

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of
Ricker and Associates, Ltd.
Firm Permit No. 01526
AND

STIPULATION AND
CONSENT ORDER
Board Files 2012-224 and 2012-245

In the Matter of Pamela Jean Ricker
Certified Public Accountant Certificate
No. 14676

The Minnesota Board of Accountancy ("Board") is authorized pursuant to Minnesota Statutes Section 214.10 (2010); Minnesota Statutes Section 326A.02, subdivisions 4 and 6 (2010); and Minnesota Statutes Section 326A.08 (2010) to review complaints against certified public accountants and CPA firms and to take disciplinary action whenever appropriate.

The Board received information concerning Ricker and Associates, Ltd., 12800 Industrial Park Boulevard, Suite 100, Plymouth, Minnesota 55447 ("Respondent Firm") and Pamela Jean Ricker, CPA ("Respondent Ricker"). The Board's Complaint Committee ("Committee") reviewed that information on May 21, 2012.

It is hereby stipulated and agreed by Respondent Firm and Respondent Ricker 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 Firm and Respondent Ricker waive all procedures and proceedings before the Board to which Respondents 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 Respondents and to dispute the appropriateness of discipline in a contested case hearing pursuant to Minnesota Statutes Chapter 14 (2010), and to dispute any civil penalty imposed by this Stipulation. Respondents agree that upon the *ex parte* application of the Committee,

without notice to or appearance by Respondents, the Board may order the remedy specified in paragraph 7 below. Respondents waive 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 (2010). 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 (2010), Respondents agree not to object to the Board's initiation of the hearing and it 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. Respondents admit 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 Respondents 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 firm permit to Respondent Firm on November 17, 2006. Respondent Firm currently holds an

expired Certified Public Accountant Firm Permit, Number 01526, issued by the Board. Respondent Firm is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

b. Respondent Firm's Certified Public Accountant Firm Permit, Number 01526, expired on December 31, 2010.

c. Respondent Firm practiced public accounting and held out as a Certified Public Accountant Firm during the time that Respondent's Certified Public Accountant Firm permit had expired.

d. Respondent Firm's CPA Firm name is not in compliance with Minnesota Rules 1105.6300 and 1105.6400 (2011).

e. Respondent Firm failed to timely file Minnesota sales tax returns and pay Minnesota sales taxes for a client for three months in 2010 and thus, performed substandard work that reflects adversely on Respondent Firm's ability or fitness to provide professional services.

f. Respondent Ricker failed to comply with the Board's continuing professional education rules by failing to complete 120 hours of mandatory continuing professional education during the years ended June 30: 2009, 2010 and 2011 as required by Minnesota Rules 1105.3000 (2011).

5. Respondent Firm and Respondent Ricker admit that the facts and conduct specified in paragraph 4 above constitute violations of Minnesota Statutes Sections 326A.04, subdivision 4; 326A.05, 326A.08, subdivision 5 (a) (1), (3), (4), (8), and (10) and 326A.10 (d), (e), and (h) (2010) and Minnesota Rules 1105.3000, 1105.5600, 1105.6300, 1105.6400 and 1105.7800 (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 Firm's CPA Firm Permit and Respondent Ricker's CPA certificate.

6. This Stipulation shall not in any way or manner limit or affect the authority of the Board to proceed against Respondents by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of either 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, Respondent Firm and Respondent Ricker agree that the Board may, in its discretion, issue an order to Respondent Firm and to Respondent Ricker as follows:

a. Respondent Ricker's Certified Public Accountant Certificate is **SUSPENDED** for a period of six (6) months effective upon Respondent Ricker's receipt of this Stipulation and Order signed by the Chair of the Board or his designee. During the period of the six (6) month suspension of Respondent Ricker's Certified Public Accountant Certificate:

1. Respondent Ricker 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 (2010) and Minnesota Rules Chapter 1105 (2011); **and**

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

b. Respondent Firm shall pay to the Board a **CIVIL PENALTY** of Two Thousand Dollars (\$2,000.00). Respondent Firm shall submit a Civil Penalty of Two

Thousand Dollars (\$2,000.00) by cashier's check or money order to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.

8. The six (6) month suspension of Respondent Ricker's CPA certificate and payment of the Two Thousand Dollar (\$2,000.00) Civil Penalty by Respondent Firm are hereby **STAYED until December 31, 2012, PROVIDED THAT Respondent Firm and Respondent Ricker comply with ALL of the following terms and conditions ON OR BEFORE DECEMBER 31, 2012:**

a. Respondent Ricker shall successfully complete and report to the Board continuing professional education hours required by Minnesota Rule 1105.3000 (2011) for each year ended June 30: 2009, 2010, 2011 and 2012. Respondent shall also pay all applicable Continuing Professional Education Noncompliance fees per Minnesota Rule 1105.3000 (G) (2011).

b. Respondent Firm shall bring Respondent's Certified Public Accountant Firm Permit into compliance by renewing the Firm Permit for the years 2011 and 2012 and paying all applicable renewal fees and delinquency fees.

c. Respondent Firm shall bring Respondent's Certified Public Accountant Firm name into compliance with the requirements of Minnesota Rules 1105.6300 and 1105.6400 (2011) and promptly provide documentation satisfactory to the Board of such compliance.

d. **If Respondent Firm and Respondent Ricker fail to comply with all of the afore-mentioned conditions on or before December 31, 2012, the Stay will be lifted and Respondent Ricker's Certified Public Accountant Certificate will be SUSPENDED for a period of six (6) months, per paragraph 7. a. 1 and 2 above and Respondent Firm also shall pay to the Board a CIVIL PENALTY of Two Thousand Dollars (\$2,000.00), per paragraph 7. b. above.**

9. Violations of this Stipulation and Consent Order shall be considered a violation of Minnesota Statutes Section 326A.08, subdivision 5 (a) (1) and (2) (2010). If

either or both Respondents violate this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Complaint Committee shall schedule a hearing before the Board. At least thirty (30) days prior to the hearing, the Committee shall mail Respondent(s) a notice of the violations alleged by the Committee and of the time and place of the hearing. Service of notice on Respondent(s) is complete upon mailing the notice to Respondent(s)' last known address. Within fourteen (14) days after the notice is mailed, Respondent(s) shall submit a response to the allegations. If Respondent(s) do(es) not submit a timely response to the Board, the Committee's allegations may be deemed admitted.

b. At the hearing before the Board, the Committee and Respondent (s) may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The Committee may submit affidavits responding to any affidavits submitted by Respondent(s). The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent(s) waive(s) a hearing before an administrative law judge and waive(s) discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include additional conditions or limitations on Respondent(s)' practice or suspension or revocation of Respondent Ricker's CPA certificate and/or Respondent Firm's CPA Firm Permit. The Committee shall have the right to attempt to resolve an alleged violation of the Stipulation and Consent Order through the procedures of Minnesota Statutes Section 214.10 (2010). Nothing herein shall limit (a) the Committee's right to initiate a proceeding against Respondent(s) pursuant to Minnesota Statutes Chapter 14 (2010), or (b) the Committee's and the Board's right to temporarily suspend Respondent Ricker's CPA Certificate or

Respondent Firm's CPA Firm Permit pursuant to Minnesota Statutes Section 326A.08, subdivision 6 (2010), based on a violation of this Stipulation and Consent Order or based on conduct of Respondent Ricker or Respondent Firm before or after the date of this Stipulation which is not specifically referred to in paragraph 4 above.

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

11. By her signature below, Pamela Jean Ricker represents that she has been duly authorized to sign this Stipulation on behalf of Respondent Firm. Respondent Ricker and Pamela Jean Ricker, on behalf of Respondent Firm, each hereby acknowledges that she or it 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 Ricker and Respondent Firm each acknowledge that she or it 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 Ricker or Respondent Firm, or the Board rejects the Stipulation, it will be of no effect except as specified herein.

12. 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 (2010).

13. This Stipulation contains the entire agreement between the parties. Neither Respondent Ricker nor Respondent Firm is relying on any other agreement or representation of any kind, verbal or otherwise.

14. Respondent Ricker and Respondent Firm each is aware that she or it may choose to be represented by legal counsel in this matter. Each Respondent has waived legal representation.

15. If approved by the Board, a copy of this Stipulation and Consent Order shall be served personally or by first class mail on Respondent Ricker and Respondent Firm to her and its, respectively, 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:

Ricker and Associates Ltd
RICKER AND ASSOCIATES, LTD.
By: Pamela Jean Ricker, CPA)
Its: President

Dated: 7/4, 2012
July 4,

Pamela Jean Ricker
PAMELA JEAN RICKER, CPA

Dated: July 4, 2012

**BOARD OF ACCOUNTANCY
COMPLAINT COMMITTEE**

[Signature]
~~KATHLEEN K. MOONEY, CPA~~
Robert P. Saunders, CPA
~~Chair~~
Dated: 7/16 -12

ORDER:

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

1. **IT IS HEREBY ORDERED** that all other terms of this Stipulation and Consent Order are adopted and implemented this 16th day of July, 2012.

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**



MICHAEL M. VEKICH, CPA
Chair

