

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

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| In the Matter of: |) | |
| |) | |
| LESTER E. TIMM, |) | CPE AUDIT |
| CERTIFIED PUBLIC ACCOUNTANT |) | Case 107-20 |
| |) | |
| Certificate No. 249 |) | CONSENT AGREEMENT |

The above-named parties in the interest of resolving the action between them enter into this Consent Agreement upon the terms and conditions set forth below.

1. The South Dakota Board of Accountancy (Board) has jurisdiction of this matter pursuant to SDCL 36-20B.
2. Lester E. Timm (Timm) is licensed as a certified public accountant (CPA) with the Board. His certificate number is 249.
3. As a licensee, Timm is subject to the provisions of SDCL 36-20B and ARSD 20:75.
4. Pursuant to SDCL 36-20B-27 a licensed CPA is required to complete 120 hours of continuing professional education (CPE) in each three-year renewal cycle.
5. Pursuant to ARSD 20:75:04:11 the CPA is subject to verification of all CPE submitted to the board. A CPA selected for a review must provide documentation to verify attendance or completion of all courses reported to the board for CPE credit.
6. Pursuant to ARSD 20:75:04:15 the CPA is required to keep documentation as acceptable evidence of completion for claimed CPE courses.
7. On September 19, 2019, Timm was sent a letter in regards to being selected for a CPE audit for the three-year renewal period from July 1, 2016 through June 30, 2019. Timm was informed that the deadline for submission of the documentation to verify claimed CPE was October 31, 2019.
8. Timm submitted CPE documentation to the board on October 28, 2019.

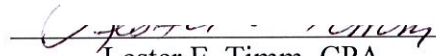
9. On November 13, 2019, Senior Secretary Iverson emailed Timm requesting additional documentation be submitted to substantiate courses claimed for CPE for the audit period. The additional documentation was to be submitted by November 22, 2019.
10. No additional documentation was submitted by Timm.
11. Timm acknowledges he is required to obtain 120 CPE hours in any rolling three-year renewal period;
 - a. Timm acknowledges for the rolling three-year renewal period ending June 30, 2017, he is short 4 CPE hours.
 - b. Timm acknowledges for the rolling three-year renewal period ending June 30, 2018, he is short 3 CPE hours.
 - c. Timm acknowledges for the rolling three-year renewal period ending June 30, 2019, he is short 6 CPE hours.
12. Timm acknowledges that he failed the CPE audit for the three-year period ending June 30, 2019.
13. The above described conduct constitutes grounds for disciplinary action in South Dakota against Timm.
14. Timm is aware that he may choose to be represented by legal counsel in this matter.
15. Timm is aware of and understands the nature of these matters and has been informed of his right to counsel, notice, hearing, and appeal, and that by agreeing to and signing this Consent Agreement, he waives all procedures and proceedings before the Department to which he may be entitled under state or federal law.

16. Timm admits that the violations described in this Consent Agreement are true and accurate, and Timm admits to having violated South Dakota Law and Administrative Rules of South Dakota.
17. In return for Timm's agreement to the provisions of this Consent Agreement, the Board agrees not to proceed to hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
18. Timm agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Timm will have 4 hours of CPE rolled back from the period ending June 30, 2018, into the period ending June 30, 2017 to satisfy the 120 CPE hour requirement for the three-year renewal period ending June 30, 2017. A CPE extension will be placed on his filed for period ending June 30, 2017;
 - b. Timm will have 3 hours of CPE rolled back from the period ending June 30, 2019, into the period ending June 30, 2018 to satisfy the 120 CPE hour requirement for the three-year renewal period ending June 30, 2018. A CPE extension will be placed on his filed for period ending June 30, 2018;
 - c. The Board shall grant Timm an extension to complete 6 hours of CPE for period ending June 30, 2019. The hours must be completed within 90 days of the agreement being signed by the Chair;
 - d. Timm shall submit proof of completion for all claimed CPE courses taken through the extension timeframe and for the next three renewal periods;
 - e. Timm will not be eligible for an extension to complete CPE for the next three renewal periods;
 - f. Timm shall pay an administrative fee in the amount of \$300. The administrative fee must be paid within 30 days of the agreement being signed by the Chair.
19. If Timm fails to comply with the terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary action against his.
20. Timm understands that nothing in this Consent Agreement will be deemed to restrict the Board from raising facts in reference to either party 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.

21. Timm consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Board for acceptance or rejection. In the event the Board rejects the recommendations for resolution by Consent Agreement, Timm waives any right to claim prejudice of the Board by reason of any factual basis submitted to the Board in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
22. Timm understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken on the Board's website.
23. Timm understands that this Consent Agreement may be considered in any future licensing procedures with the Board and for the purposes of determining the appropriate sanctions in any future actions by the Board for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Board.
24. Timm has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Timm is not relying on any other representations of any kind, verbal or otherwise.
25. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Timm, at the address 4500 S. Technology Drive Sioux Falls, SD 57108.

Dated this 17 day of December, 2019.


Lester E. Timm, CPA

Dated this 22 day of January, 2020


Deidre Budahl, Chair
South Dakota Board of Accountancy