STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE STATE BOARD OF ACCOUNTANCY
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Board Minutes

13 September 2011

The meeting of the Tennessee State Board of Accountancy convened in the Andrew Johnson Tower, Nashville, Tennessee on Tuesday, September 13, 2011 at 8:30 a.m. Board members present were: Stan Sawyer, Chair; Troy Brewer; Jennifer Brundige; Kenneth Cozart; Shannone Raybon; Casey Stuart; Trey Watkins; and Doug Warren.

Absent were: Don Royston, Vice Chair; Lisa Stickel, Secretary; and Bill Blaufuss.

Staff members present were: Mark Crocker, Executive Director; Don Mills, Investigator; Chris Whittaker, Staff Attorney; Laura Betty, Prosecuting Attorney; and Brenda Demastus.

Mr. Sawyer called the meeting to order and recognized Mr. Crocker, who stated that there were two items of business to transact before the Board began the formal hearing scheduled for 9:00 a.m.

Ms. Jennifer Brundige, Chair of the Licensing Committee, stated that the Committee had reviewed a two-hour State Specific Ethics Course prepared by the TSCPA and found that it met all of the required elements. Doug Warren moved that the Board accept the course, and Kenneth Cozart seconded. Approval was unanimous.

Mr. Sawyer then called on Mr. Whittaker to present the Probable Cause Report. Only one action was recommended, and Mr. Cozart moved that the

report be accepted. Trey Watkins seconded and the motion passed unanimously. (Report attached as Exhibit 1)

The Board next moved into the formal hearings scheduled for the day.

The first case to be heard was Complaint Number L10-ACC-RBS-2010010211 against James Livingston, license number 8179 of 319 Homewood Boulevard, Homewood, Alabama. Docket Number 12.19-113465A. The Honorable Anthony Adgent presiding.

Mr. Livingston is charged with failure to maintain his Tennessee license in good standing, failure to notify the Board that his Alabama license had been revoked, and failure to respond to official Board correspondence.

Results of the hearing: Mr. Livingston's license to practice public accountancy in the State of Tennessee (number 8179) is REVOKED; he is ordered to return his wall certificate to the Board office; he is assessed a civil penalty in the amount of $2,000.00; all costs of prosecution and investigation. This was passed by a unanimous vote.

A full transcript of the hearing is attached as Exhibit 2.

The second case to be heard was Docket Number 12.19-113462A concerning Complaint Number L08-ACC-RBS-2008011811 against Joseph D. Reno of 7094 Highway 70, Bartlett, Tennessee 38133. Mr. Reno's license number is 4906 and his firm permit number is 1024. The Honorable Anthony Adgent presiding.

Mr. Reno is charged with operating his firm on an expired permit and failing to respond to official Board correspondence.

Results of the hearing: Mr. Reno is ordered to pay a civil penalty in the amount of $400 ($250 against his personal license and $150 against his firm permit) plus all costs of investigation and prosecution. The Board voted unanimously to assess this penalty against Mr. Reno.

A full transcript of the hearing is attached as Exhibit 3.

The third case was Docket Number 12.19-113464A concerning Complaint Numbers L08-ACC-RBS-2008023911 and L09-ACC-RBS-2009011351. These complaints were initiated against Ms. Teresa Driver, license number 12059 and against her firm, Teresa H. Driver, CPA, firm permit number

2347 located at 1112 Weston Drive, Mt. Juliet, Tennessee. The Honorable Anthony Adgent presiding.

Ms. Driver maintained that she did not receive notice of the hearing until the previous Friday. Judge Adgent continued the hearing until the January Board meeting with instructions to Ms. Driver that the case would be heard at that time with or without her counsel being present.

A full transcript of the proceedings is attached as Exhibit 4.

The next case was Docket Number 12.19-112466A concerning Complaint Number L07-ACC-RBS-2007076901against Vincent Scott Fifer, license number 6395. His address of record is 1409 Oaklawn Street, Memphis, Tennessee 38114. The Honorable Anthony Adgent presiding.

Mr. Fifer is alleged to have committed five violations of the Tennessee Accountancy Act. He failed to timely renew his license, he failed to renew his firm registration, he used the designation "CPA" or "certified public accountant" or the word "accounting" without proper licensure, he failed to qualify his designation as 'Inactive' while his license was in inactive status, and he advertised as a CPA when his license was not in good standing. Mr. Fifer did not appear for the hearing and the Board was awarded a default judgment.

Results of the hearing: By a unanimous vote, the Board REVOKED Mr. Fifer's license to practice public accountancy in the State of Tennessee (license number 6395). In addition, he is assessed a civil penalty in the amount of $5,000.00 plus all costs of investigation and prosecution.

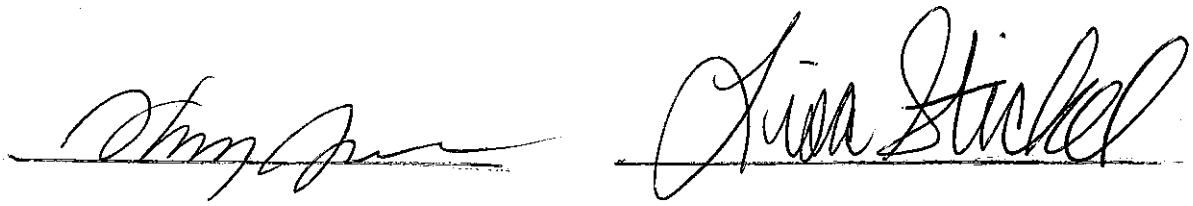
A full transcript of the proceedings is attached as Exhibit 5.

The last case to be heard was Docket Number 12.19-113463A concerning Complaint Number L08-ACC-RBS-2008008921 against William L. Kincaid, CPA, PLLC, firm permit number 697. The firm's address is 1901 Jacksboro Pike, Post Office Box 100, LaFollette, Tennessee 37766. The Honorable Anthony Adgent presiding.

The charges against Mr. Kincaid are as follows: he failed to comply with the peer review requirement; he failed to renew his firm permit in a timely manner; he failed to notify the Board of his intent to close his firm; he provided attest services without proper licensure; and he provided

inconsistent testimony regarding the date on which he ceased offering attest services.

Results of the hearing: In a unanimous vote, the Board determined that Mr. Kincaid should reinstate his firm permit within 60 days; he should complete sixteen (16) hours of CPE in compilation and review within 90 days; he should complete two (2) hours of CPE in state specific ethics within 90 days; and he is assessed a civil penalty in the amount of $1,500.00 plus all costs of investigation and prosecution.

A full transcript of the proceedings is attached as Exhibit 6.

There being no further business to come before the Board, the meeting was adjourned.