

**STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY**

In the Matter of the CPA Firm Permit of

Kenneth B Vonderharr, CPA  
CPA Firm Permit No. 07025

**STIPULATION AND  
CONSENT ORDER**

Board File No. 2022-070

**STIPULATION**

Kenneth B Vonderharr, CPA (“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 firm permit, No. 07025, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

B. Respondent shall pay to the Board a CIVIL PENALTY of One Thousand Dollar (\$1,000). Respondent shall submit a civil penalty of \$1,000 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 firm permit on December 1, 2005.
2. Respondent's 2019 peer review was due to the Board no later than March 31, 2021, but Respondent did not submit a peer review by that deadline.
3. Respondent's firm permit expired on December 31, 2021.
4. The Board received and returned Respondent's renewal application on January 4, 2022, as incomplete, due to its required peer review documentation not being received.
5. Respondent peer review report was issued on February 7, 2022, 10 months after it was due to the Board, but it was still not submitted to the Board.
6. Respondent received a pass with deficiency on its peer review and was required by its Report Acceptance Body to complete four hours of continuing professional education in risk assessment during recovery.
7. The Board received and returned Respondent's renewal application on July 1, 2022, as incomplete, due to its required peer review documentation still not being received.
8. Respondent completed the four hours of continuing professional education on July 15, 2022.
9. Respondent's peer review was accepted by its Report Acceptance Body on July 21, 2022.
10. Respondent submitted its peer review documentation with its renewal on July 28, 2022, 15 months after the peer review documentation was due to the Board.
11. The Board renewed Respondent's firm permit on July 28, 2022.
12. Respondent held out as a CPA firm during the time of expiration.

13. Respondent did not complete any attest services during the time of expiration.

#### **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.05, subd. 1(a)(3), 326A.08, subd. 5(a)(1), (8) 326A.10(d) (2022) and Minn. R. 1105.4200(B)(2), 1105.5400(A), 1105.5600, subp. 1(C)(1), (6), and (7), 1107.7800(A), (C), (D), and (I) (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 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 (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.

Kenneth B. Vonderharr

Kenneth B. Vonderharr, CPA

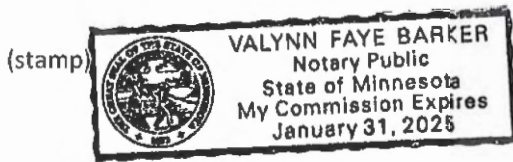
By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MN

COUNTY OF Blue Earth

This instrument was acknowledged before me on April 3, 2023 by Kenneth Vonderharr.



Valynn Barker  
(Signature of notary officer)

My commission expires: 1/31/25

**COMPLAINT COMMITTEE**

Charles McElroy  
CHARLES MCELROY, CPA  
Chair

Dated: 5/2, 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 firm permit, No. 07025, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).
- B. Respondent shall pay to the Board a CIVIL PENALTY of One Thousand Dollar (\$1,000). Respondent shall submit a civil penalty of \$1,000 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  
*Geason Swarth*  
*Swarth*

Dated: 05/04/ \_\_\_\_\_, 2023

*For:* \_\_\_\_\_  
CHARLES SELCER, CPA  
Board Chair