

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of
Peter and Associates, LLC
CPA Firm Permit No. 01216

STIPULATION AND
CONSENT ORDER
Board File 2013-084

The Minnesota Board of Accountancy ("Board") is authorized pursuant to Minnesota Statutes section 214.10 (2012); Minnesota Statutes section 326A.02, subdivisions 4 and 6 (2012); and Minnesota Statutes section 326A.08 (2012) to review complaints against certified public accountants and CPA firms and to take disciplinary action whenever appropriate.

The Board received information concerning Peter and Associates, LLC, 29 West Main Street, Post Office Box 445, Isanti, Minnesota 55040 ("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 constitution, 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 (2012), 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 (2012). 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 (2012), 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 firm permit to Respondent on July 21, 2000; Respondent currently holds an active Certified Public Accountant firm permit from the Board. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

b. A review of the system of quality control for Respondent's accounting and auditing practice for the period ended December 31, 2010 resulted in a peer review rating of fail.

c. The principal quality review findings were as follows:

1) Respondent failed to use a written audit program as required by professional standards.

2) Respondent's audit procedures were not adequately performed or documented, including in the areas of planning and reporting.

3) The audit work performed by Respondent for a United States Department of Housing and Urban Development (HUD) audit did not support the opinion issued and was not performed in conformity with applicable professional standards.

d. Respondent did not timely file the quality review materials with the Board as required by Board rules.

e. It is alleged that Respondent failed to comply with the applicable quality review requirements as set out in Minnesota statutes and rules.

5. Respondent admits that the facts and conduct specified in paragraph 4 above constitute violations of Minnesota Statutes Chapter 326A (2012) and Minnesota Rules Chapter 1105 (2011), specifically Minnesota Statutes section 326A.04, subdivision 10, section 326A.05, subdivision 8 (a), and section 326A.08, subdivision 5 (a)(1) (2012); and Minnesota Rules Parts 1105.5400.A. and 1105.5600, subpart 1.C (6) and 1.C (7) (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's CPA firm permit.

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 firm permit is **CENSURED and REPRIMANDED.**

b. Respondent shall pay to the Board a **CIVIL PENALTY** of Two Thousand Dollars (\$2,000.00). Respondent 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. Violations of this Stipulation and Consent Order shall be considered a violation of Minnesota Statutes section 326A.08, subdivision 5 (a) (1) and (2) (2012). If Respondent violates 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 a notice of the violation alleged by the Committee and of the time and place of the hearing. Service of notice on Respondent is complete upon mailing the notice to Respondent's last known address. Within fourteen (14) days after the notice is mailed, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. At the hearing before the Board, the Committee and Respondent 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. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before an administrative law judge and waives 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'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 (2012). Nothing herein shall limit (a) the Committee's right to initiate a proceeding against Respondent pursuant to Minnesota Statutes Chapter 14 (2012), or (b) the Committee's and the Board's right to temporarily suspend Respondent's CPA firm permit pursuant to Minnesota Statutes section 326A.08, subdivision 6 (2012), based on a violation of this Stipulation and Consent Order or based on conduct of Respondent before or after the date of this Stipulation which is not specifically referred to in paragraph 4 above.

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

10. Respondent hereby acknowledges that the undersigned is a duly authorized representative of Respondent who has read, understands, and agrees to this Stipulation and Consent Order and is freely and voluntarily signing the Stipulation on behalf of Respondent without threat or promise by the Board or any of its members,

employees, or agents. When signing the Stipulation, Respondent's authorized representative acknowledges on behalf of Respondent that she 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.

11. Under the Minnesota Government Data Practices Act, this Stipulation is classified as public data upon its issuance by the Board. (Minnesota Statutes Chapter 13.41, subdivision 5 (2012)) 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 (2012). 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.

12. 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.

13. Respondent is aware that Respondent may choose to be represented by legal counsel in this matter. Respondent knowingly waived legal representation.

14. 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.

CONSENT:

RESPONDENT

Peter and Associates LLC
PETER AND ASSOCIATES LLC

BY: Laverne W. Oster
ITS: owner

Dated: 12/3, 2013

SUBSCRIBED and sworn to before me on
this the 3rd day of December, 2013.

James S. Silen
(Notary Public)

My Commission Expires:
1-31-2015



COMPLAINT COMMITTEE

Robert P. Saunders
ROBERT P. SAUNDERS, CPA
Chair

Dated: 12-9-13, 20

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 9th day of December, 2013.

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

Kathleen K. Mooney
KATHLEEN K. MOONEY, CPA
Chair

AFFIDAVIT OF SERVICE BY MAIL

RE: Peter and Associates, LLC, Firm Permit Number 01216

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 10th day of December, 2013, 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:

Peter and Associates, LLC
LaVerne D. Peter
29 West Main Street
Post Office Box 445
Isanti, Minnesota 55040

Bev Carey

Bev Carey

Subscribed and sworn to before me on
this the 10th day of December, 2013.

Lynette M Dufresne

(Notary Public)

