



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
New Mexico Public Accountancy Board

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New Mexico Public Accountancy Board
REGULAR BOARD MEETING/RULE HEARING

Tuesday, August 11, 2015 9:00 a.m.

RLD-Main Conference Room
5200 Oakland Ave. NE
Albuquerque, New Mexico 87113

BOARD MEETING MINUTES

I. CALL TO ORDER

At 9:06 a.m. Board Chair, C. Jack Emmons, CPA, called the New Mexico Public Accountancy Board Meeting to order.

II. ROLL CALL

MEMBERS PRESENT:

C. Jack Emmons, CHAIR, CPA, Professional Member
Dennis Houston, SECRETARY, Professional Member
William Golden, CPA, TREASURER, Professional Member (Entered Meeting at 9:09am)
Farley Vener, CPA, Professional Member
Ben Roybal, Public Member

MEMBERS NOT PRESENT:

Patrick P. Stewart, VICE CHAIR, Public Member
Maria Cassimus, CPA, Professional Member

OTHERS PRESENT:

Susan Sullivan, Assistant Attorney General

STAFF PRESENT:

Brian McBain, Acting Executive Director
Jeanette Contreras, Licensing Manager
Jessica Chavez-Lance, Licensing Specialist
Ernest Santucci, Investigator

III. APPROVAL OF AGENDA

August 11, 2015, Board Meeting Agenda

Ben Roybal made a **MOTION** to approve the August 11, 2015, Board Meeting Agenda with changes moving item #8 to #9 and moving item #9 to #8. Dennis Houston, CPA **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

IV. APPROVAL OF MINUTES

June 09, 2015, Board Meeting Minutes

Farley Vener, CPA made a **MOTION** to approve the June 09, 2015, Board Meeting Minutes with changes making listing Board Member Dennis Houston as the Secretary of the Board. Dennis Houston, CPA **SECONDED** the motion which was **PASSED** by **UNANIMOUS APPROVAL**.

V. ANNUAL EVENTS AND UPDATES

- a. C. Jack Emmons, CPA, updated the Board on the meeting he attended for the Western Regional in June 2015.
- b. C. Jack Emmons, CPA reported that the NASBA 108th Annual Meeting will take place in Dana Point, CA. on October 25 thru the 28 in 2015. Patrick Stewart has expressed interest and will attend this meeting on behalf of the Board.

VI. PAB UPDATES

- a. Mr. Brian McBain stated that the Board office has successfully moved to 5500 San Antonio Dr. NE, Suite A, Albuquerque, NM. 87109. The computer and phones systems are operational. Business has resumed to normal operations with minor issues that are being addressed. The phone numbers and fax number will remain the same.
- b. Mr. Brian McBain stated that the Executive Director position is scheduled to be posted sometime this week and will be available to apply via the State of New Mexico SPO website. Mr. Brian McBain will be Acting Executive Director until relieved of this position.

VII. AICPA UPDATES

- a. C. Jack Emmons reported that the Board should read and consider the AICPA Exposure Draft on their own time and collaborate a response on behalf of the Board that can be discussed at a later meeting.

VIII. UNIFORM CPA EXAMINATION ISSUES

- a. Ms. Jeanette Contreras reported that 39% of test takers in New Mexico passed the exam, this ranks New Mexico 49 out of 53 in the nation.
- b. Ms. Jeanette Contreras reported that the average test score was 68.7 for the testing period of April to May 2015. This ranks our New Mexico test takers 52 out of 53, with the highest average age of taking the test at 33.4 years. Mr. C. Jack Emmons, CPA reported that this could be the amount of time people wait to take the test, the longer you wait the poorer you do on this exam, he also stated that the foreign standards of education are not up to US standards.
- c. Concerning the request of Anuradha Moharil on an extension of CPE Programs:

William Golden, CPA, made a **MOTION** to grant a six month extension up to the date of 11/7/2015. Farley Vener, CPA **SECONDED** the **MOTION**, after the discussion between the Board, William Golden, CPA made a **MOTION** to **WITHDRAW** the previous motion. Farley Vener, CPA **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL**.

William Golden, CPA, made a **MOTION** to deny the request for extension. Farley Vener, CPA **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL**.

IX. EXECUTIVE SESSION

C. Jack Emmons, CPA, made a **MOTION** that The New Mexico Public Accountancy Board enter into Executive Session to discuss the items listed in the agenda pursuant to the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal and revocation of a license. Ben Roybal **SECONDED** the motion.

Roll Call Vote:

YES C. Jack Emmons, CPA
YES William Golden, CPA
YES Dennis Houston, CPA
YES Farley Vener, CPA
YES Ben Roybal

Motion **PASSED** by **UNANIMOUS APPROVAL**.

The Board entered into Executive Session at 9:29 a.m. and the recorder was turned off.
Mr. Kirk Mielke addressed the Board discussing the circumstances of his case in Executive Session (Item #9 on the Agenda)

Back in Open Session

The New Mexico Public Accountancy Board returned to open session at 11:39 a.m. and the recorder was turned back on. Pursuant to the Open Meetings Act, the matters discussed in the closed meeting were limited only to the items listed in the motion for closure.

X. BOARD ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

- a. **2013-20-Mielke:** William Golden, CPA, made a **MOTION** to amend the current settlement agreement and add 40 hours of community service as well as reports from the State of New Mexico Probation Office every 60 days for 5 years and annually after that period until the Respondents probation time has ended. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- b. **2012-04-Griego:** No Action was taken by the Board on this matter.
- c. **2015-13:** William Golden, CPA, made a **MOTION** to dismiss this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- d. **2015-18:** William Golden, CPA, made a **MOTION** to issue a \$200 fine for this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- e. **2015-19:** William Golden, CPA, made a **MOTION** to issue a \$750 fine for this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- f. **2015-20:** William Golden, CPA, made a **MOTION** to dismiss this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- g. **2015-21:** William Golden, CPA, made a **MOTION** to issue a \$1,000 fine and require Respondent to take 8 hours of CPE in Ethics by December 31,

2015. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.

- h. **2014-03:** William Golden, CPA, made a **MOTION** to close this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- i. **2015-05:** William Golden, CPA, made a **MOTION** to close this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- j. **2015-14:** William Golden, CPA, made a **MOTION** to close this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- k. **2015-16:** William Golden, CPA, made a **MOTION** to close this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.
- l. **2015-17:** William Golden, CPA, made a **MOTION** to close this case. Ben Roybal **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL** with Farley Vener, CPA, **ABSTAINING**.

XI. LICENSING MATTERS

- a. **Duke City Accounting-** No Action was taken by the Board, FIRM application was acceptable and did not need to be addressed by the Board.
- b. **Ihlefeld & Billops CPA's, LLC-** No Action was taken by the Board, FIRM application was acceptable and did not need to be addressed by the Board.

XII. RULE HEARING

- a. **Board meeting was recessed at 11:40 a.m. to prepare for Rule Hearing**
- b. **Rule Hearing began at 11:55 a.m. (Transcript will be available and posted separately on website)**
- c. **Rule Hearing ended at 12:21pm, Regular Board Meeting re-convened at 12:21pm.**

XIII. ADOPTION OF PROPOSED RULES

- a. **16.60.1- No Changes**
- b. **16.60.3- Take one of the words "no" out of 16.60.3.9 (E2a)**
- c. **16.60.4- No Changes**
- d. **16.60.5- No Changes**

Ben Roybal, made a **MOTION** to adopt the proposed rules as amended. Farley Vener, CPA, **SECONDED** the **MOTION** which **PASSED** by **UNANIMOUS APPROVAL**.

XIV. REMAINING BOARD MEETINGS FOR 2015

- a. **October 20, 2015- Albuquerque, NM.**
- b. **November 18, 2015- Swearing in Ceremony**
- c. **December 8, 2015- Albuquerque, NM.**

XV. ADJOURNEMENT

There being no other business before the New Mexico Public Accountancy Board, Ben Roybal made a **MOTION** to adjourn the meeting, Farley Vener, CPA, **SECONDED** the **MOTION** which was **PASSED** by **UNANIMOUS APPROVAL**. The meeting was adjourned at 12:22 p.m.

Submitted by:		<u>10/20/15</u>
	Jeannette Contreras, Executive Director	Date
Approved by:		<u>10/20/15</u>
	C. Jack Emmons, CPA, Board Chair	Date