Ck 128 $400 - 7/28/2015

**BEFORE THE NEW MEXICO PUBLIC ACCOUNTANCY BOARD**

**IN THE MATTER OF:** **CASE NO: 2015-14**

**Marla K. Thompson**

**RESPONDENT**

**PRE-NCA STIPULATED AGREEMENT**

**WHEREAS,** the New Mexico Public Accountancy Board ("Board") reviewed records showing non-compliance with continuing professional education (CPE) requirements by Respondent, which is a violation of its regulations; and

**WHEREAS,** Respondent and the Board are willing to resolve this matter amicably without the issuance of a Notice of Contemplated Action ("NCA") as required under the Uniform Licensing Act ("ULA") NMSA 1978, §§ 61-1-1 et seq., and the 1999 Public Accountancy Act ("PAA") NMSA 1978 §§ 61-28B-1 et seq., without a hearing; and

**WHEREAS,** the Board believes that this Stipulated Agreement is appropriate and in the best interests of both the Board and Respondent;

**IT IS AGREED AS FOLLOWS:**

1. Jurisdiction. The Board has jurisdiction over Respondent and the subject matter. Respondent at all times material to the allegation of failure to comply with CPE requirements was licensed as a certified public accountant in the State of New Mexico.

2. Violations:

61-28B-9 NMSA 1978: Issuance and renewal of certificate; maintenance of competency

61-28B-20.A (3), (6), (7), (10) NMSA 1978: Enforcement; administrative violations and remedies

16.60.3.15 NMAC: Continuing professional education (CPE) required to obtain or maintain an "active" CPA license

16.60.5.8 NMAC: Duty to abide by code of professional conduct

16.60.5.11. A Rule 901 NMAC: Rules of Conduct: Responses to board communication

AICPA Professional Standards, Code of Professional Conduct and Bylaws:

ET Section 56 Article V – Due Care .05

3. Action

   A. Respondent will remit a fine of $400.00 to the Public Accountancy Board to be paid no later than July 31, 2015.

   B. Respondent will provide evidence of completion of 16 CPE hours no later than July 31, 2015 to the Public Accountancy Board, 5200 Oakland NE, Suite D, Albuquerque, NM 87113

4. Waiver.

   A. Respondent enters into this Stipulated Agreement voluntarily and waives his right to a full hearing before the Board and all relevant time limitations pursuant to the provisions of the ULA, including but not limited to NMSA 1978, §61-1-4(F) and NMSA 1978, §61-1-8.

   B. By signing this Stipulated Agreement, Respondent understands and agrees that he waives excusal of any Board member on the grounds of bias or improper motive as a result of his review of this Stipulated Agreement.

C. Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

D. Respondent has the right to seek the advice of an attorney regarding this Stipulated Agreement.

E. This Stipulated Agreement constitutes disciplinary action by the Board.

5. Failure to comply with the terms and conditions of this Stipulated Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent as it deems appropriate under the circumstances, including revoking Respondent's license.

6. This Stipulated Agreement is a settlement of Board Case Number 2015-14 and only the specific facts therein. No costs have been incurred in this matter. The Board reserves the right to initiate proceedings for any other violation of the Public Accountancy Act or the Rules and Regulations of the Board adopted pursuant to that Act.

7. Any CPE hours completed outside Respondent's 5-1-2012 to 4-31-2015 reporting year are in addition to and shall not count towards Respondent's current and future CPE requirements. Respondent shall obtain all current and future requisite CPE hours needed to maintain an "active" CPA license in any reporting cycle, as prescribed by NMSA 1978 Section 61-28B-9(E) and 16.60.3.15 NMAC.

8. The Board agrees that nothing in this Settlement Agreement represents a restriction on Respondent's license.

9. This Pre-NCA Stipulated Agreement is a public record subject to inspection under the Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 through 14-2-12.

Marlu K. Thompson
(Respondent)

July 26, 2015
Date

C. Jack Emmons
C. Jack Emmons, CPA, CFE
Chair, Public Accountancy Board

6-9-2015
Date

Certified mail Return Receipt # 7011 2970 0001 7792 6379