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**Board of Certified
Public Accountancy**

BOARD OF PUBLIC ACCOUNTANCY *

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CASE NO.: CPAS 10-0034

HOWARD CHARLES WALTON *

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Respondent *

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CONSENT ORDER

This matter comes before the Maryland Board of Public Accountancy ("Board") as a result of a complaint filed by Norbert Fenwick, the Board's continuing professional education consultant against Howard Charles Walton ("Respondent"), a licensed certified public accountant. Mr. Fenwick conducted an audit of the continuing professional education courses claimed by the Respondent in the Respondent's license renewal application that was filed with the Board on September 1, 2008. Upon a review of the complaint, the Board has determined that administrative charges against the Respondent should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Board have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth in this Consent Order, the Board had jurisdiction over the subject matter and the Respondent.
2. The Respondent became licensed as a certified public accountant (License No. 15325) on April 20, 1989.
3. On September 1, 2008, the Respondent filed a license renewal application with the Board.
4. The Respondent claimed in the renewal application that he earned ninety (90) hours of continuing professional education credit hours during the previous license term.
5. On February 12, 2009, the Board notified the Respondent that his renewal application had been selected for audit and to provide documentation to verify the completion of the 90

hours of continuing professional education claimed in the Respondent's September 1, 2008 license renewal application.

6. On March 9, 2010 the Board received the Respondent's documentation of the continuing professional education credits that the Respondent reported in the renewal application.

7. On June 24, 2009, Mr. Fenwick completed the Respondent's continuing professional education audit and determined that the Respondent was unable to document the completion of 27 CPE hours, including 4 hours of professional ethics.

8. Mr. Fenwick advised the Respondent of the absence of documentation for 27 CPE hours and the requirement for a response, in writing, on November 13, 2009 by regular mail, and December 30, 2009 by certified mail.

9. The records of the United States Postal Service indicate that the Respondent received the December 30, 2009 notice on January 4, 2010.

10. The Respondent acknowledges that he did not respond to the December 30, 2009 letter from the Board.

11. The Board's license renewal application requires an applicant to certify to the accuracy of the information contained in the application. This certification states, in pertinent part:

"I hereby certify, under penalty of perjury, that the information contained herein is true and correct to the best of my knowledge, information, and belief..."

12. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Occupations and Professions Article Regulation Article §§2-312(a) (2) and (3) Annotated Code of Maryland; and Code of Maryland Regulations COMAR 09.24.02.02 (A) and (B), and COMAR 09.24.01.06 (1) (1) and (5).

§ 2-312. Continuing education.

(a) *In general.* - (1) The Board shall adopt regulations that set, in accordance with this section, continuing education requirements as a condition to the renewal of licenses under this subtitle.

(2) A continuing education requirement does not apply to the first renewal of a license.

(3) (i) To qualify for any further renewal of a license under this subtitle, a licensee shall complete, for each 2-year license term, at least 80 hours in programs that the Board approves.

09.24.02.02 Basic Requirement.

- A. The applicant shall complete a minimum of 80 hours of acceptable continuing education in each 2-year license term after initial renewal.
- B. A minimum of 4 hours of the continuing education for each 2-year license term shall be in professional ethics with no carry forward provision for excess hours.

09.24.01.06 Code of Professional Conduct.

I. Other Responsibilities and Practices.

(1) A licensee may not commit any act that reflects adversely on the licensee's fitness to engage in the practice of public accountancy.

(5) A licensee shall respond in writing to any communications from the Board requesting a response, within 30 days of the mailing of these communications, by registered or certified mail, to the last address furnished to the Board by the licensee.

13. Based on the aforementioned violations, the Respondent agrees to pay to the Board a civil penalty of \$1,000.00 upon the Respondent's execution of this Consent Order.

14. The Respondent agrees to complete 27 hours of continuing professional education which includes 4 hours of professional ethics.

15. The Respondent agrees to complete an additional four (4) hours of continuing professional education in professional ethics.

16. The Respondent agrees that he will provide documentation of the completion of the continuing professional education hours set forth in this consent agreement not later than 90 days after the execution of this agreement.

17. The Respondent agrees that the hours the Respondent completes in fulfillment of the conditions set forth in this consent agreement may not be claimed in his next renewal application.

18. The Respondent agrees to submit documentation of the continuing professional education hours claimed in the Respondent's next license renewal application.

19. The Respondent shall abide by the provisions of the Maryland Public Accountancy Act, § 2-101 et. seq., Business Occupations and Professions Article, Annotated Code of Maryland, and COMAR 09.24.01. et. seq.

20. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Board reduced to written charges, the right to an

administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any and all further proceedings before the Board to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

20. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 2nd DAY OF August, 2010, BY THE BOARD OF PUBLIC ACCOUNTANCY:

ORDERED that the Respondent has violated Business Occupations and Professions Article Regulation Article §§2-312(a) (2) and (3) Annotated Code of Maryland; and Code of Maryland Regulations COMAR 09.24.02.02 (A) and (B), and COMAR 09.24.01.06 (I) (1) and (5); and it is further

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,000.00 for the violation, which amount is payable to the Board upon the Respondent's execution of this Consent Order and Settlement Agreement, and it is further

ORDERED that the Respondent comply with the requirements set forth in Stipulations 14 through 18 regarding the completion and reporting of continuing professional education to the Board.

ORDERED that the Board's records and publications reflect the violations, the reprimand and the civil penalty of \$1,000.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Howard Charles Walton

7/22/2010

Date

(BOARD CHAIR'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

H. Terry Hancock
Chairman