

**PUBLIC SESSION MINUTES**  
**North Carolina State Board of CPA Examiners**  
**July 23, 2012**  
**1101 Oberlin Road**  
**Raleigh, NC 27605**

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**MEMBERS ATTENDING:** Jose R. Rodriguez, CPA, President; Wm. Hunter Cook, CPA, Vice President; Maria M. Lynch, Esq., Secretary-Treasurer; Barton W. Baldwin, CPA; Bucky Glover, CPA; Jordan C. Harris, Jr.; and John M. Kledis, CPA.

**STAFF ATTENDING:** Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Frank Trainor, Esq., Staff Attorney; Lisa R. Hearne, Manager-Communications; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; Noel L. Allen, Legal Counsel; and Valerie Bateman, Esq.

**GUESTS:** James T. Ahler, CEO, NCACPA; Jay Lesemann, CPA, Chair, NCACPA; Ben Hamrick, CPA, NCACPA; Debbie Lambert, CPA, NCACPA; Wendy Ruggiero, CPA, NCACPA; David Nance, CPA; Suzanne Jolicoeur, Senior Manager, State Regulation & Legislation, AICPA and Curt Lee, Legislative Liaison, NCSA.

**CALL TO ORDER:** President Rodriguez called the meeting to order at 10:05 a. m.

**MINUTES:** The minutes of the June 21, 2012, meeting were approved as submitted.

**FINANCIAL AND BUDGETARY ITEMS:** The June 2012 financial statements were accepted as submitted.

**REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE:** Mr. Baldwin moved and the Board approved the following recommendations of the Committee:

Case No. 200602-013 - Dale R. Baumann - Messrs. Baldwin and Cook moved to approve the Consent Order which states that Mr. Baumann's NC CPA certificate will remain on inactive status and he will never request reinstatement or reissuance of his NC CPA certificate (Appendix I). Motion passed with six (6) affirmative and zero (0) negative votes. Mr. Rodriguez did not participate in the discussion of this matter nor did he vote on this matter.

Case No. C2012030 - Thomas L. Codington - Approve the signed Consent Order (Appendix II).

The Board approved the following Orders (Appendix III) as consented to by the two (2) individuals shown below:

Case No. 2012200 - Joshua E. Chertoff

Case No. C2012178 - C. Diane Tedder

Case No. C2011278 - Close the case without prejudice and with a Letter of Warning.  
Case No. 2011282 - Close the case without prejudice.

**REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE:**  
Ms. Lynch moved and the Board approved the following recommendations of the Committee:

**Transfer of Grades Applications** - The following were approved:

Andrés Servando Cunningham, Jr.                      Steven McComas  
Timothy Michael Ligay

**Original Certificate Applications** - The following were approved:

Carolyn Ashley Alford	Shereé Andrae Klepchick
Adam Richard Bearhalter	Erin Kathleen Koewing
Amanda Mae Boothby	Craig White Kornegay
Melissa T. Boswell	Anna Maria Lamback
Callie Sherard Boyd	Mandy Jo Larson
Julie Ann Brasfield	Timothy Michael Ligay
Michele Holcomb Brewer	Paige Irene Littlejohn
Mark Anthony Brooks	William Edwin Lowe, Jr.
Stephanie Gray Brooks	James Edward Lynch
Corinne Pendegraph Cole	Rashena Kyrie Lynch
Stephanie Riddle Collins	Hassaan Ahmad Malik
Bryan Christopher Cooke	Steven McComas
Jeffrey Thomas Cox	Megan Turlington McCormack
Andrés Servando Cunningham, Jr.	Kelly Marie Meyers
Ryan Hunter DeCoudres	Joshua Reed Michael
Desmond Akinola Reginald Ellis	Daniel Stephen Peach
Patrick Clayton Evans	Charles Raymond Powell
Melanie McDougall Fornes	Michael James Richardson
Charles Oliver Gallop	Barrett Whitehurst Spearman
William David Gray	Matthew Brent Starkey
Kevin Michael Griffin	Mark Russell Strawn
Jenna Smith Hall	Elsa Savannah Swenson
Kimberly Hawkins	Claire Elizabeth Tamer
Nicole Elaine Helman	Kodjo Tchegnon
Jeremy Gene Hussey	Michael Russell Truesdale
Lars William Lohmann Jarkko	Angela Lee Tyson
Mary Cabaniss Johnson	Michael Holland Walker
Janet Repke Kahl	Evelyn Virginia Ware
Daniel Andrew Aiken Keppler	Ryan Joseph Wingerd

Staff reviewed and recommended approval of the original application submitted by Bryan Douglas Aust. Mr. Aust failed to disclose pertinent information with his exam application but provided it with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

Staff reviewed and recommended approval of the original application submitted by Tres Newman Cobb. Mr. Cobb failed to disclose pertinent information with his exam application but provided it with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

Staff reviewed and recommended approval of the original application submitted by Stephen Arthur Vore. Mr. Vore failed to disclose pertinent information with his exam application but provided it with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

**Reciprocal Certificate Applications - The following were approved:**

Punita Ahuja	Patricia Jones Klein
Carolann Elizabeth Berkowitz	Rebecca Ellen Kreutzfeld
Michelle Feely Black	Linda Susan Lee
Daniel Paul Cafarella	Yan Ling
Melanie Rose Castillo	Eileen Foody Little
Carol Ann Dellapenna	Eugene J. Longo
Kenneth Ian Deutsch	William John Maniscalco
Shaji Thomas George	Chester Joseph Popkowski, Jr.
Jason John Golonka	Glenn Allen Ruggles
Paul Jay Grosswald	Katie Ann Sanford
Matthew Steven Hernley	Scott Robert Saville
Lawrence Jay Herzberg	Jane Elizabeth Scarlett
James Joseph Hilty	Steve Leo Schilling
Reginald Hinton	Kimberly Ann Seamans
Nani Jahja	Christopher Shaw Silvey
Jaclyn Kelly Katerakis	Michael Anthony Torsiello
David Michael Kent	Tracie Davis Youngblood

Staff reviewed and recommended approval of the original application submitted by Michael Jon Ramos. Mr. Ramos failed to disclose pertinent information with his exam application but provided it with his certificate application. Staff recommended approval of the application with a one-year probationary period. The Committee approved staff recommendation.

**Temporary Permits** - The following temporary permits were approved by the Executive Director and ratified by the Board:

Timothy David Nelson T6894  
Caroline Nancy Stone T6895  
Christopher Lee Millikan T6896  
Yan Shi Gibson T6897

William Michael Wess T6898  
Douglas Charles Duer T6899  
Clarence Jack Rogers, Jr. T6900

**Reinstatements** - The following were approved:

Mary Lou Rathje Barlow #17145  
James Christopher Boone #14660  
Mary B. Carlin #28236  
William Frank Kauder, III #33064  
John Travis McMinnville #31326  
Vanessa M. Pangle #17422

Katherine Finley Smithey #18010  
Danny Allen Snead #12466  
Collin L. Sumrall #35321  
Cecely Lorrene Tucker #33003  
Dorothy Whiteman #19498  
Andrew Wallace Williams, Jr. #31400

**Firm Registrations** - The following professional corporations and professional limited liability companies were approved by the Executive Director and ratified by the Board:

Pam Barden CPA PLLC  
Randy S. Casstevens, CPA PLLC  
Chepul CPA, PLLC  
Justine E. Laurie, CPA, PC  
Jeffrey L. Mitchell, CPA, PLLC  
Kimberly A. Moore, CPA, PLLC

L A Musselwhite CPA, PLLC  
Peebles CPA, PC  
Sheryl H. Schuff, CPA P. C.  
Pamela D. Taylor CPA, PLLC  
Vic Williams CPA PLLC

**Retired Status Applications** - The Committee approved the following requests for retired status because the individuals are completely retired and do not receive any earned compensation for current personal services in any job whatsoever:

Christine Conboy #22008  
Peggy Reynolds Dahle #13903  
Ann M. Honbarrier #16885

Kathleen Ann Johnson #20516  
Joyce Swenson #13299

**CPE Matters** - Staff reviewed and recommended approval of a request submitted by Robert Monaghan who prepares and teaches ethics courses and wanted his preparation and teaching time for the ethics courses he taught to qualify for compliance with his annual ethics requirement. Ms. Lynch and Mr. Harris moved to approve the request. The motion passed with six (6) affirmative votes and one (1) negative vote.

Staff presented concerns regarding a CPE sponsor's course, "Accounting Ethics." The course does not contain the content necessary for a licensee to meet the annual ethics CPE requirements set forth in 21 NCAC 08G .0410. The staff also presented other concerns regarding another course, "What to Do Now," presented by the CPE sponsor that was audited. The staff recommended that the CPE Sponsor's agreement be terminated and that effective immediately, the CPE Sponsor cease presenting any courses to NC licensees as a CPE Sponsor registered with the Board. Ms. Lynch and Mr. Kledis moved to terminate the agreement of the CPE Sponsor. The motion passed with seven (7) affirmative votes and zero (0) negatives votes.

**Examinations** - The Committee reviewed and approved the following staff approved applicants to sit for the Uniform CPA Examination:

Nathaniel Adams	Jonathan Campbell
Amanda Aiken	Michael Carnicelli
Michael Alford	Stephanie Carter
Luke Allman	Christopher Casey
Chad Antley	Leslie Chandler
Kelly Archerd	Abraham Chen
Jill Ashe	Nicholas Ciamaricone
Pierce Autry	Amy Clodfelter
James Badgett	Kaitlyn Coen
Jonathan Badgett	Zannoth Coffee
Elena Baker	Tyler Cole
Charles Barnewolt	Joy Coleman
Valerie Barney	Bryan Collins
Andrew Barnobi	Donald Collins
Svetlana Barrett	Jack Coman
Christopher Bass	Alexandria Conner
David Batkiewicz	Joseph Cook
Gagandeep Bindra	Claire Covington
Dustin Boggs	Taylor Creedon
Daniel Borzelleca	Brandon Culp
Patrice Bowden	George Dashner
Lorenzo Bravo	Lauren Daughtry
Bethany Breeden	John Davenport
Tony Brewer	Elizabeth Davis
James Brown	Mark Davis
Kirsten Bruenning	Sonya Dean
Steven Bruno	Molly Demarest
Brittany Bumphus	Chad DesMarteau
Paul Burks	Miloni Dhulia
Hope Buttitta	Simona Dobson
Kimberly Byrd	Ranju Dogra

Melissa Dougher  
Tracy Dowdy  
Ruth Downs  
Michael Dunn  
Samantha Dunn  
Taylor Duran  
Dawn Dwyer  
Ryan Dyer  
Catherine Eastwood  
Melissa Ebili  
Veronica Edwards  
Joseph Egbers  
Carl Epley  
Michael Estrada  
James Etchells  
Austin Eubanks  
Lynsi Faircloth  
Ashley Farrish  
Aygul Fayzullina  
Kendra Ferguson  
Regina Ferguson  
Emily Fisher  
Joseph Fleming  
Marco Flores  
Jeffrey Foster  
Ashley Fromm  
Rachel Gable  
Amelia Gardner  
Meagan Garrison  
Nicholas Geers  
Morgan Gibson  
Peyton Gimbert  
Daniel Glasser  
Allan Godinez  
Jorge Gonzalez  
Philip Gooding  
Jessie Goodrum  
Michelle Goslin  
Joshua Gray  
Walter Gray  
Kevin Greats  
Karrie Grigg  
Steven Grow

Charles Gupton  
James Hackl  
Peter Harakas  
Ashley Hardy  
Heidi Harney  
Victoria Harris  
Cache Heidel  
Daniel Higgins  
Denise Higgs  
Ryan Hill  
Ashley Holder  
James Holland  
Jennifer Horne  
Ruoqi Hu  
Anna Ivey  
Danny Jackson  
Michael Jaehnig  
Kimberly Jenkins  
Garrett Jernigan  
Jordan Jernigan  
Jessica Johannessen  
Alicia-Michelle Johnson  
Amy Johnson  
Matthew Johnson  
Ronnie Johnson  
Stephen Johnson  
Timothy Johnson  
Amanda Jones  
Richard Jones  
Shani Jones  
Stephen Jones  
Patricia Jordan  
Robin Jordan  
Preston Kafka  
Zachary Keech  
Cindy Keen  
Adam Kovalevsky  
Danielle Kubinski  
Christy Land  
Bao-Tran Le  
Austin Lee  
Julia Leik  
Amber Levitt

Kelly Lew  
Beili Li  
Marcus Lockamy  
Ashely Loftis  
Matthew Long  
Stuart Long  
Nicole Longa  
Jennifer Longworth  
Michael Lotterhos  
Sarah Loving  
Rachel Luckhardt  
Michael Lupo  
Matthew Lynch  
Amber Maddox  
Evelyne Makatiani  
Alen Makitan  
Alexander Mansmann  
Jeffrey Marko  
Heather Martin  
Larry Martin  
Sean Martin  
Stephen Mason  
Zachary Matthews  
Timothy Mausolf  
Erin Mayberry  
David McAnally  
Inge McCrory  
Melonie McCurry  
John McGrotha  
Aaron McMillan  
Robert Meador  
Michael Means  
Brandon Miller  
Tanya Miller  
Dale Millns  
Patrick Mills  
Preston Moore  
Randolph Morris, Jr  
Lawrence Moyer  
Aastha Naik  
Lindsay Nalley  
Shelley Nelsen  
James New

Austin Newlin  
Thomas O'Connor  
Amanda O'Harrow  
Caroline O'Connor  
Jason Oliver  
Miles Onafowora  
Lucinda Ore  
Mary Ouzts  
Joshua Overman  
Andrea Pack  
Damon Parker  
Kyle Parker  
Jagruti Patel  
Punam Patel  
Sara Pearson  
William Perrault  
Jimmy Person  
Steven Peterson  
Amanda Pindar  
Robert Pitino  
Marisa Poccia  
Gregory Portal  
Brittany Powell  
Sharon Pratto  
Beverly Pressley  
Jason Priest  
Heather Rafalko  
Elizabeth Rainey  
Charles Rasmussen  
Oliver Reed  
Ashlyne Reid  
Jared Reynolds  
Amanda Richardson  
Judyth Riddick  
Andrea Ridgely  
Daniel Riebesell  
Leata Riggs  
Maribeth Roach  
Jason Roberts  
Patti Roebuck  
Charles Rogers  
Stephanie Rogers  
Amanda Rose

Susan Ross  
Robert Rouse  
Karen Rubin  
Jeffrey Sanders  
Rachael Savage  
Jonathan Scarpola  
Brittany Schell  
Andrew Schwarz  
Denecia Sea  
Gabrielle Shahid  
Stephen Sheller, Jr  
Ashlie Shepard  
Dhruvit Sheth  
Mandeep Shoker  
Ann Sink  
Misti Skinner  
Carlin Smith  
Matthew Spain  
William Squires  
Kira Staggers  
Allison Stevens  
Autumn Stewart  
Teresa Striblin  
Kathleen Stroud  
Laurie Strumski  
Megan Sudnik  
Garrett Summers  
Kent Swindlehurst  
Tomokazu Takahashi  
Willie Tate  
Cole Taylor  
Andrew Teague

Apryl Tessener  
Genessa Tetterton  
Bradley Thacker  
Samone Thomas  
Kristen Thompson  
Heather Thornbrough  
David Trautmann  
Marshall Trull  
Wesley Tyson  
Elizabeth Underwood  
William Varnedoe, Jr  
Evan Vick  
Ryan Walker  
Jennifer Walton  
Lin Wang  
YuanYuan Wang  
Zhenhua Wang  
Jelissa Ward  
Paul Ward  
Jason Watkins  
Rachel Werner  
Jeanne-Claire White  
John Whitley  
Robert Wilk  
Aimee Wilson  
Gary Wize  
Candice Woodruff  
Christopher Wright  
Jacquelyn Yellin-Mungo  
Carole Yow  
Teresa Yurtkuran

**Letters of Warning** – Staff reviewed and recommended approval of the request to rescind the letter of warning awarded to David McCoy (#11300). The Committee approved staff recommendation.

**PUBLIC HEARING:** President Rodriguez called the Public Hearing to Order to hear Case No. C2009220 – Michael A. Seda. Mr. Seda was present at the Hearing and was not represented by Counsel at the Hearing. Mr. Seda, Scott Cohen, and Leonor Clavijo were sworn and presented testimony. Ms. Lynch and Mr. Cook moved to enter Closed Session to discuss the matter with Valerie Bateman, Esq. The Executive Director, Deputy Director, Staff Attorney and Legal Counsel were not present in Closed Session. Ms. Lynch and Mr. Glover moved to

approve a Board Order (Appendix IV) denying Mr. Seda's application for Modification of Discipline. Motion passed with five (5) affirmative and two (2) negative votes. The entire Public Hearing is a matter of public record.

**CLOSED SESSION:** Mr. Cook and Ms. Lynch moved to enter Closed Session to discuss a legal matter with the Executive Staff, Legal Counsel, and Staff Attorney. Motion passed.

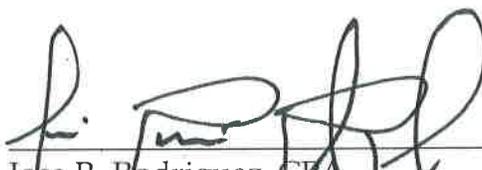
**EXECUTIVE STAFF AND LEGAL COUNSEL REPORT:** The Executive Director reported that an individual has requested, pursuant to NCGS 132-6, that the Board provide said individual with the name, mailing address, telephone number, and email address of each North Carolina CPA. Messrs. Glover and Cook moved to comply with the request except email addresses and that the Board shall request as opinion from the Attorney General of North Carolina as to whether email addresses are public record under NCGS 132-6. Motion passed with seven (7) affirmative and zero (0) negative votes.

**ADJOURNMENT:** Messrs. Kledis and Cook moved to adjourn the meeting at 11:55 a. m. Motion passed.

Respectfully submitted:

Attested to by:

  
Robert N. Brooks  
Executive Director

  
Jose R. Rodriguez, CPA  
President

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: 200602-013

IN THE MATTER OF:

Dale Robert Baumann, #25730  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the North Carolina State Board of CPA Examiners ("Board") at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N.C. Gen. Stat. § 150B-41, the Board and Respondent stipulate to the following FINDINGS OF FACT:

1. Dale Robert Baumann ("Respondent") was the holder of North Carolina certificate number 25730 as a Certified Public Accountant. Respondent chose to place his North Carolina certificate on inactive status in 2004. He has maintained his inactive status since that time.
2. Respondent, for the approximate time period from mid-1997 through January 1999, was a Senior Manager with KPMG, LLP ("KPMG"), at its Charlotte office. He later changed offices and was made a partner by KPMG. He remained a KPMG partner until his termination on July 27, 2005.
3. Respondent has not maintained a place of business in North Carolina since 1999.
4. While employed in the Charlotte KPMG office, Respondent was under the direct supervision of partners in KPMG's Personal Financial Planning group, specifically Carolyn Branan and William "Sandy" Spitz (hereinafter "Charlotte Partners").
5. For the time period from about 1996 through 2002, KPMG developed, implemented, and marketed certain tax shelters including KPMG's Foreign Leveraged Investment Program ("FLIP"), Bond Linked Issue Premium Structure ("BLIPS"), Offshore Portfolio Investment Strategy ("OPIS"), and Short Option Strategy ("SOS"), as well as other variants on those programs (hereinafter the "Tax Shelters").
6. KPMG marketed its Tax Shelters to residents in the State of North Carolina and implemented some of those Tax Shelters on behalf of its North Carolina clients.
7. On or about August 26, 2005, KPMG entered into a Deferred Prosecution Agreement ("DPA") with the United States Department of Justice regarding the Tax Shelters.



8. As part of the DPA, KPMG admitted and accepted certain facts that were set forth in a "Statement of Facts" that was appended to the DPA.
9. Per the DPA, KPMG has admitted that "through the conduct of certain KPMG tax leaders, partners, and employees, during the period from 1996 through 2002, KPMG:

Assisted high net worth United States citizens to evade United States individual income taxes on billions of dollars in capital gain and ordinary income by developing, promoting and implementing unregistered and fraudulent tax shelters. A number of KPMG tax partners engaged in conduct that was unlawful and fraudulent, including: (i) preparing false and fraudulent tax returns for shelter clients; (ii) drafting false and fraudulent proposed factual recitations and representations as part of the documentation underlying the shelters; (iii) issuing opinions that contained those false and fraudulent statements and that purported to rely upon those representations, although the KPMG tax partners and the high net worth individual clients knew they were not true; (iv) actively taking steps to conceal from the IRS these shelters and the true facts regarding them; and (v) impeding the IRS by knowingly failing to locate and produce all documents called for by IRS summonses and misrepresenting to the IRS the nature and extent of KPMG's role with respect to certain tax shelters."

10. While employed at KPMG's Charlotte office, Respondent was involved in the sale and implementation of numerous Tax Shelters.
11. In his role as a Senior Manager, Respondent signed tax returns for clients which took advantage of the favorable tax consequences afforded by the Tax Shelters.
12. According to a report created by the U.S. Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, Quadra Capital Management LLP (also doing business as Quellos or QA Investments) (hereinafter "Quadra") was an investment advisory firm that worked with KPMG and participated directly in the FLIP, OPIS, or BLIPS transactions.
13. Respondent signed at least one tax return claiming the favorable tax benefits of a FLIP transaction that had been administered by Quadra after Quadra had submitted an application for a similar product to be registered as a tax shelter.



14. Respondent signed at least one opinion letter, in another jurisdiction, verifying that there was a greater than 50% likelihood (*i.e.*, that it was more likely than not) that the favorable tax consequences promised from the FLIP transaction would be upheld if challenged by the IRS.
15. In June of 1998, Respondent received correspondence from a high-ranking KPMG tax partner regarding the marketing materials for the OPIS product. That correspondence provided:

Please be reminded that you should NOT leave this material with clients or targets under any circumstances. Not only will this unduely [sic] harm our ability to keep the product confidential, it will DESTROY any chance the client may have to avoid the step transaction doctrine.

The "step transaction doctrine" has been expressly sanctioned by the United States Supreme Court and provides that federal tax liability may be based upon a realistic view of an entire transaction. As such, interrelated, yet formally distinct, steps in an integrated transaction may not be considered independently of the overall transaction. *See Commissioner of Internal Revenue v. Clark*, 489 U.S. 726, 739 (1989).

16. Respondent and other personnel at KPMG were aware that the Tax Shelters were regarded within KPMG as risky strategies. Nevertheless, partners in KPMG's Charlotte office continued to market and implement the strategies despite those perceived risks.
17. While employed at KPMG, Respondent witnessed the following:
  - a. The Tax Shelters were marketed by KPMG personnel, including Charlotte Partners, as a way to reduce clients' taxes.
  - b. KPMG personnel, including Charlotte Partners, presented the Tax Shelters to clients as a complete package.
  - c. Charlotte Partners represented to clients that FLIP transactions were risk free;
  - d. Charlotte Partners informed clients they should keep the details of the Tax Shelters confidential and discouraged sharing information with third parties such as their own attorneys or outside CPAs.



- e. Tax Shelter presentation materials were collected by KPMG personnel following presentations made to clients to preserve confidentiality and arguments regarding the step transaction doctrine.
  - f. Charlotte Partners instructed Respondent and other senior managers to claim favorable tax consequences for clients on their tax returns based upon FLIP transactions, even after a similar version of FLIP had been registered as a tax shelter by Quadra, and after KPMG had decided to cease marketing the FLIP strategy.
  - g. KPMG provided its tax partners with opinion letters verifying that it was "more likely than not" that the Tax Shelters would withstand IRS scrutiny. Those opinion letters were premised upon certain assumed facts. The assumed facts provided to the partners were pre-printed in the opinion letters. Local KPMG tax partners were not allowed to change the facts stated in the opinion letters.
  - h. On at least one occasion, Charlotte Partners presented clients with opinion letters that contained assumed facts that were not true.
18. Respondent voluntarily agrees to fully cooperate with, and make himself available to, the Board and its designees, without the necessity of subpoena, in any investigation of other Board certificate holders in similar matters. Respondent's cooperation includes providing interviews, statements, depositions, affidavits, and testimony. Respondent shall not charge for any time or travel related to such matters provided that any depositions shall be at a time and place convenient to Respondent. Testimony at any hearing would most likely occur at the Board offices in Raleigh, North Carolina.
19. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.



Consent Order - 5  
Baumann, Dale

Based upon the foregoing findings, the Board makes the following CONCLUSIONS OF LAW:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code, including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. In lieu of an administrative proceeding, the Board and Respondent have agreed to the terms of this Consent Order.

BASED on the foregoing and in lieu of discipline or further proceedings, the Board and Respondent agree to the following Order:

1. Respondent, whose certificate has been inactive since 2004, will maintain his inactive status and will never request reinstatement or reissuance of his North Carolina certificate. As such, Respondent shall not offer or render services as a CPA or otherwise trade upon or use the CPA title in this state either through CPA mobility provisions or substantial equivalency practice privileges or in any other manner.

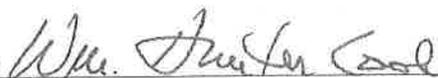
CONSENTED TO THIS THE 18<sup>th</sup> DAY OF June, 2012.

  
\_\_\_\_\_  
Dale Baumann

APPROVED BY THE BOARD THIS THE 23 DAY OF July, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS



BY:   
\_\_\_\_\_  
Vice-President



NORTH CAROLINA WAKE COUNTY BEFORE THE NORTH CAROLINA STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2012030

IN THE MATTER OF:  
Thomas Lee Codington, #4621  
Respondent

CONSENT ORDER

THIS CAUSE, coming before the North Carolina State Board of CPA Examiners ("Board") at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to N. C. Gen. Stat. § 150B-41, the Board and Respondent stipulate to the following:

1. Thomas Lee Codington (hereinafter "Respondent") is the holder of North Carolina certificate number 4621 as a Certified Public Accountant.
2. Respondent voluntarily disclosed, to the Board, that a tax lien had been filed, in December of 2011, against his firm for his failure to pay 941 taxes for the second quarter of 2010.
3. Respondent paid the entire tax lien on February 16, 2012, and the Internal Revenue Service released the tax lien on February 29, 2012.
4. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Consent Order with the Board *ex parte*, whether or not the Board accepts this Consent Order as written. Respondent understands and agrees that this Consent Order is subject to review and approval by the Board and is not effective until approved by the Board at a duly constituted Board Meeting.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code, including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's failure to pay or ensure payment of the 941 quarterly trust funds for his Firm is a violation of 21 NCAC 08N .0201, .0203, and .0207.



Consent Order - 2  
Thomas Lee Codington

3. Per N.C. Gen. Stat. § 93-12(9) and also by virtue of Respondent's consent to this order, Respondent is subject to the discipline set forth below.

BASED on the foregoing and in lieu of further proceedings, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Thomas Lee Codington, is hereby suspended for two (2) years; however, said suspension is stayed pending Respondent's compliance with the following terms:
- a. During the two (2) year suspension period, Respondent shall comply with all Board statutes and rules.
  - b. Respondent shall remit to the Board, within thirty (30) days of the Board's approval of this Consent Order, a one thousand dollar (\$1,000.00) civil penalty.

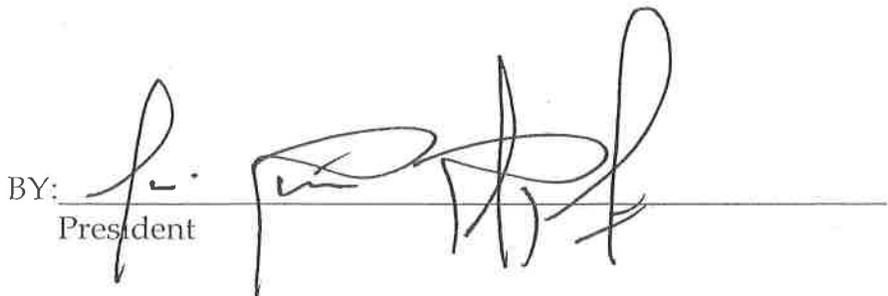
CONSENTED TO THIS THE 7<sup>TH</sup> DAY OF June, 2012.

  
Respondent

APPROVED BY THE BOARD THIS THE 23 DAY OF July, 2012.

NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS.



BY:   
President



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #C2012200

IN THE MATTER OF:  
Joshua Chertoff, #32757  
Respondent

ORDER

THIS MATTER having come before the Board with a quorum present, and having been consented to by the Respondent, the Board finds and orders as follows:

1. Joshua Chertoff (hereinafter "Mr. Chertoff") is the holder of a certificate as a Certified Public Accountant in North Carolina.
2. Mr. Chertoff failed to timely renew or cancel the annual firm registration for Joshua Chertoff, CPA, in accordance with provisions as required by N. C. Gen. Stat. § 93-12 (7b) and 21 NCAC 08J .0108 (b) and (g), and 08N .0213.
3. On May 17, 2012, Mr. Chertoff informed the Board that he does not desire to renew the firm registration for Joshua Chertoff, CPA, for the coming year.
4. Pursuant to 21 NCAC 08J .0111(1), because Mr. Chertoff's infraction was for a period of more than 60 days, but less than 120 days, the appropriate penalty is \$200.00.
5. Mr. Chertoff has paid his civil penalty and consents to the entry of this Order and has waived any right to a hearing.
6. The Board members present, representing a quorum of the Board, have unanimously decided to accept Mr. Chertoff's payment as full resolution of the aforementioned rules violation.

This the 23 day of July, 2012.



NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS

BY: \_\_\_\_\_  
President

*[Handwritten signature]*

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #C2012178

IN THE MATTER OF:  
C. Diane Tedder, #32986  
Respondent

ORDER

THIS MATTER having come before the Board with a quorum present, and having been consented to by the Respondent, the Board finds and orders as follows:

1. C. Diane Tedder (hereinafter "Ms. Tedder") is the holder of a certificate as a Certified Public Accountant in North Carolina.
2. Ms. Tedder failed to timely file the annual firm registration for CD Tedder, PLLC Certified Public Accountant in accordance with provisions as required by N. C. Gen. Stat. § 93-12 (7b) and 21 NCAC 08J .0108 (b) and (g), and 08N .0213.
3. Ms. Tedder subsequently renewed her firm registration, which was received by the Board on March 22, 2012, less than sixty (60) days from the annual firm registration date.
4. Pursuant to 21 NCAC 08J .0111(1), because Ms. Tedder's infraction was for a period of less than 60 days, the appropriate penalty is \$100.00.
5. Ms. Tedder has paid her civil penalty and consents to the entry of this Order and has waived any right to a hearing.
6. The Board members present, representing a quorum of the Board, have unanimously decided to accept Ms. Tedder's payment as full resolution of the aforementioned rules violation.

This the 23 day of July, 2012.



NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS

BY: \_\_\_\_\_  
President



NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF  
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS  
CASE #: C2009220

IN THE MATTER OF:  
Michael A. Seda, #27700  
Applicant

BOARD ORDER

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, at public hearing, with a quorum present, the Board finds, based on the evidence presented at the hearing on May 26, 2011, that:

FINDINGS OF FACT

1. The parties have been properly identified.
2. The Board has jurisdiction over Applicant and this matter.
3. Applicant received at least fifteen (15) days written Notice of Hearing of this Matter by personal service, certified mail, or other approved personal delivery; or otherwise has no objection to the Notice of Hearing.
4. Venue is proper and the Noticed Hearing was properly held at 1101 Oberlin Road, Raleigh, Wake County, North Carolina.
5. Applicant had no objection to any Board Member's participation in the Hearing of this Matter.
6. Applicant was present at the Hearing and was not represented by counsel.
7. Applicant was the holder of a certificate as a Certified Public Accountant in North Carolina and is therefore subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 8 of the North Carolina Administrative Code including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
8. Pursuant to a Consent Order agreed to and signed by Applicant on July 1, 2011, the Certified Public Accountant certificate issued to Applicant was suspended for a period of four (4) years from the date of the Board's approval of the signed Consent Order. The Board approved the signed Consent Order on July 25, 2011.

9. The matter is now before the Board upon application by Applicant for modification of discipline pursuant to 21 NCAC 08I .0104.

CONCLUSIONS OF LAW

1. The Hearing was duly noticed pursuant to N. C. Gen. Stat. § 150B-38 (b)(c) and 21 NCAC 08C .0103 and conducted with a quorum of Board members and all necessary parties present.
2. Since the discipline in this case was determined by consent to a four (4) year suspension, pursuant to 21 NCAC 08I .0104, the burden of establishing a justification for modifying the earlier discipline is upon the applicant.
3. Applicant has not presented persuasive evidence that there is "good cause" to modify the discipline approved by the Board in its July 2011 Consent Order.

BASED ON THE FOREGOING, the Board orders in a vote of 5 to 2 that:

1. Michael A. Seda's application for modification of discipline is denied.

This the 23<sup>rd</sup> day of July 2012.



NORTH CAROLINA STATE BOARD OF CERTIFIED  
PUBLIC ACCOUNTANT EXAMINERS

BY: \_\_\_\_\_  
President