Wanda B. Taylor, Esq., Appointed to Board

The North Carolina State Board of CPA Examiners is pleased to announce that Governor Roy Cooper has appointed Wanda B. Taylor, Esq., to the Board as a Public Member.

Taylor was sworn the Oath of Office at the Board’s March 19, 2019, meeting. Her term on the Board will expire June 30, 2022.

She replaced Justin C. Burgess, who had served on the Board since 2015 (see Resolution on page 3).

Taylor received her Bachelor of Arts degree in Political Science from Duke University in 1983 and received her J.D. from the University of North Carolina at Chapel Hill in 1987.

She is admitted to practice before all North Carolina state and federal courts, as well as the United States Supreme Court.

Since 2016, Taylor has been Director of Litigation, Counsel, with Key Risk (a Berkley Company) in Greensboro, NC.

Prior to joining Key Risk, she was employed by the State of North Carolina as an attorney with the NC Department of Justice and as a Deputy Commissioner and Chief Deputy Commissioner with the NC Industrial Commission.

Taylor began her career with law firms in Raleigh and Durham, NC.

She is a Fellow of the College of Workers’ Compensation Attorneys and a member of the Alliance of Women Attorneys in Workers’ Compensation.

2019-2020 CPA License Renewal

The deadline for individual license renewal for North Carolina CPAs is June 30.

To access the online renewal, navigate to the Board’s homepage, nccpaboard.gov, and click on the “Renew My CPA License” link in the “How Do I?” box.

Before launching the online renewal, take a few minutes to review the renewal information published in the March Activity Review and gather the necessary documents.

Complete instructions for completing the renewal process are included in the online renewal.

CPE reporting can be the portion of the renewal that causes problems, so make sure you check the appropriate box related to your CPE.

Renewal continued on page 6
Disciplinary Action

Pursuant to NCGS 93-12(9), civil penalties are remitted to the North Carolina Civil Penalty and Forfeiture Fund (“Fund”) in accordance with NCGS 115C-457.2. NCGS 115C-457.1(b) states, “The Fund shall be administered by the Office of State Budget and Management. The Fund and all interest accruing to the Fund shall be faithfully used exclusively for maintaining free public schools.”

MARK ANDREW WHITAKER, #14134 | HARRISBURG, NC

**THIS CAUSE** coming before the North Carolina State Board of Certified Public Accountant Examiners (the “Board”) at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, at public hearing (“Hearing”), with a quorum present, the Board finds, based on the evidence presented at the Hearing on May 24, 2018, that:

**FINDINGS OF FACT**

1. Respondent is the holder of a certificate as a Certified Public Accountant in North Carolina.

2. The Board has jurisdiction over Respondent and the subject matter of this action.

3. Respondent received at least fifteen (15) days written notice of the Hearing. The notice was achieved by serving a Notice of Hearing by personal service, certified mail, or other method of delivery authorized by N.C. Gen. Stat. §150B-38(c).

4. Venue is proper and the Hearing was properly held at 1101 Oberlin Road, Raleigh, North Carolina.

5. Respondent did not object to any Board Member’s participation in the Hearing of this matter.

6. Respondent was present at the Hearing and was represented by counsel.

7. The Board staff received a third-party complaint from one of Respondent’s clients (“Complainant”). The Complainant’s spouse had recently died. Respondent had assisted the Complainant with her financial affairs and also prepared her taxes. The complaint contains allegations regarding the sale of an annuity by Respondent to Complainant. Complainant asserted that she had been financially harmed as a result of placing a large percentage of her assets into an annuity with limitations on withdrawals and adverse tax implications.

8. Evidence admitted at hearing in this matter establishes that Respondent provided information regarding the Athene Annuity & Life Co. (the “Athene Annuity”) in July 2014, and that Complainant signed an application for an Athene Annuity on August 9, 2014. That documentation included a disclosure that the “insurance producer” would be paid a commission. The application and other documentation provided by Respondent to Complainant did not specify the rate of Commission or amount that Respondent would be paid.

9. The undisputed evidence also shows that pursuant to Respondent’s advice, the Complainant wrote a check to Athene Annuity for $780,000.00, and that Athene Annuity received those funds on September 30, 2014. Respondent’s evidence included a statement from Athene Annuity to Respondent in which the September 30, 2014, date of receipt of the $780,000 payment was designated as “Transaction Date.” That statement also reflected a credit to Respondent of an “earned amount” of commission of $58,500.00 as “first year commission.” Respondent also stipulated that he received the $58,500.00 commission on or about September 30, 2014.

10. There was no evidence that Respondent provided the Complainant with any document either before September 30, 2014, or within ten (10) days thereafter that included a disclosure of the $58,500.00 commission.

11. At the hearing in this matter, Respondent testified that he verbally informed the Complainant that he would receive a commission from the sale and that on November 2, 2014, or on November 21, 2014, Respondent attempted to give the Complainant a document disclosing the commission amount, but the Complainant refused to accept that document. In correspondence with the Board, the Complainant stated that she did not recall that. Regardless, even if accepted at face value, that attempted disclosure was at least thirty-six (36) days after the Complainant wrote the $780,000.00 check to Athene Annuity, and

**Whitaker continued on page 4**
North Carolina State Board of
Certified Public Accountant Examiners

Resolution

Whereas, Justin C. Burgess, has served as a member of the North Carolina State Board of Certified Public Accountant Examiners since 2015;

Whereas, during his tenure, he served as a member of the Professional Education and Applications Committee;

Whereas, during his tenure he has faithfully and tirelessly served as a leader in the profession and is an eloquent spokesperson for the best interests of the public and the profession;

Be It Therefore Resolved that the members of the North Carolina State Board of Certified Public Accountant Examiners thank Justin C. Burgess, for his dedicated service, his personal sacrifice to serve the public interest, and his leadership to the Board.

This the 19th day of March 2019.

North Carolina State Board of
Certified Public Accountant Examiners

L. Samuel Williams, Jr., CPA, President
at least thirty-three (33) days after the “Transaction Date” as well as the date Respondent received the $58,500.00 commission fee.

12. Respondent also presented evidence that the Complainant received and signed a “Contract Delivery Receipt” on November 21, 2014. The Contract Delivery Receipt stated that the Complainant had “a limited period of time to examine my Annuity Contract and return it for a refund of premium.” The Respondent apparently did not refer to that document or provide it to Board staff until immediately prior to the Hearing. Respondent only offered part of the document into evidence. The portion of the Contract Delivery Receipt introduced into evidence did not include a written disclosure of the amount of commission, but did appear to provide that the Complainant could have canceled the Athene Annuity contract and received a refund during a so-called “free look” period of twenty (20) days. Respondent in previous communications with the Board staff in evidence had not previously characterized it as a written disclosure of the commission amount. Instead, Respondent, at most, claimed that he had tried to hand the Complainant a written disclosure but that she had refused to accept it. Accepted as true, such evidence does nothing to prove compliance with the rules, but does invite the suggestion that an objective CPA might have taken that client behavior as a signal that the deal should have been revoked and the $780,000.00 investment (as well as the $58,500.00 commission) returned.

13. Despite the Board’s request, the Respondent did not produce any credible evidence that he had actually timely transmitted the amount of his commission to the Complainant in writing. Evidence introduced pursuant to Respondent’s stipulation also indicated that the Complainant did not “recall being informed of his commission in any way.”

14. In 2006, Respondent was disciplined by the Board via Consent Order in a previous matter. That Consent Order, introduced by stipulation as an exhibit in this matter, contained the following findings of fact:

   Respondent advised his client to obtain certain insurance products. Respondent was listed as the agent on the insurance for the sale of the 412(i) Plan and received a commission for the sale.

   Respondent did not disclose to the client, in writing, the fact that Respondent was receiving a commission from the sale of the Insurance, and further failed to disclose the amount of the commission, all of which was required by 21 NCAC 8N .0303(e).

15. Pursuant to that Consent Order, Respondent also agreed that he had not been objective and had "placed his own financial interest and that of a third party ... ahead of the legitimate interest of his client."

CONCLUSIONS OF LAW


2. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes and Title 21, Chapter 08 of the North Carolina Administrative Code. Pursuant to N.C. Gen. Stat. §93-12(9), the Board has the authority to impose discipline upon the Respondent and Respondent’s certificate and to impose civil monetary penalties.

3. The receipt of commissions by a CPA is subject to Rule 21 NCAC 08N .0303(e), which states:

   A CPA shall communicate in advance to a client the scope of services or products to be rendered or referred for which the CPA will receive a commission, referral, or contingent fee. A CPA shall provide disclosure in a written statement within ten business days of the service or product to be rendered or referred with the commission, referral, or contingent fee to be charged or received by the CPA.

4. Although the Athene Annuity paperwork provided by Respondent to the Complainant referred to a commission, it did not inform Complainant of the amount of the commission to be received by the CPA as required by the Board rule.

5. The Respondent’s evidence of his attempt to provide the Complainant with a copy of his Athene Annuity commission statement more than a month after the transaction date and receipt of the commission would not satisfy the disclosure requirement of 21 NCAC 08N .0303(e).

6. Respondent’s contention is that the November 21, 2014, Contract Delivery Receipt constituted adequate written disclosure of the amount of the commission because the Complainant had twenty (20) days from that date to revoke the contract and receive a refund. But the Applicable Rule does not tie the disclosure requirement to that date. Rule 21 NCAC 08N .0303(e) requires written disclosure before the
service or product is provided for which the commis-
dition is “to be charged or received” by the CPA. The
evidence establishes that September 30 was the
“transaction date” and date on which the $58,500
commission was “earned,” and the Respondent stip-
ulated that he received the $58,500.00 commission fee on September 30, 2014, long before he provided
or attempted to provide the written disclosure. Even
if the Complainant could revoke the contract up to
twenty (20) days after November 21, 2014, the loss
of the use of her funds for fifty-five (55) days (from
the date of the check to the date of the Contract
Receipt) is another example of public harm that the
Rule was adopted to prevent.

7. Regardless, the plain language of Rule 21 NCAC
08N .0303(e) requires written disclosure of the
amount of commission at the latest within ten (10)
days of September 30, 2014 (the "transaction date"
and the date Respondent received the $58,500.00
commission). The undisputed evidence is that the
Respondent knew the exact amount of commission
as of September 27, 2014, but did not disclose it in
writing within ten (10) days, nor in the ensuing fifty-five (55) days.

8. Respondent’s prior discipline for violation of the same
rule serves as an aggravating factor. The applicable
rule and this Board’s decision are based upon the
overarching expectation that a CPA is still obligated
to be objective. As before, if Respondent had placed
this Complainant’s interest ahead of his own, he
would not have failed to timely comply with the writ-
ten disclosure requirement regarding his $58,500.00
commission.

BASED ON THE FOREGOING, the Board orders in a
vote of 6 to 1 that:

1. The Certified Public Accountant certificate issued to
Respondent Mark A. Whitaker is hereby revoked for
a period of two (2) years.

2. Respondent Mark A. Whitaker shall not offer or ren-
der 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 privi-
leges or in any other manner, nor shall Respondent
claim or attempt to use any practice privileges in any
other state based upon his permanently revoked
North Carolina certificate.

Approved by the Board May 24, 2018.
Issued to Respondent June 4, 2018.
Effective January 30, 2019.

Superior Court Affirms
Whitaker Board Order

On May 24, 2018, the Board held a public hear-
ing regarding Mark A. Whitaker’s alleged violation of
21 NCAC 08N .0303, Objectivity and Conflicts of Inter-
est.

A Board Order imposing a two-year revocation of
Whitaker’s NC CPA certificate was issued by the Board
on June 4, 2018.

As permitted under North Carolina General Statute
150B-43, Right to Judicial Review, Whitaker filed a Peti-
tion for Judicial Review with the Wake County Superior
Court on June 27, 2018, and a hearing on the Petition
was held on December 13, 2018.

On January 30, 2019, Wake County Superior Court
Judge Bryan Collins denied Whitaker’s Petition and af-
ffirmed the Board Order. Therefore, the two-year revo-
cation of Whitaker’s CPA certificate became effective

Judge Collins’ Opinion on the matter is available
through the “Find CPA/CPA Firm” link on the Board’s
website, nccpaboard.gov.
At its March 19, 2019, meeting, the Board approved the applications for reinstatement and reissuance submitted by the following individuals:

### Reinstatements

- Tammy Rene Albright-Coreil, #23623 Burlington, NC
- Teri L. Alexander, #25951 Spokane, WA
- Joshua Lane Bryant, #40497 Raleigh, NC
- Clifton Ross Stancil, #28877 Durham, NC
- Lynn Harris Williams, #36229 Simpsonville, SC

### Reissuance

- Kristen Marie Lewis, #35638 Smyrna, GA
- Etim Jeremiah Udoh, #29680 Waxhaw, NC

### Inactive Status

Between February 1, 2019, and March 29, 2019, the individuals listed below were approved for inactive status. “Inactive,” when used to refer to the status of a person, describes a person who has requested inactive status and been approved by the Board and who does not use the title “certified public accountant” nor does he or she allow anyone to refer to him or her as a “certified public accountant,” and neither he nor she nor anyone else refers to him or her in any representation as described in Rule .0308(b) of this Section [21 NCAC 08A .0301(b)(20)].

- Donald Andrew Huff, #28486 Tucker, GA
- William Lawrence Greene, Jr., #16249 Clemmons, NC
- Alexander Philip Ivey, #38517 Ortonville, MI
- Michael John Bellairs, #37960 Goldsboro, NC
- Tammy DeeAnn Aycoc, #23153 Asheville, NC
- John Michael Feeney, #38622 Raleigh, NC
- Evan Ryan Kleiss, #41880 Rocky Mount, NC
- Claude David Brown, #18102 Raleigh, NC
- Robert Johnston Williams, V, #37369 Wilmington, NC
- Melissa Hines Davis, #17954 Apex, NC
- R. Brett Liverman, Jr., #20281 Lumberton, NC
- Josie Crowe McDonald, #30054 Southern Shores, NC
- T. Nelson Price, #3106 Goldsboro, NC
- Rachael Brooks, #35850 Raleigh, NC
- Walter Chandler Knapp, III, #13841 Lewiston, NC
- Sophie Ridings Avent, #37765 Raleigh, NC
- Willard Carlton, #15050 Waxhaw, NC
- Candace Ann Paton, #14011 Charlotte, NC
- Jeffrey Dean Gordon, #20040 Southern Pines, NC
- James Montrose, #20882 New Bern, NC
- Nancy Morgan Erwin, #31090 Burlington, NC
- J. Franklin Joiner, #3506 Cary, NC
- Patti A. Habit, #25865 Cary, NC
- Michael David Bass, #21378 Cary, NC
- Jennifer Menge Halsing, #26477 Cary, NC
- Shaista Shirreen, #38338 Goldsboro, NC
- Elizabeth Ann Staker, #24297 Raleigh, NC
- Khalid M. Awan, #14218 Cary, NC
- Seth Joseph Beaver, #40742 Cary, NC
- Lisa R. Hysko, #15423 Cary, NC
- Janice Marie Holland, #19414 Cary, NC

### Request for Inactive Status

NC CPAs may request inactive status through the Board’s website, [nccpaboard.gov](http://nccpaboard.gov).

To access the online form, click on the “Request Inactive Status” link in the “How Do I” box on the homepage.

After completing and submitting the form, you will receive an email from the Board that summarizes the information you entered and notifies you that your request for inactive status has been approved.
On March 19, 2019, the Board approved the applications for North Carolina CPA licensure submitted by the following individuals:

- Brent Matthew Allison
- Henrique Luiz Alves Rodrigues
- Brendan Andrew Bioren
- Brandi Michelle Burkhart
- Richard Nicholas Dawson
- Andrew Francis Deal
- Monica Elizabeth Devlin
- Peter Michael Ekenstierna
- Juliana Mia Filippini
- William Conrad Glidewell, IV
- Kaitlyn Marie Hastings
- Jonathan Heath Huggins
- Jeffrey Hoyle Joyce, Jr.
- Timothy James Kay
- Kathryn Elizabeth Kosick
- Katherine Elizabeth Landi
- Susan Nicole Lansberry
- Leah June Fedorka Lloyd
- Barbara S. Lukens
- Mabel M. Machin
- James Brandon Merritt
- Robert Andrews Metzger, III
- Erin Leigh Mirante
- Corry Molter
- Jack Ronald Stewart Mordey
- Morgan Barkley Nash
- Caitlin Moira O’Neil
- Kiera Danielle Orris
- Michael John Roche
- Juan Camilo Rodas
- Michelle Frances Romagnoli
- Haley Lynn Rosenbach
- Autumn LeeAnn Rubio
- Cameron Elliott Smith
- Amanda Rose Thompson
- Don Nelson Tidwell
- William Festus Turlington, Jr.
- Cassandra Nicole Wagner
- Karl Stephens Weickgenannt
- Laura Marie Welch
- Catherine Lynn Wilson
- Connor Martin Wulff

The NCACPA will host all newly certified CPAs and one guest at no cost. Additional guests may attend for $50.

For more information visit www.ncacpa.org/cpa-inauguration.

On Thursday, June 20, 2019, the North Carolina Association of CPAs (NCACPA) will host the CPA Inauguration.

This event honors those individuals licensed as North Carolina CPAs (original and reciprocal) between May 1, 2018, and April 30, 2019.

For more information visit www.ncacpa.org/cpa-inauguration.

### 2019 Exam Score Release Dates

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<td>If you take your Exam on/before:</td>
<td>...and the AICPA receives your Exam data files from Prometric by 11:59 p.m. (EST) on:</td>
<td>If you take your Exam on/before:</td>
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<td>Your target score release date is:</td>
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<td>June 10</td>
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- All dates and times are based on Eastern Time zone.
- For the vast majority of candidates, the AICPA receives the Exam data files from Prometric within 24 hours after a candidate completes the Exam.
- The scores for the Exam data files received after the AICPA cutoff dates will be in the subsequent scheduled target score release.
- Some candidates who take the BEC section might receive their scores approximately one week following the target release date due to additional analysis that might be required for the written communication tasks.
North Carolina State Board of Certified Public Accountant Examiners
PO Box 12827
Raleigh NC 27605-2827

State Board of CPA Examiners

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North Carolina State Board of Certified Public Accountant Examiners

Notice of Address Change

Please Print Legibly

Full Name: ____________________________
Certificate No.: _______________________
Last 4 Digits of SSN: ____________
Home Address: ____________________________
City/State/Zip: ____________________________
Home Phone No: _______________________
Home Fax: ______________________
Personal Email: ____________________________
Firm/Business Name: ____________________________
Business Address: ____________________________
City/State/Zip: ____________________________
Business Phone No: _______________________
Business Fax: ______________________
Business Email: ____________________________
Signature: ____________________________
Date: ____________________________
Send mail to:  [ ] Home  [ ] Business
Mail form to: PO Box 12827, Raleigh, NC 27605
Fax form to: (919) 733-4209

Pursuant to 21 NCAC 08J .0107, all certificate holders & CPA firms shall notify the Board in writing within 30 days of any change in home address & phone number; CPA firm address & phone number; business location & phone number; & email address.

2,000 copies of this document were printed in April 2019 at an estimated cost of $1,743 or approximately 87¢ per copy.