

THE VIRGINIA BOARD OF ACCOUNTANCY

The Virginia Board of Accountancy (VBOA) met on Friday, January 22, 2010 in Board Room 1 of the Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233.

MEMBERS PRESENT: O. Whitfield Broome, Ph.D., CPA, Chairman
Tyrone E. Dickerson, CPA, Vice Chairman
Dian T. Calderone, MTX, CPA, Immediate Past Chairman
Lawrence D. Samuel, CPA
William E. Hunt, Jr., CPA
Stephen D. Holton, CPA
Regina P. Brayboy, MPA, MBA

MEMBERS ABSENT: None

STAFF PRESENT: Wade A. Jewell, Executive Director
Dreana L. Gilliam, Board Administrator

PRESENT FOR A PORTION OF THE MEETING: Jean Grant, Enforcement Manager
April Gunn, CPA, Director, Auditor of Public Accounts
Zach Borgerding, Audit-In-Charge, Auditor of Public Accounts
James W. Hopper, Senior Assistant Attorney General/Chief

OTHERS PRESENT: James Walker, CPA, Board Chairman, Virginia Society of Certified Public Accountants
Maureen Dingus, Executive Vice President, Virginia Society of Certified Public Accountants

CALL TO ORDER

Chairman Broome called the meeting to order at 10:06 a.m.

SECURITY BRIEFING

Ms. Gilliam provided the emergency evacuation procedures.

DETERMINATION OF QUORUM/APPROVAL OF AGENDA

After the declaration of a quorum, upon a motion by Mr. Samuel and duly seconded, the members voted unanimously to approve the January 22, 2010 agenda with amendments. The members voting "AYE" were Mr. Holton, Ms. Calderone, Mr. Samuel, Mr. Dickerson, Mr. Hunt, Ms. Brayboy and Dr. Broome.

APPROVAL OF MEETING MINUTES

Upon a motion by Mr. Dickerson and duly seconded, the members voted unanimously to approve the December 15, 2009 meeting minutes.

PUBLIC COMMENT

Members of the public were in attendance and were asked to introduce themselves. No public comment was made at this time

2009 APA Audit Update

April Gunn provided a summary of the 2009 audit findings. For the year ended June 30, 2009 the VBOA financial statements were presented fairly in all material respects, with no internal control matters considered to be material weaknesses, and no instances of noncompliance with material laws and regulations or other matters that are required to be reported.

Ms. Gunn recommended that the VBOA continue utilizing policies and procedures such as the expenditure and revenue reconciliations implemented by Mr. Jewell, and remain cognizant of Information Technology and financial statement backup issues. She also advised the members that the APA is now granting the option for all agencies to issue their own financial statements in the event they may want to do so. Lastly, members were advised they may submit a formal response to the draft audit report by February 2, 2010.

BOARD MEMBER/COMMITTEE UPDATES

Ms. Calderone and Mr. Jewell led the discussion/presentation regarding the VBOA website redesign. Ms. Calderone has transitioned to Phase 2 of the communications project that includes further discussion with regulants, students, and educators to ensure the VBOA website is informative and user-friendly. The website of the Washington State Board of Accountancy was identified as a very good model. Mr. Jewell is working closely with Richard C. Sweeney, Executive Director of the Washington Board of Accountancy (WBOA), regarding its web design. Mr. Sweeney has offered to share programming and to work with DHP to update the VBOA website.

Mr. Samuel led the discussion regarding Frequently Asked Questions (FAQs). A meeting with Mr. Holton and Mr. Jewell is scheduled for January 27 to ensure the FAQs are inline with the current VBOA regulations.

Mr. Hunt led the discussion regarding the Peer Review Committee, and he will present a plan for implementation of a Peer Review Oversight Committee (PROC) at the April 23, 2010 board meeting.

Mr. Holton led the legislative/regulatory discussion and provided an update on the status of the proposed fast-track regulations.

NASBA VICE CHAIR RECOMMENDATIONS

Dr. Broome led the discussion regarding NASBA's request for recommendations for Vice Chair for the 2010-11 year. Following a review of the candidate listing, the members determined the VBOA would take no action.

IRS TAX RETURN PREPARER - PROPOSED REQUIREMENTS

Dr. Broome and Ms. Calderone led the discussion regarding the IRS proposed requirements for return preparers. Following the discussion, the members determined that the VBOA would take no action at this time.

CONGRESSIONAL COMPTROLLER GENERAL COMMISSION

Dr. Broome led the discussion regarding NASBA's recommendation and support of the Comptroller General being a certified public accountant (CPA). Following a discussion, the members determined the VBOA would take no action at this time.

EXECUTIVE DIRECTORS REPORT

Mr. Jewell provided an update regarding the functionality of the software programs VBOA My License Office (MLO) and eGov. Mr. Jewell has contacted Systems Automation (SA) and was advised they have been unable to resolve the browser issues at this time. SA has scheduled a user's conference in April. Mr. Jewell will continue to follow up on this issue.

Mr. Jewell advised the members that he plans to work with Mr. Holton to develop a draft CPE policy, to include use of the NASBA Registry. He plans to present the draft policy at the April board meeting.

Mr. Jewell advised the members that Prometric fees will decrease approximately \$38.50 per exam candidate. NASBA will provide information explaining the implementation schedule at a later date.

Today, Mr. Jewell will attend an introductory meeting with the newly appointed Secretary of Commerce and Trade, James S. (Jim) Cheng. Mr. Jewell also advised the members that the April meeting will encompass many topics of discussion, such as long-term business goals, board policies, web redesign, fee increase proposal, and a draft CPE policy. Lastly, Mr. Jewell provided an update regarding the VBOA monthly financial report and the flash report.

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ENFORCEMENT REPORT

Ms. Grant presented the quarterly enforcement reports regarding Education/Examination Informal Fact-Finding Conference totals, CPE deficient consent orders by entry date, July 09 – December 09 consent order totals, and the Education/Examination 2003 to 2009 historical review.

BEGIN CLOSED MEETING

Upon a motion by Ms. Calderone, and duly seconded, the members approved by unanimous vote that the meeting be recessed and the VBOA immediately reconvene in closed meeting to discuss and consider a disciplinary matter relating to enforcement case 2009-E0033 lawfully exempted from open meeting requirements within the jurisdiction of the VBOA as permitted by § 2.2-3711.A.27 of the *Code of Virginia*. The following non-members were in attendance to reasonably aid the consideration of the topic: Jean Grant, Enforcement Manager, and Wade A. Jewell, Executive Director.

The members voting “**AYE**” were Mr. Dickerson, Ms. Calderone, Ms. Brayboy, Mr. Holton, and Dr. Broome.

Ms. Grant provided an overview of Case #2009-E0033; the members reviewed the board final order with its findings of fact, conclusions of law and actions.

Due to their involvement with this case, Mr. Hunt and Mr. Samuel were not present and did not participate in the discussion or vote.

END CLOSED MEETING

Upon a motion by Ms. Calderone, and duly seconded, the VBOA approved by unanimous vote that the closed meeting, as authorized by § 2.2-3712.A of the *Code of Virginia*, be adjourned and that the VBOA immediately reconvene in open public meeting. The members voting “**AYE**” were Mr. Dickerson, Ms. Calderone, Ms. Brayboy, Mr. Holton, and Dr. Broome.

Upon a motion by Ms. Calderone, and duly seconded, the VBOA made the following certification by roll call vote:

WHEREAS, the VBOA has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and WHEREAS, § 2.2-3712.A of the *Code of Virginia* requires a certification by this VBOA that such closed meeting was conducted in conformity with Virginia law; NOW THEREFORE, BE IT RESOLVED that the VBOA hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the VBOA.

CALL FOR VOTE:

Dian T. Calderone, MTX, CPA – Aye
O. Whitfield Broome, Ph.D., CPA – Aye
Lawrence D. Samuel, CPA – Not Present/No Vote
Tyrone E. Dickerson, CPA – Aye
Stephen D. Holton, CPA – Aye
Regina P. Brayboy, MPA, MBA – Aye
William E. Hunt, CPA – Not Present/No Vote

VOTE

AYES: Five (5)
NAYS: None.
ABSENT DURING VOTE: Mr. Hunt and Mr. Samuel
ABSENT DURING MEETING: None

The following actions were taken as a result of the closed meeting:

File Number 2009-2009-E0033 (Cantor) (*Hunt & Samuel*)

In the matter of **File Number 2009-E0033** (Cantor), Mr. Cantor was not present nor represented by counsel:

Upon a motion by Mr. Holton, and duly seconded, the Board by unanimous vote accepted the recommendations of the presiding officer. The members voting “**AYE**” were Mr. Dickerson, Ms. Calderone, Ms. Brayboy, Mr. Holton, and Dr. Broome.

FUTURE MEETING DATES

Friday, April 23, 2010 – 9 a.m.
Friday, May 21, 2010 – 10 a.m.
Friday, June 18, 2010 – 10 a.m.

CONFLICT OF INTEREST FORMS/TRAVEL EXPENSE VOUCHERS

Chairman Broome asked the members to complete and sign their conflict of interest forms, and to complete and sign their travel expense vouchers.

ADJOURNMENT

There being no further business before the VBOA, upon a motion by Dr. Broome and duly seconded, the meeting was adjourned by unanimous vote at 1:26 p.m. The members voting “**AYE**” were Ms. Calderone, Ms. Brayboy, Mr. Holton, Mr. Samuel, Mr. Dickerson, Mr. Hunt, and Dr. Broome.

APPROVED:

O. Whitfield Broome, Ph.D., CPA, Chairman

COPY TESTE:

Wade A. Jewell, Executive Director