

BEFORE THE ACCOUNTANCY EXAMINING BOARD
OF THE STATE OF IOWA

Department of Commerce
Professional Licensing Bureau

FILED 12/15/2010 (Date)
Accountancy

IN THE MATTER OF:)

Case No. 09-20

Herbert J. Mullins, CPA)
Certificate # O00503)
Des Moines, IA)

and)

Herbert J. Mullins, CPA)
Permit # LAPSED)
Des Moines, IA)

Respondents)

COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE


Signature, Executive Officer

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 Herbert J. Mullins was issued Iowa CPA certificate O00503 on June 16, 1973. Respondent's CPA certificate is currently active and will next expire on the 30th day of June, 2011. Respondent Herbert J. Mullins, CPA, a sole proprietorship CPA firm, was issued Firm permit number 2009-0421 on June 26, 2009. The firm permit expired on June 30, 2010, and will not be reinstated.

3. Respondent CPA firm is unable to satisfy peer review requirements. For a period in excess of three years, the firm continued to perform attest services without satisfying the peer review required by Iowa Code section 542.7(8). The firm may not renew or reinstate a firm permit to practice in the state of Iowa. Respondent Mr. Mullins continued to perform attest services in a CPA firm he knew was unqualified to perform attest services.

4. Respondents' issues with peer review were brought to the Board's attention by Respondents when they sought a waiver of the peer review requirement in July 2009. The Board denied the waiver.

5. The Board charges Respondents with failing to comply with the peer review required under Iowa Code section 542.7(8).

6. Respondents agree to the entry of this Consent Order. Respondents have a right to a hearing on the charges, but waive their right to hearing and all attendant rights by freely and

voluntarily entering into this Order. This Consent Order is the final agency order in a disciplinary contested case.

7. This Order shall be part of the permanent record of Respondents and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

8. This 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 disciplinary action pursuant to Iowa Code section 272C.3(2)(a)(2009). However, no action may be taken against Respondents for violations of these provisions without a hearing, or waiver of hearing.

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

IT IS THEREFORE ORDERED:

- A. **Reprimand** Respondents are reprimanded for continuing to perform attest services when the CPA firm in which the services were performed failed to comply with the 3-year peer review requirement of Iowa Code section 542.7(8).
- B. **No reinstatement** Respondent CPA firm shall not attempt to reinstate its permit to practice until it can demonstrate successful completion of peer review.
- C. **Future compliance** Respondent Mr. Mullins will fully comply with Iowa laws and rules governing the practice of public accounting in the future.

AGREED AND ACCEPTED:

The Respondents

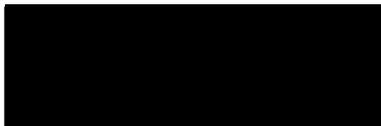


By Herbert J. Mullin, CPA, individually
& as managing officer for lapsed CPA
Firm, Herbert J. Mullins, CPA

Date

10/18/10

**The Iowa Accountancy
Examining Board**



By: Telford A. Lodden, CPA, Chair

Date

12/15/10