

PUBLIC HEARING AGENDA
NORTH CAROLINA STATE BOARD OF CPA EXAMINERS
APRIL 25, 2016
10:00 A.M.
1101 OBERLIN ROAD
RALEIGH, NC

I. Administrative Items

A. Call to Order

II. Hearing Testimony

A. Case Nos. C2014338-1 and C2014338-2 - Oliver W. Bowie (CPA #13561) and Oliver W. Bowie, CPA, PA

III. Adjournment

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
Cases: #C2014338-1 and C2014338-2

IN THE MATTER OF:

Oliver W. Bowie, Certificate #13561
Oliver W. Bowie, CPA, PA, Firm #8752

NOTICE OF HEARING

Respondents

The North Carolina State Board of Certified Public Accountant Examiners ("Board") has received evidence which if admitted at hearing would show that:

1. Respondent Oliver W. Bowie (hereinafter "Respondent") is the holder of a certificate of qualification admitting the Respondent to practice as a Certified Public Accountant in North Carolina ("Certificate"). The Respondent is subject to the provisions of Chapter 93 of the General Statutes of North Carolina and Title 21, Chapter 08 of the North Carolina Administrative Code, including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. At all times relevant, the Respondent was an owner and supervising CPA of Oliver W. Bowie, CPA, PA (hereinafter "Firm"). The Respondent and Firm are hereinafter collectively referred to as the "Respondents."
3. The Respondent was responsible for the Firm's operations, including the Firm's payroll tax deposits.
4. The Respondent, on behalf of the Firm, failed to timely remit to the Internal Revenue Service:
 - a. 941 payments for the quarter ending December 2011 and
 - b. 941 payments for the quarter ending December 2013.
5. Since December 2012, the Respondent, on at least six occasions, failed to timely file his Firm's 941 returns with the Internal Revenue Service.
6. On August 1, 2014, the Internal Revenue Service issued a tax lien against the Firm due to the failure to pay the 941 taxes.
7. In the event that the Respondent delegated responsibility to subordinates, he is still ultimately responsible for the timely payment and filing of 941 returns per 21 NCAC 08N .0103.

Notice of Hearing - 2

Oliver W. Bowie

Oliver W. Bowie, CPA, PA

8. In 1996, the Respondent was disciplined for failure to properly file and report employer's federal unemployment taxes and employer's quarterly federal taxes and individual federal taxes.
9. Per Board records, the Respondent is the sole CPA employee at the Firm. As such, in the event that the Respondent loses his CPA certificate, the Firm will no longer be able to operate as a Professional Corporation.
10. If proven at a hearing pursuant to the North Carolina Administrative Procedure Act, the Respondent's actions as set out above constitute violations of 21 NCAC 08N .0201, .0203(a), and .0207.

The discipline which the Board may impose on the Respondent for violation of the aforementioned statutes and rules includes censure, revocation of license for a period of time, or permanent revocation. In addition, the Board may impose civil penalties of up to \$1,000.00 per infraction.

Pursuant to N.C. Gen. Stat. § 150B-38, the Respondent is entitled to a public hearing on this matter. This notice is to advise the Respondent that, unless this matter is resolved by consent, the Board will hear this matter in the Board offices at 1101 Oberlin Road in Raleigh, on April 25, 2016, at 10:00 am. If the Respondent is not present, a decision may be reached in the Respondent's absence, and the Respondent may be deemed to have waived his right to a hearing.

Pursuant to N.C. Gen. Stat. § 150B-40(d), the Respondent may not communicate regarding this matter, directly or indirectly, with any individual member of the Board.

If the Respondent has questions, or additional pertinent evidence, or proof of compliance, or desire to attempt to resolve this matter informally, he may contact the Board's Staff Attorney, Frank Trainor, (919) 715-9185, frainor@nccpaboard.gov, or the Board's Executive Director, Robert N. Brooks, (919) 733-1425, rbrooks@nccpaboard.gov.

This notice is issued the 22 day of OCTOBER, 2015.



BY: Wm. Hunter Carl
Professional Standards Committee Chairman
North Carolina State Board of
Certified Public Accountant Examiners

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS
CASE #: 9510-073

IN THE MATTER OF:
Oliver W. Bowie, #13561
Respondent

CONSENT ORDER

THIS CAUSE coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina with a quorum present. Pursuant to NCGS 150B-41 (c) and 150B-22, the Board and Respondent stipulate that:

1. Respondent is the holder of a certificate as a Certified Public Accountant in North Carolina and is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. During the period from 1988 through 1994, Respondent failed to properly file and report employer's federal unemployment taxes, employer's quarterly federal taxes, individual federal taxes, and was assessed a penalty for failure to collect and pay over tax.
3. During the period from 1988 through 1994, the Internal Revenue Service (IRS) filed liens totaling \$427,495.03 against Respondent for failure to adequately file and pay the employer's federal unemployment taxes and the employer's quarterly federal taxes, and regarding the Trust Fund Recovery Penalty which can be assessed against an individual for failure to collect and pay over tax.
4. In October of 1991 and December of 1994, the IRS filed liens totaling \$49,729.14 against Respondent and his wife for failure to adequately file and pay individual income taxes.
5. On his individual certificate renewals for the years 1991 through 1996, Respondent failed to disclose any of said civil proceedings.
6. Respondent's failures to act in a responsible manner regarding the payment of his individual federal income taxes, his employer federal unemployment taxes, and his employer quarterly federal taxes are violations of NCGS 93-12 (9) and 21 NCAC 8N .0201, and .0203 (b)(1).
7. Respondent's failures to properly file and report his individual federal income taxes, his employer federal unemployment taxes, and his employer quarterly federal taxes and the assessment by the IRS of a Trust Fund Recovery Penalty for failed to collect and pay over tax are violations of NCGS 93-12 (9) and 21 NCAC 8N .0207.
8. Respondent's failures to report these civil proceedings on his individual certificate renewals for the years 1991 through 1996 are violations of NCGS 93-12 (9) and 21 NCAC 8N .0202 (a), .0202 (b)(3), .0204 (c), and .0208 (b).

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Oliver W. Bowie

9. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED ON THE FOREGOING, and in lieu of further proceeding under 21 NCAC Chapter 8C, the Board and Respondent agree that:

1. Respondent is censured.
2. Respondent's certificate is suspended for one (1) year but said suspension is stayed for two (2) years from the date this Order is approved by the Board upon the conditions that Respondent shall be on probation for said two (2) year period and shall violate no accountancy statutes or rules during said two (2) year period.

CONSENTED TO THIS THE 1st DAY OF August, 1996.

Oliver W. Bowie
Respondent

APPROVED BY THE BOARD THIS THE 19 DAY OF August, 1996.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Wally
President