

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**

In the Matter of the CPA Certificate and CPA Sole Proprietor Firm Permit of Robert H. Yurcek **STIPULATION AND CONSENT ORDER**

CPA Certificate No. 04475 (Expired)
and
CPA Sole Proprietor Firm Permit No. 04475 (Expired)

Board File No. 2022-037
and
2022-038

STIPULATION

Robert H. Yurcek and the Minnesota Board of Accountancy's Complaint Committee stipulate that, subject to Board's review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

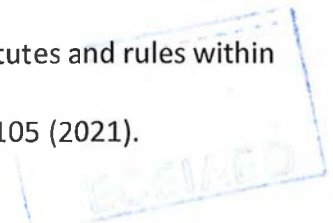
A. Respondent's CPA certificate, No. 04475, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2020).

B. Respondent's CPA Sole Proprietor Firm Permit, No. 04475, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2020).

C. Respondent shall pay to the Board a CIVIL PENALTY of Five Thousand Dollars (\$5,000). Respondent shall submit the civil penalty of \$5,000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

D. Respondent shall CEASE and DESIST from holding out as a CPA and a CPA Sole Proprietor Firm until such time as Respondent obtains a CPA certificate and a CPA Sole Proprietor Firm Permit with the Board.

E. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326A (2020) and Minn. R. ch. 1105 (2021).



F. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Respondent and the Committee enter into this stipulation based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. Respondent was issued a CPA certificate on July 24, 1978.
2. Respondent was issued a CPA Sole Proprietor Firm Permit on January 1, 2003.
3. Respondent's Sole Proprietor Firm Permit expired on December 31, 2016.
4. Respondent's Sole Proprietor Firm Permit renewal was returned on January 17, 2017, due to the required peer review documentation for the period ended September 30, 2014 not being received.
5. Respondent continued to hold out as a CPA Sole Proprietor firm on his website after the permit expired.
6. Respondent's CPA certificate expired on December 31, 2021.
7. Respondent continued to hold out as a CPA on Respondent's website after his certificate expired.
8. Respondent indicated in his responses that he does one attest service on an annual basis.

Conclusion of Law

1. The Board has authority to license and regulate certified public accountants and to take disciplinary action as appropriate. Minn. Stat. ch. 326A (2020).
2. Respondent violated Minn. Stat. 326A.05 subd.1(a)(1), (2), (3), 326A.08 subd. 5(a)(1), (6) and (8), 326A.10(c), (d) (2020) and Minn. R. 1105.4200(B)(1), (2), (3), 1105.5600(C)(1), (7) and 1105.7800(A), (C), and (D) (2021).
3. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

1. This stipulation and consent order must be approved by the Board to become effective.
2. Respondent agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondent, to approve this stipulation and consent order. Respondent understands that the Board may either approve the stipulation and consent order or not approve it. This stipulation and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.
3. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2020).
4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent order with Respondent to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative

Hearings. See Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2020) (describing administrative hearing process).

5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondent Firm acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondent hereby expressly waives those rights. Respondent was further advised by the Committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondent has read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If approved by the Board, a copy of the final stipulation and consent order shall be served personally or by first class mail on Respondent. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2020), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2020), thirty days after any civil penalty imposed by this stipulation and consent order is due, the Board may

file and enforce any unpaid portion of the civil penalty as a judgment against Respondent in district court without further notice or additional proceedings.

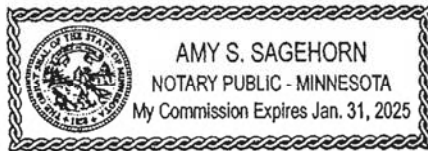

Robert H. Yurcek

STATE OF Minnesota

COUNTY OF Watonwan

This instrument was acknowledged before me on 9-27-22 by Robert H. Yurcek.


(stamp)




(Signature of notary officer)

My commission expires: _____

COMPLAINT COMMITTEE


GREGORY S. STEINER, CPA
Chair

Dated: 10/13/, 2022

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved.

Accordingly, the Board orders as follows:

A. Respondent's CPA certificate, No. 04475, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2020).

B. Respondent's CPA Sole Proprietor Firm Permit, No. 04475, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2020).

C. Respondent shall pay to the Board a CIVIL PENALTY of Five Thousand Dollars (\$5,000). Respondent shall submit the civil penalty of \$5,000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

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E. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326A (2020) and Minn. R. ch. 1105 (2021).

F. Respondent shall report in writing within ten days any and all violations of this stipulation and consent order to the Board's Executive Director.

Dated: 10/13/, 2022

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY
Sumit GODSON SOWATH, SECRETARY
FOR:

CHARLES SELCER, CPA
Board Chair