

STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY

In the Matter of  
David Arnold Anderson  
Certificate No. 04245

ORDER FOR REVOCATION

The Minnesota Board of Accountancy ("Board") has been created under the authority contained in Minnesota Statutes. The Board is authorized, pursuant to the authority contained in Minn. Stat. § 326A.08, subd. 5(a)(1), to revoke an individual's certificate if that individual fails to comply with an order issued by the Board. The Board has, in accordance with the authority contained in Minnesota Statutes created a complaint committee (the "Complaint Committee") to investigate, mediate or initiate administrative or legal proceedings of behalf of the Board with respect to complaints filed with or information received by the Board alleging or indicative violations of sections 326A.01-14.

The Board has presented credible information, including the Board's own records and files, that leads it to conclude that David Arnold Anderson ("Respondent") has previously entered into and consented to the Board's issuance of a Stipulation and Consent Order ("Stipulation and Order") dated the 26<sup>th</sup> day of February, 2007, a copy of which is attached hereto and incorporated herein by reference, which contained certain conditions with which Respondent had agreed to and was required to comply. The Board has further been presented with credible information that leads it to believe that Respondent has failed to comply with all of the conditions contained in the Stipulation and Order and the recommendation of the Complaint Committee that Respondent's certificate as a public accountant be revoked because of such failure to comply.

Pursuant to the provisions contained in paragraph 10 of the Stipulation and Order, this matter was brought before the Board on the 20<sup>th</sup> day of August, 2007. Respondent was duly notified that this matter would be considered by the Board on such date and ~~appeared on his own~~ *behalf/did not appear*. Based upon the files and records of the Board, the attached Affidavit of Doreen Johnson Frost, and the findings and recommendation of the Complaint Committee, the Board does hereby make the following findings of fact and conclusions.

## FINDING OF FACT

1. Respondent, after being advised of his rights and being given the opportunity to consult with legal counsel, did voluntarily agree to enter into and execute the Stipulation and Order.

2. Two conditions contained in paragraph 9 of the Stipulation and Order with which Respondent agreed to comply, was the requirement that Respondent pay the entire civil penalty of \$1,000 and successfully complete and report to the Board 135 CPE hours for years ended June 30, 2003, 2004 and 2005.

3. Respondent has not, as of the date of this Order for Revocation supplied any evidence or information to the Board indicating that he has successfully completed and reported 135 CPE hours and paid \$750 of the \$1,000 civil penalty as referred to in paragraph 2 hereinabove.

4. The Complaint Committee has recommended to the Board that Respondent's public accounting certificate number 04245 be revoked because of his failure to comply with all of the conditions contained in the Stipulation and Order.

## CONCLUSIONS

1. In paragraph 10 of the Stipulation and Order, Respondent waived any right he may have to a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials regarding the matters covered under the Order for Revocation.

2. Respondent's failure to complete and report 135 CPE hours and pay the entire \$1,000 civil penalty to the Board is a violation of the Stipulation and Order.

3. In accordance with the provisions contained in paragraph 10 of the Stipulation and Order, the Board may impose additional discipline as a result of his violation of the Stipulation and Order, pursuant to Minn. Stat. § 326A.08, subd. 5(a)(1).

4. The Complaint Committee's recommendation that Respondent's certificate as a public accountant be revoked is supported by the record and is appropriate and not excessive.

## ORDER

Based upon all of the information presented, the Board hereby adopts and incorporates

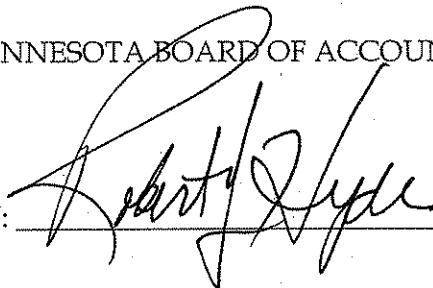
herein the above-delineated Findings of Fact and Conclusions. Upon consideration of the foregoing Findings of Fact and Conclusions, the Board hereby orders that Respondent's certificate to practice public accounting in the State of Minnesota is hereby immediately revoked as of this 20<sup>th</sup> day of August, 2007, and Respondent is hereby ordered to immediately surrender his certificate to practice public accounting to the Board by delivering the original thereof to the Board's office at Suite 125 Golden Rule Building, 85 East Seventh Place, Saint Paul, Minnesota 55101.

Respondent may reapply for licensure to the Board upon presenting a petition for reinstatement as provided in Minn. Stat. § 326A.09. At a minimum, the petition shall include satisfactory evidence that he has successfully completed the 135 CPE hours and paid the entire \$1,000 civil penalty required by the Stipulation and Order. Upon consideration of the petition, the Board may, in its sole discretion, place any other conditions on reinstatement of Respondent's certificate that it deems appropriate and necessary to ensure that the purposes of Minn. Stat. § 326 are met.

Dated the 20th day of August, 2007.

MINNESOTA BOARD OF ACCOUNTANCY

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

A handwritten signature in black ink, appearing to read "Robert J. Hyde", is written over a horizontal line. The signature is stylized and cursive.

STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY

In the Matter of  
David Arnold Anderson  
Certificate No. 04245

STIPULATION AND  
CONSENT ORDER

It is hereby stipulated and agreed by David Arnold Anderson ("Respondent") and the Complaint Committee ("Committee") of the Board of Accountancy ("Board") that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. A Notice of Conference with the Board of Accountancy's Complaint committee was duly served upon Respondent, receipt of which is hereby acknowledged by Respondent.
2. On September 15, 2006, Respondent appeared before the Board's Complaint Committee, composed of Board members Robert J. Hyde, Chair, Roger L. Reinhart and Michael M. Vekich, to discuss allegations made in the notice referenced above. Michelle Owen, Assistant Attorney General, represented the Board at the conference. Board Investigator, Steven Renville was also present.
3. For the purpose of this stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the United States and Minnesota constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent and to dispute the appropriateness of discipline in a contested case hearing pursuant to Minnesota Statutes chapter 14. Respondent agrees that upon the ex parte application of the Committee, the Board may order the remedy specified in paragraph 9 below. Respondent waives the right to any judicial review of the order by appeal, by writ of certiorari, or otherwise. Although Respondent was reminded of the opportunity for counsel, Respondent voluntarily waived such right, stating that the Respondent understood that right and the waiver.

4. This Stipulation shall constitute the entire record of the proceedings herein upon which the Consent Order is based. All documents in the Board's files shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13. They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

5. In the event the Board in its discretion does not approve this Stipulation or a lesser remedy than specified in this Consent Order, this Stipulation and Consent Order shall be null and void and shall not be used for any purpose by either party. If this Stipulation is not approved and a contested case hearing is initiated by the Committee pursuant to Minnesota Statutes chapter 14, Respondent agrees not to object to the Board's initiation of the hearing and its hearing the case on the basis that the Board has become disqualified because of to its review and consideration of this Stipulation or of any records relating hereto.

#### FACTS

5. Respondent admits the facts referred to below and grants that the Board may, for the purpose of reviewing the record in paragraph 4 above, consider the following as true without prejudice to the Respondent in any current or future proceeding of the Board with regard to these or other allegations:

a. Respondent's active certificate expired on December 31, 2005 and Respondent failed to renew the Respondent's certificate and engaged in activities requiring an active certificate and held out to the public as a certified public accountant. (MS 326A.10, Minnesota Rules 1105.2500, 1105.7800, 1105.5600).

b. Respondent failed to comply with the Board's continuing professional education rules by failing to complete 120 hours of mandatory continuing professional education during the years ended June 30: 2003, 2004 and 2005. (MS 326A.04, Minnesota Rules 1105.3000, 1105.5600, 1105.7800).

## STATUTES

7. Respondent admits that the facts and conduct specified in paragraph 6 above constitutes violation of Minnesota Statutes section 326A and Minnesota Rules chapter 1105 are sufficient grounds for the remedy specified in paragraph 9 below, and that proof at hearing of any one or more of the allegations set forth would empower the Board to take disciplinary action against Respondent's certificate.

8. This Stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this stipulation and that is not directly related to the specific facts and circumstances set forth herein.

## REMEDY

9. Upon this Stipulation and record, as set forth in paragraph 4 above, and without any further notice of proceedings, the Committee and Respondent agree that the Board may, in its discretion, issue an order to Respondent requiring compliance with the following:

- a. Respondent's certificate is **CENSURED** and **REPRIMANDED**.
- b. Concurrent with the submission of this Stipulation and Consent Order to the Board for its approval Respondent shall pay to the Board a **CIVIL PENALTY** of \$1000. \$250 is due with the Order and the balance is due by January 15, 2007.
- c. Respondent agrees that the Respondent will not violate in the future any statute, rule or order that the Board has issued or is empowered to enforce.
- d. Concurrent with making application for any future active certificate, Respondent shall successfully complete and report to the Board 135 hours of continuing

professional education hours representing previously required hours not reported to the Board. In addition, Respondent shall report to the Board 120 continuing professional education hours as required by Minnesota Rules 1105.3000, item E(1).

10. Violation of this Stipulation and Consent Order shall be considered a violation of Minnesota Statutes section 326A.08, subdivision 5(1). If Respondent violates this Stipulation and Consent Order, Minnesota Statutes sections 326A.01-.14 or Minnesota Rules Chapter 1105, the Board may impose additional discipline pursuant to the following procedure:

a. The Complaint Committee shall schedule a hearing before the Board. At least ten days prior to the hearing, the Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Service of notice on Respondent is complete upon mailing the notice to Respondent's last known address. Within ten days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include additional conditions or limitations on Respondent's practice or suspension or revocation of Respondent's certificate .

The Committee shall have the right to attempt to resolve an alleged violation of the Stipulation and Consent Order through the procedures of Minnesota Statutes section 214.10. Nothing herein shall limit (a) the Committee's right to initiate a proceeding against Respondent

pursuant to Minnesota Statutes chapter 14, or (b) the Committee's and the Board's right to temporarily suspend Respondent's certificate pursuant to Minnesota Statutes section 326A.08, subdivision 6, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent before or after the date of this stipulation which is not specifically referred to in paragraph 6 above.

11. Any appropriate court of law may, upon application of the Board, enter its decree enforcing the order of the Board.

12. Respondent hereby acknowledges that the Respondent has read, understands, and agrees to this Stipulation and Consent Order and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Respondent acknowledges that the Respondent is fully aware that the Stipulation and Consent Order must be approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the order subject to specified change, or reject it. If the changes are unacceptable to Respondent or the Board rejects the stipulation, it will be of no effect except as specified herein.

13. This Stipulation and Consent Order is public data pursuant to Minnesota Statutes section 13.41, subdivision 4.

14. This Stipulation contains the entire agreement between the parties. Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

15. If approved by the Board, a copy of this Stipulation and Consent Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed.

CONSENT:

BOARD OF ACCOUNTANCY  
COMPLAINT COMMITTEE

David Arnold Anderson  
David Arnold Anderson

Robert J. Hyde, CPA  
Robert J. Hyde, CPA  
Chair

Dated: Oct 9, 2006

Dated: 2/9, 2006

*I am requesting that you  
reconsider the civil penalty.  
This amount is currently a burden  
on my finances. Is the \$250  
attached enough penalty?*

Gregory P. Huwe  
Gregory P. Huwe  
Assistant Attorney General

Dated: 2/9, 2006

ORDER:

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings, herein,

1. IT IS HEREBY ORDERED that Respondent's certified public accountant certificate is CENSURED AND REPRIMANDED, and

2. IT IS FURTHER ORDERED that all other terms of this stipulation and consent Order are adopted and implemented this 16<sup>th</sup> day of February, 2006.

STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY

apibus  
Chair

*Need to send letter with  
this + attach to order, that  
feel \$1000 civil penalty is due  
and is now late. It was  
reconsidered.*