



Mr. Coniff was present.

Ms. White presented the case.

Motion was made by Mr. Lane, seconded by Ms. Borders-Byrd, to accept the Stipulation. Upon vote, the motion passed unanimously.

C. Kaplan, Herbert J. 2014-034713

The case was continued to a future meeting.

D. Bell, Lawrence 2015-035142

Mr. Dennis, Mr. Robinson and Ms. Keegan were recused.

Dr. Fennema chaired.

Mr. Bell was present.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to acknowledge that Respondent requested through Election of Rights form to have a hearing not involving any disputed issues of material fact. Upon vote, the motion passed unanimously. Motion was made Mr. Riggs, seconded by Ms. Borders- Byrd, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact. Upon vote, the motion passed unanimously. Respondent disputed issues of material facts and requested a Division of Administrative Hearing (DOAH).

E. Bernstein, Joseph 2016-026795

Ms. Borders-Byrd was recused.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to reject Stipulation. Counter Stipulation offer was made by Ms. Caldwell, seconded by Mr. Riggs, to impose all the original terms in the Stipulation, except as amended by the following:

1. Paragraph eight (8) of the Stipulated is replaced in its entirety with the following: Voluntary relinquishment: Respondent shall voluntarily relinquish his license and immediately cease the practice of public accounting.
  2. Paragraph nine (9) of the Stipulated Disposition is replaced in its entirety with the following: Respondent agrees to never reapply for licensure as a Certified Public Accountant in the State of Florida.
- Upon vote, the motion passed unanimously.

F. Rosen, Steven 2015-043085

Ms. Borders-Byrd and Ms. Keegan were recused.

Mr. Rosen and Mr. Cassidy, Esquire was present.

Ms. White presented the case.

Motion was made by Mr. Vogel, seconded by Mr. Riggs, to reject Stipulation. Counter Stipulation offer was made by Mr. Riggs, seconded by Mr. Vogel, to impose all the original terms of the Stipulation and add one (1) year suspension followed immediately by two (2) years' probation. After the probationary period begins, should Respondent's license be suspended or otherwise placed in inactive status, or should Respondent leave the practice of certified public accounting for thirty (30) days or more, the probationary period shall be tolled and

shall resume at the time Respondent's license returns to active status or Respondent returns to the practice of certified public accounting. Probationary status shall continue until the Fine and Costs have been fully paid. Upon vote, the motion passed unanimously.

G. Creely, Allison

2016-007765

Ms. Border-Byrd was recused.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Keegan, that Respondent waived their right to request a hearing in which there is a disputed issue of material fact, because she failed to file an Election of Rights form, or otherwise established a disputed issue of material fact pursuant to Rule 28-106.111, F.A.C. Upon vote, the motion passed unanimously. Motion was made Mr. Riggs, seconded by Ms. Keegan, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Ms. Keegan seconded by Mr. Riggs, to impose an administrative fine of \$2,000.00 and administrative costs of \$239.15, to be due within thirty (30) days of Final Order. Respondent shall complete eighty (80) makeup/missing penalty CPE hours plus eighty (80) penalty hours for a total of one hundred sixty (160) CPE hours and submit proof of those hours for the 2012-2014 re-establishment period. Submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

H. Figueroa, David

2015-010124

Ms. Borders-Byrd was recused.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Keegan, that Respondent waived their right to request a hearing in which there is a disputed issue of material fact, because he failed to file an Election of Rights form, or otherwise established a disputed issue of material fact pursuant to Rule 28-106.111, F.A.C. Upon vote, the motion passed unanimously. Motion was made Mr. Riggs, seconded by Ms. Keegan, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Ms. Caldwell seconded by Ms. Keegan, to impose an administrative fine of \$2,000.00 and administrative costs of \$207.82, to be due within thirty (30) days of Final Order. Suspension effective immediately until Respondent appears before the Board with satisfactory evidence of having completed the following: eighty (80) hours of CPE that he failed to complete for the reestablishment period July 1, 2012 through June 30, 2014 plus an additional eighty (80) hours, as penalty, for a total of one hundred sixty (160) CPE hours. The hours are not eligible for use toward meeting the requirements of any subsequent reestablishment periods and submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously. Upon vote, the motion passed unanimously.

I. Lewis, Claudia Nicole

2016-011282

Ms. Borders-Byrd and Ms. Keegan were recused.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Mr. Dennis, to reject Stipulation. Counter Stipulation offer was made by Mr. Riggs, seconded by Mr. Dennis, to impose the original terms in the Stipulation, except as amended by the following:

Paragraph 10 of the Stipulated Disposition shall be amended to increase the administrative fine to \$2,000.00. Upon vote, the motion passed unanimously.

J. Ploch, Tracey 2015-018212

The case was continued to a future meeting.

K. Shaw, Satyabrata 2015-052712

The case was continued to the January meeting.

L. Chong, Kyle Timothy 2015-001510

Mr. Dennis, Ms. Keegan and Ms. Borders-Byrd were recused.

Dr. Fennema chaired.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Caldwell, to accept the Stipulation. Upon vote, the motion passed unanimously.

M. Hammatt, Kristine 2016-011020

Mr. Lane, Ms. Keegan and Ms. Borders-Byrd were recused.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Mr. Vogel, to accept Stipulation of Voluntary Relinquishment of license, with no leave to ever reapply as a Certified Public Accountant in the State of Florida. Upon vote, the motion passed unanimously.

N. Sherb, Steven J. 2014-045480

Mr. Dennis, Ms. Keegan and Ms. Borders- Byrd were recused.

Dr. Fennema chaired.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Caldwell, to accept Stipulation of Voluntary Relinquishment of license, with no leave to ever reapply as a Certified Public Accountant in the State of Florida. Upon vote, the motion passed unanimously.

O. Sherb & Co. LLP 2014-045483

Mr. Dennis, Ms. Keegan and Ms. Borders-Byrd were recused.

Dr. Fennema chaired.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Caldwell, to accept Stipulation of Voluntary Relinquishment of license, with no leave to ever reapply as a Certified Public Accounting Firm in the State of Florida. Upon vote, the motion passed unanimously.

Mr. Dennis, Ms. Caldwell and Mr. Vogel were recused.

Dr. Fennema chaired.

Ms. Clark presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Keegan, to deny the request for Reconsideration and enter the order as considered at the June 10, 2016 meeting and to adopt the DOAH Judge recommendations. Upon vote, the motion passed unanimously.

#### **10. Maintenance and Reactivation - Staff Approvals**

Motion was made by Ms. Borders-Byrd, seconded by Ms. Keegan, to approve those listed. Upon vote, the motion passed unanimously.

#### **12. Maintenance and Reactivation - Voluntary Relinquishment**

Motion was made Mr. Riggs, seconded by Ms. Borders-Byrd, to approve those listed. Upon vote, the motion passed unanimously.

#### **13. Deceased Practitioners**

There was a moment of silence.

#### **14. Temporary Permits**

Motion was made by Ms. Keegan, seconded by Ms. Borders-Byrd, to ratify list. Upon vote, the motion passed unanimously.

#### **15. Reports**

##### **A. Committee on Accounting Education Meeting Minutes November 8, 2016**

Motion was made by Ms. Borders-Byrd, seconded by Ms. Keegan, to ratify the recommendations of the Committee. Upon vote, the motion passed unanimously.

##### **B. Committee on Budget Task Force Meeting Minutes November 9, 2016**

Mr. Dennis informed the Board; based on the current figures the Board continues to have net cash flow and the projections are in the positive for the next few years.

##### **C. Prosecuting Attorney Report**

Ms. White reported.

Ms. White gave the Board stats on how many licensed and unlicensed cases are under investigation as well as how many are being reviewed by legal.

##### **D. Rules Report – Assistant Attorney General**

Ms. Clark informed the Board; the language published on December 12, 2016; there was nothing new at the time of the rules report.

## **16. Administration**

### **A. Authorization for Interstate of Exchange Materials**

The item was continued until Ms. Kelly could get more information.

### **B. Board of Accountancy Statistics**

This was an informational item.

### **C. Consider sending Representation to NASBA 22nd Annual Conference for Board of Accountancy Legal Counsel – March 14-16, 2017 In New Orleans, LA.**

Motion was made by Mr. Lane, seconded by Dr. Fennema, to send the Prosecuting Attorney and Ms. Clark to the Conference. Upon the vote, the motion passed unanimously.

### **D. Consider sending Representation to NASBA 35th Annual Conference for Executive Directors and Enforcement Staff – March 14-16, 2017 in New Orleans, LA.**

Motion was made by Ms. Caldwell, seconded by Ms. Borders-Byrd, to send Ms. Kelly and Ms. Francis to the Conference. Upon the vote, the motion passed unanimously.

### **E. Elect Chair and Vice Chair For 2017**

Motion was made by Ms. Caldwell, seconded by Mr. Lane, to elect Dr. Fennema as Chair and Mr. Dennis as Vice Chair. Upon the vote, the motion passed unanimously.

### **F. Remarks from the Executive Director**

Ms. Kelly informed the board of the staff's continued efforts to improve the customer service experience for our licensees. On December 7-9th, staff conducted annual training for the staff of the Customer Contact Center. The training covered functions of the board and duties of the various committees, CPE and renewal requirements, as well as initial requirements for examination and licensure. On December 8th, in partnership with NASBA, the division sent an email blast to our 30,000+ active licensed CPAs reminding them of their CPE requirements and introducing the CPE tracking tool. Licensees who did not have a valid email address on file are also being notified via "snail" mail. Ms. Kelly also thanked the Board for their service and for the support given to the staff in 2016 and stated she looks forward to working with them in 2017. We look forward to working with you in 2017.

### **G. Update from Board Members / Staff Serving on NASBA Committees**

Mr. Dennis informed the Board the UAA will be meeting the last part of December.

Ms. Kelly informed the Board the AICPA's State Board Committee will meet in January 2017.

## **20. Future Meetings**

The Board made the suggestion of moving the venue of two (2) future meetings; September to Naples and October to Destin.

The meeting was recessed at 12:35 p.m. by Mr. Dennis.



Motion was made by Mr. Riggs, seconded by Dr. Fennema, to accept the Stipulation. Upon vote, the motion passed with Mr. Dennis opposing.

T. Ketover, Steve

2015-028757

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Mr. Ketover and Mr. Zukoff, Esquire was present.

Ms. White presented the case.

Motion was made by Mr. Dennis, seconded by Mr. Vogel, to reject Stipulation. Counter Stipulation offer was made by Dr. Fennema, seconded by Mr. Dennis, to impose all the original terms of the Stipulation, addition of Paragraph 18 as following: administrative fine of \$1,000.00 and administrative costs of \$4,561.05 to be due within thirty (30) days of Final Order. Upon vote, the motion passed unanimously. Mr. Ketover accepted the counter Stipulation offer.

U. Barrow, Michael

2015-000709

Mr. Dennis, Ms. Keegan and Mr. Robinson were recused.

Dr. Fennema chaired.

Mr. Barrow was present.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to acknowledge that Respondent requested through Election of Rights form to have a hearing not involving any disputed issues of material fact. Motion was made Mr. Riggs, seconded by Ms. Borders-Byrd, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Ms. Borders-Byrd, seconded by Mr. Riggs, to impose an administrative fine of \$2,000.00 and administrative costs of \$122.37, to be due within thirty (30) days of Final Order. Respondent shall complete eighty (80) makeup/missing penalty CPE hours plus eighty (80) penalty hours for a total of one hundred sixty (160) CPE hours and submit proof of those hours for the 2011-2013 re-establishment period. Respondent shall also submit provide proof of completion of four (4) additional hours of Ethics for the 2011-2013 CPE re-establishment period within thirty (30) days entry of Final Order. Submit proof of CPE compliance for 2015-2017. Proofs of completion for the 2013-2015 re-establishment period have already been submitted to the Board staff. Upon vote, the motion passed unanimously.

V. Green, April

2016-011002

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. Green was present.

Ms. White presented the case.

Motion was made by Mr. Riggs, seconded by Dr. Fennema, that Respondent waived their right to request a hearing in which there is a disputed issue of material fact, because she failed to file an Election of Rights form, or otherwise established a disputed issue of material fact pursuant to Rule 28-106.111, F.A.C. Upon vote, the motion passed unanimously. Motion was made Mr. Riggs, seconded by Dr. Fennema, to adopt the allegations of fact and conclusions of law in the Administrative Complaint as the findings of fact, and conclusions of law of the Board. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs seconded by Mr. Vogel, to impose an administrative fine of \$2,000.00 and administrative costs of \$148.08, to be due within thirty (30) days of Final Order. Suspension effective immediately until Respondent submits proof of completed missing



CPE and penalty hrs. Respondent shall complete eighty (80) makeup/missing penalty CPE hours plus eighty (80) penalty hours for a total of one hundred sixty (160) CPE hours and submit proof of those hours for the 2012-2014 re-establishment periods. Submit proof of CPE compliance for 2014-2016 and 2016-2018 re-establishment periods. The CPE penalty hours may not count towards the regular eighty (80) hours CPE requirement. Upon vote, the motion passed unanimously.

W. Mendez-Nieves, Javier            2015-045424

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Mr. Mendez-Nieves and Mr. Soriede, Esquire was present.

Ms. White presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Riggs, to accept the Stipulation. Upon vote, the motion passed unanimously.

X. Petteruti, Ralph                    2015-047944

Ms. Borders-Byrd, Ms. Keegan and Mr. Lane were recused.

Ms. White presented the case.

Motion was made by Mr. Vogel, seconded by Ms. Caldwell to entertain a motion granting motion for Reconsideration. Upon vote, the motion passed unanimously. The motion was made by Ms. Caldwell, seconded by Dr. Fennema to vacate the previous order. Upon vote, the motion passed unanimously. The motion was made by Ms. Caldwell to impose an administrative fine of \$2,000.00 and administrative costs of \$148.09, to be due within thirty (30) days of Final Order. Respondent shall complete forty-nine (49) makeup/missing penalty CPE hours plus forty-nine (49) penalty hours for a total of ninety-eight (98) CPE hours and submit proof of those hours for the 2012-2014 re-establishment periods. Submit proof of CPE compliance 2016-2018 re-establishment periods; proof of CPE completion for the 2014-2016 re-establishment periods has already been provided to Board staff. Upon vote, the motion passed unanimously.

### **3. Petition for Variance or Waiver**

A. Young, Donna

Ms. Young was present.

Motion was made by Mr. Lane, seconded by Ms. Borders-Byrd, to grant the petition for variance or waiver for permanent variance. Petitioner established that the purpose of the underlying statutes, Sections 473.312 and 473.313, Florida Statutes, would be met were she to be granted a variance from the rule based upon the following: Petitioner had been licensed in Florida for more than ten (10) years; While her license was inactive, Petitioner practiced public accounting in another state for two (2) years; and Petitioner made a good faith effort to complete all the required hours and immediately worked to complete the additional hours upon notification of the deficiency. Petitioner further established that the Board's application of Rule 61H1-33.006(2), FAC, to her circumstances would violate principles of fairness and would impose a substantial hardship on her. Upon vote, the motion passed unanimously.

#### **4. Reconsiderations**

##### **A. Sanchez, Linda**

Ms. Sanchez was present.

Motion was made Mr. Lane, seconded by Ms. Borders-Byrd, to reconsider and vacate the previous order from October 19, 2016. Upon vote, the motion passed with Dr. Fennema opposed. Motion was made by Mr. Vogel, seconded by Borders-Byrd, to grant partial approval of the petition for variance or waiver for permanent variance to retake BEC and REG portions of the examination through June 30, 2017. Petitioner established that the Board's full application of Rule 61H1-28.0052(1)(b), FAC, to her circumstances would violate principles of fairness. Petitioner established that, if she were partially granted the variance, the purpose of the accountancy examination statute would be met as required by Section 473.306, FS. Upon vote, the motion passed with Dr. Fennema opposed.

#### **5. Disciplinary Matters**

##### **A. Feldman, Arnold**

Mr. Feldman was present.

Motion was made by Dr. Fennema, seconded by Mr. Lane, to terminate the probation period. Upon the vote, the motion passed unanimously.

#### **6. Examination – Considerations**

##### **A. Anderson, Lesley**

Ms. Anderson was present.

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to approve for convictions only. Upon vote, the motion passed unanimously.

##### **B. Manrigue, Alma Gabriela**

Ms. Manrigue was present.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Riggs, to approve to sit for exam, not convictions. When applicant applies for licensure, all background material must go before the Board for approval. Upon vote, the motion passed unanimously.

#### **7. Original Licensure – Considerations**

##### **A. Schmidt, Tyler Robert**

Mr. Schmidt and Mr. Soriede, Esquire was present.

Mr. Schmidt waived the ninety (90) day requirement and will resubmit an updated application for the September 2017 agenda for the Boards consideration.

#### **8. Endorsement- Considerations**

##### **A. Feliz, Nikola Anne**

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to approve for convictions only. Upon vote, the motion passed unanimously.

B. Smith, Michael David

Mr. Smith was present.

Motion was made by Mr. Riggs, seconded by Mr. Lane, to approve for convictions only. Upon vote, the motion passed unanimously.

**9. Endorsement – Requirements Not Met**

A. Chacon Rojas, Adriana

Item was removed from agenda.

**11. Maintenance and Reactivation – Considerations**

A. Meyer, Ellen Koehle

Motion was made by Ms. Borders-Byrd, seconded by Mr. Lane, to approve for reactivation and extend the deadline to March 22, 2017. Upon vote, the motion passed with Mr. Riggs opposing.

**17. FICPA**

Ms. Curry, Mr. Thames, Ms. Green and Mr. Epstein were present.

Ms. Curry thanked the Board for having the FICPA at their meeting. The Legislative committee will meet in mid-January. Ms. Curry informed the Board they will continue to work on the Florida Tax Credit Scholarship Program and working with the Board regarding CPE and the new requirements.

**18. Old Business**

None at this time.

**19. Other Business**

Mr. Dennis would like to continue privatization discussion and would like to arrange a meeting to discuss the topic with Secretary Lawson.

**21. Adjourn**

Mr. Dennis adjourned the meeting at 12:33 p.m.



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David Dennis, Chair