

**INDIANA BOARD OF ACCOUNTANCY**

Meeting Minutes

January 13, 2023, at 10:00a.m.

Indiana Professional Licensing Agency

402 W. Washington Street, W064

Indianapolis, IN 46204

**COMMITTEE MEETING**

**9:00 a.m.**

**CALL TO ORDER AND ESTABLISHMENT OF A QUORUM**

Michael Barton of the Indiana Board of Accountancy, called the meeting to order at 10:00 a.m. and declared a quorum in accordance with IC § 25-2.1-2-8.

**Board Members Present:**

Michael Barton, Board Chair

Michelle Skeen, CPA, Vice Chair

Dale Gettelfinger, CPA, Liaison

**State Officials Present:**

Toby Snell, Board Director

Rachelle Cannon-Mason, Compliance Officer

Ned Hannah, Advisory Counsel

Jennifer Ortman, Advisory Counsel

**ADOPTION OF THE AGENDA**

A motion was made by Member Skeen and seconded by Member Gettelfinger to adopt the January 13, 2022, amended agenda.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**ADOPTION OF THE NOVEMBER 18, 2022, MEETING MINUTES**

A motion was made by Member Skeen and seconded by Member Gettelfinger to adopt the November 18, 2022, meeting minutes.

3-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**ADOPTION OF THE DECEMBER 16, 2022 MEETING MINUTES**

A motion was made by Member Skeen and seconded by Member Gettelfinger to adopt the December 16, 2022, meeting minutes.

3-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**REPORT FROM OFFICE OF THE ATTORNEY GENERAL**

The Attorney General's Office provided the Board with a report per IC 25-1-7-13.

Matthew Hear, Deputy Attorney General, presented the report to the Board.

## **ADMINISTRATIVE HEARINGS**

Court Reporter was Margie Addington.

### **In the Matter of the License of: Thomas Jacobs**

Cause No: 2021 IBA 0010

Re: Petition to Withdraw Probation

Mr. Jacobs appeared for his hearing. Mr. Jacobs stated it has been a while since his last meeting. He completed his criminal probation with no issues and would like the probation on his license withdrawn. Member Barton asked if there have been any issues since his probation. Mr. Jacobs stated no.

A motion was made by Member Skeen and seconded by Member Gettelfinger to withdraw probation.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

### **In the Matter of the License of: Rachel Ogden**

Cause No: 2022 IBA 0001

RE: Petition to Withdraw Probation

Ms. Ogden appeared for her hearing. She stated she appeared around this time last year and completed her probation as quickly as possible and is hoping to close this chapter. Member Barton asked if she has had any issues since her probation. She said no.

A motion was made by Member Gettelfinger and seconded by Member Skeen to withdraw probation.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

### **In the Matter of the License of: James Schaefer**

Cause No.: 2018 IBA 0014

Re: Petition to Reinstate

Mr. Schaefer appeared for his hearing along with his attorney, Jenna Shives. Deputy Attorney General, Michael Heard, appeared for the State. Jenna Shives stated Respondent was here to reinstate his license from suspension. DAG Heard stated that Respondent had completed his four years of suspension, paid his costs, and paid his civil penalties. DAG Heard stated the Board can reinstate Respondent's license with other terms. Jenna Shives called James Schaefer as a witness. She asked if he was here for getting his suspension on his license lifted. Mr. Schaefer stated yes. Ms. Shives asked when he got licensed. Mr. Schaefer stated he was licensed in 1985. Ms. Shives asked about his educational background. Mr. Schaefer stated he graduated from Northern Illinois University in 1972 with a major in accountancy. Ms. Shives asked where he first worked. Mr. Schaefer said it was at

Gary St. Pierre and Associates from 1981-1985 and they sold to Spetnoff and Associates, which he worked for from 1985-1989. Then he worked in Illinois for a couple of years then when they closed, he worked at Weichman and Associates. Respondent's counsel asked what happened at Weichman and Associates and why did they close. Respondent stated that the owner got in trouble as he embezzled millions of dollars from his clients. Respondent's counsel asked if the criminal conviction involved him. Respondent said yes. Respondent's counsel said to tell the Board what happened and what he pled guilty to. Respondent said the owner owned a medical billing company and firm from 2010-2011 and that all billing companies changed to electronic methods. The problem was Jack back in 2008 filed chapter 11 bankruptcy due to a bad gambling problem and was sued by a couple of clients. He had one of the employees show his son as owner to get the loan for the electronic tech instead of him. Mr. Schaefer stated he was involved in that and admits it was bad judgment. He said that all 60 payments were made so the bank did get their money. Respondent's counsel asked Respondent if that was the basis of the federal conviction. Respondent stated yes. Respondent's counsel asked if Respondent had supervised probation and its length. Respondent stated yes and it was supposed to be two years, but it was canceled after 14 months due to completing and complying with the terms of probation. Respondent's counsel asked Respondent if he was disciplined by this board. Respondent stated yes. Respondent's counsel asked if the Board's order was for four years. Respondent stated yes. Exhibits 1 and 2 were admitted into evidence. Respondent's counsel asked if the four-thousand-dollar civil penalty was paid and when was it paid. Respondent stated yes and right away. Respondent's counsel asked if the costs were paid. Respondent replied yes, they were as soon as he got the letter. Respondent's counsel asked if there has been any other criminal conduct. Respondent stated no. Respondent's counsel asked if this criminal case that he pled guilty to was his first offence. Respondent stated yes. Respondent's counsel asked if this was his first board discipline and only board discipline. Respondent stated yes. Respondent's counsel asked since Respondent has been on a suspended license did he understand what it meant to practice accountancy and follow limitations. Respondent stated yes. Respondent's counsel asked if he had been doing bookkeeping and tax services for last four years. Respondent stated yes. Respondent's counsel asked if the individuals were aware of his conviction and license suspension. Respondent stated yes. Respondent's counsel asked if this was true of new clients as well. Respondent stated yes and a lot of them were from the other firm that closed so they were aware of the situation. He has had new clients since then and does not hold himself out as a CPA not even on signing tax returns. Respondent's counsel asked if he had completed his CPE over the last couple months. Respondent stated yes. Respondent's counsel asked if he did this so that he stayed familiar with the practice of accountancy. Respondent said yes and with taxes. Tax laws change every year, so he needs to do it to stay caught up. Exhibit 3 containing his continuing education hours were admitted. Respondent's counsel asked if he had his ethics hours. Respondent stated yes. Respondent's counsel asked if there were other ways he kept up on the practice of accountancy. Respondent stated yes with reading material and information online. Respondent's counsel asked if he attended other webinars and presentations with CPAs in his

firm. Respondent stated he did, but no certificates were given to him because with his suspension there was no requirement. Respondent's attorney asked how many CPE he took. Respondent stated 40 hours. Respondent's attorney asked if he worked at JSR & Associates, LLC. Respondent stated yes. Exhibits 4 and 5 of the affidavits of the owner of the firm and the CPA in the firm were admitted. Respondent's counsel asked who Jim Rich was. Respondent stated that he owns the firm, JSR & Associates, LLC, and is the sole owner. He stated that he worked together at the prior firm with both Mr. Rich and Mr. Munoz. Respondent's counsel asked if Mr. Rich supports the reinstatement. Respondent stated yes. Respondent's counsel asked who Siobhan Munoz was. Respondent stated he was a CPA that works there that he has known since 1991. Respondent's counsel asked if he supports the reinstatement. Respondent stated yes. Respondent's counsel asked if he believed he could practice safely and competently as a CPA. Respondent stated yes. Respondent's counsel asked if he could ensure the Board that this won't happen again. Respondent stated that he had the incident in January 2011 but prior to that time there were no issues with the IRS, clients, etc. and since that time he did not have any issues with the IRS, clients, IDOR, or the Board. He stated it was a bad mistake and out of character and he does not plan to do anything like that ever again. Respondent's counsel asked if he were reinstated what his practice would be. Respondent stated it would be the same thing he is doing now except he can represent a client in front of the IRS. Respondent's counsel asked if there were any plans to leave his current employment. Respondent stated no. Respondent's counsel asked if there was anything else he wanted to tell the board. Respondent stated that he thinks they have covered everything. DAG Heard referred to the members of the Board as the Respondent had answered his questions. Member Gettelfinger asked if the Board reinstated his license what his CPE requirements would be. Ned stated they can reinstate with conditional requirements and can place Respondent on probation and require CPE hours. Member Gettelfinger stated they could reinstate him with no CPE to make up or go on with the regular rules. Member Gettelfinger asked Mr. Schaeffer that he hopes to be employed as a CPA in a non-CPA firm to represent clients before the IRS. Respondent stated yes. Mr. Gettelfinger asked if he was aware that enrolled agents can represent before the IRS. Respondent stated yes, but after the Board's suspension the IRS matched it and suspended him for four years. Member Gettelfinger asked so a current CPA license will solve the IRS issue. Respondent stated yes. Member Gettelfinger asked would the reinstatement with Indiana move forward the application to the IRS. Respondent stated yes. Respondent's counsel in Respondent's closing statement thanked the Board for hearing the matter and stated that Mr. Schaeffer had met the requirements and did additional CPE not required. DAG Heard in the State's closing statement asked the Board to exercise their judgment and that the crime happened several years ago with probation ending early. They have authority to impose a probation status with conditions rather than an active status if they were more comfortable doing that.

A motion was made by Member Gettelfinger and seconded by Member Skeen to reinstate from suspension with no conditions.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**In the Matter of the License of: Louis Sacks**

Cause No.: 2022 IBA 0013

Re: Petition to Review

Mr. Sacks appeared telephonically for his hearing. Mr. Sacks' opening statement was that his petition was dismissed, and his license suspended but he had no record of receiving any of the appearances, so he is here today for the Board to reconsider his suspension. He stated he had no receipt of receiving any certified mail. Ned asked Mr. Sacks if he had all the required hours. Mr. Sacks stated yes, he did have the required hours and proved it with his initial petition. He stated he did not receive any notices to appear. Rachele Cannon-Mason, compliance officer, stated yes, he is compliant with his CPE. Mr. Sacks stated that he had no closing statement but anything else he needs to do he can reach out to Rachele.

A motion was made by Member Gettelfinger and seconded by Member Skeen to grant the reinstatement and remove the immediate suspension as Mr. Sacks is compliant with his CPE requirements.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

BREAK 11:03pm-11:11am

**CPE HARDSHIP WAIVERS AND EXAM EXTENSION REQUESTS**

Susan Allison- CPE Hardship Waiver

A motion was made by Member Gettelfinger and seconded by Member Skeen to grant the CPE hardship waiver.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

Deborah Stauffer- CPE Hardship Waiver

This matter was tabled for more information regarding the breakdown of how many hours need to be waived for 2021 and 2022 specifically.

Wendy Stevens- CPE Hardship Waiver

A motion was made by Member Skeen and seconded by Member Gettelfinger to grant the CPE hardship waiver.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

Robyn Mitchell- Exam Extension Request

A motion was made by Member Gettelfinger and seconded by Member Skeen to grant the extension of the REG and BEC exams through 2/28/2023.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

Sarah Braun- Exam Extension Request

A motion was made by Member Skeen and seconded by Member Gettelfinger to grant the extension of the AUD exam through 12/31/2023.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

Ashley Spaulding- Exam Extension Request

A motion was made by Member Gettelfinger and seconded by Member Skeen to grant the extension of the AUD exam through 12/31/2023.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**DISCUSSION ITEMS VOTE REQUIRED**

CPA Evolution Credit Extension Policy

A motion was made by Member Gettelfinger and seconded by Member Skeen to grant the CPA evolution credit extension policy.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

NASBA Executive Directors and Board Staff Meeting

A motion was made by Member Skeen and seconded by Member Gettelfinger to grant the compliance officer attendance at the NASBA Executive Directors and Board Staff meeting in Arizona and to use the fund for reimbursement.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

**DISCUSSION ITEMS NO VOTE REQUIRED**

Investigative Fund Statement

The Board reviewed the investigative fund statement. Member Gettelfinger asked why the board was not paid out of the investigative fund, but salaries were. Sherrill Rude with the Indiana CPA Society stated that the licensee application money pays for board compensation. Member Gettelfinger asked why there were extra staff being paid out of the fund. Sherrill Rude stated that it was a past practice that was continued on. Member Gettelfinger stated that staff salaries (licensing analysts)

were coming out of this fund but why were they not out of the general fund and why the board compensation was not paid out of the investigative fund. He inquired what the Board's limits are. He stated the Board has what GRAC thinks is a good idea. He inquired what does staff think is doable. Member Barton stated that Evan may need to be involved in that discussion and that it may be a non-voting discussion item for the next meeting.

#### Compliance Officer Report


The Compliance Officer stated she attended a NASBA webinar regarding the administrative hearing process on November 29<sup>th</sup>. Also, on November 29<sup>th</sup>, she attended AICPA's ARPL (Alliance for Responsible Professional Licensing) state partner webinar. She stated that they have seen an increase in reinstatements as licensees get ready for the tax season. She stated that PROC met on December 14<sup>th</sup> and they will have another meeting within a few weeks as well. She stated currently she is preparing for the upcoming attendance to the NASBA conference at the end of February.

#### Board Director Report

No report at this time.

#### **ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana Board of Accountancy adjourned at 11:48 a.m.

  
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Mr. Michael Barton, CPA

3/17/2023  
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Date

