

**STATE OF MINNESOTA
BOARD OF ACCOUNTANCY**

In the Matter of Nancy Lea Shoemake
and
Nancy L. Shoemake CPA PA
CPA Certificate No. 18375
and
CPA Firm Permit No. F1870

**STIPULATION AND
CONSENT ORDER**

Board File No. 2023-121
and
2023-122

STIPULATION

Nancy Shoemake ("Respondent"), Nancy L. Shoemake CPA PA ("Respondent Firm") 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. 18375, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

B. Respondent Firm's CPA Firm Permit, No. F1870, is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2022).

C. Respondent and Respondent Firm shall pay to the Board a CIVIL PENALTY of One Thousand dollars (\$1,000). Respondent and Respondent Firm shall submit the civil penalty by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Consent Order.

D. Respondent shall comply with all statutes and rules within the Board's jurisdiction. See Minn. Stat. ch. 326A (2022) and Minn. R. ch. 1105 (2023).

E. 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 certificate on March 21, 1997.
2. The Board issued Respondent Firm a CPA Firm Permit on May 14, 2012.
3. Respondent and Respondent Firm were hired to complete the 2021 tax returns for a client.
4. The 2021 taxes were rejected by the Internal Revenue Service (IRS) and Respondent and Respondent Firm were notified by the IRS on August 1, 2022, of the rejection.
5. Respondent did not notify the client that the taxes were rejected.
6. Since the 2021 taxes were rejected and the client was not notified of the rejection, the client's 2022 taxes were incorrect. The IRS could not account for an overpayment made on the client's 2021 taxes due to the rejection.
7. In her response to the Board, Respondent stated that she was unaware of the rejection until the client contacted her in September 2023; however, the tax preparation software used ensures that the tax preparers get notifications of any taxes that are rejected.

8. Respondent was able to work with the IRS and get the clients 2021 taxes successfully accepted in November 2023.

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. R. 1105.0250(B)(1) and (8), 1105.5600, subp. 1(D), and 1105.7800(A) and (I) (2023).

3. Respondent is subject to discipline pursuant to Minn. Stat. § 326A.08, subd. 5(a)(1), (3), and (10) (2022).

4. 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.

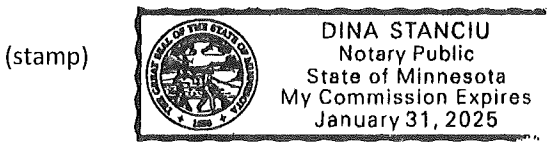
Nancy L. Shoemake

Nancy Shoemake, CPA
Nancy L. Shoemake CPA PA
By: Self
Its: owner

STATE OF Minnesota

COUNTY OF Dakota

This instrument was acknowledged before me on 5/15/2024 by Nancy Shoemake.



[Signature]
(Signature of notary officer)

My commission expires: January 31, 2025

COMPLAINT COMMITTEE

[Signature]


ANN ETTER, CPA
Chair

Dated: July 9, 2024

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 SEWATH


Dated: 08/01 / _____, 2024

For: _____
CHARLES SELCER, CPA
Board Chair