

Texas State Board of Public Accountancy

November 9, 2023

The Texas State Board of Public Accountancy met by video conference and in-person from 10:00 a.m. until 11:32 a.m. on November 9, 2023. A notice of this meeting containing all items on the agenda, in accordance with *Section 551.127* of the *Texas Government Code* and the Governor's suspension of certain provisions of *Section 551.127* of the *Government Code*, was filed with the Office of the Secretary of State at 2:58 p.m. on November 9, 2023. (TRD #2023-006267) (ATTACHMENT 1)

Board Members Present

Susan I. Adams, CPA
Kimberly D. "Kim" Crawford, CPA
Olivia Espinoza-Riley, CPA
Treasurer
Renee D. Foshee, Esq., CPA
Ray R. Garcia, CPA
Executive Committee
Member-at-Large
Jamie D. Grant
Executive Committee
Member-at-Large
Jill A. Holup
Executive Committee
Member-at-Large
Kevin J. Koch, CPA
Assistant Presiding Officer
Sherri B. Merket
Thomas M. Neuhoﬀ, CPA
Debra D. Seefeld, CPA
Presiding Officer
Sheila M. Vallés-Pankratz
Susan M. Warren, CPA

Members Absent

Himesh M. Gandhi, Esq.
Jeannette P. Smith, CPA
Secretary, excused

Others Present

Kenneth Besserman, Esq.
Richard F. Chesebro
Charles Cooley
Robert J. Egan
Dolores G. Egan
Marina Grau
Sean McVey
Jodi Ann Ray
Shalini R.
Jacob Roldan
Mark Vane

Staff Present

Paulette Beiter, Esq.
Marissa Brooks
Nicole Duran, CPA
Rhonda Fellner
Ann Hallam, PMP
J. Randel Hill, Esq.
Donna Hiller
John Moore, Esq.
Brian O'Neal
Thomas Payne
Julie Prien
Marisa Rios
Lorna Schwimmer-Staggs, CPA
Lori Shaw
Tony Shumway
William Treacy
Daniel Weaver

- I. Ms. Seefeld, Presiding Officer, called the meeting to order at 10:00 a.m. Mr. Treacy called roll and declared a quorum.

Ms. Seefeld, moved to excuse the absence of Jeannette P. Smith from the Board meeting. Mr. Koch seconded the motion and it passed unanimously.

- II. Ms. Seefeld, Presiding Officer, moved to approve the September 14, 2023 Board meeting minutes as presented. Ms. Espinoza-Riley seconded the motion and it passed unanimously.

- III. After a call for public comments, there were no comments from the public.

- IV. Ms. Seefeld, Presiding Officer, reported on the November 8, 2023 (video conference and in-person) Executive Committee meeting.

Members Present

Ray R. Garcia, CPA (in-person)
Jamie D. Grant
Jill A. Holup
Kevin J. Koch, CPA
(in-person)
Olivia Espinoza-Riley, CPA
(in-person)
Debra D. Seefeld, CPA
Committee Chair (in-person)

Member Absent

Jeannette P. Smith, CPA
excused

Others Present

Kenneth Besserman, Esq.
Jodi Ann Ray
Marina Grau

Staff Present

Nicole Duran, CPA
Ann Hallam, PMP
J. Randel Hill, Esq.
Donna Hiller
Brian O'Neal
Marisa Rios
Lorna Schwimmer-Staggs, CPA
Lori Shaw
William Treacy
Daniel Weaver

- A. Ms. Espinoza-Riley, Treasurer, presented the Board's financial statements. Mr. Koch moved to approve the Board's financial statements as presented. Ms. Warren seconded the motion and it passed unanimously.

B. Ms. Seefeld, reported on the following NASBA/AICPA matters:

1. Report on NASBA Annual Meeting
October 29 – November 1, 2023 – New York, NY
2. Ms. Seefeld, Presiding Officer, reported that Ms. Adams, Ms. Espinoza-Riley, Ms. Foshee, Ms. Seefeld, Ms. Smith, and Mr. Treacy all received NASBA committee appointments

C. Ms. Seefeld, reported on general correspondence coming to the Board's attention.

V. Mr. Garcia, Rules and Peer Review Committee Chair, reported on the November 8, 2023 (video conference and in-person) Joint Rules, Licensing, and CPE Committee meeting.

Members Present

Susan Adams, CPA
Connie Clark, CPA
Olivia Espinoza-Riley, CPA
Renee Foshee, CPA
Ray Garcia, CPA
Committee Chair
Kathy Kabell, CPA
Kevin Koch, CPA
Sherri Merket
Thomas Neuhoff, CPA
Rene Peña, CPA
Debra Seefeld, CPA
ex officio
Larry Stephens, CPA,
JD/LL.M
Susan Warren, CPA

Members Absent

Himesh Gandhi, Esq.
Jamie Grant
Jeannette P. Smith, CPA
excused

Others Present

S. Berger
Kenneth Besserman, Esq.
Elizabeth Brightwell, Esq.
Marina Grau
Frank McElroy, Esq.
Jodi Ann Ray

Staff Present

Paulette Beiter, Esq.
Marissa Brooks
Rhonda Fellner
J. Randel Hill, Esq.
Donna Hiller
John Moore, Esq.
Brian O'Neal
Marisa Rios
April Serrano
Lorna Schwimmer-Staggs, CPA
Lori Shaw
William Treacy
Daniel Weaver

- A. Ms. Foshee moved that the Board authorize the executive director to publish the proposed amendments to Board *Rules 511.52 – Recognized Institutions of Higher Education, 511.53 - Evaluation of International Education Documents, 511.58 – Definitions of Related Business Subjects to take the UCPAE, 511.59 – Definition of 120 Semester Hours to take the UCPAE, 511.60 – Qualified Accounting Courses Prior to January 1, 2024 to take the UCPAE, 511.80 - Granting of Credit, 511.87 - Loss of Credit, and 511.164 – Definition of 150 Semester Hours to Qualify for Issuance of a Certificate*. Ms. Crawford seconded the motion and it passed unanimously. **(ATTACHMENT 2)**
- B. Ms. Warren moved to adopt Board *Rule 511.57 – Qualified Accounting Courses to take the UCPAE*. Ms. Merket seconded the motion and it passed unanimously. **(ATTACHMENT 3)**
- C. Ms. Foshee moved that the Board authorize the executive director to publish the proposed amendments to Board *Rule 515.5 - Reinstatement of a Certificate or License in the Absence of a Violation of the Board's Rules of Professional Conduct, 515.11 - Licensing for Military Service Members, Military Veterans, and Military Spouses, and new Chapter 516 – Military Service Members, Spouses and Veterans*. Ms. Crawford seconded the motion and it passed unanimously. **(ATTACHMENT 4)**
- D. Ms. Espinoza-Riley, reported that the licensing committee discussed how the current *Act and Board Rules* (and the Uniform Accountancy Act) precludes the idea that a private equity firm could take ownership of a licensed CPA firm that provides attestation services. *Board Rules 513.10 - Firm License and 513.11 - Qualifications for Non-CPA Owners of Firm License Holders* articulates this position. These matters did not require Board action at this time.
- E. Ms. Espinoza-Riley, informed the Board on the upcoming swearing-in ceremony being held December 9, 2023 at the Palmer Events Center in Austin, Texas. Invitations were sent to 681 new CPAs and 169 50-year honorees.

- F. Ms. Espinoza-Riley, presented the CPE Committee's recommendation to authorize the following courses to be listed on the Board Approved Ethics Courses list.

1. **Author/Instructor:** Allison M. McLeod, LL.M., CPA (TX# 063395)
Course Title: *A Back and Forth Discussion of CPA Ethics*
Sponsor Name: Allison M. McLeod, LL.M., CPA, A PLLC and multiple others
Texas Sponsor #: 009875 and multiple others

Ms. Foshee moved to authorize Course Title: *A Back and Forth Discussion of CPA Ethics* to be listed on the Board Approved Ethics Courses list. Ms. Adams seconded the motion and it passed unanimously.

2. **Author/Instructor:** Jennifer Smith, JD, CPA (TX# 088386)
Course Title: *Texas CPA Ethics: Maintaining the Highest Professional Standards*
Sponsor Name: WebCE
Texas Sponsor #: 006170

Mr. Garcia moved to authorize Course Title: *Texas CPA Ethics: Maintaining the Highest Professional Standards* to be listed on the Board Approved Ethics Courses list. Ms. Merket seconded the motion and it passed unanimously.

- G. Ms. Espinoza- Riley, reported that the CPE Committee discussed the proposed changes to the NASBA/AICPA – Statement on Standard for Continuing Professional Education (CPE) Programs. Current Board Chapter 523 – (*Continuing Professional Education*) uses common philosophy and language as the *Standards*, but does not specifically reference the *Standards* within the CPE program. Staff has reviewed the proposed *Standards* and does not have any specific rule changes to propose at this time. This matter did not require Board action at this time.
- H. Ms. Foshee moved to ratify the suspension of the registration of Global CPE as a provider of CPE courses in Texas. Mr. Grant seconded the motion and it passed unanimously.
- I. Mr. Hill, General Counsel, reported that the next Rules Committee Meeting will be January 17, 2024 at 1:30 p.m.

- VI. Ms. Foshee, Qualifications Committee Chair, reported on the following Qualifications Committee meetings:

September 13, 2023 (Video conference and in-person)

Members Present

Renee Foshee, Esq, CPA
Committee Chair
Kevin Koch, CPA
Marshall Pitman, Ph.D., CPA
Debra D. Seefeld, CPA
ex officio
Jeannette Smith, CPA
Veronda Willis, Ph.D., CPA

Members Absent

Caroline Hartmann, CPA
Sheila Vallés-Pankratz
Kathy Zolton, CPA

Others Present

Kenneth Besserman, Esq.
Kimberly Crawford, CPA
Ray Garcia, CPA
Maninder Kaur
Mary Valerie Reeves, CPA

Staff Present

Paulette Beiter, Esq.
Ann Hallam, PMP
Telisa Harwell
J. Randel Hill, Esq.
Donna Hiller
Brian O'Neal
Marisa Rios
Lori Shaw
William Treacy

Ms. Foshee reported on the results of the Applicant Reassessment Program which would offer a pathway for CPA Exam applicants who lost credit(s) on the CPA exam due to COVID or another extreme hardship occurrence. This proposal is similar to the NASBA Credit Relief Initiative. Board data reflects that, 1905 CPA Exam candidates have lost one or more credits after January 1, 2020.

September 22, 2023 (Video conference and in-person)

Members Present

Renee Foshee, CPA, Esq.
Committee Chair
Caroline Hartmann, CPA
Kevin Koch, CPA
Marshall Pitman, Ph.D., CPA
Debra Seefeld, CPA (ex officio)
Jeannette Smith, CPA
Veronda Willis, Ph. D., CPA
Sheila M. Vallés-Pankratz
Kathy Zolton, CPA

Others Present

Ken Besserman, Esq.
Tara Blasor, CPA
Marina Grau
Matthew Kientz
Jonathan Michael
Thomas Neuhoff, CPA
Julie Persellin
Jodi Ann Ray
Larry Stephens, CPA
Melanie Thompson, CPA
Sunita White

Staff Present

Paulette Beiter, Esq.
Telisa Harwell
J. Randel Hill, Esq.
Donna Hiller
Brian O'Neal
Marisa Rios
Lori Shaw
William Treacy

- A. Ms. Foshee reported that the committee reviewed Board *Rule 511.57 – Qualified Accounting Courses to take the UCPAE* and the committee referred to the Rules Committee for its consideration.
- B. Ms. Foshee reported that the committee reviewed Board *Rule 511.58 – Definition of Related Business Subjects to take the UCPAE*, the committee referred this rule to the Rules Committee for its consideration.
- C. Ms. Foshee reported that the committee reviewed the scholarship application and allocations to participating Texas educational institutions. Staff informed the committee that the schools would be emailed on November 15th to inquire if they would be using the allocation that was provided. Schools that do not plan on awarding the allocation may release the funds, and the Executive Director may make additional allocations to the schools that have used their initial allocation and have additional students who are eligible for an award.
- D. Ms. Foshee reported that the committee reviewed correspondence that was sent to applicants, posted on the Board's website, and on social media sites.
- E. Ms. Foshee reported the implementation of the education requirements in *the Public Accountancy Act -2023*. Staff reported that 161 individuals refiled the Application of Intent to be eligible to test under the education requirements that became effective on September 1, 2023.
- F. Ms. Foshee reported that Prometric has not provided information on the utilization of Texas test centers for the committee to consider.
- G. Ms. Foshee reported the committee reviewed NASBA's ELE program and no action was taken.
- H. Ms. Foshee reported that the committee considered the application and education submitted by applicant 0287395. It recommends that the applicant be informed that coursework completed at the South Texas College of Law may be considered if the educational institution can provide the Board with evidence of equivalency that it meets the requirements of SACS.
- I. Ms. Foshee reported that the committee considered the application and education submitted by applicant 0287623. It determined that coursework completed through A.C.E. and Straighterline did not meet the Board's requirements of Board *Rule 511.52* and the applicant should be informed. The committee also directed staff to amend the Board *Rules* to add Straighterline as an organization that shall not be used to meet the education requirements.
- J. Ms. Foshee reported the committee reviewed a statistical report on the applications received and approved along with scholarship data. No action is required.
- K. Ms. Foshee reported that the following committee members will serve on a Task Force to review the Board's *Rules of Professional Conduct Exam*: Marshall Pitman – Chair, Renee Foshee, Caroline Hartmann, Kevin Koch, and, Veronda Willis.
- L. Ms. Foshee reported the committee did not receive any information from NASBA that required committee action.

- VII. Ms. Vallés-Pankratz, Peer Assistance Oversight Committee Chair, presented the Quarterly Report, Performance Measures, and Financial Information from the TXCPA ACAN Program.
- VIII. Mr. Koch, reported on the following Behavioral Enforcement Committee meetings:

June 13th 2023 (Video conference and in-person)

Members Present

Susan I. Adams, CPA
Bennett Allison, CPA
Patricia C. Culver, CPA
Patrick Durio, CPA
Jill A. Holup
Phillip D. Johnson, CPA
Jeannette P. Smith, CPA
Committee Chair

Staff Present

Paulette Beiter, Esq.
J. Randel Hill, Esq.

A. Dismissals – Insufficient evidence

Ms. Foshee moved to dismiss the following investigations due to insufficient evidence of a violation of the *Act* or the *Rules*. Ms. Warren seconded the motion and it passed. The BEC committee members did not participate in the vote.

1. Investigation Nos. 23-03-07L¹ and 23-03-08L¹
2. Investigation Nos. 23-03-02L¹ and 23-03-03L¹

B. Other – The committee considered other matters during this meeting; however, these matters did not require Board action at this time.

October 18th 2023 (Video conference and in-person)

Members Present

Susan I. Adams, CPA
Bennett Allison, CPA
Patricia C. Culver, CPA
Patrick Durio, CPA
Phillip D. Johnson, CPA
Kevin J. Koch, CPA
Robert Ogle, CPA
Jeannette P. Smith, CPA
Committee Chair

Member Absent

Jill A. Holup

Staff Present

Paulette Beiter, Esq.
J. Randel Hill, Esq.

A. Dismissals – Insufficient evidence

Ms. Foshee moved to dismiss the following investigations due to insufficient evidence of a violation of the *Act* or the *Rules*. Ms. Crawford seconded the motion and it passed. The BEC committee members did not participate in the vote.

1. Investigation Nos. 23-08-04L¹ and 23-08-05L¹
2. Investigation Nos. 23-07-04L¹ and 23-07-05L¹
3. Investigation Nos. 23-06-03L¹ and 23-06-04L¹
4. Investigation No. 23-08-06L¹

B. Other – The committee considered eight other matters during this meeting; however, these matters did not require Board action at this time.

- IX. Mr. Garcia, Technical Standards Review Committee Chair, reported on the following committee meetings:

September 27, 2023

Members Present

Douglas Koval, CPA
Jamie Grant
Debra Seefeld, CPA
Ex Officio Committee Chair
Juliet Williams, CPA
Sheila Vallés-Pankratz

Members Recused

Kimberly Crawford, CPA
Ray R. Garcia, CPA
Dilliana Stewart, CPA
Susan Warren, CPA

Staff Present

J. Randel Hill, Esq.
John Moore, Esq.

A. Dismissals – Insufficient evidence with a letter of comment

Ms. Espinoza- Riley moved to dismiss the following investigations due to insufficient evidence of a violation of the *Act* or the *Rules*. Ms. Foshee seconded the motion and it passed. The TSR committee members did not participate in the vote.

- Investigation Nos. 22-09-04L; 22-09-05L; 22-09-08L; 22-09-18L; 22-09-20L; 22-09-21L; 22-09-23L; 22-09-28L; 22-09-34L; 22-09-35L; 22-09-37L; 22-09-38L; 22-09-39L; 22-09-46L; 22-09-47L

B. Dismissals – Insufficient evidence

Ms. Merket moved to dismiss the following investigations due to insufficient evidence of a violation of the *Act* or the *Rules*. Ms. Adams seconded the motion and it passed. The TSR committee members did not participate in the vote.

- Investigation Nos. 22-09-01L; 22-09-06L; 22-09-09L; 22-09-12L; 22-09-13L; 22-09-14L; 22-09-15L; 22-09-26L; 22-09-27L; 22-09-30L; 22-09-32L; 22-09-41L; 22-09-48L; 22-09-49L; 22-09-50L; 22-09-52L; 22-09-53L

C. Other - The committee considered 20 other matters during its meeting; however, these matters do not require Board action at this time.

September 27, 2023

Members Present

Kimberley Crawford, CPA
Ray R. Garcia, CPA
Committee Chair
Jamie D. Grant
Douglas Koval, CPA
Dillianna M. Stewart, CPA
Sheila Vallés-Pankratz
Juliet Williams, CPA
Susan Warren, CPA

Staff Present

J. Randel Hill, Esq.
John Moore, Esq.

- The committee considered five matters separately from other complaint investigations during this meeting; however, these matters did not require Board action at this time.

X. The Board took the following actions on agreed consent orders (ACOs), administrative disciplinary actions, and a Proposal for Decision:

A. **AGREED CONSENT ORDERS (ACO)**
BEHAVIORAL ENFORCEMENT COMMITTEE (BEC)

Ms. Foshee moved to approve the following ACOs as presented. Mr. Garcia seconded the motion and it passed. The BEC Board members did not participate in the vote.

- Investigation No.: 19-06-01L¹**
Respondent: Jacob Joseph Roldan

Hometown: Santa Barbara, CA
Certificate No.: 099210

Respondent entered into an ACO with the Board whereby Respondent's certificate was conditionally reinstated and Respondent was placed on probated revocation for two years. In addition, Respondent must continue counseling/treatment and must participate in the Accountants Confidential Assistance Network.

Respondent's certificate was revoked by Board Order on November 14, 2019 after pleading no contest to the felony offense of Lewd Act Upon a Child under 18, and the misdemeanor offense of sexual battery.

TECHNICAL STANDARDS REVIEW COMMITTEE (TSR)

Mr. Koch moved to approve the following ACOs as presented. Ms. Foshee seconded the motion and it passed. The TSR Board members did not participate in the vote.

1. **Investigation No.: 22-12-06L²**
Respondent: Ernst & Young LLP
Rule Violations: 501.73, 501.90(8)
Act Violation: 901.502(6)

Hometown: Dallas, TX
Firm Lic. No.: P04513

Respondent Firm entered into an ACO with the Board whereby Respondent Firm was Reprimanded and ordered to pay an administrative penalty of \$3,000,000 and administrative costs of \$4,171 within 30 days of the date of the Board Order.

Respondent Firm was the subject of a Securities and Exchange Commission (SEC) Order in Administrative Proceeding File No. 3-20911 styled ***In the Matter of: Ernst & Young LLP*** issued on June 28, 2022. The SEC Order censured the Respondent Firm and assessed a civil penalty of \$100,000,000. The SEC Order stated that a significant number of Ernst & Young LLP audit professionals, including Ernst & Young LLP audit professionals licensed as Texas CPAs, cheated on the ethics component of the Certified Public Accountant (CPA) Exam, as well as on a variety of other examinations required to maintain their CPA licenses. As this was ongoing, Ernst & Young LLP withheld this misconduct from SEC staff investigating potential cheating at the firm. Ernst & Young LLP audit professionals' repeated cheating on exams and the firm's misrepresentations to the SEC violated ethics and integrity standards and discredited the accounting profession.

2. **Investigation No.: 23-06-05L²**
Respondent: Leslie Louise Jackson
Rule Violations: 501.90(2), 501.90(8), 501.90(13)
Act Violations: 901.502(6), 901.502(11)

Hometown: Bayfield, CO
Certificate No.: 053781

Respondent entered into an ACO with the Board whereby Respondent was Reprimanded and ordered to pay an administrative penalty of \$990 and administrative costs of \$786.52 within 30 days of the date of the Board Order.

Respondent violated the terms of an SEC Order by performing accounting work for a public company before her application for reinstatement before the SEC was considered by the SEC. Respondent also made a misrepresentation to the Board in her application for reinstatement of her certificate.

B. ADMINISTRATIVE DISCIPLINARY ACTIONS

Mr. Koch moved to approve the following Administrative Disciplinary Actions as presented. Ms. Warren seconded the motion and it passed unanimously.

1. **Respondents: In the Matter of Disciplinary Action Against Certain Licensees for Nonpayment of Licensing and Late Fees for Three Consecutive License Periods**

The Respondents failed to pay their licensing fees for three consecutive license periods. Respondents, although properly notified of the proposed disciplinary action and their right to a hearing on the matter, failed to request a hearing. Staff recommends that the certificate of each Respondent still not in compliance be revoked without prejudice. Each Respondent may regain his or her certificate by paying all license fees and late fees and by otherwise coming into compliance with the *Act*.

Respondents violated *Act Section 901.502(4) (failure to pay license fees for three consecutive years)*. (ATTACHMENT 5)

No Board committee considered these actions.

Investigation Numbers

1. 23-06-10001 - 23-06-10087
2. 23-07-10001 - 23-07-10073

2. Respondents: In the Matter of Disciplinary Action Against Certain License Holders for CPE Delinquencies

The Respondents failed to comply with CPE reporting requirements found in Chapter 523 of the *Rules* and *Act Section 901.411 (Continuing Professional Education)*. The Respondents, although provided with a preliminary report and having been notified of the proposed disciplinary action and their right to a hearing on the matter, failed to request a hearing. Staff recommends that the license of each Respondent still not in compliance be suspended for a period of three years, or until he or she complies with the licensing requirements of the *Act*, whichever is sooner. Additionally, staff recommends a \$100 penalty be imposed for each year a Respondent is not in compliance with the Board's CPE requirements. Respondents violated *Board Rules 501.94 (Mandatory CPE)* and *523.111 (Required CPE Reporting)*, and *Act Section 901.411*. (ATTACHMENT 6)

No Board committee considered these actions.

Investigation Numbers

3. 23-06-10088 - 23-06-10247
4. 23-07-10074 - 23-07-10233

3. Respondents: In the Matter of Disciplinary Action Against Certain Certificate Holders for Failure to Complete License Notice

The Respondents failed to complete their license renewal notices in accordance with *Board Rule 515.3 (License Renewals for Individuals and Firm Offices)*. Respondents, although properly notified of the proposed disciplinary action and their right to a hearing on the matter, failed to request a hearing. Staff recommends the certificate of each Respondent not in compliance be revoked without prejudice until such time as the Respondent complies with the requirements of the *Rules* and the *Act*. Respondents violated *Act Section 901.502(12) (Violations of Board Rules)*. (ATTACHMENT 7)

No Board committee considered these actions.

Investigation Numbers

5. 23-06-10248 - 23-06-10264
6. 23-07-10234 - 23-07-10243

C. PROPOSAL FOR DECISION

Ms. Espinoza-Riley moved to ratify the recommendations of the Administrative Law Judge in their Proposal for Decision, with the additional recommendations made by the staff. Mr. Garcia seconded the motion and it passed unanimously.

- **Investigation Nos.:** 23-06-05L & 22-06-06L¹
Respondents: Richard Francis Chesebro
& Richard F. Chesebro,
CPA, PC
Rules Violations: 501.74(a), 501.74(b)
Act Violations: 901.502(6), 901.502(11)
Hometown: Georgetown, TX
Certificate No.: 064497
Firm License No.: C08680

The BEC found that Richard Francis Chesebro and Richard F. Chesebro, CPA, PC failed to complete an engagement. The BEC offered Respondents an ACO whereby Respondents would be reprimanded and would agree to refund \$2,000 to the Complainant and pay \$905.48 in administrative costs. Respondents did not accept the offer.

Pleadings were filed with the State Office of Administrative Hearings and after a hearing with all parties present held on July 10, 2023, the State Office of Administrative Hearings Administrative Law Judge (ALJ) found that Respondent violated Board *Rules 501.74(a) and (b)* as well as *Sections 901.502(6) and 901.502(11)* of the Public Accountancy Act. The ALJ recommended to the Board that Respondent receive a reprimand, refund the \$2,000 retainer he received to the Complainant, and pay \$2,743.87 in administrative costs.

The ALJ recommendation did not include the costs accrued in taking Mr. Chesebro's deposition. The Board reviewed the staff Memorandum Regarding Proposal for Decision asking that the Board include the costs of the deposition. The Board agreed with the staff recommendation and added \$1,108.75 to the administrative costs. The administrative costs was revised to total \$3,852.62.

XI. Ms. Foshee moved to adopt the following Board *Rules* as presented. Mr. Koch seconded the motion and passed unanimously. **(ATTACHMENT 8)**

1. *Section 511.57 (Qualified Accounting Courses to take the UCPAE)*
2. *Section 527.5 (Deficient Reviews)*

XII. Ms. Seefeld reviewed the meeting schedule for the year.

XIII. Ms. Seefeld adjourned the meeting at 11:32 a.m.

ATTEST:

Debra D. Seefeld, CPA, Presiding Officer

Jeannette P. Smith, CPA, Secretary

¹Ms. Adams, Ms. Holup, and Mr. Koch recused themselves from participating in this matter.

²Ms. Crawford, Mr. Garcia, Mr. Grant, Ms. Vallés-Pankratz, and Ms. Warren recused themselves from participating in this matter.