

**STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY**

In the Matter of the CPA Firm Permit of  
Holmgren - Balster, Ltd.  
CPA Firm Permit No. 00623

**STIPULATION AND  
CONSENT ORDER**

Board File No. 2022-105

**STIPULATION**

Holmgren - Balster, 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. 00623, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

B. Respondent shall pay to the Board a CIVIL PENALTY of Two Thousand Five Hundred dollars (\$2,500). Respondent shall submit a civil penalty of \$2,500 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 and all violations of this stipulation and consent order to the Board's Executive Director.

E. If Respondent's owner(s) apply for any license, certificate, permit, or registration issued by the Board, individually or on behalf of any other entity, the provisions of this consent order shall apply and will be a condition of any issuance of the license, certificate, permit, or registration.

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 7, 1989.
2. The Board received notification on November 14, 2022, from the US Department of Labor that Respondent had completed an insufficient audit of the Employee Stock Option Plan and Trust Agreement for a client for the year ended December 31, 2020.
3. Respondent failed to obtain sufficient competent evidential matter in the following areas to support the opinion rendered by the plan's financial statements: Planning, Plan Tax Status, ESOP Investment, Plan Obligations, Marketable Securities, Benefit Payments, Contributions, Participant Data, Commitments and Contingencies, Subsequent Events, Parties in Interest, and Audit Documentation.
4. Respondent's owner informed the Board on January 9, 2023, that the firm no longer works for the client and no longer provides audits for them and that the firm will no longer perform any attest services.
5. Respondent's firm permit expired on December 31, 2022.

### **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.08 subd.5(a)(1), (2), (3), and (10) (2022), and Minn. R. 1105.5600, subp. 1(B) and (C)(6), and 1105.7800(A), (F), 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.

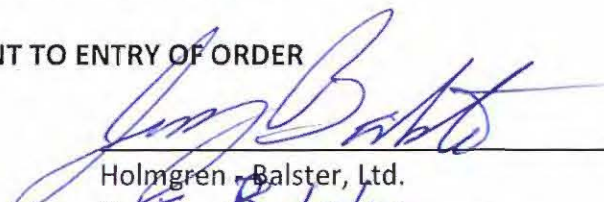
6. Respondent acknowledges that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse

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.

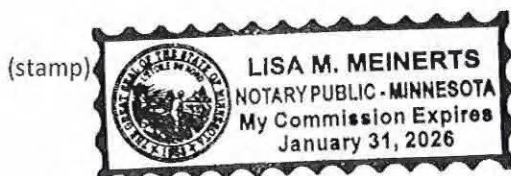
**CONSENT TO ENTRY OF ORDER**

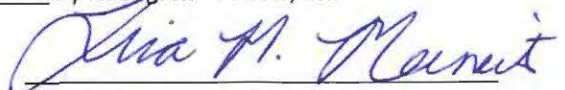
  
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Holmgren - Balster, Ltd.  
By: Jerry Balster  
Its: President

STATE OF Minnesota

COUNTY OF Dakota

This instrument was acknowledged before me on October 26, 2023 by Holmgren - Balster, Ltd.



  
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(Signature of notary officer)

My commission expires: 1-31-2026

RECOMMENDATION BY COMPLAINT COMMITTEE

Charles Mcelroy  
CHARLES MCELROY, CPA  
Chair

Dated: November 16, 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.

STATE OF MINNESOTA  
BOARD OF ACCOUNTANCY

Gordon South  
GORDON SOUTH, SECRETARY

Dated: 12/06/, 2023

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CHARLES SELCER, CPA  
Board Chair