

NEVADA STATE BOARD OF ACCOUNTANCY

Minutes

November 20, 2009

An open meeting of the Nevada State Board of Accountancy was called to order at 9:00 A.M. by President, Glenn D. Bougie, on Friday, November 20, 2009 at the First Independent Bank Building, 5335 Kietzke Lane, Second Floor, Reno, Nevada.

Board Members Present:

Glenn D. Bougie, President

Colleen M. Bacchus

Harry O. Parsons

Lynda Hartzell

Patrick M. Thorne

Lisa L. Milke

Board Members Absent:

Felicia O'Carroll, Secretary/Treasurer

Board Staff Present:

Karen Peterson, Counsel

Viki A. Windfeldt, Executive Director

Leslie C. Walsh, Board Coordinator

◆ ◆ ◆ ◆ 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 September 18, 2009 Board Meeting Minutes
- *2. Approval of Applications for Certified Public Accountant – Non Appearance
 - Greg Anderson Michael Anderson Kirstin Anderson Shelley Anderson
 - Kelly Bullis Li Chen Mary Estrella Benjamin Faulk
 - Esther Fisher Geoffrey Hill Robert Holder Rebeca Haugeberg
 - Matthew Leary Maja Leventis Brandon Long Cameron Menteer
 - Steven Myones Todd Newman Anthony Parsons Paul Price
 - Allison Posey Scott Rader Jessica Sayles Crystal Sunbury
 - Kirk Thorell
- *3. Approval of Change to License Status: Retired Status
 - A. John F. Rhodes, Jr. B. Ronald Willhite
- *4. Approval of Finances:
 - A. Treasurer's Report
- *5. Approval of CPA Examination Scores July August 2009
- *6. Approval of Fictitious Name
 - A. Accounting in Motion for Community Associations LLC

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7. No Items Scheduled for this Agenda Item

The consent agenda and supporting documents were reviewed by the Board. Motion was made, seconded and carried to approve consent items 1-6. The following Board Members abstained from voting on Approval of Applications of Certified Public Accountant for the following applications: Colleen Bacchus from Kirstin Anderson, Maja Leventis and Allison Posey and; Patrick Thorne & Felicia O'Carroll from Benjamin Faulk, Brandon Long and Scott Rader.

◆ ◆ ◆ ◆ REGULAR AGENDA ◆ ◆ ◆ ◆

Agenda Item 6 Approval of Fictitious Name
B. Alliance CPA

Motion was made, seconded and carried to approve Alliance CPA Services as a Fictitious name.

Agenda Item 8: Grievance Report and Grievance Matters.

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 the board.

Agenda Item 8A: Review of Grievance Report: **10:00 AM**
A. Bonnie Houldsworth by Telephone Conference to discuss investigation matters.

Motion was made, seconded and carried to go into closed session to discuss grievance matters.

Upon resumption of the open session, motion was made, seconded and carried to close complaint matter S-09-1 based on lack of cause.

Motion was made, seconded and carried to approve the extension of time to provide information until December 20, 2009, in complaint matter S-09-8. Board member Patrick Thorne abstained from the vote.

Motion was made, seconded and carried to close complaint matter S-09-11 based on lack of cause.

Motion was made, seconded and carried to file a formal complaint in matter S-09-13.

Motion was made, seconded and carried to send a letter requesting the licensee's appearance at the January 2010 Board meeting, in complaint matter S-09-15.

Motion was made, seconded and carried to close complaint matter S-09-14 based on lack of cause.

Agenda Item 8 (Cont.)

Motion was made, seconded and carried to request a copy of the settlement agreement, in complaint matter F-08-9.

Motion was made, seconded and carried to close complaint matter F-09-3 based on the firm's response and lack of cause. Board member Colleen Bacchus abstained from the vote.

Agenda Item 8B: Recess into a closed session Full Board Disciplinary Hearing against the following: **11:00 AM**

- A. Michael J. Moore, CPA
- B. Moore & Associates
- C. MJ Moore & Company

Motion was made, seconded and carried to go into closed session to conduct a full board disciplinary hearing against the above named.

Agenda Item 8C: Reconvene into open session for Board Determination of the matters concerning the above.

Upon resumption of the open session, motion was made, seconded and carried to revoke the individual CPA license of Michael J. Moore, CPA-3453R based on the disciplinary hearing held and the findings of the PCAOB and US Securities & Exchange Commission. In addition, the firm registrations of Moore & Associates and MJ Moore & Company are also revoked from further practice as public accounting firms. Mr. Moore was ordered to return his wall certificate and a fine was assessed of \$5,000 for each violation for a total of \$25,000, plus attorneys fees and costs associated with the hearing. The decision of the Board will be published in accordance with NAC 628.450 and notification of the revocation will be sent to the Texas Board of Accountancy, PCAOB, AICPA and the SEC.

Agenda Item 9: Report of Counsel

Nothing was discussed or reported under this agenda item.

Agenda Item 10: Report of Executive Director

A. Review of Certificate of Attest Experience Program Procedures
This item was tabled for further review at the Board's next scheduled meeting.

B. Disciplinary publication consideration
Executive Director provided the Board with information pertaining to the publication of disciplinary actions taken by the Board. The Board discussed the publication of their decisions and determined that additional publications in the future would include press releases, and would be limited to disciplinary actions for cause only.

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Agenda Item 10 (Cont.)

C. NASBA Annual Meeting Follow Up

Executive Director provided a summary of the NASBA annual meeting. The primary topic of interest was the Public Records Request issues in Washington. The Board was provided with information pertaining to Nevada's public record laws and the record retention schedules. The Board discussed the matter and determined that the regulations should be changed and a policy developed, that gives the Board the ability to charge for copies of documents and staff time.

D. NASBA Regional Directors Focus Questions

Executive Director provided the Board with the NASBA Regional Directors Focus Questions. The Board provided feedback as to the questions and appropriate responses.

E. Board Determination of Accounting Course Elective

Executive Director provided the Board with information concerning the 150 hour educational requirement, specifically the accounting elective section. The University of Nevada Reno has requested Board determination if IS 365 Business Processes and Information Systems Integration could be considered as an accounting elective. The Board reviewed the information provided and motion was made, seconded and carried to approve the accounting elective as long as the content of the course does not materially change.

Agenda Item 11: Approval of Board Audited Financial Statements FY 08/09 as prepared by Kohn Colody LLP

A. Beth Kohn-Cole, CPA

9:30 AM

Beth Kohn-Cole, CPA of Kohn Colodny LLP came forward to discuss the Board's Financial Statement Audit for fiscal year 08/09. The Board reviewed the financial statements and asked a variety of questions of Ms. Kohn-Cole. Motion was made, seconded and carried to approve the Financial Statements for FY 08/09 as prepared by Kohn Colodny LLP.

Agenda Item 12: Board Request for Extension of Credit for the CPA Examination:

A. Dann Battistone

The Board was provided with a request for extension of Credit for the CPA Examination by Dann Battistone. Staff summarized the request of Mr. Battistone for the Board. The Board reviewed the material and motion was made, seconded and carried to deny the request for an extension of credit.

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Agenda Item 13: Board Determination of Applications for CPA Certification:

A. Colleen Woolley

Board staff summarized the issues pertaining to the Application for CPA Certification for Colleen Woolley. The Board reviewed the information provided. Motion was made, seconded and carried to deny the application based on her experience not meeting Nevada's requirements. Board members Colleen Bacchus and Lynda Hartzell abstained from the vote.

B. Tonglin Yue

Board staff summarized the issues pertaining to the Application for CPA Certification for Tonglin Yue. The Board reviewed the information provided. Motion was made, seconded and carried to deny the application based on her experience not meeting Nevada's requirements.

Agenda Item 14: Board Approval of Individual Review of Experience Report as provided by Bonnie Houldsworth.

The Board reviewed the Individual Review report for Renee Jaenicke of Renown as prepared by Bonnie Houldsworth. Ms. Houldsworth was in attendance via telephone conference to answer any questions the Board may have regarding the individual review. The Board asked Ms. Houldsworth a variety of questions in connection with her review. Motion was made, seconded and carried to approve the report as provided. The Board will consider Ms. Jaenicke's application for CPA Certification, upon completion of the additional continuing education courses required.

Agenda Item 15: Board Review and Approval of Proposed Changes to:

A. Nevada Administrative Code (NAC) Chapter 628

This item was removed from the agenda.

Agenda Item 16: Recommendation of Hearing Officer in Complaint Matter against David Mowery

In connection with a hearing held against David Mowery on November 17, 2009 for failure to provide the required documentation in the audit of Mr. Mowery's continuing education for calendar years 2007 and 2008.

Motion was made, seconded and carried to approve the recommendation of Hearing Officer Felicia O'Carroll to revoke the license of David Mowery and assess a fine of \$500 plus attorneys fees and costs associated with the hearing. Hearing Officer Felicia O'Carroll abstained from the vote.

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Agenda Item 17: Report of President:

Board President Bougie discussed the Board's 2010 meeting scheduled. Mr. Bougie has a conflict with the July board meeting date and requested possible change to the schedule.

Mr. Bougie raised the issue of possible policy concerning Board member, staff or legal counsel responses to licenses and/or the general public. Recommendation to utilize disclaimers regarding the responses provided by the Board was made. The Board discussed the matter and determined that those individuals would be referred to the AICPA's Code of Professional Conduct or to the AICPA's hotline.

Agenda Item 18: Public Comment 1:00 PM

No discussion was held under this agenda item.

Agenda Item 19: Next Board Meeting: January 19, 2010 Las Vegas