

BEFORE THE ACCOUNTANCY EXAMINING BOARD OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau
FILED 8/4/09 (Date)
Iowa Accountancy Exam Board
[Redacted]
Signature, Executive Officer

IN THE MATTER OF:) Case No. 09-07
)
John Huber)
CPA #006993)
Bettendorf, Iowa)
)
)
Respondent.)
)

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 006993 on the 31st day of July 1989. Respondent allowed his certificate to lapse in 2008 and did not reinstate his certificate until March 30, 2009. While his certificate was lapsed, Respondent held himself out to the public as a CPA. Respondent had an active public practice in which he is a principal of the firm. The certificate is currently active and will next expire June 30, 2010.
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.
5. During the period of time when Respondent's Iowa CPA certificate was lapsed, Respondent reports that between 70 and 80 percent of his practice was in Illinois and that his Illinois CPA certificate was active at all relevant times. Additionally, Respondent reports that he was not the CPA who supervised Iowa audits while his Iowa CPA certificate was lapsed.

B. Settlement Agreement and Consent Order

6. 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.

7. 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.

8. 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.

9. 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).

10. 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.

11. 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.

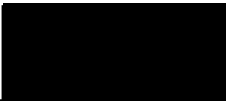
(b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

- A. Respondent is reprimanded for practicing public accountancy on a lapsed certificate.
- B. Respondent shall pay a civil penalty of \$500.00 no later than 30 days from the date this Consent Order is signed by all parties.
- C. Respondent shall notify the Iowa clients for whom he provided services while using the title "CPA" that he was not properly certified during the lapse period. The notification provision does not apply to Illinois clients or Iowa audit clients of Respondent's CPA firm who were not informed of any role Respondent may have performed. Respondent shall include in his client notification list any client for whom he provided services using the CPA title between July 1, 2008 and the date he reinstated on March 30, 2009. 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 within 30 days of the date this Consent Order is signed by all parties. He may submit a form of the letter with the names of clients to whom he sent the letter.

AGREED AND ACCEPTED:

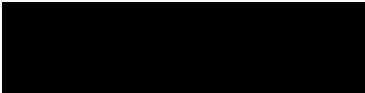
The Respondent



John Huber

Date 7/30/08

**The Iowa Accountancy
Examining Board**



By: Telford A. Lodden, CPA, Chair

Date 8/4/09