

BEFORE THE ACCOUNTANCY EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau

FILED 1/20/2011 (Date)

IN THE MATTER OF:)
)
D. David Evenson)
CPA #005116)
Heaton Adams & Co.)
333 West 4th Street)
PO Box 1026)
Waterloo, IA 50704)
Respondent.)

Case No. 10-064

Accountancy
Board / Commission

Signature, Executive Officer

**COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE**

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 (2009).
2. Respondent was issued Iowa CPA certificate number 005116 on the 30th day of July 1984. Respondent inadvertently allowed his certificate to lapse in June 30, 2010. While his certificate was lapsed, Respondent was in public practice and performed services requiring an active CPA Certificate. The certificate is currently active and will next expire June 30, 2012. Respondents CPE is currently fulfilled as required.
3. The Board charges Respondent with practicing public accountancy on a lapsed certificate in violation of Iowa Code sections 272C.10(3), and 542.10(1)(c), (d), and (j); and 193A Iowa Administrative Code 5.5(2) and 5.5(5).
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 his 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.
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 Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

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) (2009). 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. Respondent is reprimanded for practicing public accountancy on a lapsed certificate.
- B. Respondent shall pay a civil penalty of \$1,000 no later than January 31, 2011.
- C. Respondent shall notify the Iowa clients for whom he provided services while using the title "CPA" that he was not properly certified. Respondent shall include in his client notification list any Iowa client for whom he provided services using the CPA title between July 1, 2010 and his reinstatement date of October 5, 2010. Respondent shall send a copy of his proposed notification letter to the Board office for pre-approval prior to mailing. Respondent shall provide copies of the letters to the Board office by January 31, 2011 along with the names of the Iowa clients to whom he sent the letter.

AGREED AND ACCEPTED:

The Respondent



D. David Evenson

1/13/11

Date

**The Iowa Accountancy
Examining Board**



By: Telford A. Lodden, CPA, Chair

1/20/11

Date