

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
BOARD OF ACCOUNTANCY**

In the Matter of:

John Matthias, Jr.,
Licensee.

**AMENDED
CONSENT AGREEMENT**

License No. SD CPA 2012

Case No. 105-24

Pursuant to South Dakota Codified Laws (SDCL) 36-1C-6 and 1-26-20, in consideration of the above-captioned matter, and as the full and final resolution of this matter, the undersigned parties do hereby consent and agree to the following:

JURISDICTION AND APPLICABLE LAW

1. The South Dakota Department of Labor and Regulation, Board of Accountancy (Board) has jurisdiction over this matter pursuant to SDCL Chapter 36-20B.
2. Board may take disciplinary action against a licensee based upon any of the grounds listed in SDCL 36-20B-40.
3. Disciplinary action may include denial, suspension, or revocation of the certificate pursuant to SDCL 36-20B-40.
4. SDCL 36-20B-27 requires a licensed certified public accountant (CPA) to complete 120 hours of continuing professional education (CPE) in each three-year renewal cycle.
5. ARSD 20:75:03:02 requires an individual choosing not to renew a certificate to notify the Board of that intention prior to the expiration of the certificate and surrender the certificate to the board immediately upon its expiration.
6. ARSD 20:75:03:03 requires an application for renewal be filed no later than the expiration date. Any application be accompanied by evidence satisfactory to the board that the applicant has complied with the CPE requirements under SDCL 36-20B-27 and ARSD chapter 20:75:04.
7. SDCL 36-20B-40(3) authorizes the Board to impose discipline upon a licensee for "failure to maintain compliance with the requirements for issuance or renewal of such license".

8. SDCL 36-20B-40(6) authorizes the Board to impose discipline upon a licensee for a violation "of any provision of this chapter or rule, promulgated by the board pursuant to chapter 1-26, or violation of professional standards".
9. SDCL 36-1C-3 requires licensees to respond to a written complaint made under SDCL 36-1C-2 within 20 business days and states that failure "to respond to the complaint is grounds for disciplinary action."

STIPULATION TO FORMAL COMPLAINT STATEMENT OF FACTS

1. John Matthias, Jr. (MATTHIAS) is a licensee of the Board as outlined in the Formal Complaint Statement of Facts (Statement of Facts).
2. MATTHIAS agrees and stipulates that the Statement of Facts is true and correct and shall constitute the findings of fact in this case.
3. A copy of the Formal Complaint shall be marked as **Exhibit A**, attached to the Consent Agreement, and incorporated into this agreement by reference.
4. With disciplinary action filed against him, MATTHIAS physically surrendered his license on March 5, 2024, in accordance with ARSD 20:75:03:02.

CONCLUSIONS OF LAW

1. The above-described conduct constitutes grounds for discipline pursuant to SDCL 36-20B-40(3) and (6).

ORDER

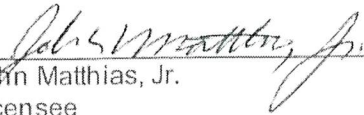
1. MATTHIAS agrees, in lieu of further contesting this matter, that his license shall be **relinquished**. The board accepts the surrendering of his Certificate No. 2012, effective March 5, 2024.
2. If MATTHIAS applies for licensure within the five years from March 5, 2024, MATTHIAS shall appear, in person, before the Board prior to the reinstatement or issuance of a certificate.

ACKNOWLEDGMENT AND WAIVER

1. MATTHIAS is aware of and understands the nature of this matter.

2. MATTHIAS acknowledges that he has been informed of various rights he has in this matter. These rights include, but are not limited to, the right to:
 - a. be represented by a lawyer in this matter;
 - b. receive notice of any hearing in this matter;
 - c. have a contested case hearing, as defined in SDCL 1-26-1(2). A contested case hearing includes the right of the licensee to be present at the hearing, be represented by legal counsel, introduce evidence, present testimony, call witnesses to testify, cross-examine all witnesses present, and submit argument on his own behalf; and
 - d. appeal any decision based on the contested case hearing to circuit court and the South Dakota Supreme Court, as provided by law.
3. MATTHIAS is not represented by an attorney in this matter, is waiving his right to an attorney, and is representing himself in this matter.
4. MATTHIAS understands that by signing this document he is agreeing that this Consent Agreement:
 - a. includes Board making a finding that MATTHIAS violated license law;
 - b. represents Board taking disciplinary action against MATTHIAS;
 - c. shall serve as the final resolution of this matter, including any appeal;
 - d. contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. MATTHIAS is not relying on any other representations of any kind, verbal or otherwise;
 - e. shall be a public record, as defined by SDCL 1-27-1.1, and may be published publicly by Board, including on its website;
 - f. must be submitted to Board at a public meeting for acceptance or rejection;
 - g. shall not be deemed to restrict Board from raising facts in reference to MATTHIAS outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein;

Dated this 5th day of March, 2024.
(month and year)



John Matthias, Jr.
Licensee

Dated this 21 day of March 2024.
(month and year)



Deidre Budahl
Board Chair