

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of Shah & Company, Ltd,
Firm Permit No. 01282, Ramanik Shah,
CPA Certificate No. 09193, and Ronak
Shah, CPA Certificate No. 17738

**ORDER GRANTING
SUMMARY DISPOSITION**

The above-entitled matter came before the Minnesota Board of Accountancy on March 11, 2020.

On December 16, 2019, Administrative Law Judge James LaFave recommended granting the Complaint Committee's motion for summary disposition against Respondents Shah & Company, Ltd., Ramanik Shah, and Ronak Shah. On January 6, the Board notified the parties of their right to file arguments and exceptions with the Board pursuant to Minn. Stat. § 14.61, subd. 1 (2018). On February 5, the Committee filed its arguments and exceptions with the Board. After the Board granted Respondents' request for an extension, they filed their arguments and exceptions on February 21.

Even though they were not included in the evidentiary record, both parties' submissions referenced the Board's prior disciplinary orders issued against Ramanik Shah and Ronak Shah, respectively. The Shahs did not oppose the Committee's request that the Board take official notice of the orders and, instead, sought to distinguish and provide context for their past misconduct. On February 25, the Board notified the parties of their right to object to the Board taking official notice of the orders pursuant to Minn. Stat. § 14.60, subd. 4 (2018). Neither party contested the Board taking official notice of the prior disciplinary orders.

Based on all the facts, records, and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. The Board adopts as its own factual findings the “Factual Background” contained in the ALJ’s memorandum, except that references to “the Board” in the first full paragraph on page five are changed to “the Committee.”

2. The Board takes official notice that, on August 12, 2011, it issued an order that censured and reprimanded Ramanik Shah’s certificate and imposed penalties totaling \$1,075 because he failed to timely comply with the Board’s continuing professional education requirements.

3. The Board takes official notice that, on September 12, 2011, it issued an order that suspended Ronak Shah’s certificate for three years and imposed a \$4,000 civil penalty because he made two unauthorized withdrawals from a bank account belonging to the Minnesota Society of Certified Public Accountants Political Action Committee and failed to repay the money for more than two months after the withdrawals.

4. Any conclusions of law from the ALJ’s memorandum that should properly be termed findings of fact are hereby adopted as such.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board makes the following conclusions of law:

1. The Board adopts and incorporates as its own the conclusions of law in the ALJ’s memorandum, except that in the first two paragraphs of the ALJ’s analysis on page six, the Board substitutes “The Committee” in place of “The Board”; in the first full paragraph on page eight, the Board substitutes “The Committee alleges” in place of “The Board alleges”; and also on page eight, the Board substitutes “Shah” for “Shaw.”

2. Any findings of fact from the ALJ's memorandum that should properly be termed conclusions of law are hereby adopted as such.

3. This order is in the public interest.

ORDER

Pursuant to Minn. Stat. § 326A.08, subd. 7(a) (2018), Ronak Shah, Ramanik Shah, and Shah & Company, Ltd, jointly and severally, shall pay a \$4,000 civil penalty to the State of Minnesota.

Pursuant to Minn. Stat. § 326A.08, subd. 5 (2018), the certified public accountant certificates of Ronak Shah and Ramanik Shah and the certified public accountant firm permit of Shah & Company, Ltd, are suspended for 2 years or until they fully pay the \$4,000 civil penalty imposed by this order, whichever is longer.

Pursuant to Minn. Stat. § 16D.17(1) (2018), Respondents are notified that this shall become a final civil penalty unless they request a hearing from the Board on the civil penalty within thirty days. Pursuant to Minn. Stat. § 16D.17(2) (2018), Respondents are notified that when the civil penalty becomes final, the Board may file and enforce the civil penalty in the same manner as a district court judgment against them without further notice or additional proceedings. Respondents are notified that simple interest computed in accordance with Minn. Stat. § 16D.13 (2018), shall begin to accrue on the civil penalty thirty days after the date of this order.

Dated: March 11, 2020

MINNESOTA
BOARD OF ACCOUNTANCY

Charles J. McElroy for
Sharon Jensen, Chair
Charles J. McElroy
Secretary / Treasurer

MEMORANDUM

Summary disposition is appropriate because there are no genuine issues of material fact and the Committee is entitled to judgment as a matter of law. Collateral estoppel applies to preclude Respondents from contesting the matter adjudicated in district court and appealed to the court of appeals.

As to the appropriate discipline to be imposed, the Committee requested a three year suspension for each Respondent. The Committee also requested a \$5,000 penalty against each Respondent—which is the maximum penalty available under the Board’s authority—for a total of \$15,000. Minn. Stat. § 326A.08, subd. 7(a). In contrast, Respondents argue that any discipline imposed should be limited to censure and reprimand and a \$500 penalty against each Respondent, for a total of \$1,500.

Suspension

Respondents improperly withheld their client’s tax return materials in an attempt to leverage additional payments or future work, pushing their client to pursue legal action before they would return it. Respondents concede as much in their arguments and exceptions submission by stating that they retained the tax return in an “attempt to get paid.” This constitutes a willful violation because the law required Respondents to return the materials “upon request and reasonable notice.” *Id.* § 326A.13(b). Respondents fell substantially short of their professional obligations by refusing to promptly return their client’s tax return. Particularly in light of their prior disciplinary action, under the facts of this case, the Board believes that a 2 year suspension would be sufficient to deter future misconduct and protect the public interest.

Civil Penalties

More than a suspension is required, however, because Respondents' violation harmed their client and the public interest. The factors the Board should consider in assessing monetary fines are set forth in Minn. Stat. § 14.045, subd. 3 (2018). In this case, the undisputed facts establish that Respondents committed one violation by willfully withholding their client's tax return—an important client record—in an attempt to get paid for sums to which they had no entitlement, including amounts outside the six-year statute of limitations. The Shahs have a history of violations because in 2011, the Board previously imposed a three-year suspension and a \$4,000 fine against Ronak Shah and a censure and reprimand and a \$1,075 fine against Raminik Shah. While the current misconduct occurred approximately five years later and was not particularly comparative to the prior misconduct, all the misconduct involved ethical violations in an attempt to gain a financial benefit. Lastly, Respondents have not shown any remorse or taken any responsibility for their current violation.

Based on these considerations, the Board imposes a \$4,000 civil penalty, jointly and severally, against Respondents.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF ACCOUNTANCY

In the Matter of Shah & Company, Ltd.,
Firm Permit No. 01282, Ramanik Shah,
CPA Certificate No. 09193, and Ronak
Shah, CPA Certificate No. 17738

**RECOMMENDED ORDER
ON THE BOARD OF
ACCOUNTANCY'S MOTION FOR
SUMMARY DISPOSITION**

This matter came before Administrative Law Judge James E. LaFave upon the Minnesota Board of Accountancy's Motion for Summary Disposition.

Anthony de Sam Lazaro, Assistant Attorney General, appeared on behalf of the Minnesota Board of Accountancy (Board). Ronak R. Shah appeared for himself, Shah & Company, and Ramanik Shah (Respondents).

On September 20, 2019, the Board moved for summary disposition. On October 11, 2019, the Administrative Law Judge granted Respondents' request for a continuance to respond to the Board's motion and ordered Respondents to file a response by October 18, 2019. Respondents filed a response on October 23, 2019.¹ The motion record closed on that date.

Based on the record and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMENDATION AND ORDER

IT IS RESPECTFULLY RECOMMENDED that:

1. The Board's Motion for Summary Disposition be **GRANTED**.
2. That the Board impose discipline on the Respondents' licenses.

¹ The Administrative Law Judge notes this filing was untimely, but nonetheless will consider it for purposes of this summary disposition motion.

IT IS HEREBY ORDERED THAT:

All further proceedings in this matter are **CANCELLED**.

Dated: December 16, 2019


JAMES E. LAFAVE
Administrative Law Judge

NOTICE

This Report is a recommendation, not a final decision. The Board will make the final decision after a review of the record. Under Minn. Stat. § 14.61 (2018), the Board shall not make a final decision until this Report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this Report and the Board must consider the exceptions in making a final decision. Parties should contact Doreen Johnson, Executive Director, Board of Accountancy, 85 East 7th Place, Suite 125, St. Paul, Minnesota 55101, to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Board, or upon the expiration of the deadline for doing so. The Board must notify the parties and Administrative Law Judge of the date the record closes. If the Board fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2018). In order to comply with this statute, the Board must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1 (2018), the Board is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

I. Factual Background

The Board issued Certified Public Accountant (CPA) certificates to Respondents Ramanik Shah on August 1, 1985, and Ronak Shah on June 14, 1996.² Similarly, the Board issued a CPA firm permit to Respondent Shah & Company Ltd. on October 4, 2002.³ Ramanik Shah is the president and sole owner of Shah & Co.⁴ Ronak Shah, Ramanik's son, is the managing principal of Shah & Co.⁵

² Affidavit (Aff.) of Doreen Johnson.

³ *Id.*

In approximately 2002, Michelle and Robert Beeuwsaert, owners of Thunder Blades, Inc., hired Shah & Co. to provide accounting and tax preparation services.⁶ Shah & Co. provided accounting and tax preparation services for Thunder Blades, Inc., for tax years 2003 through 2014.⁷ Shah & Co. and Thunder Blades, Inc., executed engagement letters for tax years 2008-2011, 2013, and 2014.⁸

Similarly, Shah & Co. provided accounting and tax preparation services for Michelle and Robert, as a married couple, for tax years 2002 through 2011.⁹ Robert, Michelle, and Shah & Co. executed engagement letters for tax years 2008 through 2011.¹⁰ Robert and Michelle divorced in 2011.¹¹ Thereafter, Shah & Co. provided tax preparation services for Robert and Michelle, individually, for tax years 2012 and 2013, with executed engagement letters for those years.¹²

The engagement letters either stated "Our fees for those services will be based on standard hourly rates, for the actual time spent, plus out-of-pocket expenses" or "Our fee for these services is based, if not agreed in advance, upon the amount of time required at standard billing rates plus out-of-pocket expenses."¹³

Over the years, Robert frequently requested invoices, but they were not forthcoming.¹⁴ Ramanik often told Robert that he could pay when his "cash flow improve[d]."¹⁵ Nonetheless, the Beeuwsaerts made good faith payments including \$8,100 for 2003 through 2010 and \$7,600 for 2011 through 2015.¹⁶

In April 2016, the Beeuwsaerts and Respondents had a "heated exchange when [the Beeuwsaerts] requested the return of all their tax working papers and copies of returns, so they could go to a different accountant. [Respondents] refused to provide [the Beeuwsaerts] with their working papers or tax materials until [the Beeuwsaerts] paid all alleged balances due on the accounts."¹⁷ On July 13, 2016, the Beeuwsaerts' attorney sent Shah & Co. a letter requesting tax returns and supporting accounting information, as well as to be invoiced for any outstanding balances.¹⁸ Shah & Co. did not respond to that request.¹⁹ On August 3, 2016, Shah & Co. faxed the Beeuwsaerts'

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at Ex. C.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

attorney a letter stating that it had returned all required information and noted that an invoice would be forthcoming “within the next few weeks.”²⁰ But Shah & Co. did not return the paperwork or send any invoices. Lacking the necessary documents, Thunder Blades, Inc., was unable to timely file its 2015 tax returns.²¹ The IRS subsequently assessed Thunder Blades, Inc., a penalty of \$2,730.²²

Thereafter, the Beeuwsaerts initiated an action in conciliation court, seeking return of their tax paperwork.²³ Respondents counterclaimed, alleging that the Beeuwsaerts owed \$15,000 in “fees for compilation and preparing individual and corporate income tax returns and payroll taxes and various quarterly reports for federal, state, and Dept. of Employment and Economic Development.”²⁴ Two days before the conciliation court hearing, Respondents provided an invoice to the Beeuwsaerts for over \$44,000.²⁵ This invoice did not include an hourly rate nor a calculation of actual time spent on accounting services.²⁶ On December 12, 2016, the conciliation court ordered Shah & Co. to return the requested documents, but awarded Respondents \$1,000 for unpaid accounting fees and \$250 for compiling the documents.²⁷

Shah & Co. removed the case to Ramsey County District Court.²⁸ The district court concluded that Shah & Co. had “failed to return all tax return and supporting accounting information to [the Beeuwsaerts, despite] having stated in its letter it had done so.”²⁹ In addition, “[a]s a result of [the company’s] failure to return [the Beeuwsaerts’] documents, Plaintiff Thunder Blades was unable to timely file their 2015 tax returns and suffered damages in the form of being assessed a late penalty totaling \$2,730.00.”³⁰ The district court ordered Shah & Co. to pay Thunder Blades, Inc., \$2,730 for damages “caused by [its] refusal to return Plaintiffs’ tax working papers.”³¹ In addition, the court ordered Shah & Co. to “produce and furnish to [the Beeuwsaerts], within 14 days of this Order, copies of all reasonably requested accounting and tax documents including all related work papers.”³²

Shah & Co. appealed the district court’s order to the Minnesota Court of Appeals.³³ Shah & Co., however, did not challenge the district court’s conclusion that it violated Minn. Stat. § 326A.13 (2018) by retaining a client’s tax materials due to lack of

²⁰ *Id.*

²¹ *Id.* at Ex. D.

²² *Id.*

²³ *Id.* at Ex. A.

²⁴ *Id.* at Ex. B.

²⁵ *Id.* at Ex. C.

²⁶ *Id.*

²⁷ *Id.* at Ex. A.

²⁸ *See id.* at Ex. C.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *See Beeuwsaert v. Shah & Co.*, No. A18-0527, 2019 WL 1006974 (Minn. Ct. App. Mar. 4, 2019).

payment.³⁴ Rather, the court of appeals concluded, in part, that Shah & Co.'s claims for services performed prior to 2011 are barred by the statute of limitations and that Shah & Co. failed to establish damages resulting from its remaining contract claims.³⁵ The court also concluded, however, that "the district court erred by awarding Thunder Blades \$2,730 as damages for violation of the statute because Thunder Blades failed to prove that it actually paid, or will be required to pay, the IRS penalty."³⁶

In May 2018, the Board received a written complaint about Respondents from Thunder Blades, Inc.³⁷ During the ensuing investigation, Ronak Shah stated that "we did not withhold their client-provided records; we only withheld our work product."³⁸ Ronak Shah defined "work product" as "tax returns, etc."³⁹ On April 19, 2019, the Board filed a Notice and Order for Prehearing Conference, alleging that "[b]y refusing to furnish to a client or former client a copy of its working papers and accounting and any other records the client provided to it, Respondent violated Minn. Stat. § 326A.13(b) and is subject to discipline pursuant to Minn. Stat. § 326A.08, subd. 5 (2018)."⁴⁰ Thereafter, the Board filed its summary disposition motion.⁴¹

II. Legal Standards for Summary Disposition

Summary disposition is the administrative law equivalent of summary judgment.⁴² A motion for summary disposition shall be granted when there is no genuine issue regarding any material fact, and the moving party is entitled to judgment as a matter of law.⁴³ The Office of Administrative Hearings follows the summary judgment standards developed in the state district courts when considering motions for summary disposition.⁴⁴

The function of the Administrative Law Judge on a motion for summary disposition, like a trial court's function on a motion for summary judgment, is not to decide issues of fact, but to determine whether genuine factual issues exist.⁴⁵ In other words, the Administrative Law Judge does not weigh the evidence; instead, the judge views the facts and evidence in a light most favorable to the non-moving party.⁴⁶

³⁴ See *id.*; Resp't's Mem. in Opposition to Complaint Committee's Motion for Summ. Disposition at 3 (Oct. 23, 2019) (Resp't's Mem.).

³⁵ *Beeuwsaert*, 2019 WL 1006974, at *2.

³⁶ *Id.* at *3.

³⁷ Aff. of Johnson at Ex. E.

³⁸ *Id.* at Ex. F.

³⁹ *Id.*

⁴⁰ Notice and Order for Prehearing Conference (Apr. 16, 2019).

⁴¹ Complaint Committee's Mem. Supporting its Motion for Summ. Disposition (Sept. 20, 2019) (Complaint Committee's Mem.).

⁴² *Pietsch v. Minnesota Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); see also Minn. R. 1400.5500(K) (2019).

⁴³ See *Sauter v. Sauter*, 70 N.W.2d 351, 353 (Minn. 1955); *Louwagie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. Ct. App. 1985).

⁴⁴ See Minn. R. 1400.6600 (2019).

⁴⁵ *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).

⁴⁶ *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).

The moving party has the initial burden to show the absence of any genuine issue regarding any material fact.⁴⁷ A fact is material if its resolution will affect the outcome of the case.⁴⁸ If the moving party meets this initial burden, the non-moving party must show the existence of any genuine issue of any material fact.⁴⁹ A genuine issue is not a “sham or frivolous” one and it cannot rest upon mere allegations or denials.⁵⁰ Instead, a genuine issue requires identification of specific facts that require a hearing to resolve.⁵¹ Summary disposition is only proper when there are no fact issues which require a hearing to resolve.⁵²

III. Analysis

The Board argues that it is entitled to impose discipline because Respondents violated Minn. Stat. § 326A.13(b), which states, in relevant part, that “upon request and reasonable notice” a “licensee shall furnish to a client or former client . . . a copy of the licensee’s working papers, to the extent that the working papers include records that would ordinarily constitute part of the client’s records and are not otherwise available to the client.” The district court concluded that “[r]etaining a client’s tax materials due to a lack of payment is a violation of Minn. Stat. § 326A.13” and “Plaintiff Thunder Blades suffered damages because of [Shah & Co.’s] failure to turn over documents.”⁵³ Therefore, the district court ordered Shah & Co. to “produce and furnish to Plaintiffs, within 14 days of [the] Order, copies of all reasonably requested accounting and tax documents including all related work papers.”⁵⁴

The Board maintains that its motion for summary disposition should be granted because “collateral estoppel precludes relitigation of the issues.”⁵⁵ “Collateral estoppel, also known as issue preclusion, prohibits a party from relitigating issues that have been previously adjudicated.”⁵⁶ Collateral estoppel bars the relitigation of an issue when:

- (1) the issue is identical to one in a prior adjudication;
- (2) there was a final judgment on the merits in the prior proceeding;
- (3) the estopped party was a party or in privity with a party to the prior adjudication; and

⁴⁷ *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).

⁴⁸ *O’Malley v. Ulland Bros.*, 549 N.W.2d 889, 892 (Minn. 1996).

⁴⁹ *Thiele*, 425 N.W.2d at 583.

⁵⁰ *Highland Chateau, Inc. v. Minn. Dep’t of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984).

⁵¹ See Minn. R. Civ. P. 56.05.

⁵² See *Sauter*, 70 N.W.2d at 353.

⁵³ *Aff. of Johnson at Ex. C.*

⁵⁴ *Id.*

⁵⁵ Complaint Committee’s Mem. at 4.

⁵⁶ *All Finish Concrete, Inc. v. Erickson*, 899 N.W.2d 557, 566 (Minn. Ct. App. 2017).

- (4) the estopped party was given a full and fair opportunity to be heard on the adjudicated issue.⁵⁷

In addition to these four factors, a court must be convinced that its application is fair.⁵⁸ Collateral estoppel applies to issues actually litigated, determined by, and essential to a previous judgment.⁵⁹

The issue in this contested case is whether Respondents violated Minn. Stat. § 326A.13 by failing to return requested documents. The district court considered, decided, and entered judgment on that exact issue.⁶⁰ Thereafter, Shah & Co. appealed the district court's order, but not that issue, so the district court's determination is final. Thus, the first two elements of collateral estoppel have been met.

As to the third element, neither Ramanik Shah nor Ronak Shah were parties to the district court action; rather, Shah & Co. was the named party. However, "[a] party is in privity with a party to the prior litigation if the party (1) had a controlling participation in the first action, (2) had an active self-interest in the previous litigation, or (3) had a right to appeal from a prior judgment."⁶¹ "A party to be estopped has control of the first action if it has a choice about legal theories and proofs to be advanced on behalf of the party to the action and control over the ability to obtain review of the judgment."⁶² Here, Ramanik Shah is the owner and president, and Ronak Shah, his son, is the managing principal, of Shah & Co. They are the only employees of Shah & Co. registered with the Board.⁶³ And as the only principals and owners of the firm, Ronak Shah and Ramanik Shah directed the underlying litigation of behalf of Shah & Co. Therefore, based on this control, as well as their commonality of interest, these relationships are sufficient to constitute privity.⁶⁴

Next, the record demonstrates that Respondents had a full and fair opportunity to litigate the issue.

The determination of whether a party had a full and fair opportunity to litigate generally focuses on whether there were significant procedural limitations in the prior proceeding, whether the party had the incentive to litigate fully the issue, or whether effective litigation was limited by the nature or relationship of the parties.⁶⁵

⁵⁷ *Barth v. Stenwick*, 761 N.W.2d 502, 508 (Minn. Ct. App. 2009).

⁵⁸ *Id.*

⁵⁹ *Id.* (quotation omitted).

⁶⁰ *See id.*

⁶¹ *State v. Lemmer*, 736 N.W.2d 650, 661 (Minn. 2007) (citation omitted).

⁶² *Id.*

⁶³ *Aff. of Johnson at Ex. H.*

⁶⁴ *See Miller v. NW. Nat'l Ins. Co.*, 354 N.W.2d 58, 62 (Minn. Ct. App. 1984) ("An individual who has full ownership of a corporation and is in complete control of its affairs is presumed to have a sufficient common interest to be in privity with the corporation.").

⁶⁵ *All Finish Concrete*, 899 N.W.2d at 569 (quotation omitted).

This issue was first considered by the conciliation court, which ordered Shah & Co. to return the documents to Plaintiffs. Thereafter, Shah & Co. removed the matter to district court. Again, the district court concluded that Shah & Co.'s retention of the documents violated Minn. Stat. § 326A.13 and ordered them returned. Shah & Co. appealed the district court's order but chose not to challenge the relevant issue at the court of appeals. The record lacks any indication that there were procedural limitations in those prior proceedings. And, as the sole stakeholders in the company, Ramanik Shah and Ronak Shah had an incentive to fully litigate the issues.

Lastly, application of this doctrine is fair. The statutes clearly state that the Board has the authority to investigate and discipline licensees for violating a "statute, rule, or order that the board has issued or is empowered to enforce."⁶⁶ During the investigation, Ronak Shaw stated that "we did not withhold their client-provided records; we only withheld our work product."⁶⁷ Ronak Shaw defined "work product" as "tax returns, etc."⁶⁸ In their memorandum opposing summary disposition, Respondents state that "the complaint to the Board of Accountancy and the proposed disciplinary actions against the Respondents is based upon Minn. Statute 326A.13(b)(2), which is specific to Client records, not work product, which [is] what the tax returns represent."⁶⁹ Respondents' argument is misplaced. The Board alleges that Respondents violated "Minn. Stat. § 326A.13(b) and [are] subject to discipline pursuant to Minn. Stat. § 326A.08, subd. 5 (2018)." The violation alleged is not specific to Minn. Stat. § 326A.13(b)(2); and Minn. Stat. § 326A.13(b)(1) requires licensees to furnish to a client "a copy of the licensee's working papers, to the extent that the working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client." A client's tax returns are the client's own records. Thus, Respondents seemingly admit to retaining working papers in violation of Minn. Stat. § 326A.13(b)(1).

In sum, collateral estoppel is appropriately applied, and the Administrative Law Judge recommends the motion for summary disposition be granted and that discipline be imposed.

J. E. L.

⁶⁶ Minn. Stat. § 326A.08, subd. 1 (2018).

⁶⁷ Aff. of Johnson at Ex. F.

⁶⁸ *Id.*

⁶⁹ Resp't's Mem. at 3.

AFFIDAVIT OF SERVICE BY MAIL

RE: In the Matter of Shah & Company, Ltd, Firm Permit No. 01282, Ramanik Shah,
CPA Certificate No. 09193, and Ronak Shah, CPA Certificate No. 17738
OAH 60-0100-36058

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Kathryn Weiss, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 11th day of March, 2020, she served the attached **ORDER GRANTING SUMMARY DISPOSITION** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with postage prepaid, and addressed to:

Ramanik Shah
Ronak Shah
Shah and Company, Ltd.
708 Cleveland Ave. SW, Ste. 101
New Brighton, MN 55112

Kathy A. Weiss
Kathryn Weiss

Subscribed and sworn to before me on
this the 11th day of March, 2020.

Victoria E. Oehrlein
(Notary Public)

