

AUG 11 2006

**BEFORE THE ACCOUNTANCY EXAMINING BOARD  
OF THE STATE OF IOWA**

**IN THE MATTER OF:**

**Pamela Hupe, CPA**

**Respondent.**

Case No. 05-36

**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 (2005).

2. Respondent was issued Iowa certificate number 7020 on the 31<sup>st</sup> day of July, 1989. Respondent's CPA certificate is currently active and will next expire on the 30th day of June 30, 2008.

3. The Board received a complaint in December 2005, alleging that Respondent embezzled funds from Oncology Associates of Iowa, Inc. d/b/a Iowa Cancer Care. The complaint alleged that she stole funds between 2002 and 2005 in an amount exceeding \$200,000, while holding the position of Chief Financial Officer of the company.

4. Respondent was subsequently criminally charged in State v. Hupe, Case No. FECR064790, in the Iowa District Court for Linn County. On August 3, 2006, Respondent entered a plea of guilty to Theft in the First Degree, pursuant to Iowa Code sections 714.1(1) and 714.2(1). Pronouncement of judgment and sentencing is set for September 29, 2006.

5. The Board charges Respondent with:

- a. Dishonesty, fraud, or gross negligence in the practice of public accounting, in violation of Iowa Code section 542.10(1)(b).<sup>1</sup>
- b. Conviction of a felony, in violation of Iowa Code section 542.10(1)(e).
- c. Conviction of a crime, an element of which is dishonesty or fraud, in violation of Iowa Code section 542.10(1)(f).
- d. Conduct discreditable to the public accounting profession, in violation of Iowa Code section 542.10(1)(i).

<sup>1</sup> Iowa Code section 542.10 has remained the same from 2001 Iowa Acts, ch. 55, §10 through the 2005 Code.

6. 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**

7. Respondent has a right to a hearing on the charges, but waives her 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.

8. 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.

9. 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.

10. 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 (2005).

11. 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) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

12. 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. **Voluntary Surrender.** Respondent shall surrender her CPA certificate effective the day this Order is executed. She shall physically returning her certificate to the Board office no later than 10 days following the execution of this Order. Respondent shall notify her clients pursuant to 193 Iowa Administrative Code 7.30(3).

B. **Reinstatement.** Respondent shall not seek reinstatement for a period of at least two years from the date of this Order. Any application to reinstate shall comply with 193 Iowa Administrative Code 7.38 and 193A Iowa Administrative Code 16.5.

**AGREED AND ACCEPTED:**

The Respondent

The Iowa Accountancy  
Examining Board

[Redacted Signature]

[Redacted Signature]

Pamela Hupe

By: Wesley E. Stille, Chair

9-25-06  
Date

9/27/06  
Date