

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

| | | |
|--------------------------------|---|----------------------------------|
| IN THE MATTER OF: |) | Case No. 08-28 |
| Michael L. Sharp, CPA |) | |
| 110 SE Grant Street, Suite 106 |) | |
| Ankeny, IA 50021-3143 |) | |
| |) | |
| |) | COMBINED STATEMENT OF |
| |) | CHARGES AND CONSENT ORDER |
| |) | IN DISCIPLINARY CASE |
| Respondent. |) | |
| |) | |

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 (2007).

2. Respondent was issued Iowa CPA certificate number O03685 on the 2nd day of February 1981. Respondent allowed their certificate to lapse as of June 30, 2007 and did not apply to reinstate their certificate until May 21, 2008; when they sent in an application to reinstate as inactive. Upon discovery from the Board staff that while the certificate was lapsed, Respondent was holding self out to the public as a CPA, as well as conducting professional activities as Michael R. Sharp, CPA firm, staff directed Mr. Sharp to change his individual license status to active immediately in order to bring himself into compliance with operating a CPA firm. His individual certificate is currently active as of June 12, 2008, and will expire on June 30, 2009.

3. The Board charges Respondent with practicing public accountancy on a lapsed certificate in violation of Iowa Code sections 272C.10(3), 542.10(c) and (j); and 193A Iowa Administrative Code 5.5(2).

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 his 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 7.42.

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 (2007).

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) (2007). 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 practicing public accountancy on a lapsed certificate.

B. Respondent shall pay a civil penalty of \$500.00 no later than 30 days from the date that this order is signed by both parties.

C. Respondent shall notify the clients for whom he provided services while using the title "CPA" while he was not properly certified. Respondent shall include in his client notification list any client for whom he provided services while using the CPA title while his license was lapsed. Respondent shall send a copy of the proposed notification letter to the Board office for pre-approval prior to mailing. After the letters have been mailed, he may submit a listing with the names of clients to whom he sent the letter so that the Board can selectively confirm client notification.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Michael R. Sharp, CPA

9/24/08
Date

**The Iowa Accountancy
Examining Board**

[Redacted Signature]

By: Telford A. Lodden, CPA, Chair

9/30/08
Date