

THE VIRGINIA BOARD OF ACCOUNTANCY

MEETING MINUTES

The Virginia Board of Accountancy (Board) met on Wednesday, May 2, 2007, in the Franklin Room of the Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia 23060.

The Board members present for the entire meeting were:

Stephen D. Holton, CPA, Chairman
Lawrence D. Samuel, CPA, Vice Chairman
O. Whitfield Broome, Ph.D., CPA
Regina P. Brayboy, MPA
Dian T. Calderone, MTX, CPA
Tyrone E. Dickerson, CPA
William E. Hunt, CPA

The Board staff members present for the entire meeting were:

Nancy Taylor Feldman, Executive Director/Agency Head
Katherine Idrissi, Special Assistant to the Executive Director
Mark D'Amato, Board Administrator

The Board staff member present for a portion of the meeting was:

Jean Grant, Enforcement Manager/Investigator

Also in attendance for a portion of the meeting was:

Cynthia H. Norwood, Assistant Attorney General

In attendance for a portion of the meeting were:

William Barrett, CPA
Erin Collins, Government Affairs Director, Virginia Society of Certified Public Accountants
Pamela Kamalakkannan, Department of Professional and Occupational Regulation
Amy Parker, Strategy & Development Director, Virginia Society of Certified Public Accountants
David N. Smith, Deputy Secretary of Commerce and Trade
George D. Sturdeon, CPA, Audit Director, Auditor of Public Accounts
Emily Walker, Regulatory Specialist, Virginia Society of Certified Public Accountants
Kenneth Zelubowski, CPA

Chairman Holton called the meeting to order at 9:05 a.m.

Call to Order

Chairman Holton determined that a quorum was present.

**Determination of
Quorum**

Upon a motion by Dr. Broome, and seconded by Ms. Brayboy, the Board by unanimous vote approved the agenda as amended. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

Approval of Agenda

The Board’s Final Agenda was as follows:

Call to Order

Determination of Quorum

Approval of Agenda

Public Comment Period

A. Approval of Minutes from January 8, 2007, Board Meeting

B. APA Presentation – George D. Sturdgeon, CPA, Audit Director,
Auditor of Public Accounts

C. CPA Inauguration – Erin Collins, Government Affairs Director,
Virginia Society of Certified Public Accountants

D. Board Reports:

1. Legislative/Regulatory:

Stephen D. Holton, CPA, Board Chairman

a. Discussion about Council for Higher Education
Accreditation (CHEA)

b. 2007 Legislation

c. Status on 120 Hour Requirement Deadline

d. BOA Special Fund Account Policy

e. Confidential Consent Agreement

f. Nomination of Ellis M. Dunkum, CPA, for NASBA
Director-at-Large

g. VITA Expenses

E. Introduction of David N. Smith, Deputy Secretary of Commerce
and Trade – Tyrone E. Dickerson, CPA, Board Member

1. Discussion of Upcoming NASBA Meetings:

- 2007 Eastern Regional Meeting (June 6-8, 2007)
- 100th Annual Meeting (October 28-31, 2007)

Recess for Board Lunch

Reconvene

Innovative IT Activities at BOA – Katherine Idrissi, Special Assistant

D. Board Reports (cont'd):

2. Enforcement

Dian T. Calderone, MTX, CPA, Committee Chairman

a. Meeting Minutes:

(1) January 5, 2007

b. Final Board Orders:

(1) File Number 2006-D06 (Kenneth Zelubowski)
(Calderone & Dickerson)

(2) File Number 2006-U14 (John R. Maleckar)
(Calderone & Dickerson)

(3) File Number 2006-CPE01 (William C. Barrett)
(Broome & Hunt)

c. Consent Orders:

(1) File Number 2006-M03 (Curtis Joachim)
(Calderone & Dickerson)

(2) File Number 2006-D15 (Silvio DeNunzio)
(Calderone & Dickerson)

(3) File Number 2006-U180 (Farrokh A. Aghajani-Baik)
(Calderone & Dickerson)

(4) File Number 2006-U17 (Shelley Johnson)
(Calderone & Dickerson)

3. Education/Examination

O. Whitfield Broome, Ph.D., CPA, Board Member

a. Exam Rescore

b. Report on NASBA Education Committee's Joint Panel on
Education

c. Board of Examiners' Practice Analysis

d. Candidate Care Report

F. NASBA

1. Report on 2007 Executive Directors' Conference -- Katherine
Idrissi, Special Assistant

2. Report on 2007 Legal Counsels' Conference – Cynthia
Norwood, Assistant Attorney General

3. Discussion about Quarterly Communications

4. Discussion about Accountancy Licensing Database
5 Focus Questions – April 2007

G. Board Reports – FYI

1. March 2007 Finance Report
2. Statistical Summaries for 3rd Quarter FY07

H. Future Meeting Dates

Sign Conflict of Interests Forms
Complete Travel Expense Vouchers

Adjournment

Chairman Holton asked for members of the public attending the meeting to introduce themselves to the Board. Ms. Collins and Ms. Parker from the Virginia Society of Certified Public Accountants (VSCPA) introduced themselves. Mr. Sturdeon from the Auditor of Public Accounts introduced himself. The last individual to introduce herself to the Board was Ms. Kamalakkannan from the Department of Professional and Occupational Regulation (DPOR). None had any comments.

With no further members of the public having comments, Chairman Holton moved to the next item of business.

Chairman Holton asked whether any members had changes to the minutes for the Board meeting held on January 8, 2007.

Upon a motion by Mr. Dickerson, and seconded by Dr. Broome, the Board by unanimous vote approved the minutes from the Board meeting on January 8, 2007. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

Mr. Sturdeon reviewed the audit summary for the year ended June 30, 2006 with the Board. He noted that: (1) the financial statements are presented fairly, in all material respects; (2) an issue in internal controls was identified about the Board’s Trust Account; and (3) an issue of noncompliance was identified about the Commonwealth’s IT Security Standards. Mr. Sturdeon recognized how the Board’s Trust Account issue was going to be addressed at the current meeting, and

**Public Comment
Period**

**A. Approval of
Minutes from
January 8, 2007,
Board Meeting**

**B. APA
Presentation –
George D.
Sturdeon, CPA,
Audit Director,
Auditor of Public
Accounts**

how the IT Security Standards issue had been addressed prior to this meeting of the Board.

The Board then reviewed how Board fines were collected with Mr. Sturgeon. The Board asked staff to investigate the feasibility of using a collections agency to obtain Board fines

Upon a motion by Ms. Calderone, and seconded by Dr. Broome, the Board unanimously accepted the audit as submitted. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

Ms Collins and Ms. Parker from the VSCPA discussed the CPA Inauguration Ceremony with the Board. The first ceremony will take place in September, 2007; the second will take place in April, 2008.

**C. CPA
Inauguration
Ceremony – Erin
Collins,
Government Affairs
Director, Virginia
Society of Certified
Public Accountants**

The Board agreed to discuss this agenda item.

Chairman Holton reviewed the 2007 General Assembly session, and previewed the next steps needed to put the Board’s new statutes, which become effective on July 1, 2007, into regulation.

**D. Board Reports:
1. Legislative/
Regulatory –
Stephen D. Holton,
CPA, Board
Chairman
b. 2007 Legislation**

Upon a motion by Dr. Broome, and seconded by Ms. Brayboy, the Board unanimously agreed to commend two individual members—Stephen D. Holton and Lawrence D. Samuel—for their excellent work on shepherding the Board’s legislative package through the General Assembly. The members voting “**AYE**” were Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt. Mr. Holton and Mr. Samuel did not vote, but did thank the other members for their assistance.

The members then reviewed the issue of accreditation. Dr. Broome noted that he is researching options about accreditation, such as the Council for Higher Education Accreditation (CHEA), and will report back to the Board.

**a. Discussion about
Council for Higher
Education
Accreditation
(CHEA)**

With the Board's agreement, Dr. Broome briefly reviewed what occurred at the NASBA (or National Association of State Boards of Accountancy) Education Committee's Joint Panel on Education. He reviewed three topics discussed at the meeting in relation to the Uniform Accountancy Act (UAA): (1) the type of accreditation needed by educational institutions; (2) the courses to be taken by CPA exam candidates; and (3) the requirement for ethics training.

The Board discussed publicizing the new deadline of December 31, 2008 to complete the CPA exam for those candidates who qualified under the 120-hour requirement and began taking the CPA exam prior to July 1, 2006. The members agreed to work with the VSCPA to get the word out to firms and firm administrators. The Board was informed that the regulatory package to implement this deadline is currently under Executive Branch review.

The Board reviewed the issue of the Board's Trust Account. The members instructed staff to begin drafting a policy about the Trust Account.

The Board noted that this item would be addressed when the new regulations are drafted.

The members reviewed a letter nominating Ellis M. Dunkum, CPA, for the position of NASBA Director-at-Large.

Upon a motion by Mr. Hunt, and seconded by Mr. Dickerson, the Board unanimously agreed to recommend to the NASBA Nominating Committee the selection of Ellis M. Dunkum, CPA, for the position of Director-at-Large. The members voting "AYE" were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

The members reviewed the transition of its Information Technology (IT) support from DynTek, Seat Management Services to the Virginia Information Technologies Agency (VITA). They were informed that the state contract with Seat Management would end in September 2007. The Board agreed to move forward with the transition.

The members agreed to move up this item in the agenda.

Ms. Idrissi reviewed several IT activities undertaken by staff to

**3. Education/
Examination – O.
Whitfield Broome,
Ph.D., CPA, Board
Member**
**b. Report on
NASBA Education
Committee's Joint
Panel on Education**

**1. Legislative/
Regulatory (con't)
c. Status on 120
Hour Requirement
Deadline**

**d. BOA Special
Fund Account
Policy**

**e. Confidential
Consent Agreement**

**f. Nomination of
Ellis M. Dunkum,
CPA, for NASBA
Director-at-Large**

g. VITA Expenses

**Innovative IT
Activities at BOA –
Katherine Idrissi,**

improve the Board office operation. Such activities include the use of a Live Chat, an online communication tool available on the Board website, and Safe Script, a means for schools to electronically submit transcripts for CPA exam candidates. Other current activities concerned re-engineering processes such as the peer review and the continuing professional education (CPE) auditing processes, and the enforcement process.

Special Assistant

The Board agreed to move this item up in the agenda.

Ms. Idrissi provided a report on the 2007 Executive Directors' Conference.

F. NASBA
1. Report of 2007
Executive Directors'
Conference –
Katherine Idrissi,
Special Assistant

The Board recessed from 10:50 a.m. to 11:00 a.m.

Board Recess

Mr. Dickerson introduced David Smith, the Deputy Secretary of Commerce and Trade, to the other members.

Deputy Secretary Smith reviewed a number of items with the Board concerning the activities of the Secretary's office.

He then discussed with the Board the attendance of members at the upcoming NASBA meetings.

E. Introduction of
David N. Smith,
Deputy Secretary of
Commerce and
Trade -- Tyrone E.
Dickerson, CPA,
Board Member
1. Discussion of
Upcoming NASBA
Meetings:
2007 Eastern
Regional Meeting
(June 6-8, 2007) &
100th Annual
Meeting (October
28-31, 2007)

The Board agreed to address this agenda item.

Dr. Broome reviewed how the cut-and-paste function being used in the CPA exam had caused errors requiring the rescore of exams.

Upon a motion by Ms. Brayboy, and seconded by Mr. Dickerson, the

D. Board Reports
(con't);
3. Education/
Examination
a. Exam Rescore

Board unanimously agreed to notify NASBA/AICPA that CPA exams of all Virginia candidates from the 2nd and 3rd quarters who may have been impacted by the cut-and-paste function issue be rescored. The Board further agreed to release these numbers to the candidates. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

Dr. Broome also agreed to send a copy of the Board of Examiners’ report on the rescore issue to the other Board members.

Dr. Broome reviewed the Board of Examiners’ practice analysis with the Board.

c. Board of Examiners’ Practice Analysis

Dr. Broome reviewed the Candidate Care Report with the Board.

d. Candidate Care Report

The Board recessed from 12:00 p.m. to 1:00 p.m. for lunch.

Recess for Board Lunch

Prior to beginning their discussion about Enforcement matters, the members discussed the retirement of Thomas Berry, the President of the VSCPA.

D. Board Reports (con’t):
2. Enforcement – Dian T. Calderone CPA, Committee Chairman

Upon a motion by Mr. Dickerson, and seconded by Mr. Hunt, the Board unanimously agreed to present a resolution and plaque to Mr. Berry to commemorate his tenure as VSCPA President. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

a. Meeting Minutes: (1) January 5, 2007

Next, Ms. Calderone presented the minutes of the Enforcement Committee’s meeting on January 5, 2007, to the Board. The minutes were accepted by the Board.

Due to their involvement with this case, Ms. Calderone and Mr. Dickerson left the room and did not participate in the discussion or vote.

a. Final Board Order:
(1) File Number 2006-D06 (Kenneth Zelubowski) (Calderone & Dickerson)

Chairman Holton informed the other members about their task. The Board would review the Final Board Orders and then make its decision in each case.

In the matter of **File Number 2006-D06 (Kenneth Zelubowski)**, Mr. Zelubowski was present, but an attorney was not present to represent him. Mr. Zelubowski notified the Board that he did not receive the Presiding Officer's Report regarding the Informal Fact-Finding Conference (IFF) held on January 5, 2007, so the Board did not review the case. Mr. Zelubowski was advised by the Executive Director that he may request another IFF. Mr. Zelubowski did request another IFF.

Chairman Holton requested that the members go into executive session in order to obtain advice from legal counsel.

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board approved by unanimous vote that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Ms. Norwood, Ms. Feldman, Ms. Idrissi, Ms. Grant and Mr. D'Amato. The members voting "AYE" were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present and did not vote.

Begin Closed Meeting

This motion is made with respect to the matter identified as agenda item: D. Board Reports: 2. Enforcement: b. Final Board Orders: (1) File Number 2006-D06 (Kenneth Zelubowski).

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board approved by unanimous vote that the closed meeting, as authorized by § 2.2-3711.A.7 of the *Code of Virginia*, be adjourned and that the Board immediately reconvene in open public meeting. The members voting "AYE" were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present and did not vote.

End Closed Meeting

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board made the following certification:

WHEREAS, the Board of Accountancy has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of

Information Act; and

WHEREAS, § 2.2-3712.A of the *Code of Virginia* requires a certification by this Board of Accountancy that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Accountancy 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 Board of Accountancy.

CALL FOR VOTE:

Stephen D. Holton, CPA – Aye
Lawrence D. Samuel, CPA – Aye
O. Whitfield Broome, Ph.D., CPA – Aye
Regina P. Brayboy, MPA – Aye
Dian T. Calderone, MTX, CPA – No Vote
Tyrone E. Dickerson, CPA – No Vote
William E. Hunt, CPA – Aye

VOTE

AYES: Five (5)

NAYS: None.

ABSENT DURING VOTE: Ms. Calderone and Mr. Dickerson.

ABSENT DURING MEETING: None.

In the matter of **Final Board Order File Number 2006-D06 (Kenneth Zelubowski)**, the Board agreed to schedule another IFF.

Chairman Holton stated that Mr. Zelubowski will be notified of the date, time and place of the next IFF for the purpose of giving him an opportunity to come before a member, committee or designee of the Board to discuss the facts and issues noted in the IFF notice. He also suggested that Mr. Zelubowski attend.

Ms. Calderone and Mr. Dickerson were not present and did not participate in the discussion or vote.

Due to their involvement with this case, Dr. Broome and Mr. Hunt left the room and did not participate in the discussion or vote. Ms. Calderone and Mr. Dickerson returned.

**(3) File Number
2006-CPE01
(William C. Barrett)
(Broome & Hunt)**

In the matter of **File Number 2006-CPE01 (William C. Barrett)**, Mr. Barrett was present, but an attorney was not present to represent him. Ms. Grant presented a report on the case to the members. Mr. Barrett then made a statement.

Chairman Holton requested that the members go into executive session in order to discuss the open disciplinary proceeding.

Upon a motion by Mr. Samuel, and seconded by Ms. Calderone, the Board approved by unanimous vote that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberating on open disciplinary proceedings within the jurisdiction of the Board as permitted by § 2.2-3711.A.28 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Ms. Norwood, Ms. Feldman, Ms. Idrissi, Ms. Grant and Mr. D'Amato. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Ms. Calderone, and Mr. Dickerson. Dr. Broome and Mr. Hunt were not present for the discussion or vote.

**Begin Closed
Meeting**

This motion is made with respect to the matter identified as agenda item: D. Board Reports: 2. Enforcement: b. Final Board Orders: (3) File Number 2006-CPE01 (William C. Barrett).

Upon a motion by Mr. Samuel, and seconded by Mr. Dickerson, the Board approved by unanimous vote that the closed meeting, as authorized by § 2.2-3711.A.28 of the *Code of Virginia*, be adjourned and that the Board immediately reconvene in open public meeting. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Ms. Calderone, and Mr. Dickerson. Dr. Broome and Mr. Hunt were not present for the discussion or vote.

End Closed Meeting

Upon a motion by Mr. Samuel, and seconded by Mr. Dickerson, the Board made the following certification:

WHEREAS, the Board of Accountancy has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712.A of the *Code of Virginia* requires a certification by this Board of Accountancy that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Accountancy 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 Board of Accountancy.

CALL FOR VOTE:

Stephen D. Holton, CPA – Aye
Lawrence D. Samuel, CPA – Aye
O. Whitfield Broome, Ph.D., CPA – No Vote
Regina P. Brayboy, MPA – Aye
Dian T. Calderone, MTX, CPA – Aye
Tyrone E. Dickerson, CPA – Aye
William E. Hunt, CPA – No Vote

VOTE

AYES: Five (5)

NAYS: None.

ABSENT DURING VOTE: Dr. Broome and Mr. Hunt.

In the matter of **File Number 2006-CPE01 (William C. Barrett)**, the Board reviewed the IFF Report with the recommendations of the Presiding Officer, which included its findings of fact, conclusions of law and actions. Mr. Barrett was present, but was not represented by an attorney.

D. Board Reports
(con't):
2. Enforcement
b. Final Board
Orders:
(3) Number 2006-

Upon a motion by Mr. Holton, and seconded by Mr. Dickerson, the Board by majority vote accepted the Presiding Officer's Report and found Mr. Barrett in violation of failure to complete the Board's 2006 two-CPE credits of required ethics training, but no sanctions were imposed. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Ms. Calderone, and Mr. Dickerson. Dr. Broome and Mr. Hunt were not present for the discussion or vote.

CPE01 (William C. Barrett) (cont'd)

The Board told Mr. Barrett that though there will be no sanctions, he will be held to the Board's standards and must take the 2007 two-CPE credits of required ethics training.

Due to their involvement with this case, Ms. Calderone and Mr. Dickerson left the room and did not participate in the discussion or vote. Dr. Broome and Mr. Hunt returned.

(2) File Number 2006-U14 (John R. Maleckar) (Calderone & Dickerson)

In the matter of **File Number 2006-U14 (John R. Maleckar)**, Mr. Maleckar was not present, nor was an attorney present to represent him. Ms. Grant presented a report on the case to the members.

Chairman Holton then requested that the members go into executive session in order to discuss the open disciplinary proceeding.

Upon a motion by Mr. Samuel, and seconded by Dr. Broome, the Board approved by unanimous vote that the meeting be recessed and that the Board immediately reconvene in closed meeting for the purpose of deliberating on open disciplinary proceedings within the jurisdiction of the Board as permitted by § 2.2-3711.A.28 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Ms. Norwood, Ms. Feldman, Ms. Idrissi, Ms. Grant and Mr. D'Amato. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

Begin Closed Meeting

This motion is made with respect to the matter identified as agenda item: D. Board Reports: 2. Enforcement: b. Final Board Orders: (2) File Number 2006-U14 (John R. Maleckar).

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board approved by unanimous vote that the closed meeting, as authorized by § 2.2-3711.A.28 of the *Code of Virginia*, be adjourned

End Closed Meeting

and that the Board immediately reconvene in open public meeting. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

Upon a motion by Mr. Samuel, and seconded by Dr. Broome, the Board made the following certification:

WHEREAS, the Board of Accountancy has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, § 2.2-3712.A of the *Code of Virginia* requires a certification by this Board of Accountancy that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Accountancy 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 Board of Accountancy.

CALL FOR VOTE:

Stephen D. Holton, CPA – Aye
Lawrence D. Samuel, CPA – Aye
O. Whitfield Broome, Ph.D., CPA – Aye
Regina P. Brayboy, MPA – Aye
Dian T. Calderone, MTX, CPA – No Vote
Tyrone E. Dickerson, CPA – No Vote
William E. Hunt, CPA – Aye

VOTE

AYES: Five (5)

NAYS: None.

ABSENT DURING VOTE: Ms. Calderone and Mr. Dickerson.

In the matter of **File Number 2006-U14 (John R. Maleckar)**, the Board reviewed the IFF Report with the recommendations of the Presiding Officer, which included its findings of fact, conclusions of law and actions. Mr. Maleckar was not present, nor was an attorney present to represent him.

**(2) File Number
2006-U14 (John R.
Maleckar)
(con't)**

Upon a motion by Dr. Broome, and seconded by Mr. Hunt, the Board by majority vote amended the Presiding Officer's recommendation and approve Mr. Maleckar's application for a CPA license subject to the following conditions: (1) Mr. Maleckar shall not practice as a CPA in the Commonwealth until the Board has granted a license to Maleckar to practice as a CPA; and (2) Mr. Maleckar may be granted a CPA license to practice in the Commonwealth upon the submission of revised original copies of any and all records and documents that reflect the use of the CPA designation from the period of unauthorized use until the present. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

The members' task, Chairman Holton stated, would be to review the Consent Orders for Mr. Joachim, Mr. DeNunzio, Mr. Aghajani-Baik and Ms. Johnson. Further, he stated that the four cases would be handled together.

In the matter of **File Number 2006-M03 (Curtis Joachim)**, Mr. Joachim was not present, nor was an attorney present to represent him. Ms. Grant presented a report on the case to the members. The Board then reviewed the consent order with its findings of fact, conclusions of law and actions.

**c. Consent Orders:
(1) File Number
2006-M03 (Curtis
Joachim)
(Calderone &
Dickerson)
(2) File Number
2006-D15 (Silvio
DeNunzio)
(Calderone &
Dickerson)
(3) File Number
2006-U18 (Farrokh
A. Aghajani-Baik)
(Calderone &
Dickerson)
(4) File Number
2006-U17 (Shelley
Johnson)
(Calderone &
Dickerson)**

Upon a motion by Ms. Brayboy, and seconded by Dr. Broome, the Board by majority vote approved the Consent Order Number 2006-M03 whereby, based on the Findings of Fact and Conclusions of Law and the consent of Mr. Joachim, he shall have a formal reprimand placed on his permanent record with the Board. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

In the matter of **File Number 2006-D15 (Silvio DeNunzio)**, Mr. DeNunzio was not present, nor was an attorney present to represent him. Ms. Grant presented a report on the case to the members.

Upon a motion by Mr. Samuel, and seconded by Mr. Hunt, the Board by majority vote approved the Consent Order Number DCO3-2007 as amended, whereby, based on the Findings of Fact and Conclusions of Law and the consent of Mr. DeNunzio, he (1) shall satisfactorily complete not less than 24 hours of training in "Preparation of Financial Statements for Not-for-Profit Organizations." This training shall not be considered part of the Board's continuing professional education requirements. Mr. DeNunzio shall submit proof of satisfactory completion of this training no later than one year from the entry date of this Order. Self-study will not be accepted; and (2) shall be prohibited from preparing Form 990, Return of Organization Exempt From Income Tax, for a period not less than one year from the entry date of this Order. At the end of the year, Mr. DeNunzio shall petition the Board for the right to complete Form 990s at which time the Board will make the determination whether Mr. DeNunzio is professionally competent. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

In the matter of **File Number 2006-U18 (Farrokh A. Aghajani-Baik)**, Mr. Aghajani-Baik was not present, nor was an attorney present to represent him. Ms. Grant presented a report on the case to the members.

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board by majority vote approved the Consent Order Number UCO1-2007, whereby, based on the Findings of Fact and Conclusions of Law and the consent of Mr. Aghajani-Baik, he (1) shall pay a monetary penalty of \$500 within ninety days of the entry date of this Order; and (2) shall submit a written summary regarding the use of the title of Public Accountant (PA) for approval to the Board within ninety days from the entry date of this Order. The members voting "AYE" were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

In the matter of **File Number 2006-U17 (Shelley Johnson)**, Ms. Johnson was not present, nor was an attorney present to represent her. Ms. Grant presented a report on the case to the members.

Upon a motion by Mr. Samuel, and seconded by Ms. Brayboy, the Board by majority vote approved the Consent Order Number UCO2-

2007, whereby, based on the Findings of Fact and Conclusions of Law and the consent of Ms. Johnson, she shall pay a monetary penalty of \$1000 within ninety days of the entry date of this Order. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Ms. Brayboy, Dr. Broome, and Mr. Hunt. Ms. Calderone and Mr. Dickerson were not present for the discussion or vote.

The Board recessed from 2:25 p.m. to 2:35 p.m.

Ms. Norwood provided a report on the 2007 Legal Counsels’ Conference. She noted that she will serve on NASBA’s Mobility Committee.

The Board voiced appreciation for all of the assistance provided by Ms. Norwood and Amigo Wade on the Board’s legislative package.

The Board reviewed the quarterly communications from NASBA.

The Board reviewed information provided by staff on NASBA’s Accountancy Licensing Database. The Board agreed to postpone its involvement until the project is more developed.

The Board reviewed the Regional Directors’ Focus Questions.

The Board reviewed its financial report and statistical summaries.

Upon a motion by Ms. Brayboy, and seconded by Mr. Hunt, the Board unanimously agreed to transfer \$200,000 from the Trust Account to the Board’s cash balance. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

The Board confirmed the date of its next meeting: (1) Wednesday, June 27, which will be held at the Richmond Marriott West. The meeting is scheduled to begin at 10:00 a.m. Other meeting dates will be set at that meeting.

Board Recess

F. NASBA (con’t) **2. Report of 2007** **Legal Counsels’** **Conference –** **Cynthia Norwood,** **Assistant Attorney** **General**

3. Discussion about **Quarterly** **Communications**

4. Discussion about **Accountancy** **Licensing Database**

5. Focus Questions – **April 2007**

G. Board Reports – **FYI**

1. March 2007 **Finance Report** **2. Statistical** **Summaries for 3rd** **Quarter FY07**

H. Future Meeting **Dates**

Chairman Holton asked the members to complete and sign their conflict of interests forms.

**Conflict of
Interests Forms**

Chairman Holton asked the members to complete and sign their travel expense vouchers.

**Travel Expense
Vouchers**

With no further business coming before the Board, upon a motion by Dr. Broome, and seconded by Mr. Hunt, the meeting was adjourned by unanimous vote at 3:10 p.m. The members voting “**AYE**” were Mr. Holton, Mr. Samuel, Dr. Broome, Ms. Brayboy, Ms. Calderone, Mr. Dickerson and Mr. Hunt.

Adjournment

APPROVED:

Lawrence D. Samuel, CPA, Chairman

COPY TESTE:

Nancy Taylor Feldman, Executive Director/Agency Head