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## New Mexico Regulation and Licensing Department

BOARDS AND COMMISSIONS DIVISION

### New Mexico Public Accountancy Board

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## MINUTES

Board Meeting

April 21, 2015

### BOARD MEMBERS IN ATTENDANCE:

Mr. C. Jack Emmons, Chairman, CPA  
Mr. Patrick Stewart, Vice Chair  
Ms. Maria Cassimus, CPA  
Mr. William Golden, Secretary  
Mr. Ben Roybal, Public Member  
Mr. Dennis Houston, Treasurer  
Mr. Farley Vener, CPA

### BOARD STAFF IN ATTENDANCE:

Ms. Jennifer N. Baca, Executive Director  
Ms. Jeanette Contreras, Licensing Administrator  
Mr. Ernest Santucci, Investigator  
Mr. Jonathan Giron, Administrative Assistant

### ATTORNEY GENERAL'S OFFICE STAFF IN ATTENDANCE:

Mr. Roscoe Woods, AAG, Board Counsel

### PUBLIC IN ATTENDANCE:

Mr. Brian Colon  
Mr. Robert Widmann, CPA

### PLACE & TIME:

The New Mexico Public Accountancy Board held a Board Meeting on April 21, 2015- 9:00 a.m., in the RLD Conference Room, 5200 Oakland Ave. NE, Albuquerque, NM 87113.

### 1. CALL TO ORDER; ROLL CALL; INTRODUCTION OF GUESTS

Chairman Mr. Jack Emmons called the meeting to order at 9:04 a.m. Roll call was taken: Chairman Emmons, Ms. Maria Cassimus, Mr. Patrick Stewart, Mr. Ben Roybal and Mr. Dennis Houston were present at this time. Board members not present at this time were: Mr. William Golden and Mr. Farley Vener.

### 2. REVIEW AND APPROVAL OF AGENDA

A motion to approve the agenda was made by Ms. Cassimus and seconded by Mr. Roybal.

The Board voted unanimously to pass the motion.

### **3. APPROVAL OF MINUTES FROM FEBRUARY 10, 2015 REGULAR BOARD MEETING**

A motion was made by Mr. Stewart and seconded by Mr. Houston, to approve the minutes of the February 10, 2015 regular Board Meeting.

The Board voted unanimously to pass the motion.

### **4. ANNUAL EVENTS & UPDATES**

- **33<sup>rd</sup> Annual ED Conference, – Update the Board with topics discussed**
- **Western Regional Meeting, Coronado, CA – June 17-19, 2015**
- **108<sup>th</sup> Annual Meeting, Dana Point, CA – October 25-28, 2015**

Ms. Baca updated the Board on the trends and topics discussed at NASBA's Annual ED Conference.

### **5. OVERVIEW OF US SUPREME COURT DECISION IN ANTITRUST CASE**

- ***US Supreme Court Ruling in North Carolina State Board of Dental Examiners v. FTC***

Ms. Baca supplied the Board with a PowerPoint on the specifics of the Antitrust Case. Mr. Woods stated the Supreme Court decision would not be applicable to the NM Public Accountancy Board, due to the difference in structure, makeup of the Board, and State Government oversight.

### **6. PEER REVIEW INFORMATION**

- **AICPA Practice Monitoring Peer Review Programs**
- **NASBA's "Failed" Peer Review Reports Guidance**

Chairman Emmons informed the Board of AICPA's upcoming Practice Monitoring Peer Review programs and how the program may impact the New Mexico jurisdiction. Also, discussed were NASBA's recommended guidance for "failed" Peer Review programs. Chairman Emmons recommended the Peer Review guidance be discussed in depth at the next Rules Committee.

*Mr. William Golden arrived at the Board Meeting at 9:25 a.m.*

### **7. SWEARING IN CEREMONY**

- **Ceremony dates for 2015: May 13<sup>th</sup> and November 18<sup>th</sup>**
- **Board Member Attendance for May 13<sup>th</sup>, 2015**
- **Keynote Speaker, Tim Keller**

Ms. Baca informed the Board of the Board Meeting dates for the year of 2015. Mr. Houston, Ms. Cassimus, Mr. Golden, and Mr. Stewart will all be in attendance for the May 13<sup>th</sup>, 2015 Swearing In Ceremony.

#### **8. RULEMAKING DRAFTS FROM RULES COMMITTEE**

- **Review and Approval of Draft Language Developed by the Rules Committee for Proposed Amendments to Board NMAC's**
- **Approval to publish notice of Rulemaking Public Hearing**
- **Discussion of AICPA NMAC proposed change comments**

Chairman Emmons updated the Board on the Rules Committee recommendations. Chairman Emmons wanted to publicly thank Mr. John Carey, Ms. Donna Peace, Mr. Norman Colter, and the Board's staff for all their hard work with the Committee meetings.

A motion was made by Mr. Stewart and seconded by Mr. Golden, to publish the Rules Hearing Notice in State Register and Albuquerque Journal.

The Board voted 5-0 to pass the motion, with Mr. Ben Roybal abstaining from the vote and Mr. Farley Vener not present for the vote.

#### **9. UNIFORM CPA EXAMINATION ISSUES**

- **CBT Data for New Mexico**
- **Candidate Performance Data for January/February 2015 Testing Window**

Mr. Emmons commented on CPA examination statistics rising and the exam results of the First Quarter of 2015.

#### **10. REQUESTS FOR EXTENSION OF CPA EXAMINATION TIME**

- **Request by Rebecca Gregg for an Extension of Credit AUD till 04/30/2015 (expired on 10/19/2014) –**  
A motion was made by Ms. Cassimus and seconded by Mr. Roybal, to approve Ms. Gregg's an extension of time of the AUD portion of the CPA exam till April 30, 2015.

The Board voted unanimously to pass the above motion for an extension of credit for the above applicant.

#### **11. EXECUTIVE SESSION**

Chairman Emmons moved to enter into executive session. The executive session will be held in accordance with NMSA 1978, Sections 10-15-1 (H) (1) for the limited purpose of:

- Consideration of Case No. 2014-12
- Consideration of Complaint Committee recommendations in the following cases:
  - Case No. 2014-75
  - Case No. 2015-04
  - Case No. 2015-05
  - Case No. 2015-06
  - Case No. 2015-07
  - Case No. 2015-08
  - Case No. 2015-09
  - Case No. 2015-10
  - Case No. 2015-11

- Case No. 2015-12
- Proposed Case Closures:*
- Case No. 2014-15
- Case No. 2014-46
- Case No. 2014-47
- Case No. 2014-48
- Case No. 2014-55
- Case No. 2014-56
- Case No. 2014-57
- Case No. 2014-58
- Case No. 2014-59
- Case No. 2014-60
- Case No. 2014-63
- Case No. 2014-65
- Case No. 2014-67
- Case No. 2014-68
- Case No. 2014-71
- Case No. 2014-73
- Case No. 2015-01
- Case No. 2015-02

*Applications*

- Applicant #951746

*Other Circumstances:*

- Case No. 2015-03

A motion was seconded by Ms. Cassimus, to enter into executive session. A roll call vote was taken. Roll call vote: Chairman Emmons-yes, Mr. Houston-yes, Mr. Golden-yes, Ms. Cassimus-yes, Mr. Roybal-yes and Mr. Stewart-yes, to pass the motion.

The members entered Executive Session at 9:55 A.M.

*Mr. Farley Vener arrived at 10:35 A.M., during Executive Session.*

## 12. BOARD DECISIONS

The Board returned from executive session at 12:10 a.m. Chairman Emmons stated that the only items discussed in the executive session were the cases listed on the agenda. A roll call vote was taken by Ms. Baca: Chairman Emmons, Mr. Patrick Stewart, Mr. William Golden, Mr. Ben Roybal, Mr. Farley Vener, Mr. Dennis Houston and Ms. Maria Cassimus were present. A motion was made by Mr. Stewart and seconded by Ms. Cassimus, to exit of executive session.

- **Consideration of Case No. 2014-12** - A motion was made to Close Case by Mr. Stewart and seconded by Ms. Cassimus.
- **Complaint Committee Recommendations:** A motion was made and read by Mr. Stewart and seconded by Ms. Cassimus, to accept the recommendations of the following cases:
  - Case No. 2014-75                      Dismiss Case.
  - Case No. 2015-04                      Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$50 fine by 05/31/2015.

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- Case No. 2015-05 Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$200 fine and completion of 4 Ethics CPE hours 05/31/2015.
- Case No. 2015-06 Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$150 fine by 05/31/2015.
- Case No. 2015-07 Dismiss Case.
- Case No. 2015-08 Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$225 fine by 05/31/2015 And include 20 CPE hour minimum advisory letter.
- Case No. 2015-09 Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$450 fine and completion of 13 CPE hours by 06/15/2015.
- Case No. 2015-10 Issue NCA; defer issuance pending acceptance of a Pre-NCA Stipulated Agreement: a payment of a \$200 fine and completion of 4 Ethics CPE hours 05/31/2015.

*Proposed Case Closures:*

- Case No. 2014-15 Close Case.
- Case No. 2014-46 Close Case.
- Case No. 2014-47 Close Case.
- Case No. 2014-48 Close Case.
- Case No. 2014-55 Close Case.
- Case No. 2014-56 Close Case.
- Case No. 2014-57 Close Case.
- Case No. 2014-58 Close Case.
- Case No. 2014-59 Close Case.
- Case No. 2014-60 Close Case.
- Case No. 2014-63 Close Case.
- Case No. 2014-65 Close Case.
- Case No. 2014-67 Close Case.
- Case No. 2014-68 Close Case.
- Case No. 2014-71 Close Case.
- Case No. 2014-73 Close Case.
- Case No. 2015-01 Close Case.
- Case No. 2015-02 Close Case.

*Applications:*

- Applicant #951746 Issue License.

**The Board voted unanimously to pass the motion for all the Complaint Committee recommendations, with the exception of Case No. 2015-11 and 2015-12.**

- Case No. 2015-11 Remanded to Complaint Committee for further investigation, fact finding, and gather all necessary information.
- Case No. 2015-12 Issue a letter to respondent, advising of the Peer Review Requirements and next Peer Review must be mailed into the Board's office.

**For Case No. Case No. 2015-11 and 2015-12: A motion was made by Mr. Stewart and seconded by Ms. Cassimus, to accept the above terms. The Board voted 6-0 to pass the motion, with Mr. Roybal abstaining from voting on the motion.**

A motion was made and read by Ms. Cassimus and seconded by Chairman Emmons, to accept the following:

*Other Circumstances:*

- Case No. 2015-03      After Respondent has completed all the licensing requirements of CPA License Reinstatement, to close the case.

**The Board voted 6-0 to pass the motion, with Mr. Stewart abstaining from voting on the motion.**

**13. UPCOMING BOARD MEETING DATES FOR 2015:**

- May 13, 2015- Swearing In Ceremony
- June 9, 2015
- August 11, 2015
- October 20, 2015
- November 18, 2015- Swearing In Ceremony
- December 8, 2015

**14. ADJOURNMENT**

A motion was made by Mr. Roybal and seconded by Ms. Cassimus, to adjourn the meeting at 12:20 p.m.

The Board voted unanimously to pass the motion to adjourn.



C. Jack Emmons, CPA, Chairman



William Golden, Secretary

PATRICK P. STEWART  
VICE CHAIRMAN