

FINAL/APPROVED for March 1, 2013
THE VIRGINIA BOARD OF ACCOUNTANCY

The Virginia Board of Accountancy (VBOA) met on Friday, March 1, 2013 in Board Room 1 of the Perimeter Center, 9960 Mayland Drive, Henrico, Virginia 23233.

MEMBERS PRESENT: Tyrone E. Dickerson, CPA, Chairman
W. Barclay Bradshaw, CPA
Marc B. Moyers, CPA
Stephanie S. Saunders, CPA

MEMBERS ABSENT: Regina P. Brayboy, MPA, MBA
Andrea M. Kilmer, CPA, CFF, Vice Chairman
Robert J. Cochran, Ph.D., CPA

STAFF PRESENT: Wade A. Jewell, Executive Director
Chantal K. Scifres, Deputy Director
Mary Charity, Director of Operations
Dreana L. Gilliam, Board Administrator
Jean Grant, Enforcement Manager

LEGAL COUNSEL: Joshua Lief, Senior Assistant Attorney General

**PRESENT FOR A
PORTION OF
THE MEETING:**

April Gunn, CPA, CISA, Director, Auditor of Public Accounts
Holly J. Garvin, Specialist, Reporting and Standards Team, Auditor of
Public Accounts
James Narron
Brandon Osterbind, Attorney
Maria Carrillo
Elsie L. Rose
Thomas Nesbitt, Attorney
Pamela Myers

CALL TO ORDER

Chairman Dickerson called the meeting to order at 10:02 a.m.

SECURITY BRIEFING

Ms. Gilliam provided the emergency evacuation procedures.

DETERMINATION OF QUORUM

Chairman Dickerson determined there was a quorum present.

APPROVAL OF AGENDA

Upon a motion by Ms. Saunders and duly seconded, the members voted unanimously to approve the March 1, 2013 agenda as amended. The members voting “**AYE**” were Mr. Dickerson, Mr. Moyers, Mr. Bradshaw and Ms. Saunders.

APPROVAL OF MEETING MINUTES

Upon a motion by Ms. Saunders and duly seconded, the members voted unanimously to approve the January 8, 2013 meeting minutes. The members voting “**AYE**” were Mr. Dickerson, Mr. Moyers, Mr. Bradshaw and Ms. Saunders.

WELCOME AND INTRODUCTIONS

Chairman Dickerson welcomed the members of the public and asked that they introduce themselves.

PUBLIC COMMENT PERIOD

Although members of the public were present, no comments were made at this time.

FY2012 APA AUDIT/EXIT PRESENTATION

April Gunn, CPA, Director and Project Manager, Auditor of Public Accounts (APA) led the discussion regarding the VBOA annual audit (FY12). The APA has concluded its FY12 audit and reports no findings or issues. Ms. Gunn reported that the audit went smoothly and that she is pleased with the internal controls put in place by Ms. Scifres and Mr. Jewell. She will coordinate with Mr. Jewell regarding the issuance of the internal report. The report should be available next week.

Chairman Dickerson thanked Ms. Scifres and any staff responsible for the successful audit. Mr. Jewell advised the members that the draft report will be forwarded once received.

EXECUTIVE DIRECTOR’S REPORT

Mr. Jewell presented general updates regarding the VBOA.

- Mr. Jewell led the discussion regarding the status of the fee increase. The new fees went live effective January 4, 2013. Only one new fee type has not yet been implemented – the CPA Re-Exam Fee. Implementation of this fee-type requires a major system upgrade. DHP is currently working with Systems Automation (SA) to create and include this new fee-type in the automated payment process. In addition, DHP is also working with NASBA to ensure that a successful transport mechanism for the exchange of data between the VBOA and NASBA is in place. At this time, there is no specific time frame for the addition of this new fee type.
- Mr. Jewell led the discussion regarding House Bill (HB) 1959. *HB1959 Certified public accountant; time for filing complaints with the Board of Accountancy* (statute of limitations) was accepted with minimal revisions to the verbiage. Mr. Jewell spoke to both the House and Senate sub-committees to provide clarification as requested. Following questioning of Mr. Jewell by members of the House and Senate sub-committees, the following revisions to the verbiage were incorporated:

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Line 30: introduced, after during and strike "the conduct of"

introduced, after an and strike" inspection" and insert "investigation"

Line 32: engrossed, at the beginning of the line and insert section "E. Nothing herein shall deny the right of any party to bring a civil cause of action in a court of law."

- Mr. Jewell led the discussion regarding Mr. Dickerson's request for endorsement as a candidate for the position of NASBA Middle Atlantic Regional Director for 2013-2014. Following a discussion the following action was taken:

Upon a motion by Mr. Moyers and duly seconded, the members voted unanimously to endorse the nomination of Tyrone E. Dickerson for NASBA Middle Atlantic Regional Director. The members voting "AYE" were Mr. Moyers, Mr. Bradshaw, Ms. Saunders and Mr. Dickerson.

Bucky Glover previously held the position as the NASBA Middle Atlantic Regional Director. At the conclusion of his term, he is currently seeking support as a candidate for a NASBA At-Large Director. Following a discussion, the following action was taken:

Upon a motion by Mr. Dickerson and duly seconded, the members voted unanimously to endorse the nomination of Miley W. (Bucky) Glover, CPA, for a NASBA At-Large Director. The members voting "AYE" were Mr. Moyers, Mr. Bradshaw, Ms. Saunders and Mr. Dickerson.

- NASBA will hold its Annual Conference for Executive Directors and Board Staff on March 3 - 6, 2013 in Tucson, Arizona. Mr. Jewell and Ms. Scifres will attend. Mr. Lief will attend the legal counsel portion of the meeting.

NASBA University is a training and networking event available to state board executive directors and staff. NASBA U is a two-day session held twice a year at NASBA headquarters, located in Nashville, TN. The next session is scheduled for April 25-26, 2013. Patti Hambright, Licensing and Examination Coordinator, has received a scholarship and will attend the April session. Mary Charity, Director of Operations will attend the September session.

- Each quarter the Regional Director posts Focus questions for response by the boards within their region. Mr. Jewell read the questions for discussion and/or comment. Mr. Dickerson requested that Question #1 be deferred to Dr. Cochran for consideration. Mr. Jewell will respond to Question #2 following his research.
- Opposition of the AICPAs Proposed Financial Reporting Framework for Small and Medium-Sized Entities continues. NASBA has asked the AICPA to either table or withdraw its proposal in order to allow the Financial Accounting Foundation's (FAF) Private Company Council (PCC) the opportunity to develop standards that are applicable to private companies that can be a part of GAAP.
- NASBA will be holding a Peer Review Oversight Committee (PROC) Summit on July 10, 2013 in Nashville. Mr. Jewell and one of the PROC members plan to attend.

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- The VSCPA notified Mr. Jewell of an issue relative to the Ethics Outline for 2013 (second bullet under Item C.). Mr. Jewell has developed the verbiage to update the outline. The revised outline including the following verbiage will be posted to the VBOA website following the meeting:

AICPA Accounting & Review Services Committee (ARSC) Update

Note: At the time this outline was developed, the AICPA had published an Exposure Draft entitled: *Proposed Statements on Standards for Accounting and Review Services Association With Unaudited Financial Statements; Compilation of Financial Statements; and Compilation of Financial Statements-Special Considerations*. In January 2013, the ARSC voted to withdraw its [compilation and association exposure draft](#) in response to comment letters from stakeholders. The ARSC immediately began work on a proposal that will respond to these major concerns. A new Exposure Draft is expected to be issued in the late spring or early summer. Sponsors of the 2013 Virginia-specific Ethics Course should check back periodically to determine the current status of this AICPA Exposure Draft.

- The approval of the four new positions requested through the Governor's Budget Bill should be finalized with the Governor's final approval in April. Mr. Jewell does not foresee any issues, considering the request moved through the General Assembly without incident. Once the approval is received, the positions will become effective July 1. Mr. Jewell will work with Ms. Scifres and the VBOA Human Resources Representative Marjorie McGregor, Department of Human Resource Management (DHRM), in preparation of advertising the positions.
- Mr. Jewell is currently in the process of reviewing a draft report reflecting the status of "closed" enforcement CPE cases created by the Director of Operations. The finalized report will be presented at the April meeting, and will include the status of all "closed" enforcement cases.
- The AICPA contacted NASBA in January to advise that 99 candidates in 33 jurisdictions (total of 4,700 candidates) were impacted by the re-reporting of scores (i.e., went from a "failing" score to a "passing" score). Five candidates from Virginia were affected and have since been notified. All issues regarding this rare software issue have been resolved.
- The AICPA Board of Examiners (BOE) has created a CPA exam booklet that will be distributed at the Executive Director's Conference in Tucson.
- Mr. Jewell distributed a listing of topics for discussion at the May Planning meeting. The list was compiled from suggestions and discussions held at previous board meetings. The members were encouraged to review the listing and submit recommendations for additions and/or removal of topics as necessary.

DEPUTY DIRECTOR'S REPORT

Ms. Scifres provided an overview of the January financials. She reported that through January 31, 2013 the board had expended 54.2% of the budget. She will continue to keep good stewardship over the finances to ensure funds are spent and accounted for properly. Following a review of the financial report, the members requested additional information regarding the budgeted versus the expended fees for legal services. Ms. Scifres and Mr. Jewell advised that the budget is created prior to services rendered. The bill received this year is for services rendered in the previous calendar year. Mr. Jewell indicated that he previously had a discussion with the AG's office requesting backup or supporting documentation to substantiate charges and better budget for services. Mr. Lief indicated that changes to the process have been implemented and he believes detailed information is now available. Ms. Scifres will contact the

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AG's office to request the information. The members also held a comprehensive discussion regarding VITA charges. No further action is necessary at this time.

Mr. Jewell led the discussion regarding revenue. As predicted, the fee increase has improved the agency's financial standing. In comparison to last year at this time, the trust fund balance is significantly lower (almost \$0). He informed the members that a transfer of funds from the operating account into the trust account will occur at the end of this quarter, and that we will begin to see a continuous replenishment of the trust account.

Mr. Jewell provided an overview of the recent changes to the Board Report. Significant changes have been made to the report following suggestions from the members. The changes include the following: a total is now provided for the number of individual and firm licensees and Ms. Charity is currently working to obtain the number of out of state licensees. In addition, due to the recent move of the CPE Consent Order processing to Operations (managed by Ms. Charity), the enforcement/CPE deficiency totals will be moved to the CPE portion of the report. Ms. Charity is currently developing a process to identify CPE compliance and deficiencies.

ENFORCEMENT

Members of the public were in attendance and wished to address the Board regarding their specific Enforcement cases. Chairman Dickerson advised the individuals that no new information may be presented at this time and comments would be limited to 5 minutes. The following individuals spoke to the Board: Attorney for Pamela Myers, Brandon Osterbind; Maria Carrillo; Attorney for Raymond Nigh, Thomas Nesbitt; and, James Narron.

Following the comments, the VBOA began a closed session to discuss enforcement related topics and cases. All votes taken to authorize the transaction of any public business were taken and recorded in an open meeting following the closed session.

BEGIN CLOSED MEETING

Upon a motion by Ms. Saunders, 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 Enforcement cases regarding disciplinary matters relating to enforcement cases 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: Joshua Lief, Senior Assistant Attorney General, Wade A. Jewell, Executive Director, Jean Grant, Enforcement Manager, and Dreana L. Gilliam, Board Administrator. The members voting "AYE" were Mr. Dickerson, Ms. Saunders, Mr. Moyers, and Mr. Bradshaw.

END CLOSED MEETING

Upon a motion by Ms. Saunders, 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.

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 Board that such closed meeting was conducted in conformity with Virginia law; NOW THEREFORE, BE IT RESOLVED that the VBOA

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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:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Aye (portion of closed meeting)
Regina P. Brayboy, MPA, MBA – Absent
Marc Moyers, CPA - Aye
Stephanie Saunders, CPA – Aye

VOTE

AYES: Four (4)
NAYS: None.

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

Case #2012-U0017 Narron (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0017 (Narron), Mr. Narron was present but was not represented by counsel.

Upon a motion by Mr. Dickerson and duly seconded the members agreed to accept the Consent Order as written, which includes the following terms and conditions:

Narron shall not practice as a CPA or use the CPA title in the Commonwealth until the Virginia Board of Accountancy has granted Narron a CPA license; Narron shall remove all signage that refers to him as a CPA to include Shenandoah Valley Baptist Church bulletins, church correspondence, any and all church documents, business cards, letterhead, email signatures, resumes, social media, newspaper and internet ads and software reflecting the CPA designation until he has been granted a CPA license; Narron shall pay a monetary penalty of \$8,000 for the unlicensed use of the CPA designation; and Narron shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$1,000 for the investigation of this matter.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA - Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)
NAYS: None.

Case #2012-D0021 Butler (*Kilmer & Bradshaw*)

In the matter of Case #2012-D0021 (Butler), Ms. Butler was not present nor represented by counsel.

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Upon a motion by Ms. Saunders and duly seconded the members agreed to accept the Consent Order as written, which includes the following terms and conditions:

Butler shall be reprimanded for failing to keep copies of relevant documents concerning the request to the IRS for extensions and therefore demonstrated insufficient office management practices. Butler failed to follow the Code of Professional Conduct, and the related interpretive guidance, issued by the American Institute of Certified Public Accountants, or any successor standard-setting authorities by failing to exercise due professional care in the performance of all professional services which will remain permanently on her record as of the entry date of the Order; Butler shall provide satisfactory completion of not less than eight (8) hours of CPE certificates of completion in Tax Practice Management to be completed and submitted prior to December 31, 2013. This training shall not be considered part of the Board's continuing professional education (CPE) annual requirements for the current year; and Butler shall reimburse the Virginia Board of Accountancy \$1,000 for the reasonable cost of the investigation of this matter.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA - Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)

NAYS: None.

Case #2012-U0016 Greeves (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0016 (Greeves), Mr. Greeves was not present nor represented by counsel.

Upon a motion by Mr. Moyers and duly seconded the members agreed to accept the Consent Order as written, which includes the following terms and conditions: Greeves shall not practice as a CPA or use the CPA title in the Commonwealth until the Virginia Board of Accountancy has granted Greeves a CPA license; Greeves shall remove all signage that refers to him as a CPA to include but not limited business cards, business letterhead, email signatures, resumes, newspaper and internet ads, company websites, social media and computer software reflecting the CPA designation until he has been granted a CPA license by the Virginia Board of Accountancy; Greeves shall pay a monetary penalty of \$8,000 for the unlicensed use of the CPA designation; and Greeves shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$500 for the investigation of this matter.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA - Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

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VOTE

AYES: Three (3)

NAYS: None.

Case #2012-U0018 Myers (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0018 (Myers), Ms. Myers was present and represented by counsel.

Upon a motion by Mr. Dickerson and duly seconded the members agreed to accept the Presiding Officers Report with modifications as presented:

The verbiage “including the entire case file” will be inserted.

Myers shall not practice as a CPA, use the CPA designation or advertise that her firm is a CPA firm in the Commonwealth until she and her firm are duly licensed by the Virginia Board of Accountancy; Myers shall immediately remove the CPA designation on any and all websites, business cards, business letterhead, newspaper or Internet ads, social media, business emails, software and any other materials reflecting the CPA designation until she and her firm are duly licensed by the Board; Myers shall pay a monetary penalty of \$10,000 for the continuation of the advertisement of her firm as “*Myers and Associates CPA, Lynchburg CPA firm, Lynchburg Accounting Firm*”, after Myers signed the Cease and Desist Agreement dated January 29, 2011 and after the signing of the previous Consent Order entered by the Board on April 26, 2012; and Myers shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$1,000 for the investigation of this matter.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye

Andrea M. Kilmer, CPA, CFF – Absent

Robert Cochran, Ph.D., CPA – Absent

W. Barclay Bradshaw, CPA – Did Not Vote

Marc Moyers, CPA - Aye

Stephanie Saunders, CPA – Aye

Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)

NAYS: None.

Case #2012-U0027 Carrillo (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0027 (Carrillo), Ms. Carrillo was present without representation by counsel.

Upon a motion by Ms. Saunders and duly seconded the members agreed to accept the Presiding Officers Report with modifications as presented:

The verbiage “including the entire case file” will be inserted.

Carrillo shall not practice as a CPA in the Commonwealth until the Virginia Board of Accountancy has granted Carrillo a CPA License; Carrillo shall remove all CPA signage, to include but not limited to, any and all business cards, business letterhead, email signatures, email names or domains, resumes, social media, newspaper and internet ads and software reflecting the CPA designation until Carrillo has been

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granted a CPA license by the Board; Carrillo shall pay a monetary penalty of \$12,000 for the unlicensed use of the CPA designation; and Carrillo shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$1,000 for the investigation of this matter.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA – Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)
NAYS: None.

Case #2012-U0023 Diehl (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0023 (Diehl), Mr. Diehl was not present nor represented by counsel.

Upon a motion by Mr. Moyers and duly seconded the members agreed to accept the Presiding Officers Report with modifications as presented:

The verbiage “including the entire case file” will be inserted.

Diehl shall not practice as a CPA in the Commonwealth until the Virginia Board of Accountancy has granted Diehl a CPA License; Diehl shall immediately remove all CPA signage, to include but not limited to, any and all business cards, business letterhead, email signatures, email names or domains, resumes, social media, newspaper and internet ads and software reflecting the CPA designation until Diehl has been granted a CPA license by the Board; Diehl shall pay a monetary penalty of \$50,000 for the unlicensed use of the CPA designation and for representing himself as a CPA to the Internal Revenue Service (IRS) and other agencies/clients; and Diehl shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$1,000 for the investigation of this matter

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF – Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA – Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)
NAYS: None.

Case #2012-U0028 Nigh (*Kilmer & Bradshaw*)

In the matter of Case #2012-U0028 (Nigh), Mr. Nigh was not present; however, he was represented by counsel.

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Upon a motion by Ms. Saunders and duly seconded the members agreed to accept the Presiding Officers Report with modifications as presented:

The verbiage “including the entire case file” will be inserted and references to specific websites will be removed.

Nigh shall not practice as a CPA in the Commonwealth or use the CPA designation until the Virginia Board of Accountancy has granted reinstatement of Nigh’s individual Virginia CPA License; Nigh shall immediately remove all CPA signage, to include but not limited to, any and all business cards, business letterhead, email addresses and signatures, email names or domains, resumes, social media, newspaper and internet ads and software reflecting the CPA designation until Nigh has been granted reinstatement of his individual Virginia CPA license; Nigh must be licensed as a Virginia CPA firm prior to performing additional attest or compilation services in Virginia; Nigh shall pay a monetary penalty of \$24,000 for using the CPA designation and providing services restricted to licensed CPA’s in Virginia on an expired Virginia CPA license; Nigh shall reimburse the Virginia Board of Accountancy for the reasonable cost of \$1,000 for the investigation of this matter; Prior to reinstatement of Nigh’s individual Virginia CPA license, Nigh shall be required to complete the following terms and conditions:

Nigh shall provide proof of CPE compliance to the Board by submitting the required 120 CPE certificates of completion to include the two hours of Virginia-specific Ethics CPE; Nigh shall provide the Board with documentation confirming that Nigh has completed the peer review process by submitting to the Board the final letter of acceptance by December 31, 2013 with the review concentrating on all audit reports issued in the calendar year of 2012; and Nigh shall report to the Board on his CPE compliance for the next three calendar years of 2013, 2014 and 2015, by submitting the required 120 CPE certificates of completion to include the two hours of Virginia-specific Ethics CPE by December 31st of each year.

CALL FOR VOTE:

Tyrone E. Dickerson, CPA – Aye
Andrea M. Kilmer, CPA, CFF –Absent
Robert Cochran, Ph.D., CPA – Absent
W. Barclay Bradshaw, CPA – Did Not Vote
Marc Moyers, CPA – Aye
Stephanie Saunders, CPA – Aye
Regina P. Brayboy, MPA, MBA – Absent

VOTE

AYES: Three (3)

NAYS: None.

FUTURE MEETING DATES

The Board approved the following upcoming meeting dates:

April 25, 2013
May 21, 2013 (Annual Planning Meeting)
June 20, 2013

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ADJOURNMENT

There being no further business before the VBOA, upon a motion by Mr. Dickerson and duly seconded, the meeting was adjourned by unanimous vote at 12:33 p.m. The members voting “**AYE**” were Mr. Dickerson, Ms. Saunders, Mr. Moyers, and Mr. Bradshaw.

APPROVED:

Tyrone E. Dickerson, CPA, Chairman

COPY TESTE:

Wade A. Jewell, Executive Director