

**MISSISSIPPI STATE BOARD OF PUBLIC ACCOUNTANCY
MINUTES
December 10, 2010**

The Mississippi State Board of Public Accountancy met at the Board office at 5 Old River Place, Suite 104, Jackson, Mississippi, on December 10, 2010, beginning at 10:00 a.m. The following record of that meeting was maintained.

Board Members Present

David Clarke, Chair
David L. Miller, Vice Chair
Rick Elam
Jim E. Burkes
Willie B. Sims, Jr.

Board Members Absent

Shelly B. Boone, Secretary

Board Staff Present

Susan M. Harris, Executive Director
Ransom C. Jones, Investigator

Legal Counsel Present

Onetta Whitley, Deputy Attorney General
Bridgette Wiggins, Special Assistant Attorney General

Others Present

Jimmy Boyd, MAPA
Ed Jones, MSCPA
Kelly Powell, Brooks Court Reporting
Stuart H. Yarbrough, Jr.

I. General

1. The Board opened the meeting with an invocation from Jim Burkes.
2. The Board members present unanimously approved the minutes from the November 12, 2010, meeting.
3. The Board members present signed the CPA certificates of licensure from the November 12, 2010, meeting.

I. General (Continued)

4. The Board set tentative meeting/activity dates for 2011:

January 21	Meeting	June 23-26	MSCPA Annual
February 18	Canceled	July 22	Meeting
March 25	Meeting	August 19	Meeting
April 29	Meeting	September 23	Meeting
April 30	Ceremony	October 23-26	NASBA Annual
May 25	Meeting	November 18	Meeting
June 8-10	NASBA W. Regional	November 19	Ceremony
June 22-24	NASBA E. Regional	December 16	Meeting

5. The Board members present unanimously approved attendance for upcoming NASBA conferences: 29th Annual Conference for Executive Directors & State Board staff held March 6-9, 2011, and the 16th Annual Conference for State Board Legal Counsel held March 6-8, 2011. The Board also approved attendance of Board member Rick Elam to 2011 CPE Conference, March 7-9, 2011.

II. National Regulatory Concerns

1. The Board reviewed and discussed topics in the NASBA *State Board Report* for November 2010.
2. The Board answered the quarterly focus questions as sent by the November 4, 2010, NASBA memorandum from Ken Odom. The responses are due by December 23, 2010.
3. The Board reviewed a Public Accounting Oversight Board (PCAOB) recent release entitled *PCAOB Solicits Candidates for the 2011-2012 Academic Fellowship Program*.

III. Administration

1. The Board reviewed and discussed the SAAS Summary Trial Balances as of November 30, 2010, for Treasury Funds 3845 and 3850, and the Treasury Fund 3845 SAAS Appropriation/Actual Expenditures for the five months ended November 30, 2010.
2. The Board discussed the January 2011 legislative budget hearings and process.

III. Administration (Continued)

3. The Board reviewed changes made by Deputy Attorney General Onetta Whitley to the proposed agreement between the Board and NASBA for participation in Accountancy Licensee Database (Data Sharing Agreement).

IV. CPA Examination, Licensing and Firms

1. The Board members present unanimously accepted the listing of candidate applications for the computerized examination (8 initial, 24 reexam) received since the November 12, 2010, meeting.
2. The Board members present unanimously acted upon the applications for CPA licenses, reciprocals, reinstatements, and CPA firm permits as presented herein:

Applications for Original CPA License

File				
<u>Number</u>	<u>Name</u>	<u>Number</u>	<u>Date</u>	<u>Approved</u>
12713	Kayla Denise Booker	6093	12/10/10	Yes

Applications for Reinstatement of CPA Licenses

File			
<u>Number</u>	<u>Name</u>	<u>Number</u>	<u>Approved</u>
05211	Stuart H. Yarbrough, Jr.	3965	See below

The Board convened at 10:30 a.m. to hold a hearing related to reinstatement applicant 05211, Stuart H. Yarbrough, Jr. wherein the applicant was given an opportunity to show cause why his CPA license should be reinstated with the Mississippi Board of Public Accountancy. During the hearing, the Board heard evidence from the applicant in addition to reviewing documentation and correspondence from character witnesses. After the hearing, the Board members present deliberated the matter and upon motion by Jim Burkes with second from Willie Sims, all other requirements being met the Board approved the application allowing the individual's CPA license to be reinstated. Votes were - For: David Clarke, David Miller, Jim Burkes, Rick Elam, Willie Sims; Against: None; Absent: Shelly Boone; and Recused: None.

IV. CPA Examination, Licensing and Firms (Continued)

2. Applications (Continued)

Applications for CPA Firm Permit to Practice

<u>Name</u>	<u>Number</u>	<u>Approved</u>
Tonya Barker, CPA Tupelo, MS	F1308	Yes
W. Mitchell Blount, CPA Clinton, MS	F1309	Yes
Elise Bourgeois, CPA Ocean Springs, MS	F1310	Yes
John R. Countiss, CPA Meridian, MS	F1311	Yes
Ruth N. Daniel, CPA Starkville, MS	F1312	Yes
Charles P. Davis, Jr., CPA Benton, MS	F1313	Yes
Drake, Watters & Associates, PLLC Jackson, MS	F1314	Yes
Emry E. Duckworth, CPA, PLLC Ridgeland, MS	F1315	Yes
John T. Frazier, CPA, LLC Columbus, MS	F1316	Yes
David A. Gibbs, CPA Ridgeland MS	F1317	Yes
T. Hadley, CPA, PLLC Terry, MS	F1318	Yes
Ambler Corrie Hall, CPA Hattiesburg, MS	F1319	Yes
Rhonda R. Hanby, CPA Tupelo, MS	F1320	Yes
Erik Hearon, CPA Jackson, MS	F1321	Yes
Emmett C. Hennessey, CPA, PA Magnolia, MS	F1322	Yes
Cranson Horst, CPA Brooklyn, MS	F1323	Yes
Charles H. Junek III CPA, PC Hattiesburg, MS	F1324	Yes

IV. CPA Examination, Licensing and Firms (Continued)

2. Applications (Continued)

Applications for CPA Firm Permit to Practice (Continued)

<u>Name</u>	<u>Number</u>	<u>Approved</u>
Susan L. Kinton, CPA Carthage, MS	F1325	Yes
Ralph A. Lee, CPA Gulf Breeze, FL	F1326	Yes
Bobby E. Mathews, CPA Kosciusko, MS	F1327	Yes
William F. Moore Jr., CPA Holly Springs, MS	F1328	Yes
William R. Nation, Jr., CPA PLLC Jackson, MS	F1329	Yes
Dale S. Reed, CPA Olive Branch, MS	F1330	Yes
Georgeann J. Schmit, CPA Long Beach, MS	F1331	Yes
Carol Sharp Smith, CPA Hernando, MS	F1332	Yes
Smith, Dukes & Buckalew, LLP Mobile, AL	F1333	Yes
Tarver, LLC Southaven, MS	F1334	Yes
Linda W. Troyer, CPA Madison, MS	F1335	Yes
Ann Wyatt, CPA Jackson, MS	F1336	Yes

3. The Board members present unanimously provided additional time as indicated below for individual CPAs to satisfy the 2010 CPE compliance requirements:

<u>Name</u>	<u>Number</u>	<u>Board Action</u>
Sheree Brown	3445	Extension to 12/30/10 - 6 w/4 ethics hours
Jack Burke, Jr.	0841	Extension to 12/30/10 - 8 w/4 ethics hours
Sid Davis	2039	Extension to 12/30/10 - 1 ethics rules hour
Michelle Hester	5485	Extension to 12/30/10 - 6 w/4 ethics hours

IV. CPA Examination, Licensing and Firms (Continued)

3. 2010 CPE compliance amendments (Continued)

<u>Name</u>	<u>Number</u>	<u>Board Action</u>
Janice Johnson	1995	Extension to 12/30/10 - 2 ethics w/1 rules
Jacqueline Jones	1620	Extension to 12/30/10 - 6 w/4 ethics hours
Donna Kook	3920	Extension to 12/30/10 - 25 w/4 ethics hours
Brenda Mullen	4405	Extension to 12/30/10 - 52 CPE hours
Carol Sallis	4959	Extension to 12/30/10 - 6 w/4 ethics hours
Joseph Sullivan	5176	Extension to 12/30/10 - 6 w/4 ethics hours
Marvel Turner	2331	Extension to 12/30/10 - 6 w/4 ethics hours
Terry Varner	5027	Extension to 12/30/10 - 6 w/4 ethics hours
Chunfang Zhu	5850	Extension to 12/30/10 - 1 ethics rules hour

4. The Board members present discussed and approved a request from candidate 11066 to extend her FAR credit from January 16, 2011, expiration to July 16, 2011, due to pregnancy and health issues.
5. The Board reviewed, discussed information concerning to the CPA examination including the NASBA *Candidate Concerns*, 2010 Third Quarter.

V. Continuing Professional Education

1. The Board members present unanimously authorized the following actions on CPE sponsor programs submitted for approval.

	<u>Sponsor/Program Title</u>	<u>Dates</u>	<u>Hours</u>	<u>Approved</u>
A.	Division of Business Services College of Business, MSU			
	1. 2010 Annual Income Tax Course	11/29-30, 12/1-2/10	16 (1 Gen. ethics)	Yes
B.	Frances Rushton Memorial Trust			
	1. IFRS and XBRL	11/5/10	8	Yes

V. Continuing Professional Education (Continued)

1. CPE Sponsor Applications: (Continued)

	<u>Sponsor/Program Title</u>	<u>Dates</u>	<u>Hours</u>	<u>Approved</u>
C.	MACJC Business Managers			
	1. Complying with the Red Flags Rule, Implementing a Data Security Program That Works	12/1/10	1.5	Yes
D.	May & Company			
	1. 2010 Tax Update	11/8/10	8	Yes
E.	Mississippi Association of Public Accountants			
	1. Gear Up 1040 Seminar	11/1&2/10	16	Yes
F.	MSCPA			
	1. Business & Industry Conf.	10/19/10	8	Yes
	2. Educators Symposium	10/29/10	8	Yes
	3. Business Valuation & Litigation Services Seminar	11/5/10	8	Yes
	4. Mississippi Tax Institute	11/11&12	16	Yes
	5. Not-For-Profit Conference	11/19/10	8	Yes
G.	Pass Online (QAS)			
	1. Ethics for Mississippi CPAs	Self Study Online	4 ethics (3 gen. 1 rules)	Yes
H.	Silas Simmons, LLP			
	1. AICPA's Annual Federal Tax Update	1/7/11	8	Yes

2. The Board members present unanimously authorized the following action concerning a CPE request from an individual.

	<u>Sponsor/Program Title</u>	<u>Dates</u>	<u>Hours</u>	<u>Approved</u>
A.	Partners in Business			
	1. Intermountain Accounting 34 th Annual Seminar Requested by Kimberly Rogers	10/21/10	8	Yes

VI. Regulatory Matters

1. The Board heard a report from Investigator Ransom Jones and approved the regulatory activities from November 12 to December 10, 2010:

<u>Activity</u>	<u>Number</u>
Cases Opened	2
Cases Closed	35
Cases referred to Members	0
Total Cases Open	42

2. The Investigator reviewed the open case log by general description and reported on the investigative activities.
3. The Investigator reviewed and discussed the closed cases listing provided as a handout to the agenda.

VII. Trial Board

1. The Board members present unanimously voted to convene as the Trial Board for the purpose of considering matters related to disciplinary cases. David Clarke, Trial Board President, was the presiding officer. Onetta Whitley, Deputy Attorney General, was the presenting attorney. Bridgette Wiggins, Special Assistant Attorney General, was hearing officer.
2. The Board continued as Trial Board for the purpose of hearing two complaints 2010.15-63, concerning Clayton E. Johnson, CPA license 1874, and 2010.16-08, concerning Christy M. Roberts, CPA license 5448, related to noncompliance with 2010 CPE requirements.

Within the Trial Board the Board heard evidence from witness Ransom C. Jones, CPA Investigator. The respondents allegedly failed to comply with the Chapter 4 CPE requirements for the compliance period ended June 30, 2010, through not obtaining the required CPE credit hours. Legal and proper notices were delivered to the above respondents. The respondents did not attend the hearing.

VII. Trial Board (Continued)

2. Administrative Hearing (Continued)

Following discussion and the administrative Trial Board hearing related to Clayton Johnson and Christy Roberts, and upon motion by Rick Elam with second from Jim Burkes the Board unanimously voted to close the meeting for the limited purpose of considering whether or not they had a proper subject matter to go into Executive Session.

In the closed meeting the Board upon motion by Rick Elam with second from Willie Sims voted that they did indeed have a proper subject matter before it to entitle it to go into Executive Session, namely discussion of Trial Board orders that could be appealed. Accordingly, the Board reopened the closed meeting and upon motion by Rick Elam with second from Willie Sims voted to go into Executive Session for the purpose set forth above. Having announced this stated purpose the Board then entered into Executive Session for this specific purpose. Within the Executive Session, the Board took the following actions:

Upon motion by Rick Elam with second from Willie Sims, the Board determined that the respondents, Clayton Johnson and Christy Roberts, had indeed violated Chapter 4 of the Board Rules and Regulations as charged. The Board determined that previously sent consent orders should be amended to add the costs of today's hearing and thereafter sent to the licensees. They shall have until December 30, 2010, to enter the amended consent orders or their licenses will be revoked without further hearing or order of this Board.

Upon the conclusion of this business, the Board upon motion by Willie Sims with second from Jim Burkes unanimously voted to come out of Executive Session and resumed the open meeting. The Board came out of Executive Session and resumed the open meeting by announcing the actions and votes it had taken in Executive Session.

3. The Board continued as Trial Board for the purpose of reviewing for approval consent orders issued by the Shelly Boone Investigative Committee related to CPE noncompliance. Upon motion by Jim Burkes with second from Rick Elam, the Trial Board approved the consent orders for the following individuals as issued by the investigative committee and previously agreed to by the respondents. Votes were - For: David Clarke, David Miller, Jim Burkes, Rick Elam, Willie Sims, Against: None; Absent: Shelly Boone; and Recused: None.

VII. Trial Board (Continued)

3. Consent Orders Approved (Continued)

<u>Complaint No.</u>	<u>Name</u>	<u>License No.</u>
2010.15-25	Eric James Brockman	3669
2010.15-28	James R. Bunting, Jr.	2549
2010.15-32	David W. Carter	R3467
2010.15-42	Kenneth C. Dewitt	R2973
2010.16-05	Kenneth S. Germany	3877
2010.15-73	Peter Gerald Koury	3274
2010.15-93	Wayne E. Myles	2934
2010.16-07	Kayla A. Paul-Lindsey	5356
2010.15-106	Gary Roy Scheider	3294
2010.17-03	John Britt Smith	2614

4. The Board continued as Trial Board for the purpose of reviewing for release from consent orders the following for complete satisfaction of the ordered requirements as issued by the Shelly Boone Investigative Committee related to CPE. Upon motion by Rick Elam with second from Jim Burkes, the Trial Board approved release of the following licensee from the consent order. Votes were - For: David Clarke, David Miller, Jim Burkes, Rick Elam, Willie Sims, Against: None; Absent: Shelly Boone; and Recused: None.

<u>Complaint No.</u>	<u>Name</u>	<u>License No.</u>
2010.15-25	Eric James Brockman	3669
2010.15-32	David W. Carter	R3467
2010.15-93	Wayne E. Myles	2934
2010.16-07	Kayla A. Paul-Lindsey	5356
2010.17-03	John Britt Smith	2614

5. The Board continued as Trial Board for the purpose of reviewing and discussing individuals who have not complied with the 2010 CPE requirements, have open investigative cases/complaints, and who have requested voluntary cancellation of their licenses. Upon motion by Rick Elam with second from Willie Sims, the Trial Board unanimously approved the "Orders of Remand to the File" for execution by the Board President David Clarke. Votes were - For: David Clarke, David Miller, Jim Burkes, Rick Elam, Willie Sims, Against: None; Absent: Shelly Boone; and Recused: None.

VII. Trial Board (Continued)

5. Orders of Remand to the File (Continued)

These Trial Board remand orders will be placed in individual files noting the noncompliance and remanded for future action if the individuals apply to the Board for reinstatement. Copies of the orders will be sent to the individuals:

<u>Complaint No.</u>	<u>Name</u>	<u>License No.</u>
2010.16-02	Jennifer A. Coleman	5217
2010.17-04	Stephanie S. Stough	5694

6. Upon conclusion of Trial Board business, the Board adjourned as Trial Board.

APPROVED:

Chair

Board Member

Vice Chair

Board Member

Secretary

Board Member