

NEVADA STATE BOARD OF ACCOUNTANCY
Minutes
July 18, 2017

An open meeting of the Nevada State Board of Accountancy was called to order at 8:15 A.M. by President, Nicola Neilon, July 18, 2017 at the offices of First Independent Bank, 5335 Kietzke Lane, 2nd Floor, Reno, Nevada.

Board Members Present:

| | | |
|--------------------------|------------------------------------|------------------|
| Nicola Neilon, President | Brian Wallace, Secretary/Treasurer | |
| Robert C. Anderson | Steven Brockovich | Michael E. Davis |
| Candace Johnson | L. Ralph Piercy | |

Board Staff Present:

Karen Peterson, Counsel
Viki A. Windfeldt, Executive Director
Leslie C. Walsh, Deputy Director

- A. Call to Order, Roll Call and Establish a Quorum
- B. **Public Comment Section:** In accordance with NRS 241.020 Public Comment will be taken prior to the beginning of the meeting.
Note: No one was present for this section of the public comment agenda item.

◆ ◆ ◆ ◆ CONSENT AGENDA ◆ ◆ ◆ ◆

The Consent Agenda contains matters of routine acceptance. The Board Members may approve the consent agenda items as written or, at their discretion, may address individual items for discussion or change.

- *1. Approval of Board Meeting Minutes *(For Possible Action)*
A. May 17, 2017 – Board Meeting Minutes
- *2. Approval of Applications for Certified Public Accountant – Non Appearance *(For Possible Action):*
- | | | | |
|----------------|------------------|----------------------|------------------|
| Kenneth Bezich | Michael Cen | Daniel Crossman | Heather Domenici |
| Janae Downey | Robin Farrell | Sheila Grain | Elaine Gregory |
| Ryan Gutierrez | Natalie Keller | Shamiso Machingaidze | |
| Matthew Main | John O'Malley | Hitesh Ratnani | Tasha Reisz |
| Nathan Riggle | Margaret Ruebush | Aleyda Salinas | Michael Smith |
| Ariane Tesdal | Kevin Wong | Mi Yoo | |
- *3. Approval of Change to License Status *(For Possible Action):*
- | | | |
|------------------|--------------------|--------------------|
| Retired Status: | Agnes Benis | Mark Gamett |
| | Kevin Malley | S. Gordon Simmonds |
| Inactive Status: | Jeffrey Mohlenkamp | |
- *4. Approval of Finances *(For Possible Action)*

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- *5. Approval of Fictitious Name Use (*For Possible Action*)
 - A. Black Rock Consulting LLC
 - B. Tax Bug
 - C. Tax & Advisory Services PC

*6. Nothing scheduled for this agenda item.

*7. Nothing scheduled for this agenda item.

The consent agenda and supporting documents were reviewed by the Board. Motion was made, seconded and carried to approve the consent agenda items. Board Member Ralph Piercy abstained from voting on Applications for Certified Public Accountant for Ariane Tesdal and Michael Chen.

◆ ◆ ◆ ◆ REGULAR AGENDA ◆ ◆ ◆ ◆

Agenda Item 8: Grievance Report and Grievance Matters (*For Possible Action*)

Note: NRS 241.020 requires the Board to list individuals that may have administrative action taken against them in connection with the Board's disciplinary grievance report. The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health for any of the grievances filed with or disciplinary action considered by the board.

- A. Review of Grievance Report (*For Possible Action*)

Motion was made, seconded and carried to close complaint matter I2017.009 based on lack of jurisdiction and cause.

Motion was made, seconded and carried to close complaint matter F2017.001 based on assurances provided by the firm.

Board Member Nicola Neilon abstained from voting on the above complaint matters.

- B. Board Review and Determination on Stipulated Findings of Fact, Conclusions of Law, Disciplinary and Consent Order for Kyle L. Tingle, CPA, Kyle L. Tingle Tax & Bookkeeping, LLC, and Kyle L. Tingle, CPA LLC (*For Possible Action*):

Motion was made, seconded and carried to approve the following provisions of the Stipulated Findings of Fact, Conclusions of Law, Disciplinary and Consent Order:

1. TINGLE's Certified Public Accountant's Certificate No. 1629R and TINGLE LLC's registration LLC-0437 shall be placed on probation for a period of two (2) years from the date of this Consent Order.
2. TINGLE, TINGLE LLC and TINGLE CPA LLC shall comply with the PCAOB order and decision.
3. TINGLE, TINGLE LLC and TINGLE CPA LLC shall receive formal letters of reprimand.
4. TINGLE will complete 16 hours of continuing education in the area of Accounting & Auditing as part of the regular required annual continuing education by December 31, 2017 and provide copies showing completion with his 2018 annual renewal.

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Agenda Item 8B Continued

5. TINGLE will not associate with any issuer with regard to attest matters, as defined in Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78(c)), during the probationary period.
6. TINGLE and TINGLE CPA LLC will forward copies of any correspondence with the PCAOB to the Board during the probationary period within 10 days of its date.
7. TINGLE and TINGLE LLC will provide a report to the Board within 30 days of the Board's Consent Order detailing the public accounting attest services provided by TINGLE and TINGLE LLC to their clients and a list of their attest clients.
8. If performing attest services for non-public clients, TINGLE and TINGLE LLC agree to pre-release reviews by a licensed certified public accountant for any attest work as defined in NRS 628.005 from the date of issuance of the Board's Consent Order until the probationary period ends. The cost of the pre-issuance reviews shall be borne by TINGLE and TINGLE LLC. The certified public accountant preparing the pre-issuance reviews for TINGLE and TINGLE LLC shall be approved by the Board. TINGLE and TINGLE LLC shall submit engagement quality review reports to the Board within thirty (30) days of the issuance of each report.
9. TINGLE and TINGLE LLC shall obtain a peer review by the date required by the AICPA, with enrollment and peer review information and their peer review report due as required by the AICPA. TINGLE LLC shall submit copies of its enrollment form, acceptance letter and peer review report within 10 days of its date. TINGLE and TINGLE LLC agree to provide copies of all of their Nevada Peer Review documentation from their peer review administering entity within 10 days of the receipt of the document.
10. The discipline imposed on TINGLE LLC and TINGLE CPA LLC shall be binding upon and apply to any successors or assigns if such successors or assigns include TINGLE as an owner, member, manager, principal or person who has supervisory authority over accounting or attest matters.
11. TINGLE, TINGLE LLC and TINGLE CPA LLC shall pay a fine of \$2,000.00 and pay the Board's attorney's fees of \$2,901.25 and court reporter fees of \$170.00 associated with this Consent Order and previous Complaint and Order to Show Cause issued by the Board within 30 days of the date of this Consent Order.
12. The failure of TINGLE, TINGLE LLC and TINGLE CPA LLC to comply with any of the terms and conditions of these Stipulated Findings of Fact, Conclusions of Law, Disciplinary and Consent Order shall result in the immediate revocation of KYLE TINGLE's CPA Certificate No. 1629R, KYLE L TINGLE TAX AND BOOKKEEPING L.L.C.'s registration LLC-0437 and KYLE L. TINGLE, CPA, LLC's inactive registration LLC-0118 without any further action or proceeding before the Board.
13. This Decision will be published in accordance with NAC 628.450.

Note: Board Members Brian Wallace and Nicola Neilon abstained from the vote.

Agenda Item 9: Report of Legal Counsel (*For Possible Action*)

A. Legislative Update

Legal counsel provided the Board with an update to the final bills that made it through the 2017 Legislative Session.

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Agenda Item 10: Report of Executive Director *(For Possible Action)*:

A. NASBA Regional Meeting Follow Up

The Board was provided with a brief summary of the items that were discussed at the NASBA Regional conference.

B. Board Travel Policy Approval

The Board was provided with an amended Travel Policy that includes additional language for travel by the Board's investigators. Motion was made, seconded and carried to approve the policy as provided.

C. Experience Requirement Discussion

The Board was provided with experience documentation from an internal audit department of a mining company. The Board reviewed the information provided and agreed that it would meet the experience requirements for licensure.

D. Board Pre-Release Review Guidelines

The Board was provided with the amended Pre-Release Review Guidelines. Motion was made, seconded and carried to approve the finalized document.

E. Society Response to Peer Review Evolution

The Board was provided with the Nevada Society of CPAs response to Peer Review Evolution.

F. University Request for Board Payment of Additional Reporting

The Board was provided with the request from the University of Nevada Reno for assistance in paying for the NASBA Candidate Report. The Board was advised that payment was approved for UNLV. Motion was made, seconded and carried to approve the expense associated with the development of the report for UNR.

G. Board Update on Insurance Policy Reviews

The Board was provided with an update to the Insurance Policy review that is being performed by Jim Whitmire.

H. Board Communication Update

The Board was provided with an update to the recent communication information NASBA has sent out on behalf of the Board. In lieu of a newsletter the Board will be sending out more timely information based on various topics.

Agenda Item 11: Board Request for CPA Examination Extension *(For Possible Action)*

A. Ibeth Bojorquez

The Board was provided with information from Ibeth Bojorquez requesting an extension of time to complete the examination based on personal hardship. Based on the information provided, motion was made, seconded and carried to deny the request of Ms. Bojorquez.

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Agenda Item 12: Board Application for CPA Certification (*For Possible Action*)

A. Emily Dacanay

The Board reviewed the application for certification of Ms. Dacanay. Based on the information provided, motion was made, seconded and carried to approve the application for certification.

Agenda Item 13: Board request to rescind previous Board revocation action: (*For Possible Action*)

A. Tabitha Carlisle based on Compliance **Appearance 10:00 AM**

Ms. Carlisle came forward to discuss the issue related to the Board's previous revocation of her CPA license. Ms. Carlisle summarized the issues and requested Board consideration to rescind the prior revocation. Motion was made, seconded and carried approve the request and reinstate the CPA license of Ms. Carlisle and waive the penalty associated with the prior revocation based on reasonable cause.

B. Curt Mayer based on the passing of Mr. Mayer

Executive Director informed the Board that Mr. Mayer's CPA license was previously revoked for failure to renew the license. Following the revocation, the Board was notified that Mr. Mayer had passed away. Staff is requesting the Board rescind the revocation due to Mr. Mayer's passing. Motion was made, seconded and carried to approve the request and rescind the prior Board action.

Agenda Item 14: Board Review of Proposed Regulation Language (*For Possible Action*)

The Board was provided with draft amended language to Nevada Administrative Code Chapter 628. The amended language was reviewed by the Board. Further discussion was held regarding the experience requirement for licensure. Based on the information provided, motion was made, seconded and carried to begin the regulation change process.

Agenda Item 15: President's Report (*For Possible Action*)

Nothing discussed under this agenda item.

Agenda Item 16: Next Board Meeting: September 20, 2017, Las Vegas, Nevada

C. **Public Comment Section:** In accordance with NRS 241.020 Public Comment will be taken prior to the adjournment of the meeting.

Note: No one was present for this section of the public comment agenda item.

Anna Durst with the Nevada Society of CPAs provided some information on peer review matters and PROC development.

D. Adjournment