

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

**In the Matter of Clarence W. Maday,
formerly known as (f/k/a) Professional Tax
Advisors, Inc.
RAP Firm Permit F2034**

**STIPULATION AND
CONSENT ORDER
Board Files 2014-289 and 2014-327**

AND

**In the Matter of Clarence Willard Maday
RAP Registration No. 22843**

The Minnesota Board of Accountancy ("Board") is authorized pursuant to Minnesota Statutes Section 214.10 (2014); Minnesota Statutes section 326A.02, subdivisions 4 and 6 (2014); and Minnesota Statutes section 326A.08, subdivision 1 (2014) to review complaints against registered accounting practitioners and RAP firms and to take disciplinary action whenever appropriate.

The Board received information concerning Clarence W. Maday (f/k/a Professional Tax Advisors, Inc.) ("Respondent Firm") and Clarence Willard Maday ("Respondent Maday"), 204 Lake Avenue, Suite 201, Fairmont, Minnesota 56031-1889. The Board's Complaint Committee ("Committee") reviewed that information.

It is hereby stipulated and agreed by Respondents 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 Maday 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 (2014), 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 (2014). 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 herein, 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 (2014), Respondents agree 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. Respondents admit the facts referred to below and grant 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 issued a Registered Accounting Practitioner Firm Permit, under the name "Clarence W. Maday", to Respondent Firm on December 5, 2014; Respondent Firm currently holds a current Registered Accounting Firm Permit from the Board. Respondent Firm is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

b. The Board issued a Registered Accounting Practitioner registration to Respondent Maday on July 29, 2005; Respondent Maday currently holds an active RAP registration from the Board. Respondent Maday is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

c. On September 2, 2014, the Board received a copy of an Engagement Review Report issued by Schlenner, Wenner & Co. on June 18, 2014 (the "Peer Review Report"). The Peer Review Report was addressed as follows: "To Clarence Maday, Professional Tax Advisors, Inc." The Peer Review Report indicated that Respondent Firm had engagements during calendar year 2013 for which compilation and review services were performed. Respondent Firm was not licensed by the Board during 2013.

d. Respondent Firm submitted a RAP Firm Permit application to the Board on November 14, 2014, indicating that Respondent Firm performed compilation services during 2013 and 2014.

e. Based on the information contained in the Peer Review Report and Respondent Firm's RAP Firm Permit application, Respondent Firm performed compilation and review services in the State of Minnesota without a valid RAP Firm Permit, from January 1, 2013 to December 5, 2014.

5. Respondent Firm and Respondent Maday admit that the facts and conduct specified in paragraph 4 above constitute violations of Minnesota Statutes

section 326A.08, subdivision 5 (a)(1) (2014) and Minnesota Rules 1105.4200 B.(3); 1105.5600, subpart 1 C. (1); 1105.7500 A., 1105.7700 and 1105.7800 D. (2013) 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 pursuant to Minnesota Statutes section 326A.08 (2014).

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 Respondents 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 paragraphs 2 and 4 above, and without any further notice of proceedings, the Committee and Respondents agree that the Board may, in its discretion, issue an order to Respondent Firm and Respondent Maday requiring compliance with the following:

- a. Respondent(s) shall pay to the Board a total CIVIL PENALTY of Two Thousand Dollars (\$2,000.00). Respondent(s) shall submit a Civil Penalty of Two Thousand Dollars (\$2,000.00) by check to the Board within sixty (60) days of the Board's issuance of this Stipulation and Consent Order.
- b. Respondents shall not violate any statute, rule or order that the Board has issued or is empowered to enforce.

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

9. Respondent Maday, the undersigned representative of Respondent Firm, whose signature appears below, hereby acknowledges that the undersigned representative has been duly authorized by Respondent Firm to sign this Stipulation and Consent Order on its behalf, and that Respondents have read, understand, and agree to this Stipulation and Consent Order and are 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 Firm and Respondent Maday acknowledge that they are 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 Respondents or the Board rejects the stipulation, it will be of no effect except as specified herein.

10. Under the Minnesota Government Data Practices Act, this Stipulation is classified as public data upon its issuance by the Board. (Minnesota Statutes Section 13.41, subdivision 5 (2014)). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (2014). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of public accounting.

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

12. Respondent Firm and Respondent Maday each is aware that it or he may choose to be represented by legal counsel in this matter. Each Respondent knowingly waived legal representation.

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

RESPONDENTS

Clarence W. Maday
CLARENCE W. MADAY (f/k/a PROFESSIONAL TAX ADVISORS, INC.)
(By: Clarence Willard Maday)
Its Vice President

Clarence W. Maday
CLARENCE WILLARD MADAY

Dated: 1/15, 2015



SUBSCRIBED and sworn to before me on
this the 15 day of Jan, 2015.

Chelsey Armbrust
(Notary Public)

My Commission Expires:

1/31/2020

COMPLAINT COMMITTEE

Michael M. Vekich
Michael M. Vekich, CPA, Chair

Dated: 2/27, 2015

ORDER:

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

1. **IT IS HEREBY ORDERED** that all terms of this Stipulation and Consent Order are adopted and implemented this 27 day of February, 2015.

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**



Gregory S. Steiner, CPA
Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: Clarence W. Maday, formerly known as Professional Tax Advisors, Inc.;
 RAP Firm Permit No. F2034, and
 Clarence Willard Maday; RAP Registration No. 22843

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 27th day of February, 2015, 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:

Clarence W. Maday
 Clarence Maday
 204 Lake Avenue, Suite 201
 Fairmont, Minnesota 56031

Bev Carey

 Bev Carey

Subscribed and sworn to before me on
 this the 27th day of February, 2015

Victoria E Oehrlein

 (Notary Public)

