

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of
Grant Albert Kirgis
Certified Public Accountant Certificate
No. 04742

STIPULATION AND
CONSENT ORDER
Board File 2010-342

The Minnesota Board of Accountancy ("Board") is authorized pursuant to Minnesota Statutes Section 214.10 (2012); Minnesota Statutes Section 326A.02, subdivisions 4 and 6 (2012); and Minnesota Statutes Section 326A.08 (2012) to review complaints against certified public accountants and to take disciplinary action whenever appropriate.

The Board received information concerning Grant Albert Kirgis, CPA, 2434 Superior Drive NW, Suite 101, Rochester, Minnesota 55901 ("Respondent"). The Board's Complaint Committee ("Committee") reviewed that information.

On March 22, 2011, Respondent and G. H. Albers, Respondent's attorney, appeared before the Board's Complaint Committee, composed of Board members Neil Lapidus, CPA, and Robert J. Hyde, CPA, to discuss allegations made in the Committee's Notice of Conference. Michele M. Owen, Assistant Attorney General, represented the Committee at the conference.

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the United States and Minnesota constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent and to dispute the appropriateness of discipline in a contested case hearing pursuant to Minnesota Statutes Chapter 14 (2012). Respondent agrees that upon the *ex parte* application of the Committee, without

notice to or appearance by Respondent, the Board may order the remedy specified in paragraph 7 below. Respondent waives the right to any judicial review of the order by appeal, by writ of certiorari, petition for review, or otherwise.

2. This Stipulation shall constitute the entire record of the proceedings herein upon which the Consent Order is based. All documents in the Board's files shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2012). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

3. In the event the Board in its discretion does not approve this Stipulation or a lesser remedy than specified in this Consent Order, this Stipulation and Consent Order shall be null and void and shall not be used for any purpose by either party. If this Stipulation is not approved and a contested case hearing is initiated by the Committee pursuant to Minnesota Statutes Chapter 14 (2012), Respondent agrees not to object to the Board's initiation of the hearing and its hearing the case on the basis that the Board has become disqualified because of its review and consideration of this Stipulation or of any records relating hereto.

FACTS

4. This Stipulation is based upon the following facts. Respondent admits the facts referred to below and grants that the Board may, for the purpose of reviewing the record in paragraph 2 above, consider the following as true without prejudice to the Respondent in any current or future proceeding of the Board with regard to these or other allegations:

a. The Board initially issued a Certified Public Accountant license to Respondent on March 30, 1979. Respondent currently holds an active Certified Public

Accountant Certificate Number 04742, issued by the Board. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

b. During the years 2007-2009, Respondent diverted funds of a client, Dorothy Day Hospitality House, Rochester, Minnesota, for Respondent's personal use without the approval of the board of directors of Dorothy Day Hospitality House.

5. Respondent admits that the facts and conduct specified in paragraph 4 above constitute violations of Minnesota Statutes Section 326A.08, Subdivisions 5(a) (1), 5a(2), 5a(4), and 5a(10) (2012) and Minnesota Rule 1105.5600.D (2) (2011) and are sufficient grounds for the remedy specified in paragraph 7 below, and that proof at hearing of any one or more of the allegations set forth would empower the Board to take disciplinary action against Respondent's certificate.

6. This Stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and that is not directly related to the specific facts and circumstances set forth herein.

REMEDY

7. Upon this Stipulation and record, as set forth in paragraph 4 above, and without any further notice of proceedings, the Committee and Respondent agree that the Board may, in its discretion, issue an order to Respondent as follows:

a. Respondent's Certified Public Accountant Certificate is **REVOKED** effective upon Respondent's receipt of this Stipulation and Order signed by the Chair of the Board or his designee.

b. Respondent shall not offer to perform or perform services required by law to be performed by a Certified Public Accountant as set forth in Minnesota Statutes Chapter 326A (2012) and Minnesota Rules Chapter 1105 (2011); and

c. Respondent shall not use the designations "Certified Public Accountant" nor "CPA" in connection with his name, nor shall Respondent hold himself out as a Certified Public Accountant or CPA in any manner in the State of Minnesota.

8. Respondent agrees that he will not petition the Board for reinstatement of his CPA certificate until at least five (5) years after the date the Board Chair signs this Stipulation and Order. Any future petition for reinstatement of his revoked CPA certificate submitted to the Board by Respondent will be reviewed and considered by the Board pursuant to Minnesota Statutes Section 326A.09 and other applicable Board statutes and rules in effect at the time the petition it is submitted. Respondent expressly acknowledges and agrees that this Stipulation and Order does not, and shall not be construed to, assure that any petition for reinstatement of his revoked CPA certificate would be granted or approved.

9. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

10. Respondent hereby acknowledges that he has read, understands, and agrees to this Stipulation and Consent Order and is freely and voluntarily signing the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Respondent acknowledges that he is fully aware that the Stipulation and Consent Order must be approved by the Board. The Board may approve the Stipulation and Consent Order as proposed, approve the order subject to specified change, or reject it. If the changes are unacceptable to Respondent or the Board rejects the stipulation, it will be of no effect except as specified herein.


11. Upon approval by the Board and execution by the Board Chair or his designee, this Stipulation and Consent Order is public data pursuant to Minnesota Statutes Section 13.41, subdivision 5 (2012).

12. This Stipulation contains the entire agreement between the parties. Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

13. Respondent is aware that Respondent may choose to be represented by legal counsel in this matter. Respondent is represented by Greg H. Albers, Esq.


14. If approved by the Board, a copy of this Stipulation and Consent Order shall be served personally or by first class mail on Respondent to his last known address on file with the Board. The Order shall be effective and deemed issued when it is signed by the Board Chair or designee of the chair.

CONSENT:


GRANT ALBERT KIRGIS, CPA
Respondent

Dated: Oct 2, 2012

**BOARD OF ACCOUNTANCY
COMPLAINT COMMITTEE**


KATHLEEN K. MOONEY, CPA
Chair

Dated: 10/15, 2012

ORDER:

Upon consideration of the foregoing stipulation and based upon all the files, records and proceedings, herein,

1. **IT IS HEREBY ORDERED THAT** Respondent Grant Albert Kirgis' CPA Certificate is **REVOKED**.

2. **IT IS FURTHER ORDERED** that all other terms of this Stipulation and Consent Order are adopted and implemented this 15th day of October, 2012.

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**


MICHAEL M. VEKICH, CPA
Chair

AFFIDAVIT OF SERVICE BY MAIL

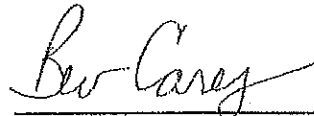
RE: In the matter of Grant Albert Kirgis, CPA Certificate Number 04742

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Bev Carey, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on this the 16th day of October, 2012, she served the attached **Stipulation and Consent Order**, by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with prepaid first class postage, and addressed to:

Greg H. Albers, Attorney At Law
Albers Law Office
2605 East Cliff Road
Burnsville, Minnesota 55337



Bev Carey

Subscribed and sworn to before me on
this the 16th day of OCTOBER, 2012.



(Notary Public)

