BEFORE THE NEW MEXICO PUBLIC ACCOUNTANCY BOARD

IN THE MATTER OF: **CASE NO: 2019-23**

Attel & Co., PC

Patrick L. Attel, CPA

RESPONDENT

PRE-NCA STIPULATED AGREEMENT

WHEREAS, the New Mexico Public Accountancy Board ("Board") reviewed records showing non-compliance with Reportable Events of the 1999 Public Accountancy Act; Pass with Deficiencies or Failed peer review reporting requirements by Respondent, which is a violation of its regulations, and on June 25, 2019 the Board voted to issue a Notice of Contemplated Action ("NCA") in this matter to the Respondent; and

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

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

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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 the reporting of a peer review failure and/or a pass with deficiencies requirement within 30 days, was licensed as a certified public accountant and accounting firm with the State of New Mexico.

2. Violation

§61-28B-20 NMSA 1978: Enforcement; administrative violations and remedies: violated a provision of the 1999 Public Accountancy Act or rule promulgated by the board pursuant to the act;

16.60.4.10 NMAC: Peer Review documents must be submitted within thirty (30) days of sponsoring organization's acceptance.

16.60.5.11 NMAC: Rules of Conduct; Reportable Events; Pass with Deficiencies or Failed peer review requirements.

3. Action

A. Respondent will remit a fine of $250.00 for failing to disclose a reportable event payable to the New Mexico Public Accountancy Board no later than July 31, 2019 to Ernest Santucci, New Mexico Public Accountancy Board, 5500 San Antonio Dr. NE, Albuquerque, NM 87109.

4. Waiver

A. Respondent enters into this Pre-NCA Stipulated Agreement voluntarily and waives Respondent's 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 61-1-8.

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

E. This Pre-NCA Stipulated Agreement constitutes disciplinary action by the Board.

5. Failure to comply with the terms and conditions of this Pre-NCA 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 Pre-NCA Stipulated Agreement is a settlement of Board Case Number 2019-23 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 1999 Public Accountancy Act or the Rules and Regulations of the Board adopted pursuant to that Act.

7. The Board agrees that nothing in this Pre-NCA Settlement Agreement represents a restriction on Respondent's license.

8. 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.

Pat Attel
(Respondent)

July 3, 2019
Date

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

7/8/19
Date

Certified USPS mail: Return Receipt # 7017 0190 0000 0413 7581

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