

Accountancy Board of Ohio
Minutes of Board Meeting February 8, 2019

The Accountancy Board of Ohio (Board) met on February 8, 2019 in Room West B & C on the 31st floor of the Vern Riffe Center for Government and the Arts, 77 South High Street, Columbus, Ohio with the following members present: Michael Guinigundo, CPA (Chair), Margaret Gilmore, CPA (Vice-Chair), Kenya Watts, CPA (Secretary), James Gottfried, CPA (Immediate Past Chair), Gerald Weinstein, CPA (Member), John Soucie, CPA (Member), and R. Brendan Fitzgerald, CPA (Member).

Representing the Board staff was John E. Patterson, Executive Director, Tracey F. Fithen, Assistant Executive Director and Donna M. Oklok, Investigations Supervisor. Board counsel present was Jahan S. Karamali, Esq., representing the office of the Attorney General.

Present in the audience was Laura Hay, Executive Vice President of the Ohio Society of Certified Public Accountants (OSCPA) and David Dennis, CPA.

Mr. Guinigundo called the meeting to order at 10:01 a.m., and welcomed the guests in the audience. Mr. Guinigundo opened the meeting with the Pledge of Allegiance.

REINSTATEMENT HEARING: OLIVIA J. HOECKER

Mr. Guinigundo opened a reinstatement hearing at 10:03 a.m. pursuant to section 4701.17 of the Revised Code. Ms. Hoecker was in attendance and was not represented by counsel.

Ms. Karamali introduced State's Exhibit A, 1 through 5; and Exhibit B, 1 through 4. Ms. Hoecker then spoke and was questioned by the Board. Board investigator, Ms. Charlene Nortey, testified Ms. Hoecker had completed the CPE required to return to practice.

The Board admitted into evidence all exhibits. Mr. Guinigundo concluded the hearing.

DISCIPLINARY HEARING: GAYLE VATER, CPA (Goldman)

Mr. Guinigundo opened a disciplinary hearing at 10:11 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Vater with a violation of section 4701.16(A)(7) of the Revised Code, concerning cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant by any state, for any cause other than failure to pay registration fees in that other state. Mr. Vater was not in attendance.

Ms. Karamali called Ms. Nortey as a witness and introduced State's exhibits A, 1 through 12; and B, 1 through 15.

The Board admitted into evidence all exhibits. Mr. Guinigundo concluded the hearing.

DISCIPLINARY HEARING: DAN E. VAN SICKLE, CPA (Goldman)

Mr. Guinigundo opened a disciplinary hearing at 10:19 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Van Sickle with a violation of sections 4701.16(A)(1) and (A)(4) of the Revised Code, concerning fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; and violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter, specifically rule OAC 4701-15-03, Continuing Education Reporting. Mr. Van Sickle was not in attendance.

Ms. Karamali called Ms. Nortey as a witness and introduced State's Exhibit(s) A, 1 through 9; and B, 1 through 9.

The Board admitted into evidence all exhibits. Mr. Guinigundo concluded the hearing.

DISCIPLINARY HEARING: TERRY D. KERWIN, CPA (Goldman)

Mr. Guinigundo opened a disciplinary hearing at 10:31 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Kerwin with a violation of section 4701.16(A)(5), of the Ohio Revised Code for conviction of a felony under the laws of any state or of the United States. Mr. Kerwin was not in attendance.

Ms. Karamali called Ms. Faith Ottavi, Board investigator as a witness and introduced State's exhibits A, 1 through 21; and B, 1 through 3.

The Board admitted into evidence all exhibits. Mr. Guinigundo concluded the hearing.

REQUEST FOR WAIVER OF LATE FEES

FREDERICK TREUHAFT

Mr. Treuhaft requested a waiver of the \$300 late fee due to non-renewal of his Ohio registration.

STEVEN SWALLOW

Mr. Swallow requested a waiver of the \$50 late fee due to non-renewal of his Ohio registration.

RICHARD SCHOONOVER

Mr. Schoonover requested a waiver of the \$50 late fee due to non-renewal of his Ohio permit.

JOHN WEJMAN

Mr. Wejman requested a waiver of the \$50 late fee due to non-renewal of his Ohio permit.

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DONALD RILEY

Mr. Riley requested a waiver of the \$50 late fee due to non-renewal of his Ohio registration.

KERRY JOSTWORTH

Ms. Jostworth requested a waiver of the \$50 late fee due to non-renewal of her Ohio permit.

JAMES DIFFLEY, CPA

Mr. Diffley requested a waiver of the \$150 late fee due to non-renewal of his attest firm registration.

RICHARD GERACE

Mr. Gerace requested a waiver of the \$1,600 late fee due to non-renewal of his Ohio permit.

THOMAS GARY

Mr. Gary requested a waiver of the \$50 late fee due to non-renewal of his Ohio registration.

MICHAEL SHUPPE

Mr. Shuppe requested a waiver of the \$50 late fee due to non-renewal of his Ohio registration.

WILLIAM HANLON

Mr. Hanlon requested a waiver of the \$50 late fee due to non-renewal of his Ohio registration.

415 GROUP

The firm requested a waiver of the \$900 late fee due to non-renewal of their attest firm registration.

BRIAN BISHOP

Mr. Bishop requested a waiver of the \$50 late fee due to non-renewal of his Ohio permit.

MANHONG HE

Ms. He requested a waiver of the \$50 late fee due to non-renewal of her Ohio permit.

REQUESTS FOR RECONSIDERATION

Tammy Yi Zhang: Ms. Zhang requested a waiver of the residency requirement to become an Ohio CPA.

Lora Carter: Ms. Carter made a request for the Board to waive late, back and re-issuance fees prior to renewal of her CPA license.

QUASI-JUDICIAL DELIBERATIONS

Upon Mr. Guinigundo's direction, the Board went into quasi-judicial deliberations to discuss the formal hearings, requests for waivers of late fees, and requests for reconsideration. After discussion, the Board returned to general session.

BOARD DECISIONS

Olivia J. Hoecker, CPA (Case #2018-9580)

Upon the motion by Board Secretary Ms. Watts, and seconded by Mr. Gottfried, the Board voted to reinstate the CPA certificate of Ms. Hoecker, pending completion of the following conditions:

- (1) Payment of a reinstatement fee of \$250, and the permit fee due by April 30, 2019
- (2) Submission of CPE verification for the next two triennial reporting periods, prior to license renewal.

Motion carried 7-0 on a roll call vote.

Gayle G. Vater, CPA (Case #2018-7069)

Upon the motion by Ms. Watts and seconded by Mr. Gottfried, the Board voted to revoke the CPA certificate of Mr. Vater.

Motion carried 7-0 on a roll call vote.

Dan E. Van Sickle, CPA (Case #2018-5774)

Upon the motion by Ms. Watts and seconded by Mr. Fitzgerald, the Board voted to revoke the CPA certificate of Mr. Van Sickle.

Motion carried 7-0 on a roll call vote.

Terry D. Kerwin, PA (Case #2018-5120)

Upon the motion by Ms. Watts and seconded by Mr. Fitzgerald, the Board voted to revoke the PA certificate of Mr. Kerwin.

Motion carried 7-0 on a roll call vote.

LATE FEE WAIVER REQUESTS

Upon the motion by Ms. Watts and seconded by Mr. Gottfried, the Board voted to deny the request for waiver of the late filing fee for Michael A. Shuppe.

Motion carried 6-0, with one abstention, on a roll call vote.

Upon the motion by Ms. Watts and seconded by Mr. Soucie, the Board voted to deny the requests for waiver of the late filing fee for Frederick Treuhaft; Steven Swallow; Richard Schoonover; John Wejman; Donald Riley; Kerry Jostworth; James M. Diffley, CPA; Richard Gerace; Thomas Gary; William Hanlon; 415 Group; Brian Bishop; and Manhong He.

Motion carried 7-0 on a roll call vote.

REQUESTS FOR RECONSIDERATION

Upon motion by Ms. Watts and seconded by Mr. Weinstein, the Board voted to waive the residency requirement for CPA certification to Tammy Yi Zhang.

Motion carried 7-0 on a roll call vote.

Upon motion by Ms. Watts and seconded by Mr. Gottfried, the Board voted to deny Lora Carter's request to waive late filing fees prior to renewal.

Motion carried 7-0 on a roll call vote.

EXECUTIVE DIRECTOR'S REPORT

Mr. John E. Patterson, Executive Director of the Board spoke about the role of CPA license holders in relation to Ohio's marijuana and hemp businesses. He also spoke about the most recent renewal cycle as a success. Mr. Patterson also discussed the matter of recalled peer reviews and what action the Board plans to take. Mr. Patterson then asked the Board to approve the payment sent to the ACAP program in the amount of \$50,000. Upon motion by Mr. Gottfried and seconded by Ms. Gilmore, the Board voted 7-0 to approve the payment. Mr. Gottfried suggested this approval be added to the agenda of the Board meeting prior to the payment being made. Mr. Patterson called upon Assistant Executive Director Ms. Fithen, who reported on revenue and introduced new staff member, Faith Harvell. Ms. Fithen reported that revenue increased due to the increase in renewal fees; and that the education assistance fund has close to \$70,000 remaining for this fiscal year.

INFORMATION REPORTS AND UPDATES

Budget and Financial Report

Education Assistance Report

Rules Update

Donna Oklok, investigations supervisor, reported that the proposed rule changes are available on the Board's website, and that board members with additional stakeholders to add to the list should pass those names along as soon as possible.

Investigative Update

Ms. Oklok reported that 820 renewing licensees were selected for CPE verification, and all those who were due to report CPE based on previous disciplinary action have been notified as well. She noted that the board has collected a little over \$3,000 in deficient CPE fines, in line with the board's rule OAC 4701-15-02.

Approval of the December 3-4, 2018 Board Meeting Minutes

Upon motion by Mr. Weinstein, seconded by Mr. Gottfried, the Board voted to approve as corrected the minutes of the December 3-4, 2018 meeting. Motion carried 5-0, with two abstentions.

OLD BUSINESS

Status of Past Hearings

Assistant Attorney General Ms. Karamali reported that there has been one appeal filed in Franklin County Court of Common Pleas, regarding MK Jeffers, and the Attorney General filed a responding motion to dismiss as of today.

NEW BUSINESS

None.

CHAIR'S REPORT

Board chair Mr. Guinigundo asked which Board members planned to attend the NASBA regional meeting, and noted that attendance would be finalized at the April meeting. Mr. Guinigundo noted he has moved to the NASBA Diversity Committee, and the first meeting is scheduled for next month in Nashville.

SUMMARY OF BOARD REQUESTS

Mr. Patterson noted that the Board requested Ms. Hoecker be made aware of the fact that if she chose to go into business as a CPA firm, that she needs to register a firm with the Board.

Upon motion by Mr. Weinstein and seconded by Mr. Gottfried, the Board voted 7-0 to adjourn.

MICHAEL M. GUINIGUNDO, CHAIR

KENYA Y. WATTS, SECRETARY