

BOARD OF PUBLIC ACCOUNTANCY \* BEFORE THE MARYLAND BOARD OF  
v. \* PUBLIC ACCOUNTANCY  
COURTNEY BROOKE DONATO, \*  
Respondent \* CASE NO.: CPAS 2017-27  
\*

**CONSENT ORDER**

This matter comes before the Maryland Board of Public Accountancy (the "Board") as a result of a complaint filed by the Board against Courtney Brooke Donato (the "Respondent"), a licensed certified public accountant. The auditor conducted an audit of the CPE courses claimed by the Respondent in her license renewal application that was filed with the Board on or about April 21, 2016. The Respondent did not respond to the audit requests or provide any documentation to substantiate the CPE hours claimed. Upon a review of the complaint, the Board determined that administrative charges against the Respondent were appropriate. 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 final settlement of Complaint No. CPAS 2017-27. The parties enter into this Consent Order as a full and final resolution of this matter, with terms as follows:

**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 May 3, 2004 (License No. 34568).

3. On or about April 21, 2016, the Respondent filed a license renewal application with the Board for the period April 21, 2016 through May 3, 2018 by means of the Board's online licensing system.

4. On the renewal application, the Respondent claimed 80 hours of CPE 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 CPE credits that were reported.

7. On or about April 21, 2016, the Board sent an e-mail to the Respondent advising that the license renewal application was selected for audit and that supporting documents for the CPE hours claimed were required to be received by the Board not later than May 21, 2016. The Respondent did not respond to this correspondence but did change her license to inactive status on or about May 15, 2016.

8. The Respondent did not submit any documentation to support the 80 CPE hours that were claimed in the license renewal application.

9. On or about May 26, 2016, the Board sent the Respondent a letter by Certified mail and regular mail reminding the Respondent of her legal obligation to respond to the Board as required under Code of Maryland Regulations ("COMAR") 09.24.01.06(I)(5). In this letter, the Respondent was given until June 25, 2016 to respond. The Respondent did not provide any documentation to the Board after the May 26, 2016 letter.

10. On or about June 2, 2016, the Board's auditor contacted the Respondent and gave her an extension until July 11, 2016 to reply with documentation. The Respondent said she would reply. As of July 20, 2016, when no reply was received from the Respondent, a letter was prepared.

11. On or about August 3, 2016, a letter was sent from the Board's auditor, Norbert Fenwick, to the Respondent via email, regular mail, and Certified mail. This letter explained that based on the Respondent's failure to respond to the Board, the case would now be presented to the Board's Complaint Committee.

12. On or about September 2, 2016, Dennis Gring, Executive Director to the Board, sent a letter to the Respondent alerting her that the matter was being referred to the Office of the Maryland Attorney General for review and to determine if charges are warranted.

13. Despite all of the aforementioned communications, the Respondent did not ever respond to the Board in writing or provide the Board with any documentation to support the CPE hours she had claimed.

14. The Board presumes that the Respondent has completed zero (0) hours of CPE, including zero (0) hours of CPE in Ethics. The Respondent was 80 CPE hours short of meeting the requirements at the time the license renewal application was filed, including being 4 CPE hours short in Ethics.

15. The Respondent has not complete the required CPE hours needed for renewal.

16. The Respondent acknowledges that she did not meet the CPE requirements to renew the license at the time the renewal application was filed with the Board on April 21, 2016. The Respondent further acknowledges that changing her status to inactive on or about May 15, 2016 did not relieve her of the obligation to have completed her CPE requirements prior to her renewal

of her active license on or about April 21, 2016.

17. Based on the aforementioned facts, the Respondent acknowledges that she 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) and (C), and COMAR 09.24.01.06(I)(5), 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.

B. The requirement in §A of this regulation does not apply to the first renewal of a license.

**C. Professional Ethics.**

(1) A minimum of 4 credit hours of the continuing education for each 2-year license term shall be in professional ethics.

(2) Credit hours in professional ethics in excess of 4 hours in a 2-year license term may not be carried forward to satisfy this requirement.

(3) Credit hours in professional ethics in excess of 4 hours in a 2-year license term may be carried forward to meet the

requirement of §A of this regulation.

D. Except as provided in §C of this regulation, qualifying credit hours in excess of the 80 credit hours required for a 2-year license term, up to a maximum of 80 credit hours, may be carried forward to apply to the following 2-year license term.

E. Qualifying credit hours reported in a license renewal application in excess of the 80 credit hour requirement in §A of this regulation may only be carried forward to apply to the following 2-year license term.

F. The Board shall allow a maximum of 80 credit hours of qualifying continuing education earned in the initial license term to be carried forward if the credit hours are properly reported on the first renewal application.

\* \* \*

#### **09.24.01.06 Code of Professional Conduct.**

\* \* \*

#### **I. Other Responsibilities and Practices.**

\* \* \*

(5) A licensee shall respond in writing to any communications from the Board requesting a response, within 30 days of the mailing of these communications, by registered or certified mail, to the last address furnished to the Board by the licensee.

18. Based on the aforementioned violations, the Respondent agrees to pay a civil penalty to the Board in the amount of \$5,000.00, due within 30 days of the date of this Consent Order.

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

20. The Respondent agrees that she must complete eighty (80) hours of CPE credits, including four (4) credits in Ethics, before she would be eligible to return to active status or renew her license. The Respondent understands that those eighty (80) hours are in addition to and not including the remedial Ethics hours required by paragraph 21 of this Consent Order. The Respondent also understands that those eighty (80) hours are to bring her into compliance with her last renewal period and cannot be counted as her CPE hours for her next renewal period.

21. The Respondent agrees to complete eight (8) hours of CPE credits in Ethics within 90 days of the date of this Consent Order. These credits shall be in addition to, and shall not count toward the fulfillment of, the normal CPE requirements.

22. 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.*

23. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 25<sup>th</sup> DAY OF January, 2017, 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 (C);

**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 \$5,000.00 to the Board for her violations, which amount is payable within 30 days of the date of this Consent Order;

**AND IT IS FURTHER ORDERED** that the Respondent shall complete eight (8) additional CPE credits in Ethics as set forth in Paragraph 21 of this Consent Order;

**AND IT IS FURTHER ORDERED** that the additional CPE credit hours completed to satisfy the requirements of this Consent Order shall not be eligible to be claimed in connection with the Respondent's next license renewal application;

**AND IT IS FURTHER ORDERED** that the Respondent must complete eighty (80) hours of CPE credits, including four (4) credits in Ethics, before she would be eligible to return to active status or renew her license;

**AND IT IS FURTHER ORDERED** that those eighty (80) hours are in addition to and not including the remedial Ethics hours required by paragraph 21 of this Consent Order and those eighty (80) hours are to bring her into compliance with her last renewal period shall not be eligible to be claimed in connection with the Respondent's next license renewal application;

**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 complete additional CPE credits, 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 CPE credit hours claimed in connection with the Respondent's next 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.

*Brook Conato*  
RESPONDENT

*Arthur E. Flach, CPA*  
Arthur E. Flach, CPA  
Chairperson

*1/25/2017*  
Date

supporting the CPE credit hours claimed in connection with the Respondent's next 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.

  
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RESPONDENT

(BOARD CHAIR'S SIGNATURE  
APPEARS ON ORIGINAL DOCUMENT)

ALAN E. FIACH, CPA  
Chairperson

1/25/2017  
\_\_\_\_\_  
Date

supporting the CPE credit hours claimed in connection with the Respondent's next 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.

*Brook Conato*  
RESPONDENT

*Arthur E. Flach, CPA*  
Arthur E. Flach, CPA  
Chairperson

*1/25/2017*  
Date