

BOARD OF PUBLIC ACCOUNTANCY *

*

v. *

CASE NO.: CPAS 14-0036

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DEBRA LENHART ELLIS, *

*

Respondent *

* * * * *

CONSENT ORDER

This matter comes before the Maryland Board of Public Accountancy ("Board") as a result of a complaint filed by the Board's continuing professional education auditor against Debra Lenhart Ellis (the "Respondent"), a licensed certified public accountant. The auditor 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 24, 2013. 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. 01-9307) on April 25, 1983.
3. On September 24, 2013, the Respondent filed a license renewal application with the Board through the Board's online licensing system for the period September 24, 2013 through October 2, 2015.
4. On the renewal application the Respondent claimed 82 hours of continuing professional education ("CPE") credits that were earned during the previous license term.

5. 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..."

6. Following the Respondent's submittal of the license renewal application and payment of the license renewal fee, the Respondent was advised that the application was selected for an audit of the CPE credit hours that were reported.

7. The Board on September 24, 2013, sent a reminder e-mail to the Respondent advising that the license renewal application was selected for audit and that supporting documents for the CPE credit hours claimed were required to be received by the Board not later than October 24, 2013.

8. A review of the documentation submitted by the Respondent verified 58 of the 82 CPE credit hours that were claimed in the license renewal application.

9. The Respondent listed 19 CPE credit hours earned after applying for license renewal on September 24, 2013, but before the October 2, 2013 license expiration date.

10. The Respondent registered for a four-hour course in ethics on September 23, 2013; which the Respondent completed on September 30, 2013.

11. The Respondent also registered for additional courses prior to submitting Respondent's license renewal application on September 24, 2013 and completed;

An eight (8) CPE credit hour course on September 25, 2013

A one (1) CPE credit hour course on September 26, 2013;

A three (3) CPE credit hour course on September 26, 2013;

A one and a half (1.5) CPE credit hour course on September 27, 2013; and

A one and a half (1.5) CPE credit hour course on September 30, 2013..

12. The Respondent acknowledges that she had not completed 19 hours of CPE credits, including four hours in ethics that are required to qualify for a license, at the time she filed her license renewal application with the Board on September 24, 2014.

13. Based on the aforementioned facts, the Respondent acknowledges that she unintentionally and inadvertently violated §2-312 (a) (3) of the Business Occupations and Professions Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 09.24.02.02 (A) and (B), which state:

§ 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.

14. Based on the aforementioned unintentional and inadvertent violation, the Respondent agrees to pay to the Board a civil penalty of \$750.00 upon the Respondent's execution of this Consent Order.

15. The Respondent agrees to complete eight (8) hours of CPE credit hours in ethics within 90 days following the execution of this Consent Order and report Respondent's completion to the Board.

16. 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.

17. 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.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 20th DAY OF November, 2014, BY THE BOARD OF PUBLIC ACCOUNTANCY:

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

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$750.00 for the violation, which amount is payable to the Board upon the Respondent's execution of this Consent Order;

ORDERED that the Respondent remit payment of the civil penalty to the Board according to the following schedule:

The first payment of \$200.00 is due on November 17, 2014;
The second payment of \$200.00 is due on December 17, 2014;
The third payment of \$200.00 is due on January 16, 2015; and
The fourth and final payment of \$150.00 is due on February 17, 2015.

ORDERED that if the Respondent fails to remit payment of the civil penalty by the due date of any payment, the Board may suspend the Respondent's license until full payment of the remaining balance is made to the Board.

ORDERED that the Respondent completes the additional CPE in ethics as set forth in Stipulation # 15 within 90 days of the execution of this Consent Order;

ORDERED that the CPE credit hours completed to satisfy the requirements of this Consent Order shall not be eligible to be claimed in the Respondent's next license renewal application;

ORDERED that the Respondent shall submit documentation supporting the CPE credit hours claimed in the Respondent's next renewal application upon the request of the Board;

ORDERED that the Board's records and publications reflect the violation, the reprimand and the civil penalty of \$750.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE APPEARS
ON ORIGINAL ORDER)

(BOARD CHAIR'S SIGNATURE APPEARARS
ON ORIGINAL ORDER)

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Date

11/3/14