

FILED 5/12/2016 (Date)

IAEB
Board / Commission

Robert E. Lampe
Signature, Executive Officer

BEFORE THE ACCOUNTANCY EXAMINING BOARD
OF THE STATE OF IOWA

IN THE MATTER OF:)	Case No. 15-41
)	
Babcock, Langbein & Company)	
CPA Firm Permit Lapsed)	
)	CONSENT ORDER
Respondent.)	

A. Statement of Charges

1. The Iowa Accountancy Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542 (2015).

2. Respondent is a CPA firm. The firm's Iowa permit to practice expired on June 30, 2014. The firm has not reinstated its permit to practice. After the permit to practice lapsed the firm issued at least one audit report to an Iowa entity, including one in July 2014 to a municipal housing agency. Respondent has previously performed attest services in Iowa on a lapsed permit to practice, as reflected in an order entered in Case No. 10-079. Respondent was warned in Case No. 10-079 that the discipline imposed in that case could be taken into consideration in the event of an additional violation.

3. The Board charges Respondent with practicing public accountancy on a lapsed certificate in violation of Iowa Code sections 272C.10(3), 542.7(1)(a), 542.10(1)(c), (d), and (j), and 542.13(4), (12); and 193A Iowa Administrative Code 7.6(4), 5.1(3), 5.5(8), 5.6(5), 14.3(5)(d), (7)(k), and 16.3(1)(i).

4. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

5. Respondent has a right to a hearing on the charges, but waives Respondent's right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4. Respondent acknowledges that Respondent had an opportunity to review this Consent Order with legal counsel before signing.

6. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

7. This Order shall be part of the permanent record of Respondent and shall be

considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations.

8. This Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2015).

9. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2015). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. This Order is subject to approval of the Board: (a) If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter; (b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

A. The Board reprimands Respondent for practicing on a lapsed Iowa CPA firm permit to practice.


B. Respondent shall pay a civil penalty of \$2,000 within thirty (30) days of the date this Consent Order is signed by all parties.

C. Respondent shall notify all Iowa clients for whom it provided attest services while the permit to practice was lapsed. Respondent shall also notify any regulatory bodies to whom the Respondent or a client of Respondent's submitted one or more of the attest service reports during the period of lapse. Respondent shall secure Board approval of the notification language in advance of sending the notification to clients and, if applicable, to regulatory bodies. Respondent shall provide copies of the letters to the Board office and otherwise verify completion of the client/regulatory body notification within thirty days of the date this Consent Order is signed by all parties.


D. Respondent shall not perform any additional attest services in Iowa or for a client with a home office in Iowa or other services which require an Iowa CPA firm permit to practice unless Respondent first reinstates its permit to practice.

AGREED AND ACCEPTED:

The Respondent


By: Mark Babcock, CPA, the partner
in charge of Respondent
5/22/16
Date

The Iowa Accountancy Examining Board


By: Laura Walker, CPA, Chair
Shelley Laracuente
5-11-16
Date

DATE OF ISSUANCE 5/12/2016