

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**

In the Matter of the CPA Certificate of

Thomas E Bischel
CPA Certificate No. 23425

**STIPULATION AND
CONSENT ORDER**

Board File No. 2023-013

STIPULATION

Thomas Bischel ("Respondent") 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. 23425, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

B. Respondent shall pay to the Board a CIVIL PENALTY of Two Thousand Dollars (\$2000). Respondent shall submit a civil penalty of \$2000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. *See* Minn. Stat. ch. 326A (2022) and Minn. R. ch. 1105 (2021).

D. 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. The Board issued Respondent a CPA certificate on October 20, 2006.
2. The Board selected Respondent for audit of his continuing education ("CPE") records for the three-year period ending June 30, 2021.
3. Respondent submitted his CPE records for audit and was notified on October 14, 2022, that he was missing certificates and was noncompliant with the CPE requirements for multiple CPE periods.
4. Respondent originally reported 30.5 (including 6 ethics) hours for CPE period ending June 30, 2019, but only verified 16 hours. As a result, Respondent was short 14 (including 6 ethics) hours for the three-year period ended June 30, 2019.
5. Respondent originally reported 48 hours for CPE period ending June 30, 2020, but only verified 21.5 hours. As a result, Respondent was short 37.5 (including 1.5 ethics) hours for the three-year period ended June 30, 2020.
6. Respondent originally reported 42.5 hours for CPE period ending June 30, 2021, but only verified 19 hours. As a result, Respondent was short 63.5 hours for the three-year period ended June 30, 2021.
7. Respondent submitted additional CPE documentation on February 21, 2023, for each of the three-year CPE periods after being notified by the Board of his CPE deficiencies.
8. The additional documentation, which included both certificates for hours earned during the CPE periods and carryback hours to all three CPE periods, showed that Respondent was still short 2 ethics hours for the CPE period ended June 30, 2019, and 4.1 hours for the CPE period ended June 30, 2021.

9. Respondent carried back a total of 49 (including 6 ethics) hours to the three CPE periods under review and paid the noncompliance fees.

10. Respondent submitted false information for his CPE for for the 2019 and 2021 CPE periods with his 2020 and 2022 renewals by affirming on those renewals that he had completed the CPE hours and such hours complied with the 1-year and rolling 3-year CPE requirements.

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 (2022).

2. Respondent violated Minn. Stat. §§ 326A.04, subd. 4, and 326A.08, subd. 5(a)(1) and (5) (2022) and Minn. R. 1105.3000(A) and (E), 1105.3200(B), 1105.5600, subp. 1(A) and (C)(5), and 1105.7800(A) and (B) (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 (2022).

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 (2022) (describing administrative hearing process).

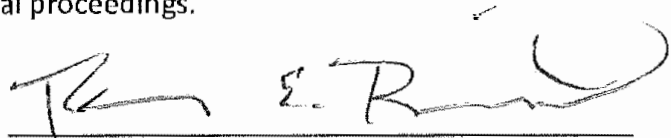
5. Respondent agrees that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondent waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondent 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.

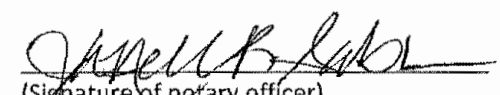
8. Pursuant to Minn. Stat. § 16D.13 (2022), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2022), thirty days after any civil penalty imposed 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.


Thomas E Bischel, CPA

STATE OF Minnesota
COUNTY OF Dakota

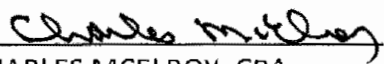
This instrument was acknowledged before me on 06.07.2023 by Thomas Bischel.

(stamp)


(Signature of notary officer)
My commission expires: 01.31.2025



COMPLAINT COMMITTEE


CHARLES MCELROY, CPA
Chair

Dated: June 7, 2023

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. 23425, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

B. Respondent shall pay to the Board a CIVIL PENALTY of Two Thousand Dollars (\$2000). Respondent shall submit a civil penalty of \$2000 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

C. Respondent shall remain law abiding and comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326A (2022) and Minn. R. ch. 1105 (2021).

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

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

Dated: 6-7-, 2023

~~CHARLES SELCER, CPA~~
Board Chair



For