

BOARD OF PUBLIC ACCOUNTANCY

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v.

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CASE NO.: CPAS 11-0043

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JOSEPH H. MERTES,

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Respondent

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CONSENT ORDER

This matter comes before the Maryland Board of Public Accountancy (“Board”) as a result of a complaint filed by the Board’s continuing professional education auditor against Joseph H. Mertes (“Respondent”), a licensed certified public accountant. The auditor conducted an audit of the continuing professional education courses claimed by the Respondent in the Respondent’s license renewal application that was filed with the Board on August 16, 2009. Upon a review of the complaint, the Board has determined that administrative charges against the Respondent should be held. In an effort to resolve this matter without a formal hearing, the Respondent and the Board have agreed to enter into this Consent Order as the final settlement of this matter.

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth in this Consent Order, the Board had jurisdiction over the subject matter and the Respondent.
2. The Respondent became licensed as a certified public accountant (License No. 2185) on July 27, 1997.
3. On August 16, 2009, the Respondent filed a license renewal application with the Board for the period August 16, 2009 through October 5, 2011.
4. On the renewal application the Respondent claimed 82 hours of continuing professional education credit hours that was earned during the previous license term.

5. The Board's license renewal application requires an applicant to certify to the accuracy of the information contained in the application. This certification states, in pertinent part:

"I hereby certify, under penalty of perjury, that the information contained herein is true and correct to the best of my knowledge, information, and belief..."

6. On April 9, 2010, the Respondent was notified that his application was selected for audit and to provide documentation of the 82 hours of continuing professional education that was claimed in the application.

7. On or about May 6, 2010, the Respondent submitted documentation of the 82 hours of continuing professional education that he claimed in his August 16, 2009 renewal application to the Board.

8. On August 3, 2010, the audit determined that the Respondent did not provide documentation that the Respondent completed a four (4) hour continuing professional education course in professional ethics prior to the Respondent's submission of his August 16, 2009 renewal application.

9. On October 31, 2010, the Respondent submitted documentation that he completed a four (4) hour continuing professional education course in professional ethics, Ethics and Professional Conduct for CPAs in Maryland, on May 23, 2010.

10. Based on the aforementioned facts, the Respondent acknowledges that he has violated Business Occupations and Professions Article Regulation Article §§2-312(a) (2) and (3) Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.24.02.02 (A) and (B), which state:

§ 2-312. Continuing education.

(a) In general. - (1) The Board shall adopt regulations that set, in accordance with this section, continuing education requirements as a condition to the renewal of licenses under this subtitle.

(2) A continuing education requirement does not apply to the first renewal of a license.

(3) (i) To qualify for any further renewal of a license under this subtitle, a licensee shall complete, for each 2-year license term, at least 80 hours in programs that the Board approves.

09.24.02.02 Basic Requirement.

A. The applicant shall complete a minimum of 80 hours of acceptable continuing education in each 2-year license term after initial renewal.

B. A minimum of 4 hours of the continuing education for each 2-year license term shall be in professional ethics with no carry forward provision for excess hours.

11. Based on the aforementioned violations, the Respondent agrees to pay to the Board a civil penalty of \$1,000.00 upon the Respondent's execution of this Consent Order.

12. The Respondent agrees to complete eight hours of continuing professional education in ethics within 90 days following the execution of this Consent Order.

13. The Respondent shall abide by the provisions of the Maryland Public Accountancy Act, § 2-101 et. seq., Business Occupations and Professions Article, Annotated Code of Maryland, and COMAR 09.24.01, et. seq.

14. The Respondent, by entering into this Consent Order, expressly waives the right to have the pending allegations by the Board reduced to written charges, the right to an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, and any and all further proceedings before the Board to which the Respondent may be entitled to in this matter, and any rights to appeal from this Order.

15. The Respondent enters into this Consent Order freely, knowingly and voluntarily.

BASED ON THESE STIPULATIONS, IT IS, THIS 11th DAY OF November, 2019 BY THE BOARD OF PUBLIC ACCOUNTACY:

ORDERED that the Respondent has violated Business Occupations and Professions Article Regulation Article §§2-312(a) (2) and (3) Annotated Code of Maryland and Code of Maryland Regulations COMAR 09.24.02.02 (A) and (B); and it is further

ORDERED that the Respondent is, hereby, reprimanded;

ORDERED that the Respondent be assessed a civil penalty of \$1,000.00 or the violation, which amount is payable to the Board upon the Respondent's execution of this Consent Order;

ORDERED that the Respondent complete the additional continuing education as provided in Stipulation # 12 of this Consent Order;

ORDERED that the continuing professional education hours completed pursuant to Stipulation #12 shall not be eligible to be claimed in the Respondent's next license renewal application;

ORDERED that the Respondent shall submit documentation of the continuing professional education hours claimed in the Respondent's next renewal application, upon the request of the Board; and

ORDERED that the Board's records and publications reflect the violations, the reprimand and the civil penalty of \$1,000.00 imposed on the Respondent.

(RESPONDENT'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

Joseph H. Mertes

Date

11/18/2010

(BOARD CHAIR'S SIGNATURE
APPEARS ON ORIGINAL ORDER)

H. Terry Hancock
Chairman