

Accountancy Board of Ohio
Minutes of Board Meeting July 14, 2017

The Accountancy Board met on July 14, 2017 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: James Gero, CPA (Chair), James Gottfried, CPA (Vice-Chair), Adriana Sfalcin (Public Member), Margaret Gilmore, CPA (Member), Kenya Watts, CPA (Member), John Soucie, CPA (Member), and Gerald Weinstein, 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 Rachel Huston, Esq., representing the office of the Attorney General.

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

Mr. Gero called the meeting to order at 10:04 a.m., and opened the meeting with the Pledge of Allegiance. Mr. Gero also welcomed the guests in the audience.

FORMAL HEARING: MARK A. METTE, CPA

Mr. Gero opened a disciplinary hearing at 10:04 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Mette with a violation of section 4701.16(A)(5), concerning conviction of a felony under the laws of any state or of the United States. Mr. Mette was in attendance and was not represented by counsel.

Ms. Huston introduced State's exhibits A, 1 through 9; B, 1 through 6; C, 1 through 5; and D, 1 through 14. Mr. Mette then spoke and Ms. Huston entered Respondent's exhibit A, one page.

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

FORMAL HEARING: GORDON S. BOWMAN, CPA

Mr. Gero opened a disciplinary hearing at 10:20 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Bowman with a violation of section 4701.16(A)(1) of the Revised Code, concerning fraud and deceit in obtaining an Ohio permit; specifically 4701-15-03 Continuing education reporting. Mr. Bowman was not in attendance.

Ms. Huston called Ms. Charlene Nortey, Board Investigator as a witness and introduced State's Exhibit(s) A, 1 through 10; B, 1 through 7; C, 1 through 6; and D, 1 through 11.

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

FORMAL HEARING: KEVIN R. HORNER, CPA

Mr. Gero opened a disciplinary hearing at 10:33 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Mr. Horner with a violation of section 4701.16(A)(1) of the Revised Code, concerning fraud and deceit in obtaining an Ohio permit; specifically 4701-15-03 Continuing education reporting. Mr. Horner was not in attendance.

Ms. Huston called Ms. Charlene Nortey, Board Investigator as a witness and introduced State's

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Exhibit(s) A, 1 through 11; B, 1 through 4; C, 1; and D, 1 and 2.

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

FORMAL HEARING: TANYA E. FARINACCI, CPA

Mr. Gero opened a disciplinary hearing at 10:46 a.m. pursuant to Chapter 119 of the Revised Code. The Board charged Ms. Farinacci with a violation of section 4701.16(A)(1) of the Revised Code, concerning fraud and deceit in obtaining an Ohio permit; specifically 4701-15-03 Continuing education reporting. Ms. Farinacci was not in attendance.

Ms. Huston called Ms. Charlene Nortey, Board Investigator as a witness and introduced State's Exhibit(s) A, 1 through 8; and B, 1 through 5.

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

REQUEST FOR WAIVER OF LATE FEES

HUGH J. MORGAN

Mr. Morgan requested a waiver of the \$500 late fee due to non-renewal of his Ohio permit.

BRIAN R. CONNOLLY

Mr. Connolly requested a waiver of the \$500 late fee due to non-renewal of his Ohio permit.

TAMARA SPARKS

Ms. Sparks requested a waiver of the \$250 late fee due to non-renewal of her Ohio registration.

ANTHONY A. FELICI

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

JEFFREY D. DETWILER

Mr. Detwiler requested a waiver of the \$250 late fee due to non-renewal of his Ohio registration.

TIMOTHY J. MCNULTY

Mr. McNulty requested a waiver of the \$250 late fee due to non-renewal of his Ohio registration.

DAVID P. ERRA

Mr. Erra requested a waiver of the \$250 late fee due to non-renewal of his Ohio permit.

BRADLEY T. LUCAS

Mr. Lucas requested a waiver of the \$250 late fee due to non-renewal of his Ohio permit.

FREDERICK C. MURDOCK

Mr. Murdock requested a waiver of the \$250 late fee due to non-renewal of his Ohio registration.

LAURA J. FILSON

Ms. Filson requested a waiver of the \$300 late fee due to non-renewal of her Ohio registration.

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KEVIN M. BILL

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

GARY C. IRETON

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

PETER R. DAGENBACH

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

OLIVIA C. WILKES

Ms. Wilkes requested a waiver of the \$600 late fee due to non-renewal of her Ohio permit.

SHARON M. CONRAD

Ms. Conrad requested a waiver of the \$500 fee for failing to meet CPE verification requirements.

QUASI-JUDICIAL DELIBERATIONS

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

BOARD DECISIONS

LATE FEE WAIVER REQUESTS

Upon the motion by Mr. Gottfried and seconded by Board member Maggie Gilmore, the Board voted to deny the requests for waiver for Hugh Morgan; Brian Connolly; Tamara Sparks; Anthony Felici; Jeffrey Detwiler; Timothy McNulty; David Erra; Bradley Lucas; Frederick Murdock; Laura Filson; Kevin Bill; Gary Ireton; Peter Dagenbach; Olivia Wilkes; and Sharon Conrad.

Motion carried 7-0 on a roll call vote.

Mark A. Mette (Case 2016-92)

Upon the motion by the Board Vice Chairman James Gottfried, and seconded by Board member Mr. Weinstein, the Board voted to take no action against the CPA certificate of Mr. Mette.

Motion carried 7-0 on a roll call vote.

Gordon S. Bowman (Case 2017-37)

Upon the motion by Mr. Gottfried, and seconded by Board member Adriana Sfalcin, the Board voted to revoke the CPA certificate of Mr. Bowman, but to stay the revocation subject to the completion of the following conditions by October 31, 2017:

- (1) A fine of \$5,000;
- (2) Submission of \$10 per hour for each hour of CPE earned in 2017 (\$1,200);
- (3) Completion of 3 hours of a Board-approved professional standards and responsibilities course, specific to Ohio laws and rules.

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Motion carried 7-0 on a roll call vote.

Kevin R. Horner (Case 2016-39)

Upon the motion by Mr. Gottfried, and seconded by Ms. Sfalcin, the Board voted to accept the Affidavit for Retired CPA/PA Status and CPE Exemption form submitted by Mr. Horner.

Motion carried 7-0 on a roll call vote.

Tanya E. Farinacci (Case 2017-40)

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

Motion carried 7-0 on a roll call vote.

REQUEST FOR RECONSIDERATION

Mr. Patterson discussed the closed case review of Annmarie Thomas, CPA, submitted by Lori and Jerry Tomlinson. The Board voted 7-0 to take no action.

EXECUTIVE DIRECTOR'S REPORT

Mr. Patterson stated that the board is receiving lists of exam candidates who may need an extension of their testing window. The Board will grant an extension of one window. Mr. Patterson said that currently there are states which may not consider these candidates as substantially equivalent.

Mr. Patterson spoke about the upcoming September 8, 2017 Board meeting, which will be held in Woodland Hall at the Cleveland Botanical Gardens. Case Western Reserve University is sponsoring this event, but asked the Board to pay the \$500 room rental charge. This request was approved by the Ethics Commission, Auditor's Office and Department of Administrative Services. Upon motion by Mr. Gottfried and seconded by Maggie Gilmore, the Board voted 7-0 to pay the \$500 rental charge. Dan Dustin and Pat Hartman from NASBA will attend the October 20, 2017 Board meeting, and invitations have been extended to local college and university accounting programs.

INFORMATION REPORTS AND UPDATES

Budget and Financial Report

Education Assistance Report

Investigative Update

Approval of the June 2, 2017 Board Meeting Minutes

Upon motion by Ms. Sfalcin, seconded by Board member Kenya Watts, the Board voted to approve the minutes of the June 2, 2017 meeting. Motion carried 7-0.

OLD BUSINESS

Status of Past Hearings

Rachel Huston, Assistant Ohio Attorney General, reported that the Ohio Supreme Court declined to accept jurisdiction in the Wolfe case, but he may go to the Sixth Circuit to appeal. Oral arguments for Millard are scheduled for August 22, 2017 in Cincinnati.

NEW BUSINESS

CHAIR'S REPORT

Mr. Gero stated that NASBA needs a head count to secure reservations at the Annual Meeting dinner. Upon motion by Mr. Gottfried, seconded by Mr. Gero, the Board voted 7-0 to submit the appropriate information to NASBA.

Mr. Gero stated that the Disciplinary Advisory Committee met and discussion was held regarding the AICPA Joint Enforcement Agreement, and that the Board would not accept these agreements. The status of the CPE verification process and expired licensee notifications were updated; and impending hearings related to peer review were discussed.

Ms. Gilmore reported on the Licensing Committee meeting, where potential delays in peer review caused by PRIMA were discussed, specifically the fact that an extension for completion of peer review does not extend the Board's deadline. The OSCPA fee structure for peer review was also discussed. Ms. Gilmore also stated that the only response to the upcoming revision to the return to practice rules was from the OSCPA, and the Board would use improvements to the CPE Tracking website to assist in determining whether certain CPE subjects would qualify as technical versus non-technical. The committee also discussed the inclusion of CGMA in the Uniform Accountancy Act and the Chair would formally respond to this inclusion via letter by September 30, 2017.

SUMMARY OF BOARD REQUESTS

Upon motion by Ms. Sfalcin and seconded by Ms. Gilmore, the Board voted to adjourn.

Motion carried 7-0.

JAMES P. GERO, CHAIR

JAMES D. GOTTFRIED, VICE-CHAIR