

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

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IN THE MATTER OF:

Richard Ten Braak

RESPONDENT

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CASE NO. 04-11

CONSENT ORDER

JUL 7 2008

The Iowa Accountancy Examining Board (Board) and Richard Ten Braak (Respondent) enter into this Consent Order (Order), pursuant to Iowa Code section 17A.10 (2005) and 193 Iowa Administrative Code 7.42:

1. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A and 272C (1999-2005), 542C (1999, and until July 1, 2002), and 542 (effective July 1, 2002, and thereafter).

2. Respondent holds a certificate as a certified public accountant. His certificate is currently registered and in good standing.

3. The Board charged Respondent with preparing false or misleading tax and related records in violation of rules of professional conduct, reflecting acts discreditable to the public accounting profession, in furtherance of a practice harmful or detrimental to the public, and demonstrating a lack of qualification to practice in a manner necessary to assure the residents of Iowa a high standard of professional care, in violation of Iowa Code sections 272C.3(2), 272C.10 (2), (3) (1999 – 2001), 542.10(1) (b), (d), (i) and (j) (2001 Iowa Acts, ch. 55), and 542C.21(4), (10) (1999, 2001), and 193A Iowa Admin. Code 11.2(1), 11.3(3), 11.4(1), (3), 11.6(1), 12.4(1)(a), (b), 12.4(5) (2000-2002), and 193A Iowa Admin. Code 13.2(1), 13.3(2), 13.4(1), (3), (6) (a) and (c), 13.6(1), 14.2(1), (5), (8) (7/1/2002 and after).

4. Respondent does not admit any allegations in the Statement of Charges, but does agree to the entry of this Consent Order as the resolution of a disputed matter. Respondent has a right to a hearing on the charges, but waives his right to hearing and all attendant rights by freely and voluntarily entering into this Order. This Consent Order is the final agency order in the contested case.

5. 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.

6. 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 disciplinary action to be imposed in the event of any future violations.

7. This Order and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 (2005).

8. Failure to comply with the provisions of this Order shall be grounds for disciplinary action pursuant to Iowa Code section 272C.3(2)(a) (2005). However, no action may be taken against Respondent for violations of these provisions without a hearing, or waiver of hearing.

9. 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. Reprimand

The respondent is reprimanded for preparing income tax returns and related documents with materially false or misleading information.

B. Civil Penalty

The respondent shall pay a \$1000 civil penalty by August 15, 2005.

C. Probation

1. The Respondent's CPA Certificate shall be placed on indefinite probationary status effective the day this Order is signed by the Board.

2. Respondent agrees to retain, at his own expense, an Iowa Certified CPA in good standing, who shall be preapproved by the Board, to conduct a firm assessment of the tax practices of Respondent's firm. Respondent shall supply the Board with the engagement letter with the preapproved CPA no later than August 1, 2005. The retained CPA shall prepare a report for the Board and shall submit it to the Board no later than October 15, 2005. The report shall include a review of the firm's supervision and review procedures, library and other resources, continuing education records, checklist procedures, and internal quality control systems.

3. During the period of probation, Respondent shall have all tax returns or other tax documents he prepared reviewed by the firm's tax partner and shall keep evidence to document that he made all changes recommended by the tax partner, or to explain his rationale in any

instance where he chose not to make a suggested change. Respondent shall provide the Board access to these records for on-site inspection or other review, whether at a prearranged date and time or at an unannounced inspection.

4. Respondent may file an application for release from probation on or after October 16, 2006. Such application shall comply with 193A Iowa Administrative Code 16.5 and 193 Iowa Administrative Code 7.38. Upon Respondent's application, the Board shall release Respondent from probation if he demonstrates full compliance with this Order and the Board has received no additional evidence of uncorrected violations of a character substantially similar to that alleged in the Statement of Charges. The Board may rely upon the report from the preapproved reviewer or its own inspection of records to impose conditions as may be reasonably required to assure competent practice, proper tax partner review, and quality control standards consistent with industry standards.

AGREED AND ACCEPTED:

The Respondent

[Redacted Signature]

Richard Ten Braak

6.30.05

Date

The Iowa Accountancy Examining Board

[Redacted Signature]

By: *Susanna Eby*

7-11-05

Date