

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

In the Matter of:)	
)	
CYNTHIA S. KENNEDY)	CPE AUDIT
CERTIFIED PUBLIC ACCOUNTANT)	Case 113-22
)	
Certificate No. 1929)	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. Cynthia S. Kennedy (“Kennedy”) is licensed as a certified public accountant (CPA) with the Board. Her certificate number is 1929.
3. As a licensee, Kennedy 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 21, 2021, Kennedy was sent a letter in regards to being selected for a CPE audit for the three-year renewal period from July 1, 2018 through June 30, 2021. Kennedy was informed that the deadline for submission of the documentation to verify claimed CPE was October 29, 2021.

8. Kennedy submitted CPE documentation to the board on September 24, 2021.
9. On October 20, 2021, Senior Secretary Iverson emailed Kennedy indicating courses where additional documentation was needed to verify CPE hours reported. The additional documentation be submitted by October 29, 2021.
10. On October 21, 2021, Kennedy emailed Senior Secretary Iverson partial additional documentation for the courses requested.
11. On December 6, 2021, Senior Secretary Iverson emailed Kennedy indicating after reviewing the documentation only one CPE hour was added for December 10, 2021 and she was still short 7.5 CPE hours for the period ending June 30, 2021 Senior Secretary Iverson requested any additional CPE to be claimed for the audit period be submitted by December 10, 2021.
12. On December 6, Kennedy emailed she had no additional documentation to submit.
13. Kennedy acknowledges she is required to obtain 120 CPE hours in any rolling three-year renewal period;
 - a. Kennedy acknowledges for the rolling three-year renewal period ending June 30, 2021, she is short 7.5 CPE hours.
14. Kennedy acknowledges that she failed the CPE audit for the three-year period ending June 30, 2021.
15. The above described conduct constitutes grounds for disciplinary action in South Dakota against Kennedy.
16. Kennedy is aware that she may choose to be represented by legal counsel in this matter.
17. Kennedy is aware of and understands the nature of these matters and has been informed of her right to counsel, notice, hearing, and appeal, and that by agreeing to

and signing this Consent Agreement, she waives all procedures and proceedings before the Department to which she may be entitled under state or federal law.

18. Kennedy admits that the violations described in this Consent Agreement are true and accurate, and Kennedy admits to having violated South Dakota Law and Administrative Rules of South Dakota.
19. In return for Kennedy'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.
20. Kennedy agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Kennedy will be granted an extension to complete 7.5 hours of CPE for period ending June 30, 2021. The 7.5 hours must be completed within 90 days of the signed agreement by the Chair;
 - b. Kennedy shall submit proof of completion for all claimed CPE courses taken through the extension and for the next three renewal periods;
 - c. Kennedy will not be eligible for an extension to complete CPE for the next three renewal periods; and
 - d. Kennedy shall pay an administrative fee in the amount of \$250. The administrative fee must be paid within 30 days of the agreement being signed by the Chair.
21. If Kennedy fails to comply with the terms or conditions of this Consent Agreement, her CPA license is immediately placed in suspension until she complies with the terms of the consent agreement. The Board will then review the violation at their next scheduled meeting and may take additional action based on the violation of the consent agreement as set forth in SDCL 36-20B-40. The Board may initiate formal disciplinary action against her.

22. Kennedy 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.
23. Kennedy 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, Kennedy 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.
24. Kennedy 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.
25. Kennedy 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.
26. Kennedy 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. Kennedy is not relying on any other representations of any kind, verbal or otherwise.
27. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Kennedy, at the address 12966 Champlain Dr. Manassas, VA 20112.

Dated this 10 day of January, 2022. [Signature]
[Signature]
Cynthia S. Kennedy, CPA

Dated this 23 day of March, 2022.

[Signature]
Deidre Budahl, Chair
South Dakota Board of Accountancy