

BEFORE THE ACCOUNTANCY EXAMINING BOARD  
OF THE STATE OF IOWA

IN THE MATTER OF:

Joseph Stein  
CPA Certificate #O13754

Respondent.

Case No. 18-20

FIRST AMENDMENT TO  
CONSENT ORDER

**A. Background**

1. The Iowa Accountancy Examining Board (“Board”) has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 542 (2020).

2. Joseph Stein (“Respondent”) was issued certificate number O13754 on December 31, 2015.

3. On June 27, 2019, Respondent and the Board entered into a Consent Order as a result of Respondent’s failure to complete and report the required continuing education within the applicable continuing education reporting period. *See Stein v. Iowa Bd. of Accountancy Exams*, Case No. 18-20, Consent Order [hereinafter “Consent Order”] (effective June 27, 2019), <https://plb.iowa.gov/sites/files/plb/Stein%2C%20Joseph%2018-20.pdf>.

4. Pursuant to the Consent Order, Respondent was, among other things, required to complete forty (40) additional hours of continuing professional education for the 2020 renewal, none of which could be applied to any other renewal. Eight (8) of the additional hours were required to be in professional ethics, and none of them could be self-study hours. Put another way, Respondents were required to complete and be able to demonstrate a total of 160 hours within the prior three (3) year period for the 2020 renewal. Respondent was required to supply the Board with documentation substantiating the CPE hours claimed by him as part of the 2020 renewal.

5. Thereafter, Respondent indicated he would like to have his license placed in inactive status, meaning he no longer intended to engage in the practice of public accountancy in Iowa or for an Iowa client in a manner requiring certification. Respondent indicated that, as a result, he did not intend to meet the deadline established by the Consent Order with respect to the additional continuing education for the 2020 renewal and requested an amendment to the Consent Order to reflect this change in status and his intentions.

6. In light of the foregoing, the Board and Respondent enter into this First Amendment to Consent Order.

**B. Settlement Agreement and First Amendment to Consent Order**

1. Respondent waives any right to hearing and all attendant rights, including the right to seek judicial review, by freely and voluntarily entering into this First Amendment to Consent Order. This First Amendment to Consent Order is the final agency order in a contested case, pursuant to Iowa

Code section 17A.10 and 193 Iowa Administrative Code 7.4. Respondent acknowledges that Respondent had an opportunity to review this First Amendment to Consent Order with legal counsel before signing it.

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

3. The Consent Order, including as amended by this First Amendment to Consent 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.

4. This First Amendment to Consent Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.

5. Failure to comply with the provisions of the Consent Order, including as amended by this First Amendment to Consent Order, shall be grounds for further disciplinary action pursuant to Iowa Code section 272C.3(2)(a). However, no action may be taken against Respondents for violations of these provisions without a hearing, or waiver of hearing.

6. This First Amendment to Consent Order is subject to approval of the Board:

a. If the Board fails to approve this First Amendment to Consent 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 First Amendment to Consent Order, it shall amend the original Consent Order and fully dispose of all issues that may have resulted had the Respondent elected to go to inactive status without addressing this issue and thereby failed to satisfy the additional continuing education requirements as required by the original Consent Order.

**IT IS THEREFORE ORDERED:**

Items C and D of the Consent Order set forth on Page 2 of the Consent Order under the bolded heading "**IT IS THEREFORE ORDERED**" are deleted in their entirety and replaced with the following:

C. By this Order, pending the completion of any additional administrative requirements as determined by the Board's Executive Officer (such as, by way of example only, imposition and payment of any applicable fees to enter inactive status), Respondent's license is placed in an inactive status. Should Respondent seek to reinstate his license to an active status at any point in the future, in addition to any administrative or other requirements imposed by law or rule (such as, by way of example only, the payment of a reinstatement fee or proof of continuing education during the period the license is in inactive status), Respondent shall demonstrate forty (40) additional hours of continuing professional education at the time of such reactivation, none of which may be applied to requirements already imposed by law or rule on licensees seeking to reinstate an inactive license, or towards any other renewal. Eight (8) of these additional hours shall be in professional ethics, and none of them shall be self-study hours. At the time this First Amendment to Consent Order was entered, "[l]icensees who applied to reinstate a[n] . . . inactive certificate or license to active status [were required to] satisfy the

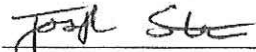
basic requirement of 120 hours of continuing professional education earned in the preceding three-year period prior to the date of the application." Thus, subject to any change in applicable law or rule, at the time of the execution of this First Amendment to Consent Order, Respondent would be required to demonstrate a total of 160 hours of continuing professional education at the time of a future application to reinstate his license to active status.

- D. Respondent shall supply the Board with documentation substantiating these additional CPE hours claimed by him as part of any future application to reactivate his license as may be requested by the Board's Executive Officer.

**AGREED AND ACCEPTED:**

**Respondent**

**Iowa Accountancy Examining Board**



By: Joseph Stein



By: James Smith, CPA, Chair

*on behalf of Chair*

6-17-2020

Date

6/19/2020

Date