

STATE OF SOUTH DAKOTA

BOARD OF ACCOUNTANCY

IN THE MATTER OF THE COMPLAINT)
BY THE SOUTH DAKOTA BOARD OF)
ACCOUNTANCY AGAINST MICHAEL W.)
WILL)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

FINDINGS OF FACT

1) Respondent was issued Certificate No. 1264 by the South Dakota Board of Accountancy (the "Board") on November 2, 1998.

2) Pursuant to SDCL 36-20B-23 and ARSD 20:75:03:03 a certificate holder must renew a certificate by August 1st of each year.

3) Respondent has failed to timely renew the Certificate issued by the Board.

4) Respondent was sent notice by the Board on December 12, 2002, that he must renew his certificate.

5) On July 27, 2006, and October 27, 2006, Respondent was sent by certified mail to his last known address a Notice of Intent to Revoke Certificate and to Enter Order.

6) The Board's Notice of Intent to Revoke Certificate and to Enter Order was returned to the Board.

7) Repeated efforts by the Board staff to locate Respondent have been unsuccessful and Respondent has failed to provide Board Staff with his current address.

8) On May 15, 2007, the Board published a Notice of Intent to Revoke Respondent's Certificate and Enter Order in the Sioux Falls Argus Leader.

9) Respondent has not renewed Certificate No. 1264, nor has Respondent notified the Board of Respondent's intent not to renew Certificate No. 1264 or surrender Certificate No. 1264 to the Board.

10) ARSD 20:75:03:02 requires an individual not choosing to renew a certificate to "notify the Board prior to the expiration of that certificate and surrender the certificate to the Board immediately upon its expiration."

11) Pursuant to ARSD 20:75:03:02, an individual choosing not to renew a certificate that does not notify the Board or surrender their certificate is deemed to have a lapsed certificate and may not continue to perform accounting services in the State of South Dakota.

12) Respondent's failure to maintain compliance with the requirements for renewal of a certificate constitutes a violation of SDCL 36-20B-40(3).

CONCLUSIONS OF LAW


- 1) The Board has jurisdiction over this matter.
- 2) The legal authority and jurisdiction under which the Respondent's Certificate is subject to revocation is SDCL 1-26 and 36-20B.
- 3) The Respondent has failed to comply with SDCL §§ 36-20B-40(3); 36-20B-23; ARSD 20:75:03:02 and 20:75:03:03.
- 4) Respondent's Certificate No. 1264 is subject to revocation based on Respondent's failure to comply with certificate renewal requirements.

ORDER

Based on the above Findings of Fact and Conclusions of Law, it is hereby

ORDERED that Respondent's South Dakota Certificate, Certificate No. 1264, is hereby revoked.

Dated this 24 day of July, 2007.



John Mitchell
Board Chairman
S.D. Board of Accountancy