

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of
Richard W. Cichocki
CPA Certificate No. 20168

STIPULATION AND
CONSENT ORDER
Board File 2014-020

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 certified public accountants and to take disciplinary action whenever appropriate.

The Board received information concerning Richard W. Cichocki, 6740 Highway 10 Northwest, Suite 101, Ramsey, Minnesota 55303 ("Respondent"). The Board's Complaint Committee ("Committee") reviewed that information.

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 (2014), and to dispute any civil penalty imposed by this Stipulation. 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 (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), Respondent agrees 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. 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 issued a Certified Public Accountant certificate to Respondent on March 17, 2000.

- b. On June 15, 2015, in District Court, Tenth Judicial District, State of Minnesota, Anoka County, in Court File No. 02-CR-14-7048, Respondent entered a guilty plea admitting to one count of failure to file taxes and one count of failure to pay taxes.
- c. On August 19, 2015, in District Court, Tenth Judicial District, State of Minnesota, Anoka County, in Court File No. 02-CR-14-7048, Respondent was convicted of a gross misdemeanor for one count of failure to file taxes, and a gross misdemeanor for one count of failure to pay taxes.
- d. Respondent failed to report the guilty plea, conviction and sentencing to the Board.

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), 5 (a)(2), 5 (a)(3), 5 (a)(4) and 5 (a)(10) (2014), and Minnesota Rules 1105.5600, subparts 1.D(2), 1.D(5), and 1. E and 1105.7800 A. (2013) (in reference to AICPA Code of Conduct part 1.400.030.01(a)), 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 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 paragraphs 2 and 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 requiring compliance with the following:

- a. **Respondent's CPA Certificate is SUSPENDED.**
- 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 (2014) and Minnesota Rules Chapter 1105 (2015); 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.
- d. Respondent shall pay to the Board a **CIVIL PENALTY** of One Thousand Five Hundred Dollars (\$1,500.00). Respondent shall make two equal payments of Seven Hundred Fifty Dollars (\$750.00) to the Board according to the following schedule: The first payment must be received by the Board within 60 days of the Board's approval of this Stipulation and Consent Order; the second payment must be received within 150 days of the Board's approval of this Stipulation and Consent Order.
- e. Respondent shall provide to the Board documentation of a formal payment plan with the Minnesota Department of Revenue and a letter of compliance with the payment plan. Respondent shall remain in compliance with the payment agreement until all balances have been paid in full to the Minnesota Department of Revenue. After Respondent makes his last payment under the payment agreement, Respondent shall promptly provide the Board with documentation from the Minnesota Department of Revenue verifying that he has complied with the payment agreement and that all balances have been paid in full.

8. Conditions for Reinstatement of CPA Certificate. Respondent agrees that he will not apply to reinstate his CPA Certificate until: (a) at least two (2) years after the date the Board Chair signs this Stipulation and Consent Order; **AND** (b) the Board has received satisfactory documentation of Respondent's full compliance with section 7.e.

above; **AND** (c) Respondent has paid the entire civil penalty to the Board as required by paragraph 7.d. above. Respondent's reinstatement application will be reviewed and considered by the Board pursuant to Minnesota Statutes Section 326A.04, Minnesota Statutes Section 326A.09 and other applicable Board statutes and rules in effect at the time the application for reinstatement is submitted.

9. 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.

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.

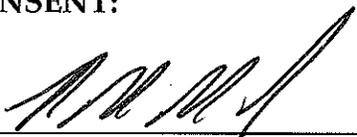
11. This Stipulation contains the entire agreement between the parties. Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

12. Respondent is aware that he may choose to be represented by legal counsel in this matter. 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. The Order shall be effective and deemed issued when it is signed by the Board Chair or designee of the Chair.

14. Pursuant to Minnesota Statutes Section 16D.17 (2014), after ninety (90) days of the Board's approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings.

CONSENT:



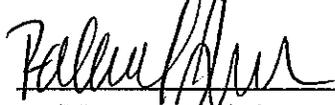
RICHARD W. CICHOCKI

RESPONDENT

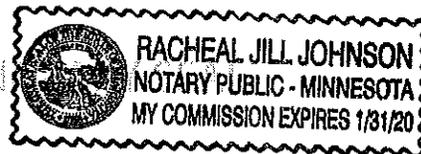


Dated: 10 | 18, 2016

SUBSCRIBED and sworn to before me on this the 18 day of October, 2016.



(Notary Public)



My Commission Expires: 01/31/2020

COMPLAINT COMMITTEE



MICHAEL M. VEKICH, CPA

Chair

Dated: 10/20, 2016

ORDER

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

1. **IT IS HEREBY ORDERED** that all the terms of this Stipulation and Consent Order are adopted and implemented this 20th day of October, 2016.

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY



GREGORY S. STEINER, CPA

Chair

