

**MINUTES OF THE KANSAS BOARD OF ACCOUNTANCY
JUNE 23, 2023
9:00 AM
HYBRID MEETING**

1. ADMINISTRATIVE MATTERS:

A. CALL TO ORDER:

John Helms, CPA, Vice-Chair called the meeting to order. Other Board members in attendance were Jeff Bottenberg, Public Member; S. Lucky DeFries, Public Member; Aron Dunn, CPA; Jim Gillespie, CPA; Julie Spiegel, CPA; and Julie Wondra, CPA. Also in attendance was Susan L. Somers, Executive Director; Tim Resner, Disciplinary Counsel to the Board; Darin M. Conklin, General Counsel to the Board; Danielle Hologram and Rita Barnard, on behalf of the Kansas Society of CPAs; and Joyce Schartz, on behalf of the Public Accountants Association

B. CONSENT CALENDAR:

1-3. The Board reviewed the minutes of the May 23, 2023 meeting; certificates/permits to practice; firm registrations; and the May 31, 2023 financials. Mr. DeFries moved, and Mr. Gillespie seconded to approve the Consent Calendar. Upon a vote, the motion unanimously carried.

2. CPA EXAM:

A. CPA EXAM SCORES: The Board reviewed the CPA exam scores from May 9, 2023 to May 25, 2023. After discussion, Ms. Wondra moved, and Mr. Gillespie seconded to ratify the scores. Upon a vote, the motion unanimously carried.

B. JOSEPH HEATER REQUEST FOR WAIVER OF COURSE TO SIT FOR CPA EXAM: Mr. Heater appeared virtually to request a waiver pursuant to K.A.R, 74-2-7(h) of the upper division economics course requirement to sit for the CPA exam. After discussion, Mr. Gillespie moved, and Mr. Dunn seconded, to approve the request, based upon Mr. Heater's work experience. Upon a vote, the motion unanimously carried.

3. CPE/CERTIFICATES/PERMITS TO PRACTICE/PEER REVIEW/FIRM REGISTRATIONS:

A. Ms. Somers presented to the Board the list of firms with peer reviews either due or in process. No action was required to be taken.

B. Larson & Company, P.A. Firm Registration: Jack McInteer and Bill Daken, attorneys for Derry Larson (now deceased), along with Lorena Jensen, CPA; Karl Rump, CPA; and Margaret VanSkiver, EA, employees of Larson & Company, appeared before

the Board to discuss matters relating to firm names and registrations. No action was required to be taken.

C. MONICA R. KELLOGG, CPA, LLC REQUEST FOR EXTENSION OF PEER REVIEW: Ms. Kellogg appeared virtually before the Board to request an extension of her firm's Peer Review from June 30, 2023 to August 31, 2023, due to scheduling issues with her Team Captain. After discussion, Mr. Gillespie moved, and Ms. Wondra seconded to grant the extension to August 31, 2023. Upon a vote, the motion unanimously carried.

4. HEARINGS:

A. CHARLES ALLEN, CPA; CHARLES ALLEN, CPA, LLC CONTINUATION FROM MAY MEETING: Mr. Dunn, the investigative Board member assigned to this matter, recused himself. Mr. Allen did not appear for hearing. Mr. Gillespie moved, and Mr. Bottenberg seconded, that Mr. Allen is subject to sanction pursuant to K.S.A. 1-311(a)(8) premised on a willful violation of the rules of professional conduct, specifically K.A.R. 74-5-202 and K.A.R. 74-5-407, and further finds that Charles Allen, CPA is subject to sanction pursuant to K.S.A. 1-311(a)(14) for conduct reflecting adversely on his fitness to practice certified public accountancy. The Board further finds that Respondent Charles Allen, CPA, LLC is hereby subject to sanction pursuant to K.S.A. 1-312(a)(6) premised on a willful violation of a rule of professional conduct, specifically K.A.R. 74-5-402. For these reasons, the Board orders that Charles Allen, CPA's certificate and permit to practice certified public accountancy are hereby revoked; that Charles Allen, CPA pay a fine to the Board in the amount of \$2,500 within 10 calendar days of the effective date of the Board's Final Order, which shall not be paid by credit card; that Charles Allen, CPA pay to the Board costs, pursuant to K.S.A. 1-206, to include attorney's fees incurred by the Board through the use of independent contractors and the costs of transcribing this proceeding, the sum of which shall be determined upon motion to the Board and a hearing for the purposes of determining the appropriate costs. In addition, the Board censures both Respondent Charles Allen, CPA and Charles Allen, CPA, LLC and hereby revokes Charles Allen, CPA, LLC's firm registration. Respondent Charles Allen, CPA is ordered to return his Kansas certificate and permit to the Board office within 10 calendar days of the effective date of the Board's Final Order. Upon a vote, the motion carried, with Mr. Dunn not participating.

Mr. Bottenberg moved, and Ms. Wondra seconded, to issue a Protective Order prohibiting disclosure of those portions of the agency record where there is discussion or admission into evidence of peer review report documents. Upon a vote, the motion carried with Mr. Dunn not participating.

B. ELIJAH C. TUTTLE, CPA (CONTINUATION FROM THE MAY MEETING): Mr. Dunn, the investigative Board member assigned to this matter, recused himself. Mr. Tuttle appeared virtually. This matter was before the Board for a hearing requested by Mr. Tuttle after the issuance of a Summary Order. After discussion, Mr. Gillespie moved,

and Mr. DeFries seconded, for the Board to go into closed session to deliberate the matter. Upon a vote, the motion carried, with Mr. Dunn and Ms. Spiegel not participating.

When the Board reconvened, Mr. Gillespie moved, and Mr. Bottenberg seconded, that due to time constraints, the matter be continued to the July 19, 2023 meeting. Upon a vote, the motion carried, with Mr. Dunn and Ms. Spiegel not participating.

C. BRYAN ELMORE, CPA STIPULATION AND CONSENT ORDER: Mr. Helms, the investigative Board member assigned to this matter, recused himself. Mr. Elmore appeared virtually before the Board. This matter was before the Board for approval of a Stipulation and Consent Order arising from an investigation and subsequent determination that Respondent had been practicing without a valid permit to practice, committed an act discreditable to the profession and failed to notify the Board of a change of employer. The terms of the Stipulation and Consent Order required Respondent to appear before the Board; payment of a fine in the amount of \$750.00; reimbursement of costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees; and censure. After discussion, Mr. DeFries moved, and Ms. Wondra seconded, to approve the Stipulation and Consent Order. Upon a vote, the motion carried, with Mr. Helms and Ms. Spiegel not participating.

D. DOUGLAS L. FREEMAN, CPA; DOUGLAS L. FREEMAN, CPA, LLC STIPULATION AND CONSENT ORDER: Ms. Spiegel, who was not in attendance, was the investigative Board member assigned to this matter. Mr. Freeman appeared virtually and on behalf of his firm. This matter was before the Board for approval of a Stipulation and Consent Order arising from an investigation and subsequent determination that Respondent Freeman and Respondent Firm willfully violated a rule of professional conduct relating to the misidentification of a staff accountant employed by the Respondent Firm as a licensed CPA. The terms of the Stipulation and Consent Order required Respondents to appear before the Board; Respondent Freeman to pay a fine in the amount of \$1,000; Respondent Freeman and Respondent firm to pay costs pursuant to K.S.A. 1-206, to include attorney's fees and court reporter fees; and censure of both parties. After discussion, Mr. Gillespie moved, and Mr. Dunn seconded, to approve the Stipulation and Consent Order. Upon a vote, the motion carried, with Ms. Spiegel not participating.

5. OTHER:

A. Ms. Somers reported that the contract entered into with the Oklahoma Board of Accountancy utilizing their Peer Review Oversight Committee to oversee the administration of peer reviews for Kansas firms, was never initiated. There had been a change in leadership at the Oklahoma Board of Accountancy, and thus the contract was never implemented or utilized. It was also brought to the attention of Ms. Somers that the Oklahoma Board would need permission from the individual Kansas firms to access the firm's peer review information in PRIMA (the AICPA database used for Peer Reviews). This was never relayed to Ms. Somers during negotiation of the contract. Ms. Somers recommended that the contract be cancelled as of June 30, 2023. After discussion, Mr.

Gillespie moved, and Mr. Dunn seconded, to approve the cancellation of the contract. Upon a vote, the motion carried.

B. AAA CORRESPONDENCE REGARDING AICPA'S PIPELINE ACCELERATION PLAN: This information was disseminated to the Board as informational only relative to AAA's (American Accounting Association) response to the AICPA's release of a Draft Pipeline Acceleration Plan in an effort to address the shortage of CPAs and the effect it will have on the existing accounting programs. No action was required to be taken.

6. ADJOURN: Mr. Dunn moved, and Mr. DeFries seconded to adjourn the meeting. Upon a vote, the motion carried.

/s/ Susan L. Somers
Susan L. Somers, Executive Director