

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**

In the Matter of the CPA Firm Permit of

Gale E Schmitz Ltd
CPA Firm Permit No. 01131

**STIPULATION AND
CONSENT ORDER**

Board File No. 2023-019

STIPULATION

Gale E Schmitz Ltd (“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. 01131 is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).
- B. Respondent shall pay to the Board a CIVIL PENALTY of Five Hundred dollars (\$500). Respondent shall submit the civil penalty of \$500 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 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 June 12, 1998.
2. Respondent received a peer review rating of “pass” on December 23, 2021, for its peer review ended April 20, 2021.
3. Respondent’s peer review was accepted by its Report Acceptance Body, and Respondent received its final acceptance letter on January 14, 2022.
4. Respondent did not submit its peer review documentation to the Board by the July 30, 2022 deadline or within 30 days of receipt of the final acceptance letter as required by Board rule.
5. Respondent’s firm permit expired on December 31, 2022.
6. Respondent’s 2023 firm permit renewal was returned on January 9, 2023.
7. Respondent’s peer review documentation was received on March 31, 2023.
8. Respondent’s firm permit was renewed on March 31, 2023, three months after 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, subds. 2(a) and 8(a), 326A.08, subd. 5(a)(1), (3), and (8) (2022), and Minn. R. 1105.5400(A), 1105.5600, subp. 1(C)(7), 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 (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.

Gale E Schmitz, Ltd
Gale E Schmitz Ltd
By: Gale E Schmitz
Its: PRESIDENT

STATE OF Minnesota

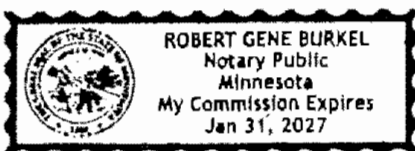
COUNTY OF Pennington

This instrument was acknowledged before me on September 1st, 2023 by Gale E. Schmitz.

Robert Gene Burkel
(Signature of notary officer)

My commission expires: 01/31/2027

(stamp)



COMPLAINT COMMITTEE

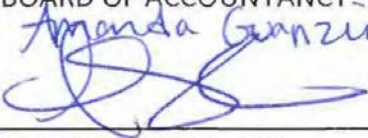
Charles Mcelroy
CHARLES MCELROY, CPA
Chair

Dated: 9/19, 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 hereby ADOPTS the stipulation and issues the ORDER described above.

Dated: September 27, 2023

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY
Amanda Ganzini, CPA


for: CHARLES SELCER, CPA
Board Chair