 - c. 3 moral character affidavits, and
 - d. Forty (40) hours of CPE in 12 months preceding the application including an eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in a group study format.
5. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted within six months of the date this signed Order is accepted by the Board.



Consent Order - 3
Donald E. Gillespie

6. Respondent agrees that failure to timely comply with any terms of this agreement and consent order shall be deemed sufficient grounds for revocation of his license.

CONSENTED TO THIS THE 30th DAY OF December, 2008.

Donald E. Gillespie
Respondent

APPROVED BY THE BOARD THIS THE 20 DAY OF JANUARY, 2008.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS



BY: Atthey W. Wintleady
President



NORTH CAROLINA
WAKE COUNTY

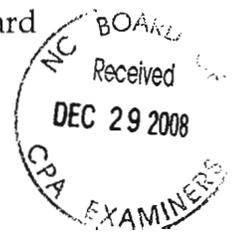
BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: C20085858

IN THE MATTER OF:
Thu Thuy Tran, #30820
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent is the holder of North Carolina certificate number #30820 as a Certified Public Accountant.
2. Respondent informed the Board on her 2007-2008 individual certificate renewal (renewal) that she had obtained forty-four (44) hours of continuing professional education (CPE) to meet the 2006 CPE requirement. Further, Respondent informed the Board on the renewal that she earned some of said CPE between January 1, 2007, and June 30, 2007.
3. Based on Respondent's representation that prior to June 30, 2007, she had completed a total of forty-four (44) hours of CPE which included twenty (20) hours of carryforward from 2005, the Board accepted her renewal and issued a letter of warning to her dated December 11, 2007.
4. Board staff requested, by letter, that prior to January 11, 2008, Respondent provide course listings for the CPE reported to meet her 2006 CPE requirement.
5. Respondent, on her "2006 Report of CPE for CPAs on Conditional Status" provided CPE course listings to the Board showing twenty-two (22) hours of CPE taken between January 1, 2007 and June 30, 2007. However, said course listings showed that Respondent had not taken eight (8) hours of non-self-study courses between January 1, 2006, and June 30, 2007, despite her statement in her renewal that she had complied with the requirement..
6. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board



ex parte, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12(8b)a, 93-12(9)c and 93-12(9)e and 21 NCAC 08J .0101(b), 08N .0202(a), .0202(b)3, .0202(b)4, and .0203(b)(1).

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. Respondent's application for renewal is insufficient and untimely under NCGS 150-B-3(a). Hence, her certificate is automatically forfeited pursuant to NCGS 93-12(8b).
2. Respondent must return her certificate to the Board with this signed Consent Order.
3. Respondent may not apply for the reinstatement of her certificate for at least one year from the date the Board receives Respondent's forfeited certificate and until the civil penalty required in number five (5) of this Order has been paid by Respondent.
4. Respondent may apply to return her certificate to active status by submission and approval of a reissuance application which includes:
 - a. Application form,
 - b. Payment of the application fee,
 - c. 3 moral character affidavits, and
 - d. Forty (40) hours of CPE in 12 months preceding the application including an eight (8) hour accountancy law course as offered by the North Carolina Association of CPAs in a group or self-study format.

Consent Order - 3
Thu Thuy Tran

5. Respondent shall pay a one thousand dollar (\$1,000.00) civil penalty to be remitted within six months of the date this signed Order is accepted by the Board.
6. Respondent agrees that failure to timely comply with any terms of this agreement and consent order shall be deemed sufficient grounds for revocation of her license.

CONSENTED TO THIS THE 28th DAY OF December, 2008.

Thu Tran

Respondent

APPROVED BY THE BOARD THIS THE 20 DAY OF JANUARY, 2008

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS



BY: Abby Whithead
President

