

STATE OF SOUTH DAKOTA
BOARD OF ACCOUNTANCY

IN THE MATTER OF THE)
CPE AUDIT BY THE SOUTH DAKOTA)
BOARD OF ACCOUNTANCY)
AGAINST WILLIAM J. MARKETON)

NEGOTIATED
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 Board has jurisdiction of this matter pursuant to SDCL 36-20B.
2. William J. Marketon (Marketon) is a certified public accountant (CPA) and holder of South Dakota certificate number 2640.
3. Marketon is also the holder of South Dakota firm permit number 1215, doing business as "Bottomline, LLC."
4. Marketon is subject to the provisions of SDCL 36-20B and ARSD 20:75.
5. 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. Pursuant to ARSD 20:75:04:07 the CPA is required to complete a minimum of 20 CPE hours in a one year renewal period.
6. 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.
7. Pursuant to ARSD 20:75:04:15 the CPA is required to keep documentation as acceptable evidence of completion for claimed CPE courses.
8. On October 14, 2009, Marketon was sent a letter in regards to being randomly selected for a CPE audit. Marketon was informed that the deadline for submission of the documentation to verify claimed CPE was December 1, 2009.
9. Marketon submitted partial documentation on November 4, 2009. Marketon was contacted on November 24, 2009, and asked to submit the remaining documentation to verify claimed CPE hours no later than December 8, 2009.
10. Marketon submitted partial documentation on December 5, 2009.

11. On December 7, 2009, Executive Director Olson-Kasin emailed Marketon and requested he submit the remaining documentation to verify claimed CPE. In a follow-up email from Marketon, on the same day, he stated that he had submitted all the records he had located to verify his claimed CPE and could not locate any additional documentation.

12. Marketon failed to submit verification for some of the CPE claimed during the three year period.

13. Marketon acknowledges that he failed to submit sufficient documentation to verify CPE courses reportedly taken in the period of July 1, 2006 to June 30, 2007. He provided documentation for 0 hours for the period ending June 30, 2007. He failed to provide 23 hours of CPE for the period ending June 30, 2007. He failed to provide documentation to verify that he met the minimum of 20 hours of CPE each year as required in ARSD 20:75:04:07.

14. Marketon acknowledges that he has failed to maintain documentation for CPE as required in ARSD 20:75:04:15.

15. Marketon acknowledges that he has failed to submit documentation to verify the 120 hours of CPE claimed for the period ending June 30, 2008.

16. Marketon acknowledges that he failed the CPE audit for the three year period ending June 30, 2009, by not submitting the verify documentation for all claimed CPE.

17. Marketon acknowledges that this agreement constitutes an admission as to the factual allegations contained in paragraphs 8 through 16 and that his actions, as set forth above, constitute violations of ARSD 20:75:04:11, which requires certificate holders subject to verification of all CPE submitted to the board.

18. In exchange for the satisfactory fulfillment by Marketon of the promises contained in paragraph 19 of this agreement, the Board agrees not to take any additional disciplinary action against Marketon as a result of the findings contained in paragraphs 8 through 16.

19. In exchange for the promises of the Board contained in paragraph 18 of this agreement, Marketon agrees to the following:

- a) Marketon will have 20 CPE hours rolled back from the period ending June 30, 2008, into the period ending June 30, 2007. A CPE extension will be placed on his file for period ending June 30, 2007.

- b) Marketon will have 9.5 hours rolled back from the period ending June 30, 2009, into the period ending June 30, 2008. A CPE extension will be placed on his file for period ending June 30, 2008.
- c) Marketon will agree to submit proof of completion for all claimed CPE courses for the next three renewal periods.
- d) Marketon will not be eligible to be granted any CPE extensions for the next three renewal periods.
- e) The Board will issue a public reprimand to Mr. Marketon.

20. It is further understood and agreed that this settlement shall resolve all allegations contained within paragraphs 8 through 16 in favor of the Board and that any problems of compliance with this agreement by Marketon will only require the Board to establish noncompliance with the terms of the Consent Agreement.

21. Marketon understands that noncompliance with this Consent Agreement could result in an adversarial hearing in which the Board could revoke any certificate or permit, suspend any permit, reprimand, censure or limit the scope of his practice or place him on probation, all with or without terms, conditions or limitations, impose an administrative fee not exceeding \$1000, require the satisfactory completion of the CPA and ethics examination, and the payment of any costs associated with this or any other proceeding involving Marketon.


22. Marketon understands that by signing this agreement he waives his right to a contested case proceeding pursuant to SDCL 1-26, wherein he has the right to be present and represented by legal counsel, call witnesses on his behalf, and that these and other due process rights will be forfeited if they are not exercised at the hearing. Marketon further understands that he has the right to use the Office of Hearing Examiners by giving notice to the Board of Accountancy and that any decision from such a hearing may be appealed to the circuit court and the South Dakota Supreme Court as provided by law. By signing this agreement, Marketon has waived his right to an adversary hearing in this matter and the Board may proceed as set forth in this agreement.

Dated this 8TH day of FEB, 2010.



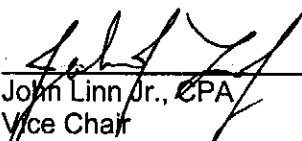
William J. Marketon, CPA

Dated this 9 day of February, 2010.



Nicole Olson-Kasin
Executive Director
South Dakota Board of Accountancy

Dated this 29th day of March, 2010.



John Linn Jr., CPA
Vice Chair
South Dakota Board of Accountancy