

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

In the Matter of:)

MICHAEL J. WEBER,)
CERTIFIED PUBLIC ACCOUNTANT)

Certificate No. 1550)

) **CPE AUDIT**

) **NEGOTIATED**
) **CONSENT AGREEMENT**

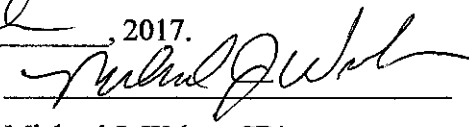
The above-named parties in the interest of resolving the action between them enter into this Consent Agreement upon the terms and conditions set forth below.

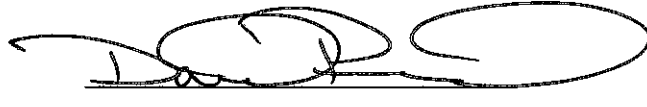
1. The South Dakota Board of Accountancy (Board) has jurisdiction of this matter pursuant to SDCL 36-20B.
2. Michael J. Weber (Weber) is licensed as a certified public accountant (CPA) with the Board. His certificate number is 1550.
3. As a licensee, Weber is subject to the provisions of SDCL 36-20B 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. 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.
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 16, 2016, Weber was sent a letter in regards to being selected for a CPE audit for the three-year renewal period from July 1, 2013 through June 30, 2016. Weber was informed that the deadline for submission of the documentation to verify claimed CPE was October 31, 2016.
8. Weber submitted CPE documentation to the board on September 21, 2016.
9. On January 3, 2017, Executive Director Kasin spoke with Weber via phone and emailed Weber a recap of the information discussed in the call.
10. Weber took continuing education (CE) from a non-sponsored provider who utilized a word count formula method prior to the board accepting the word count formula. The Board rules show the effective date of word count formula as January 19, 2015.
11. Courses that Weber took which used the word count formula prior to January 19, 2015 were removed from his record. For courses Weber took after January 19, 2015, a onetime exception is being made to accept the courses, since the non-sponsored providers formula was a slight variance from the formula listed in ARSD 20:75:04:18. Going forward any courses taken using the word count formula must be through National Association of State Boards of Accountancy National Registry Quality Assurance Service.
12. Weber acknowledges he is required to obtain a minimum of 20 CPE hours in any one-year renewal period and 120 CPE hours in any rolling three-year renewal period.
 - a. Weber acknowledges for the one-year renewal period ending June 30, 2014, he provided acceptable documentation for 28 CPE hours;
 - b. Weber acknowledges for the rolling three-year renewal period ending June 30, 2014, he is short 8 CPE hours;
 - c. Weber acknowledge for the one-year renewal period ending June 30, 2015, he provided acceptable documentation for 26 CPE hours;

- d. Weber acknowledges for the rolling three-year renewal period ending June 30, 2015, he is short 26 CPE hours.
- e. Weber acknowledges for the rolling three-year renewal period ending June 30, 2016, he is short 26 CPE hours.
13. Weber acknowledges that he failed the CPE audit for the three year period ending June 30, 2016.
14. The above described conduct constitutes grounds for disciplinary action in South Dakota against Weber.
15. Weber is aware that he may choose to be represented by legal counsel in this matter.
16. Weber 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.
17. Weber admits that the violations described in this Consent Agreement are true and accurate, and Weber admits to having violated South Dakota Law and Administrative Rules of South Dakota.
18. In return Weber'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.
19. Weber agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Weber will have 8 hours of CPE rolled back from the period ending June 30, 2015, into the period ending June 30, 2014 to satisfy the 120 CPE hour requirement for the three-year renewal period ending June 30, 2014. A CPE extension will be placed on his file for period ending June 30, 2014;
 - b. Weber will have 26 hours of CPE rolled back from the period ending June 30, 2016, into the period ending June 30, 2015 to satisfy the 120 CPE hour requirement for the three-year renewal period ending June 30, 2015. A CPE extension will be placed on his file for period ending June 30, 2015;
 - c. The Board shall grant Weber an extension to complete 26 hours of CPE for period ending June 30, 2016. The hours must be completed within 90 days of the signed agreement by the Chair;
 - d. Weber shall submit proof of completion for all claimed CPE courses taken through the extension timeframe and for the next three renewal periods;
 - e. Weber will not be eligible for an extension to complete CPE for the next three renewal periods;
 - f. Weber shall pay an administrative fee in the amount of \$300. The administrative fee must be paid within 30 days of the signed agreement by the Chair.
20. If Weber fails to comply with the terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary action against him.
21. Weber 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.

22. Weber 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, Weber 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.
23. Weber 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.
24. Weber 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.
25. Weber 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. Weber is not relying on any other representations of any kind, verbal or otherwise.
26. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Weber, at the address 1629 Stewart Drive, Aberdeen, SD 57401.

Dated this 10th day of March, 2017.

Michael J. Weber, CPA

Dated this 24th day of MARCH, 2017.

David Pummel, Chair

South Dakota Board of Accountancy