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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	BOARD OF ACCOUNTANCY
MEETING DATE AND TIME:	Wednesday, January 21, 2009 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor of the Cannon Building
MINUTES APPROVED:	February 18, 2009

MEMBERS PRESENT

Sharron Cirillo, Professional Member, President
David Doane, Professional Member, Secretary
Michael Wollaston, Professional Member
Robert Mosch, Professional Member
James Cohee, Professional Member
Carmetah Murray, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Judy Letterman, Administrative Specialist III

MEMBER ABSENT

Judith Scarborough, Professional Member
Matthew Kent, Public Member
William Fletcher, Public Member

ALSO PRESENT

Dana Rubenstein, Delaware Society of CPA's
Ezra Smith, Association of PA's
Lucinda Reeder, Court Reporter
Barbara Gadbois, State Deputy Attorney General
Kosuke Hayashi
Tomas McElhonn
Lori Gandy
Jeremy Eicher

Ralph Estep
Cullen Roone
Bill Prettyman

CALL TO ORDER

Ms. Cirillo called the meeting to order at 9:04 a.m.

REVIEW OF MINUTES

This agenda item has been tabled until the February meeting

UNFINISHED BUSINESS

Rule to Show Cause Hearings

Kosuke Hayashi

Ms. Kelly, Deputy Attorney General representing the Board of Accountancy stated the purpose for the rule to show cause hearing for Kosuke Hayashi was the result of the Board's post renewal continuing education audit, the Board issued notice to Mr. Hayashi to show cause as to why his license should not be suspended or revoked base on his failure to submit documentation of having completed the required continuing education for renewal as attested to on the application for licensure renewal.

Board members were introduced.

Ms. Kelly marked into evidence, Exhibit 1, Mr. Hayashi audit letter dated September 20, 2007, Exhibit 2, September 5, 2008 deficiency letter, Exhibit 3, September 18, 2008 hearing notice, Exhibit 4, certificates of completion.

Mr. Hayashi was sworn in by the court reporter.

Mr. Hayashi informed the Board that he submitted a letter in September of 2008 that he had not received the audit letter. He provided the Board with additional information for review.

A motion was made by Mr. Doane, seconded by Mr. Cohee to go off the record. The motion was unanimously carried.

The Board went into deliberations.

A motion was made by Mr. Doane seconded by Mr. Cohee to go back on the record.

A motion was made by to accept Mr. Hayashi's cpe as submitted, any cpe taken after June 30, 2007 can not be used for the next renewal cycle and he will be selected for post renewal audit. The motion was unanimously carried.

A motion was made by Mr. Doane, seconded by Mr. Cohee to go off the record

Verbatim testimony was taken by a court reporter.

Ilene Weiss

Table until the next meeting

Richard Puleo

Tabled until the next meeting

Disciplinary Hearing

Ralph Estep-Complaint 04-08-07

Ms. Kelly, Deputy Attorney General representing the Board of Accountancy stated the purpose for the hearing was based on a complaint filed Office of the Attorney General stating that Mr. Estep violated Rule 2.0 and Rule 502 of the Rules of Conduct of the Code of Professional Ethics of the American Institute of Certified Public Accountants.

Ms. Kelly presented into evidence States and Responce Exhibits for the record

The Board members were introduced.

Ms. Gadbois, State Deputy Attorney General gave her opening statement.

Mr. Estep gave his opening statement.

Mr. Estep was sworn in.

Mr. Estep called his first witness, who gave testimony on how she knew Mr. Estep, his character and the types of services he provided for her family.

Mr. Estep called his second witness but due to time constraints the hearing will be continued.

Review of Applications

A motion was made by Ms. Cirillo, seconded by Mr. Cohee to approve the application of Yuji Tsumura and Donna Mitchell, to table the application of Denise Schneider McNamee pending documentation verifying the fine paid and completion of the required New Jersey ethics. The motion was unanimously carried

Compliance to Decision and Order

Discussion of compliance to the Decision and Order for Nassar Odeh and Norio Kawamura has been tabled.

Strategic Plan

Tabled

Post Renewal CPE Audit Review

A motion was made by Mr. Doane, seconded by Mr. Cirillo to accept the CPE log of Michele Watson and documentation with provision that any courses taken after June 2007 could not be

used for 2009 renewal and that she would be selected for post renewal audit. The motion was unanimously carried.

Propose to Deny Hearing

Michael Blanks

Ms. Kelly, Deputy Attorney General representing the Board of Accountancy stated the purpose for the hearing was that the Board proposed to deny Mr. Blanks permit to practice applications base on his criminal history report.

Ms. Kelly presented into evidence Exhibit 1 Mr. Blanks application for a CPA certificate , Exhibit 2 his application for a permit to practice, Exhibit 3 the October 20, 2008 letter proposing to deny his application, Exhibit 4 finger print response document, Exhibit 5 cover sheet stating that he would be in attendance at today's hearing.

Board members were introduced

Mr. Blanks was sworn in.

Mr. Blanks thanked the Board for giving him the opportunity to present his case and stated that he had an indiscretion in his past, May 1988, but has since completed his degree and was employed as an accountant and auditor with his current employer.

Ms. Cirillo asked if he had been denied a permit to practice in any other state which he replied no. When questioned about his application to the State of New York, he stated that he had been denied, December 2006, but was allowed to reapply after 18 months.

Ms. Kelly stated that on the fingerprint report, Mr. Blanks was charged with forgery and criminal impersonation in 1984.

Mr. Blanks informed the board that he had been in possession of a credit card, purchased jewelry, was arrested, sentenced to 1-3 years but only was incarcerated for 10 months.

He informed the Board that he was not licensed in California and was applying to Delaware since he met the permit requirements.

Ms. Kelly stated that Exhibit 6 was a letter from his employer attesting to his employment with the firm.

A motion was made by Ms. Cirillo, seconded by Mr. Doane to go off the record.

The Board went into deliberations

A motion was made by Ms. Cirillo seconded by Mr. Cohee to go back on the record.

Ms. Cirillo stated that the employer letter did not address his character, morals or integrity and would like to Mr. Blanks to obtain a letter from his employer that would address these issues and continue the hearing.

Mr. Blanks was in agreement with the continuance.

A motion was made by Mr. Doane seconded by Mr. Cohee to continue the hearing. The motion was unanimously carried.

Mr. Blank's hearing will be continued on March 18, 2009. If this date does not suit, Mr. Blanks can request it be rescheduled to the May meeting. The Board will not meet in April.

NEW BUSINESS

Ratification of CPA Certificate Applications

A motion was made by Mr. Doane, seconded by Mr. Mosch to ratify the applications of Makoto Ochi, Shigeo Deyama, Kim Sunhee, Angela Yu, Kenneth Bittner, Kofi Owusu-Bona, Sang Choi, Myrleen Springer, Albert Lucas, Vijaya Sudhakar, William Chong, Kyunghwan Kim, and Matthew Abbott. The motion was unanimously carried.

Review of CPA Permit Applications

A motion was made by Ms. Cirillo and seconded by Mr. Doane to approve the permit applications of John Ceatham, Robert Friend, Jr., Albert Lucas Marilyn Brazzle, Anthony Alfieri and Rajendra Zankar. The motion was unanimously carried.

A motion was made by Ms. Cirillo, seconded by Mr. Doan to table the applications of Raymond Wai Man Hui pending receipt of 80 hours of cpe and documentation to verify completion. The motion was unanimously carried.

Review of CPA Certificate and Permit to Practice Applications

A motion was made by Ms. Cirillo, seconded by Mr. Cohee to approve the applications of Susan Flagg, Michael Woodin, Yan Hou and to table the application of Lindsay Snyder pending an updated verification of employment which states the dates of employment. The motion was unanimously carried.

Complaint Status

04-02-08 – Assigned
04-03-08 – Forwarded to Office of Attorney General
04-05-08 - Assigned
04-07-08 - Forwarded to Office of Attorney General
04-08-08 - Forwarded to Office of Attorney General
04-09-08 - Forwarded to Office of Attorney General
04-12-08 - Forwarded to Office of Attorney General
04-13-08 – Forwarded to Office of Attorney General
04-14-08 - Assigned
04-15-08 – Forwarded to Office of Attorney General
04-16-08 - Assigned

Review of CPE Course

Ms. Cirillo stated she would review the information submitted by Accountants Education Group.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

No other business.

PUBLIC COMMENT

No public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Wednesday, February 18, 2009 at 9:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

A motion was made by Mr. Doane seconded by Mr. Mosch to begin the scheduled board meeting at 8:00 am followed by Mr. Estep's disciplinary hearing for 9:00 am. The motion was unanimously carried. The meeting adjourned at 4:15 p.m.

Respectfully submitted,

Judy Letterman
Administrative Specialist III