

BOARD OF PUBLIC ACCOUNTANCY

BEFORE THE MARYLAND BOARD OF

v.

PUBLIC ACCOUNTANCY

James Arthur DePew,
Respondent

CASE NO.: CPAS 15-0027

* * * * *

CONSENT ORDER

This matter comes before the Maryland Board of Public Accountancy (the "Board") as a result of a complaint filed by the Board's continuing education ("CE") auditor against James Arthur DePew (the "Respondent"), a licensed certified public accountant. The auditor conducted an audit of the CE courses claimed by the Respondent in his license renewal application that was filed with the Board on or about October 3, 2014. Prior to the issuance of a Statement of Charges and Order for Hearing in this matter, the Board and the Respondent agreed to enter into this Consent Order as the full and final resolution of Complaint No. 15-0027.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth in this Consent Order, the Respondent was licensed by the Board as a certified public accountant ("CPA") and/or the Board had jurisdiction over the subject matter.

2. The Respondent became licensed as a CPA on or about December 1, 1981 (License No. 01-4002).

3. On or about October 3, 2014, the Respondent filed a license renewal application with the Board for the period October 8, 2012 through October 3, 2014 by means of the Board's online licensing system.

4. On the renewal application, the Respondent claimed 80 hours of CE credit that was earned during the previous license term.

5. The Board's license renewal application requires an applicant to certify to the accuracy of the information contained in the application. This certification states, in pertinent part:

"I hereby certify, under penalty of perjury, that the information contained herein is true and correct to the best of my knowledge, information, and belief. . ."

6. Following the Respondent's submission of the license renewal application and payment of the license renewal fee, the Respondent was advised that the application was selected for an audit of the CE credits that were reported.

7. The Respondent submitted documentation of 81 CE hours to support the 80 CE hours that were claimed in the license renewal application.

8. The Board's audit review of the documentation submitted by the Respondent established the following:

a. 55 hours of continuing education in the reporting period as of the date of the renewal application, plus 2 hours of continuing education carry forward from the Respondent's last renewal. In total, the Respondent had 57 hours to apply to this renewal;

b. the Respondent was 23 additional CE hours short of meeting the requirements at the time the license renewal application was filed;

c. the Respondent reported 26 hours of continuing education that he earned after the date of the renewal application.

9. The Respondent did not complete the required 80 hours needed for renewal until sometime around October 8, 2014.

10. The Respondent acknowledges that he did not meet the CE requirements to renew the license at the time the renewal application was filed with the Board on October 3, 2014.

11. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Occupations and Professions Art. (BOP), §§ 2-312(a)(3), Ann. Code of Maryland, and Code of Maryland Regulations (COMAR) 09.24.02.03 (A), which state, in pertinent part:

§ 2-312. Continuing education.

(a) *In general.* - (1) The Board shall adopt regulations that set, in accordance with this section, continuing education requirements as a condition to the renewal of licenses under this subtitle.

(2) A continuing education requirement does not apply to the first renewal of a license.

(3) (i) To qualify for any further renewal of a license under this subtitle, a licensee shall complete, for each 2-year license term, at least 80 hours in programs that the Board approves.

(ii) If a licensee completes more than 80 hours during a 2-year license term, the Board shall credit the excess hours to the requirements for the following term.

* * *

09.24.02.03 Basic Requirement.

A. An applicant for license renewal shall complete, prior to submitting an application, a minimum of 80 credit hours of qualifying continuing education in each 2-year license term.

* * *

12. Based on the aforementioned violations, the Respondent agrees to pay a civil penalty to the Board in the amount of \$170.00 at the time of the execution of the Consent Order.

13. The Respondent agrees to the imposition of a reprimand against his Maryland CPA license based on his violations.

15. The Respondent shall abide by the provisions of the Maryland Public Accountancy Act, BOP § 2-101, *et. seq.* and COMAR 09.24.01, *et. seq.*

16. The Respondent agrees to place his license in inactive status within 7 days of signing this Consent Order. If he does not go inactive within 7 days, his license will be immediately and automatically suspended until such time as he makes his license inactive.

17. While the Respondent's license is on inactive status, the Respondent agrees that he may not perform any services that constitute the practice of certified public accountancy, as defined by the Maryland Public Accountancy Act, BOP § 2-101, *et. seq.*

18. If the Respondent decides to reactivate his license at any time after the execution of this Consent Order, only CE hours earned subsequent to the execution of this Consent Order, but no more than two years before the date of the reactivation application can be counted towards a reactivation of his license.

19. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Board reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Board to which the Respondent may otherwise be entitled in this matter, and any rights to appeal from this Order.

20. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 2 DAY OF June, 2015, BY THE BOARD OF PUBLIC ACCOUNTANCY:

ORDERED that the Respondent has violated BOP, §2-312(a)(3) and COMAR 09.24.02.03(A);

AND IT IS FURTHER ORDERED that the Respondent is, hereby, **reprimanded**;

AND IT IS FURTHER ORDERED that the Respondent shall pay a **civil penalty in the amount of \$170.00** to the Board for his violations, which amount is payable at the time of the execution of this Consent Order;

AND IT IS FURTHER ORDERED that the Respondent shall **place his license in inactive status** as set forth in Paragraph 16 of this Consent Order;

AND IT IS FURTHER ORDERED that if the Respondent decides to reactivate his license at any time after the execution of this Consent Order, only CE hours earned subsequent to the execution of this Consent Order, but within two years of the date of the reactivation application can be counted towards a reactivation of his license;

AND IT IS FURTHER ORDERED that, if the Respondent fails to comply with the terms of this Consent Order, including the failure to make a required payment or place his license in inactive status, the Respondent's license shall be immediately and automatically suspended until such time as compliance occurs;

AND IT IS FURTHER ORDERED that the Respondent shall submit documentation supporting the CE credit hours claimed in connection with the any re-activation or renewal application upon the request of the Board;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order, and that the same shall be reflected among the records of the Board.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL DOCUMENT)

James Arthur DePew

(BOARD CHAIR'S SIGNATURE
APPEARS ON ORIGINAL DOCUMENT)

Elizabeth S. Gantnier, CPA
Chairperson

5/25/2015
Date