

**BEFORE THE ACCOUNTANCY EXAMINING BOARD
OF THE STATE OF IOWA**

FILED 10/12/2010 (Date)

Accountancy
Board of Accountancy

IN THE MATTER OF:

Case No. 10-035

Dauby O'Connor & Zaleski, LLC
Firm 2008-0416
501 Congressional Blvd
Ste. 300
Carmel, IN 46032

Respondent.

Signature, Executive Officer

**COMBINED STATEMENT OF
CHARGES AND CONSENT ORDER
IN DISCIPLINARY CASE**

A. Statement of Charges

1. The Iowa Accountancy Examining Board ("Board") has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542 (2009).

2. Respondent was issued Iowa CPA Firm permit number 2008-0416. Respondent allowed its permit to lapse June 30, 2009 and did not reinstate until July 1, 2010. While the permit was lapsed, Respondent provided attest services in Iowa. A CPA firm may not perform attest services in Iowa without an active permit to practice pursuant to Iowa Code section 542.7(1) and 542.13(4). The certificate is currently active and will next expire June 30, 2011.

3. The Board charges Respondent with practicing public accountancy on a lapsed certificate in violation of Iowa Code sections 272C.10(3), and 542.10(1)(c), (d), and (j); and 193A Iowa Administrative Code 7.4, 6.1(3), 7.6(4), 14.3(5)(d), and 14.3(7)(k).

4. The Board and Respondent have agreed to fully resolve these charges through the following Consent Order, rather than proceed to contested case hearing.

B. Settlement Agreement and Consent Order

5. Respondent has a right to a hearing on the charges, but waives its right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this Order. This Consent Order constitutes discipline against the Respondent, and is the final agency order in the contested case, pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

6. Respondent agrees the State's counsel may present this Order to the Board and may have ex parte communications with the Board while presenting it.

7. This Order shall be part of the permanent record of Respondent and shall be

considered by the Board in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations.

8. This Combined Statement of Charges and Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2009).

9. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2009). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

10. This Order is subject to approval of the Board:

(a) If the Board fails to approve this Order, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.

(b) If the Board approves this Order, it shall fully dispose of all issues in this case.

IT IS THEREFORE ORDERED:

- A. Respondent is reprimanded for performing attest services in Iowa without an active permit to practice as a CPA firm.
- B. Respondent shall pay a civil penalty of \$1,000 no later than September 30, 2010.
- C. Respondent shall notify the clients for whom it provided attest services in Iowa between July 1, 2009 and July 1, 2010 that it did not hold an active permit to practice as a CPA firm. The notice may inform such clients that the individual CPAs in charge of the attest engagements were certified in Iowa, if true. Respondent shall send a copy of its proposed notification letter to the Board office for pre-approval prior to mailing. Respondent shall provide copies of the letters to the Board office by September 30, 2010 along with the names of clients to whom the letter was sent.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

For Dauby O'Connor & Zaleski, LLC

Date 8/31/10

**The Iowa Accountancy
Examining Board**

[Redacted Signature]

By: Telford A. Lodden, CPA, Chair

Date 10/12/2010