

Meeting Agenda
SOUTH DAKOTA BOARD OF ACCOUNTANCY

via [Zoom](#)
or Call +1-346-248-7799 Meeting ID:729 257 1422 Passcode: 957016

May 2, 9:00 a.m. CDT

A=Action
D=Discussion
I=Information

A. Call to Order.....	Budahl
B. Public Comment.....	Oratory
C. A-Approval of Minutes of Meeting March 21, 2024.....	2-3
D. A-Approval of Firm Permits.....	4
E. A-Approval of Financial Statements through March 2024.....	5-14
F. D-Executive Director's Report.....	15
G. 9:30 - Contested Case Hearing in Disciplinary Case #119-24.....	16-20
a. Executive Session pursuant to SDCL 1-25-2 during hearing	

EXECUTIVE SESSION pursuant to SDCL 1-25-2

H. Equivalent reviews and consent agreements for Board Approval.....	Spt. Pkt.
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FUTURE MEETING DATES (all times CST)

- I. Meeting Dates
 - June 18, 2024 – 8:00 a.m. Teams
 - July 11, 2024 – 9:00 a.m. Teams
 - August 7, 2024 8:30 a.m., Eide Bailly 345 S Reid St. #400 Sioux Falls, SD
- J. Adjournment

Meeting Minutes
SOUTH DAKOTA BOARD OF ACCOUNTANCY
Meeting Via Zoom
March 21, 2024 9:00 a.m. CST

Chair Deidre Budahl called the meeting to order at 9:00 a.m. A quorum was present.

Members Present: Jay Tolsma, Russell Olson, Holly Engelhart, Jeff Strand, Priscilla Romkema, and Deidre Budahl.

Others Present: Nicole Kasin, Executive Director; Julie Iverson, Licensing Administrator; and Gerald McCabe, DLR Director.

Chair Budahl asked if there were any additions to the agenda:
Additions to Peer Review

Romkema made a motion to approve the agenda with additions. Strand seconded the motion. **MOTION PASSED.**

The Chair opened the floor for public comment. No comments were received.

Olson made a motion to approve the January 24, 2024, meeting minutes. Engelhart seconded the motion. **MOTION PASSED.**

Strand made a motion to approve the certificates and firm permits issued through March 14, 2024. Romkema seconded the motion. **MOTION PASSED.**

Tolsma made a motion to approve the financial statements through February 2024. Olson seconded the motion. **MOTION PASSED.**

The Board discussed the NASBA Eastern Regional Conference being held in Louisville, KY on June 4-6, 2024 and the NASBA Western Regional Conference being held in Omaha, NE June 25-27, 2024.

Strand made a motion to approve travel for the executive director and board members to attend the NASBA Eastern Regional Conference being held in Louisville, KY on June 4-6, 2024 or the NASBA Western Regional Conference being held in Omaha, NE on June 25-27, 2024. Engelhart seconded the motion. **MOTION PASSED.**

Executive Director Kasin discussed her report on CPE audits, NASBA committee interest, and NASBA request for Vice-Chair nominations.

The Board discussed the NASBA Board of Directors Meeting Minutes from October 27, 2023, and October 31, 2023, the NASBA Board of Directors Meeting Highlights from January 18, 2024, and the NASBA Professional Licensure Task Force Concept Exposure.

Strand made a motion at 9:49 a.m. to enter executive session for the deliberative process for peer reviews, follow-up, consent agreements, and enforcement case. Romkema seconded the motion. **MOTION PASSED.**

The Board came out of executive session at 9:56 a.m.

Romkema made a motion to accept the peer reviews and follow-up as discussed in executive session. Tolsma seconded the motion. **MOTION PASSED.** (Engelhart abstained)

Strand made a motion to accept the consent agreements as presented in executive session. Olson seconded the motion. **MOTION PASSED.** (Engelhart abstained)

Engelhart made a motion to accept the enforcement case as presented in executive session. Romkema seconded the motion. **MOTION PASSED.** (Strand abstained)

FUTURE MEETING DATES (all times CDT)

May 2, 2024 – 9:00 a.m. Zoom meeting

June 18, 2024 – 8:00 a.m. Teams meeting

July 11, 2024 – 9:00 a.m. Teams meeting

August 7, 2024 – 8:30 a.m. Sioux Falls, location TBD

Strand made a motion to adjourn the meeting. Olson seconded the motion. **MOTION PASSED.**

All business having come before the board was concluded and Chair Deidre Budahl adjourned the meeting at 10:12 a.m.

DRAFT

**FIRM PERMITS TO PRACTICE PUBLIC ACCOUNTANCY
BOARD COPY**

**Issued Through
April 25, 2024**

Number	Name	Date Issued	Basis/Comments
1803	BPMCPA Payroll, LLC dba BPM LLP Walnut Creek, CA	03/27/24	New Firm

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 03/31/2024

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1031 BOARD OF ACCOUNTANCY - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103100061802	1140000	382,227.43	DR	BOARD OF ACCOUNTANCY
COMPANY/SOURCE TOTAL 6503 618			382,227.43	DR *	
COMP/BUDG UNIT TOTAL 6503 1031			382,227.43	DR **	
BUDGET UNIT TOTAL 1031			382,227.43	DR ***	

STATE OF SOUTH DAKOTA
 MONTHLY EXPENDITURE REPORT
 FOR PERIOD ENDING: 03/31/2024

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1031 BOARD OF ACCOUNTANCY - INFO
 CENTER-5 10310 BOARD OF ACCOUNTANCY

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/CR
COMPANY NO		6503								
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS								
6503	103100061802	51010100	CGEX240228	03/01/2024					4,100.34	DR
6503	103100061802	51010100	CGEX240313	03/15/2024					3,429.42	DR
OBJSUB: 5101010		F-T EMP SAL & WAGES								
6503	103100061802	51010200	CGEX240228	03/01/2024					7,529.76	DR *
6503	103100061802	51010200	CGEX240313	03/15/2024					2,407.97	DR
6503	103100061802	51010200	CGEX240313	03/15/2024					2,244.01	DR
OBJSUB: 5101020		P-T/TEMP EMP SAL & WAGES								
6503	103100061802	51010300	CGEX240228	03/01/2024					4,651.98	DR *
6503	103100061802	51010300	CGEX240228	03/01/2024					120.00	DR
OBJSUB: 5101030		BOARD & COMM MBRS FEES								
OBJECT: 5101		EMPLOYEE SALARIES								
6503	103100061802	51020100	CGEX240228	03/01/2024					120.00	DR *
6503	103100061802	51020100	CGEX240313	03/15/2024					12,301.74	DR **
6503	103100061802	51020100	CGEX240228	03/01/2024					461.69	DR
6503	103100061802	51020100	CGEX240313	03/15/2024					388.45	DR
OBJSUB: 5102010		OASI-EMPLOYER'S SHARE								
6503	103100061802	51020200	CGEX240228	03/01/2024					850.14	DR *
6503	103100061802	51020200	CGEX240228	03/01/2024					353.31	DR
6503	103100061802	51020200	CGEX240313	03/15/2024					307.86	DR
OBJSUB: 5102020		RETIREMENT-ER SHARE								
6503	103100061802	51020600	CGEX240228	03/01/2024					661.17	DR *
6503	103100061802	51020600	CGEX240228	03/01/2024					1,103.78	DR
6503	103100061802	51020600	CGEX240313	03/15/2024					1,015.54	DR
OBJSUB: 5102060		HEALTH/LIFE INS.-ER SHARE								
6503	103100061802	51020800	CGEX240228	03/01/2024					2,119.32	DR *
6503	103100061802	51020800	CGEX240228	03/01/2024					11.72	DR
6503	103100061802	51020800	CGEX240313	03/15/2024					10.18	DR
OBJSUB: 5102080		WORKER'S COMPENSATION								
6503	103100061802	51020900	CGEX240228	03/01/2024					21.90	DR *
6503	103100061802	51020900	CGEX240228	03/01/2024					1.68	DR
6503	103100061802	51020900	CGEX240313	03/15/2024					1.50	DR
OBJSUB: 5102090		UNEMPLOYMENT COMPENSATION								
OBJECT: 5102		EMPLOYEE BENEFITS								
GROUP: 51		PERSONAL SERVICES								
6503	103100061802	52041800	DP402098	03/27/2024					15,957.45	DR ***
6503	103100061802	52041800	DP402098	03/27/2024					860.95	DR
OBJSUB: 5204180		COMPUTER SERVICES-STATE								
6503	103100061802	52042000	FM412072	03/13/2024					860.95	DR *
6503	103100061802	52042000	FM412072	03/13/2024					1,368.95	DR
6503	103100061802	52042000	PL402057	03/13/2024					309.84	DR
OBJSUB: 5204200		CENTRAL SERVICES								
6503	103100061802	52042200	IN1140637	03/31/2024	02545264	ABBUSINESS	12036980		1,678.79	DR *
6503	103100061802	52042200	IN1140637	03/31/2024	02545264	ABBUSINESS	12036980		70.92	DR
OBJSUB: 5204220		EQUIPMENT SERV & MAINT								
6503	103100061802	52042300	24I003 JUL-JUN23	03/13/2024	311698	SUNSETOFFI	12627537		70.92	DR *
6503	103100061802	52042300	24I003 JUL-JUN23	03/13/2024	311698	SUNSETOFFI	12627537		171.03	DR

STATE OF SOUTH DAKOTA
 MONTHLY EXPENDITURE REPORT
 FOR PERIOD ENDING: 03/31/2024

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1031 BOARD OF ACCOUNTANCY - INFO
 CENTER-5 10310 BOARD OF ACCOUNTANCY

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
		OBJSUB: 5204230	JANITORIAL & MAINT SERV						171.03	DR *
6503	103100061802	52045210	ACCOUNTRENT23-24	03/13/2024	311121	MCGINNISRO	12074040		1,380.75	DR
6503	103100061802	52045210	Q1212489	03/06/2024	00900938	QUADIENTLE	12219369		672.36	DR
		OBJSUB: 5204521	REVENUE BOND LEASE PYMTS						2,053.11	DR *
6503	103100061802	52045300	TL402054	03/22/2024					148.00	DR
6503	103100061802	52045300	8381416X02242024	03/13/2024	00068800	ATTMOBILIT	12279233		103.54	DR
		OBJSUB: 5204530	TELECOMMUNICATIONS SRVCS						251.54	DR *
6503	103100061802	52045400	5159417006 0224	03/15/2024	02542604	XCELEENERGY	12023853		61.81	DR
		OBJSUB: 5204540	ELECTRICITY						61.81	DR *
6503	103100061802	52047400	CI104A-030	03/15/2024	363739				41.40	DR
		OBJSUB: 5204740	BANK FEES AND CHARGES						41.40	DR *
6503	103100061802	52049600	1059	03/08/2024	00901176	NATIONALAS	12005047		4,043.50	DR
		OBJSUB: 5204960	OTHER CONTRACTUAL SERVICE						4,043.50	DR *
		OBJECT: 5204	CONTRACTUAL SERVICES						9,233.05	DR **
6503	103100061802	52050200	IN4481507	03/20/2024	02543736	INNOVATIVE	12550348		67.72	DR
6503	103100061802	52050200	0003154	03/13/2024	00902065	ECOWATERSY	12627232		25.35	DR
		OBJSUB: 5205020	OFFICE SUPPLIES						93.07	DR *
		OBJECT: 5205	SUPPLIES & MATERIALS						93.07	DR **
6503	103100061802	5228000	T104-114	03/06/2024					758.23	DR
		OBJSUB: 5228000	OPER TRANS OUT -NON BUDGT						758.23	DR *
		OBJECT: 5228	NONOP EXP/NONBGTD OP TR						758.23	DR **
		GROUP: 52	OPERATING EXPENSES						10,084.35	DR ***
		COMP: 6503							26,041.80	DR ****
		CNTR: 103100061802							26,041.80	DR *****
		B. UNIT: 1031							26,041.80	DR *****

South Dakota Board of Accountancy
Balance Sheet
As of March 31, 2024

	Mar 31, 24
ASSETS	
Current Assets	
Checking/Savings	
1130000 · Local Checking - FIB	388.89
1140000 · Pool Cash State of SD	382,227.43
Total Checking/Savings	382,616.32
Other Current Assets	
1131000 · Interest Income Receivable	2,092.07
1213000 · Investment Income Receivable	3,147.26
Total Other Current Assets	5,239.33
Total Current Assets	387,855.65
Fixed Assets	
1670000 · Computer Software	
Original Cost	34,075.00
1770000 · Depreciation	-33,601.74
Total 1670000 · Computer Software	473.26
Total Fixed Assets	473.26
TOTAL ASSETS	388,328.91
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2110000 · Accounts Payable	4,181.10
Total Accounts Payable	4,181.10
Other Current Liabilities	
2430000 · Accrued Wages Payable	12,000.19
2810000 · Amounts Held for Others	29,774.81
Total Other Current Liabilities	41,775.00
Total Current Liabilities	45,956.10
Long Term Liabilities	
2960000 · Compensated Absences Payable	37,744.93
Total Long Term Liabilities	37,744.93
Total Liabilities	83,701.03
Equity	
3220000 · Net Position	317,351.48
3300100 · Invested In Capital Assets	473.54
3900 · Retained Earnings	-46,307.02
Net Income	33,109.88
Total Equity	304,627.88
TOTAL LIABILITIES & EQUITY	388,328.91

South Dakota Board of Accountancy

Profit & Loss Budget vs. Actual

July 2023 through March 2024

04/02/24

	Jul '23 - Mar 24	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
4293550 · Initial Individual Certificate	1,625.00	2,500.00	-875.00	65.0%
4293551 · Certificate Renewals-Active	68,240.00	62,500.00	5,740.00	109.2%
4293552 · Certificate Renewals-Inactive	19,600.00	19,500.00	100.00	100.5%
4293553 · Certificate Renewals-Retired	1,990.00	1,650.00	340.00	120.6%
4293554 · Initial Firm Permits	700.00	700.00	0.00	100.0%
4293555 · Firm Permit Renewals	15,250.00	14,500.00	750.00	105.2%
4293557 · Initial Audit	180.00	700.00	-520.00	25.7%
4293558 · Re-Exam Audit	1,650.00	1,960.00	-310.00	84.2%
4293560 · Late Fees-Initial Certificate	50.00	0.00	50.00	100.0%
4293561 · Late Fees-Certificate Renewals	3,150.00	3,000.00	150.00	105.0%
4293563 · Late Fees-Firm Permit Renewals	400.00	500.00	-100.00	80.0%
4293564 · Late Fees-Peer Review	1,150.00	1,300.00	-150.00	88.5%
4293566 · Firm Permit Owners	136,200.00	127,000.00	9,200.00	107.2%
4293567 · Peer Review Admin Fee	900.00	5,500.00	-4,600.00	16.4%
4293568 · Firm Permit Name Change	150.00	100.00	50.00	150.0%
4293569 · Initial FAR	240.00	1,140.00	-900.00	21.1%
4293570 · Initial REG	60.00	660.00	-600.00	9.1%
4293571 · Initial BEC	600.00	930.00	-330.00	64.5%
4293572 · Re-Exam FAR	720.00	1,860.00	-1,140.00	38.7%
4293573 · Re-Exam REG	1,170.00	2,310.00	-1,140.00	50.6%
4293574 · Re-Exam BEC	1,230.00	2,310.00	-1,080.00	53.2%
4293575 · Initial BAR	0.00	0.00	0.00	0.0%
4293576 · Initial ISC	0.00	0.00	0.00	0.0%
4293577 · Initial TCP	0.00	0.00	0.00	0.0%
4293578 · Re-Exam BAR	90.00	0.00	90.00	100.0%
4293579 · Re-Exam ISC	90.00	0.00	90.00	100.0%
4293580 · Re-Exam TCP	90.00	0.00	90.00	100.0%
4491000 · Interest and Dividend Revenue	10,331.30	8,000.00	2,331.30	129.1%
4896021 · Legal Recovery Cost	6,855.56	1,000.00	5,855.56	685.6%
Total Income	272,711.86	259,620.00	13,091.86	105.0%
Gross Profit	272,711.86	259,620.00	13,091.86	105.0%
Expense				
5101010 · F-T Emp Sal & Wages	63,493.07	92,983.00	-29,489.93	68.3%
5101020 · P-T/Temp Emp Sal & Wages	46,285.27	55,641.00	-9,355.73	83.2%
5101030 · Board & Comm Mbrs Fees	4,560.00	3,600.00	960.00	126.7%
5102010 · OASI-Employer's Share	7,928.60	11,370.00	-3,441.40	69.7%
5102020 · Retirement-ER Share	5,842.22	8,917.00	-3,074.78	65.5%
5102060 · Health /Life Ins.-ER Share	18,371.95	30,633.00	-12,261.05	60.0%
5102080 · Worker's Compensation	197.58	357.00	-159.42	55.3%
5102090 · Unemployment Insurance	28.65	149.00	-120.35	19.2%
5203010 · In State-Auto-State Owned	0.00	250.00	-250.00	0.0%
5203020 · In State-Auto-Priv. Low Miles	160.72	400.00	-239.28	40.2%
5203030 · In State-Auto-Priv. High Miles	925.14	1,500.00	-574.86	61.7%
5203100 · In State-Lodging	233.53	1,000.00	-766.47	23.4%
5203120 · In State-Incidentals to Travel	0.00	100.00	-100.00	0.0%
5203140 · InState-Tax Meals-Not Overnight	42.00	100.00	-58.00	42.0%

South Dakota Board of Accountancy

Profit & Loss Budget vs. Actual

July 2023 through March 2024

04/02/24

	Jul '23 - Mar 24	Budget	\$ Over Budget	% of Budget
5203150 · InState-Non Tax Meals-Overnight	153.32	400.00	-246.68	38.3%
5203220 · OS-Auto Private Low Mileage	203.84	0.00	203.84	100.0%
5203230 · OS-Auto Private High Mileage	573.24	200.00	373.24	286.6%
5203260 · OS-Air Commercial Carrier	1,962.29	7,000.00	-5,037.71	28.0%
5203280 · OS-Other Public Carrier	302.29	700.00	-397.71	43.2%
5203300 · OS-Lodging	6,609.76	9,000.00	-2,390.24	73.4%
5203320 · OS-Incidentals to Travel	399.00	500.00	-101.00	79.8%
5203350 · OS-Non Taxable Meals-Overnight	716.00	1,000.00	-284.00	71.6%
5204010 · Subscriptions	0.00	1,000.00	-1,000.00	0.0%
5204020 · Dues and Membership Fees	3,200.00	3,900.00	-700.00	82.1%
5204030 · Legal Document Fees	0.00	300.00	-300.00	0.0%
5204040 · Consultant Fees-Accounting	4,100.00	4,100.00	0.00	100.0%
5204050 · Consultant Fees - Computer	18,922.68	27,000.00	-8,077.32	70.1%
5204080 · Consultant Fees--Legal	0.00	0.00	0.00	0.0%
5204160 · Workshop Registration Fees	2,560.00	7,500.00	-4,940.00	34.1%
5204180 · Computer Services-State	5,112.70	6,000.00	-887.30	85.2%
5204181 · Computer Development Serv-State	0.00	2,000.00	-2,000.00	0.0%
5204200 · Central Services	7,283.65	9,000.00	-1,716.35	80.9%
5204220 · Equipment Service & Maintenance	49.54	300.00	-250.46	16.5%
5204230 · Janitorial/Maintenance Services	1,539.27	2,100.00	-560.73	73.3%
5204330 · Computer Software Lease	1,650.76	190.00	1,460.76	868.8%
5204340 · Computer Software Maintenance	0.00	1,000.00	-1,000.00	0.0%
5204360 · Advertising-Newspapers	145.78	500.00	-354.22	29.2%
5204390 · Advertising-Brochures	0.00	0.00	0.00	0.0%
5204440 · Newsletter Publishing	0.00	100.00	-100.00	0.0%
5204460 · Equipment Rental	2,777.08	4,000.00	-1,222.92	69.4%
5204480 · Microfilm and Photography	0.00	0.00	0.00	0.0%
5204490 · Rents Privately Owned Property	0.00	0.00	0.00	0.0%
5204510 · Rent-Other	0.00	500.00	-500.00	0.0%
5204521 · Revenue Bond Lease Payment	9,665.25	16,569.00	-6,903.75	58.3%
5204530 · Telecommunications Services	2,453.75	5,500.00	-3,046.25	44.6%
5204540 · Electricity	385.64	900.00	-514.36	42.8%
5204560 · Water	101.40	240.00	-138.60	42.3%
5204590 · Insurance Premiums/Surety Bonds	0.00	1,710.00	-1,710.00	0.0%
5204730 · Maintenance Contracts	0.00	0.00	0.00	0.0%
5204740 · Bank Fees and Charges	5,651.30	7,650.00	-1,998.70	73.9%
5204960 · Other Contractual Services	1,449.31	0.00	1,449.31	100.0%
5205020 · Office Supplies	432.97	3,000.00	-2,567.03	14.4%
5205028 · Office Supplies-2	0.00	0.00	0.00	0.0%
5205040 · Education & Instr. Supplies	488.55	300.00	188.55	162.9%
5205310 · Printing State	0.00	100.00	-100.00	0.0%
5205320 · Printing/Duplicating/Binding Co	156.95	500.00	-343.05	31.4%
5205330 · Supplemental Publications	0.00	700.00	-700.00	0.0%
5205340 · Microfilm Supplies/Materials	0.00	0.00	0.00	0.0%
5205350 · Postage	2,000.00	2,000.00	0.00	100.0%
5207430 · Office Machines	0.00	100.00	-100.00	0.0%
5207491 · Telephone Equipment	16.98			
5207900 · Computer Hardware	0.00	6,800.00	-6,800.00	0.0%
5207950 · System Development	0.00	1,000.00	-1,000.00	0.0%
5207955 · Computer Hardware Other	0.00	500.00	-500.00	0.0%
5207960 · Computer Software Expense	0.00	1,000.00	-1,000.00	0.0%
5228000 · Operating Transfers Out-NonBudg	6,210.61	8,300.00	-2,089.39	74.8%
5228030 · Depreciation Expense	4,259.34	5,679.12	-1,419.78	75.0%
Total Expense	239,601.98	357,838.12	-118,236.14	67.0%
Net Ordinary Income	33,109.88	-98,218.12	131,328.00	-33.7%
Net Income	33,109.88	-98,218.12	131,328.00	-33.7%

South Dakota Board of Accountancy
PREVIOUS YEAR MONTHLY COMPARISON
March 2024

	Mar 24	Mar 23	\$ Change	% Change
Ordinary Income/Expense				
Income				
4293550 · Initial Individual Certificate	0.00	175.00	-175.00	-100.0%
4293551 · Certificate Renewals-Active	0.00	300.00	-300.00	-100.0%
4293554 · Initial Firm Permits	50.00	0.00	50.00	100.0%
4293557 · Initial Audit	60.00	60.00	0.00	0.0%
4293558 · Re-Exam Audit	30.00	120.00	-90.00	-75.0%
4293560 · Late Fees-Initial Certificate	0.00	100.00	-100.00	-100.0%
4293561 · Late Fees-Certificate Renewals	0.00	300.00	-300.00	-100.0%
4293564 · Late Fees-Peer Review	200.00	0.00	200.00	100.0%
4293566 · Firm Permit Owners	2,000.00	0.00	2,000.00	100.0%
4293569 · Initial FAR	60.00	120.00	-60.00	-50.0%
4293570 · Initial REG	0.00	180.00	-180.00	-100.0%
4293571 · Initial BEC	0.00	90.00	-90.00	-100.0%
4293572 · Re-Exam FAR	90.00	30.00	60.00	200.0%
4293573 · Re-Exam REG	120.00	180.00	-60.00	-33.3%
4293574 · Re-Exam BEC	0.00	150.00	-150.00	-100.0%
4293578 · Re-Exam BAR	30.00	0.00	30.00	100.0%
4293580 · Re-Exam TCP	60.00	0.00	60.00	100.0%
4491000 · Interest and Dividend Revenue	0.10	0.12	-0.02	-16.7%
4896021 · Legal Recovery Cost	1,650.00	1,000.00	650.00	65.0%
Total Income	4,350.10	2,805.12	1,544.98	55.1%
Gross Profit	4,350.10	2,805.12	1,544.98	55.1%
Expense				
5101010 · F-T Emp Sal & Wages	7,529.76	10,555.95	-3,026.19	-28.7%
5101020 · P-T/Temp Emp Sal & Wages	4,651.98	4,351.84	300.14	6.9%
5101030 · Board & Comm Mbrs Fees	120.00	780.00	-660.00	-84.6%
5102010 · OASI-Employer's Share	850.14	1,091.47	-241.33	-22.1%
5102020 · Retirement-ER Share	661.17	894.52	-233.35	-26.1%
5102060 · Health /Life Ins.-ER Share	2,119.32	2,609.52	-490.20	-18.8%
5102080 · Worker's Compensation	21.90	35.81	-13.91	-38.8%
5102090 · Unemployment Insurance	3.18	2.01	1.17	58.2%
5203260 · OS-Air Commercial Carrier	0.00	801.80	-801.80	-100.0%
5203280 · OS-Other Public Carrier	0.00	22.99	-22.99	-100.0%
5203300 · OS-Lodging	0.00	1,266.48	-1,266.48	-100.0%
5203320 · OS-Incidentals to Travel	0.00	70.00	-70.00	-100.0%
5203350 · OS-Non Taxable Meals-Overnight	0.00	102.00	-102.00	-100.0%
5204010 · Subscriptions	0.00	450.20	-450.20	-100.0%
5204200 · Central Services	457.84	1,036.51	-578.67	-55.8%
5204220 · Equipment Service & Maintenance	1.92	1.99	-0.07	-3.5%
5204230 · Janitorial/Maintenance Services	171.03	159.84	11.19	7.0%
5204460 · Equipment Rental	69.00	79.00	-10.00	-12.7%
5204521 · Revenue Bond Lease Payment	1,380.75	1,380.75	0.00	0.0%
5204530 · Telecommunications Services	251.54	292.19	-40.65	-13.9%
5204540 · Electricity	63.68	59.18	4.50	7.6%
5204560 · Water	0.00	25.35	-25.35	-100.0%
5204740 · Bank Fees and Charges	41.40	80.73	-39.33	-48.7%
5205020 · Office Supplies	67.72	42.64	25.08	58.8%
5205320 · Printing/Duplicating/Binding Co	10.95	21.90	-10.95	-50.0%
5228000 · Operating Transfers Out-NonBudg	758.23	544.33	213.90	39.3%
5228030 · Depreciation Expense	473.26	473.26	0.00	0.0%

South Dakota Board of Accountancy
PREVIOUS YEAR MONTHLY COMPARISON
March 2024

	<u>Mar 24</u>	<u>Mar 23</u>	<u>\$ Change</u>	<u>% Change</u>
Total Expense	19,704.77	27,232.26	-7,527.49	-27.6%
Net Ordinary Income	-15,354.67	-24,427.14	9,072.47	37.1%
Net Income	<u>-15,354.67</u>	<u>-24,427.14</u>	<u>9,072.47</u>	<u>37.1%</u>

South Dakota Board of Accountancy
PREVIOUS YEAR TO DATE MONTHLY COMPARISON
July 2023 through March 2024

	Jul '23 - Mar 24	Jul '22 - Mar 23	\$ Change	% Change
Ordinary Income/Expense				
Income				
4293550 · Initial Individual Certificate	1,625.00	1,425.00	200.00	14.0%
4293551 · Certificate Renewals-Active	68,240.00	64,820.00	3,420.00	5.3%
4293552 · Certificate Renewals-Inactive	19,600.00	18,450.00	1,150.00	6.2%
4293553 · Certificate Renewals-Retired	1,990.00	1,760.00	230.00	13.1%
4293554 · Initial Firm Permits	700.00	600.00	100.00	16.7%
4293555 · Firm Permit Renewals	15,250.00	14,300.00	950.00	6.6%
4293557 · Initial Audit	180.00	330.00	-150.00	-45.5%
4293558 · Re-Exam Audit	1,650.00	1,140.00	510.00	44.7%
4293560 · Late Fees-Initial Certificate	50.00	250.00	-200.00	-80.0%
4293561 · Late Fees-Certificate Renewals	3,150.00	2,750.00	400.00	14.6%
4293563 · Late Fees-Firm Permit Renewals	400.00	350.00	50.00	14.3%
4293564 · Late Fees-Peer Review	1,150.00	850.00	300.00	35.3%
4293566 · Firm Permit Owners	136,200.00	122,650.00	13,550.00	11.1%
4293567 · Peer Review Admin Fee	900.00	1,050.00	-150.00	-14.3%
4293568 · Firm Permit Name Change	150.00	125.00	25.00	20.0%
4293569 · Initial FAR	240.00	570.00	-330.00	-57.9%
4293570 · Initial REG	60.00	240.00	-180.00	-75.0%
4293571 · Inital BEC	600.00	330.00	270.00	81.8%
4293572 · Re-Exam FAR	720.00	810.00	-90.00	-11.1%
4293573 · Re-Exam REG	1,170.00	1,080.00	90.00	8.3%
4293574 · Re-Exam BEC	1,230.00	990.00	240.00	24.2%
4293578 · Re-Exam BAR	90.00	0.00	90.00	100.0%
4293579 · Re-Exam ISC	90.00	0.00	90.00	100.0%
4293580 · Re-Exam TCP	90.00	0.00	90.00	100.0%
4491000 · Interest and Dividend Revenue	10,331.30	4,114.97	6,216.33	151.1%
4896021 · Legal Recovery Cost	6,855.56	1,000.00	5,855.56	585.6%
Total Income	272,711.86	239,984.97	32,726.89	13.6%
Gross Profit	272,711.86	239,984.97	32,726.89	13.6%
Expense				
5101010 · F-T Emp Sal & Wages	63,493.07	52,300.07	11,193.00	21.4%
5101020 · P-T/Temp Emp Sal & Wages	46,285.27	34,983.75	11,301.52	32.3%
5101030 · Board & Comm Mbrs Fees	4,560.00	4,200.00	360.00	8.6%
5102010 · OASI-Employer's Share	7,928.60	6,225.75	1,702.85	27.4%
5102020 · Retirement-ER Share	5,842.22	5,232.34	609.88	11.7%
5102060 · Health /Life Ins.-ER Share	18,371.95	18,068.50	303.45	1.7%
5102080 · Worker's Compensation	197.58	209.43	-11.85	-5.7%
5102090 · Unemployment Insurance	28.65	11.46	17.19	150.0%
5203010 · In State-Auto-State Owned	0.00	183.60	-183.60	-100.0%
5203020 · In State-Auto-Priv. Low Miles	160.72	119.37	41.35	34.6%
5203030 · In State-Auto-Priv. High Miles	925.14	528.36	396.78	75.1%
5203100 · In State-Lodging	233.53	225.00	8.53	3.8%
5203140 · InState-Tax Meals-Not Overnight	42.00	42.00	0.00	0.0%
5203150 · InState-Non Tax Meals-Overnight	153.32	194.00	-40.68	-21.0%
5203220 · OS-Auto Private Low Mileage	203.84	0.00	203.84	100.0%
5203230 · OS-Auto Private High Mileage	573.24	0.00	573.24	100.0%
5203260 · OS-Air Commercial Carrier	1,962.29	3,807.90	-1,845.61	-48.5%
5203280 · OS-Other Public Carrier	302.29	339.06	-36.77	-10.8%

South Dakota Board of Accountancy
PREVIOUS YEAR TO DATE MONTHLY COMPARISON
July 2023 through March 2024

	Jul '23 - Mar 24	Jul '22 - Mar 23	\$ Change	% Change
5203300 · OS-Lodging	6,609.76	4,811.46	1,798.30	37.4%
5203320 · OS-Incidentals to Travel	399.00	224.00	175.00	78.1%
5203350 · OS-Non Taxable Meals-Overnight	716.00	556.00	160.00	28.8%
5204010 · Subscriptions	0.00	450.20	-450.20	-100.0%
5204020 · Dues and Membership Fees	3,200.00	3,200.00	0.00	0.0%
5204040 · Consultant Fees-Accounting	4,100.00	3,900.00	200.00	5.1%
5204050 · Consultant Fees - Computer	18,922.68	17,777.79	1,144.89	6.4%
5204160 · Workshop Registration Fees	2,560.00	4,320.00	-1,760.00	-40.7%
5204180 · Computer Services-State	5,112.70	3,379.80	1,732.90	51.3%
5204181 · Computer Development Serv-State	0.00	77.18	-77.18	-100.0%
5204200 · Central Services	7,283.65	6,178.18	1,105.47	17.9%
5204220 · Equipment Service & Maintenance	49.54	42.34	7.20	17.0%
5204230 · Janitorial/Maintenance Services	1,539.27	1,438.56	100.71	7.0%
5204330 · Computer Software Lease	1,650.76	368.89	1,281.87	347.5%
5204360 · Advertising-Newspapers	145.78	0.00	145.78	100.0%
5204460 · Equipment Rental	2,777.08	2,677.08	100.00	3.7%
5204521 · Revenue Bond Lease Payment	9,665.25	12,426.75	-2,761.50	-22.2%
5204530 · Telecommunications Services	2,453.75	2,527.11	-73.36	-2.9%
5204540 · Electricity	385.64	527.85	-142.21	-26.9%
5204560 · Water	101.40	95.40	6.00	6.3%
5204740 · Bank Fees and Charges	5,651.30	5,301.20	350.10	6.6%
5204960 · Other Contractual Services	1,449.31	0.00	1,449.31	100.0%
5205020 · Office Supplies	432.97	631.70	-198.73	-31.5%
5205040 · Education & Instr. Supplies	488.55	452.55	36.00	8.0%
5205320 · Printing/Duplicating/Binding Co	156.95	138.70	18.25	13.2%
5205350 · Postage	2,000.00	2,000.00	0.00	0.0%
5205700 · Retail Gasoline	0.00	39.75	-39.75	-100.0%
5207491 · Telephone Equipment	16.98	1,810.00	-1,793.02	-99.1%
5207900 · Computer Hardware	0.00	67.25	-67.25	-100.0%
5228000 · Operating Transfers Out-NonBudg	6,210.61	4,006.14	2,204.47	55.0%
5228030 · Depreciation Expense	4,259.34	4,259.34	0.00	0.0%
Total Expense	239,601.98	210,355.81	29,246.17	13.9%
Net Ordinary Income	33,109.88	29,629.16	3,480.72	11.8%
Net Income	33,109.88	29,629.16	3,480.72	11.8%

EXECUTIVE DIRECTOR'S REPORT

Nicole Kasin

NASBA Issues/Topics

1. NASBA Director-at-Large – 3 open positions (email 4-24-24)
 - a. submit letter of interest, with bio/resume by 6-30-24.
2. NASBA Committee Interest – Email on 3-6-24; Due 5-3-24
3. Regional Conferences – attendance
 - a. Confirm who will attend to register
 - b. Central Regional Director vacancy
4. Recap from ED Conference
 - a. PCAOB – Division of Enforcement and Investigations
 - b. Recap on Legal Case Updates
 - c. Legislative update
 - d. Use of Title & Principal Place of Business
 - e. US DOL – Employee Benefits Security Administration
 - f. Professional Licensure Task Force
 - g. IQEX & MRAs
 - h. Peer Review Enforcement Related Issues
 - i. CPA Examination Update

Board Discussion

- Any New Business/topics?

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

In the Matter of:

Robert Bork,
Licensee.

License No. 2118

**AMENDED
NOTICE OF HEARING**

**OHE Case No. DLR 24-003
Board Case No. 119-24**

TO: ROBERT BORK, 8504 E 38th St. Sioux Falls, SD 57110, and via email at bnlbork@sio.midco.net.

PLEASE TAKE NOTICE that an administrative hearing in the above-captioned matter will be held before the South Dakota Department of Labor and Regulation, Board of Accountancy (Board) on **Thursday, May 2, 2024 at 9:30 a.m. C.D.T.**, or as soon thereafter as the matter can be heard. The hearing will be held via **Zoom Conference Call**, which may be accessed by using the link below (for both video and audio):

<https://state-sd.zoom.us/j/7292571422>

Alternatively, the hearing may be joined via conference call (audio only), by using the following login information:

- Call: +1-346-248-7799
- Meeting ID: 729 257 1422
- Passcode: 957016

All parties and witnesses must be personally present on the Zoom Conference Call for the hearing unless otherwise authorized by the Board.

This hearing is being held pursuant to the legal authority and jurisdiction granted to the Board under South Dakota Codified Laws (SDCL) Chapters 1-26, 36-1C, and 36-20B.

The purpose of this hearing will be to determine whether Robert Bork (Licensee) violated SDCL 36-1C-8 by failing to timely respond to the formal complaint; and SDCL 36-20B-40(3) and/or (6) by failing to meet the Board's continuing professional education requirements for licensees.

Following the hearing, the Board shall issue findings of fact, conclusions of law, and a decision that may take such actions as are authorized by SDCL Chapters 1-26, 36-1C, and 36-20B, which may include, but is not limited to, issuance of an administrative fine, suspension of the license, and/or revocation of the license. Pursuant to SDCL 1-26-29.1, should this proceeding result in discipline of Licensee, the Board may assess all or part of its actual expenses for this proceeding against Licensee.

This hearing is a contested case as that term is defined in SDCL 1-26-1(2). As such, this hearing is an adversarial proceeding. You have the right to be present at the hearing and to be represented by an attorney. These and other due process rights will be forfeited if they are not exercised at the hearing. If you intend to be represented by an attorney, please have your attorney contact the undersigned with their name, address, and contact information.

If you do not appear at the scheduled time of the hearing, the matter may be dismissed, or it may be decided on the basis of evidence presented at the hearing.

If the amount in controversy exceeds \$2,500 or if a property right may be terminated, a party to the contested case may require the Board to use the Office of Hearing Examiners by giving notice of the request to the Board no later than ten days after service of this notice of hearing.

Notice of the Board's decision will be sent to Bork within 30 days after this matter is fully submitted to the Board, unless such time is extended by the Board pursuant to SDCL 1-26-30.1. The decision based on the hearing may be appealed to the Circuit Court and the South Dakota Supreme Court, as provided by law.

If you or anyone participating in the hearing on your behalf requires accommodations due to a disability, please contact Nicole Kasin at 605-367-5770, and suitable arrangements will be made.

Statutes and Rules involved in this hearing:

SDCL 36-1C-8. Response to formal complaint.

SDCL 36-20B-27 Renewal of certificate--Continuing education requirement--Exception.

SDCL 36-20B-40(3) and (6) Disciplinary action--Remedies available to board--Grounds.

ARSD 20:75:04:11. Review of continuing professional education credits.

ARSD 20:75:04:15. Documentation for continuing professional education credit.


Facts that support the alleged violations of South Dakota law or rule:

1. Robert Bork (BORK) is licensed by the Board as a certified public accountant (CPA) and has been so licensed since October 27, 1999.
2. As a licensee of the Board, BORK is required to report his continuing professional education (CPE) hours to the Board in the manner required by the Board.
3. For the period commencing July 1, 2020 through June 30, 2021, BORK reported 48 CPE hours.

4. For the period commencing July 1, 2021 through June 30, 2022, BORK reported 40 CPE hours.
5. For the period commencing July 1, 2022 through June 30, 2023, BORK reported 32 CPE hours.
6. On September 18, 2023, the Board office mailed a letter to BORK which stated that he was selected for a CPE audit for the three-year period commencing July 1, 2020 through June 30, 2023. The letter stated that the deadline to submit documentation was October 31, 2023.
7. On October 23, 2023, BORK submitted partial CPE documentation to the Board office.
8. On November 20, 2023, Board office staff emailed Licensee that the claimed course titled Reviewing Pass-Throughs from the SD CPA Society on November 9, 2020, for 8 CPE hours could not be verified from the SD CPA Society sign-in sheets provided to the Board. The sign-in sheet indicated that he did not attend the course and credit was not given. Board staff asked for any additional documentation or additional courses to claim be submitted by November 30, 2023.
9. On November 20, 2023, Licensee emailed a response stating he did attend the course. Board staff suggested Licensee contact the provider to resolve the discrepancies.
10. On November 22, 2023, Licensee emailed his registration for the course and handwritten notes. Licensee requested contact information for the SD CPA Society.
11. After review of the documentation provided, the Board office determined that BORK had provided satisfactory documentation of the following:
 - a. 40 CPE hours for the period commencing July 1, 2020 through June 30, 2021;
 - b. 40 CPE hours for the period commencing July 1, 2021 through June 30, 2022; and
 - c. 32 CPE hours for the period commencing July 1, 2022 through June 30, 2023.
12. On January 19, 2024, the Board's executive director issued a letter outlining the Board office's audit findings.
13. Based on the audit results, BORK is short 8 CPE hours for the audit period.
14. On January 19, 2024, the Board's executive director issued a complaint outlining the CPE audit findings and a response was due no later than February 16, 2024.

15. On January 19, 2024, BORK responded in an email regarding the course from the SD CPA Society that "it's their word over mine".
16. On February 5, 2024, Bork responded in an email regarding the course from the SD CPA Society stating a reason they don't have record of him attending as a "user error on my part".
17. On February 12, 2024, Daniel Nichols (Nichols), attorney for BORK, issued a written response to the complaint. In the response to the complaint BORK admitted to paragraphs 1, 2, 3, 4, 6, 7, 9 and 10. He denied paragraphs 8, 11, 12 and 13. He had no response to paragraph 5.
18. Nichols is requesting for BORK in his response numbered 6, that he not be required to comply with ARSD 20:75:04:15(1).
19. On February 28, 2024, the Board attorney Korson emailed Nichols, attorney for Bork, a Formal Complaint against him for failing the CPE audit. The formal complaint requested a response by March 19, 2024.
20. On February 28, 2024, Nichols emailed Korson, which restated his response to the written complaint.
21. On February 29, 2024, Korson responded reiterating the formal complaint violation is BORK not providing a certificate or other verification supplied by the CPE program sponsor as required by ARSD 20:75:04:15(1).
22. No response from Nichols on the Formal Complaint was received.
23. On March 21, 2024, the Notice of Hearing was served on Bork through his attorney of record, Nichols.
24. On March 22, 2024, Nichols notified Korson by email that he is no longer representing Bork.
25. As of the date of this Amended Notice of Hearing, no response to the Formal Complaint has been received.

Dated this 25th day of March 2024.



Laura Korson
Special Assistant Attorney General
Department of Labor and Regulation
2330 N. Maple

Rapid City, SD 57701
605-800-1491