

**STATE OF NEW MEXICO
PUBLIC ACCOUNTANCY BOARD**

IN THE MATTER OF:

**Marion L. Ledford,
PAB License No. 2405 (Cancelled),**

Case No. 2020-05

Respondent.

DEFAULT ORDER OF REVOCATION

THIS MATTER came before a quorum of the New Mexico Board of Public Accountancy (“Board”) on October 27, 2020 in a virtual meeting utilizing Cisco Webex, (hosted in Albuquerque, New Mexico) based on a complaint filed with the Board alleging that Marion L. Ledford (“Respondent”) violated the 1999 Public Accountancy Act, NMSA 1978, §§ 61-28B-1 through -29 (1999, as amended 2017). Respondent did not request a hearing and the matter was presented to the Board as a default action. Upon review of the matter, a majority of the Board voted to revoke Respondent’s license. Pursuant to the Act, and the Uniform Licensing Act (“ULA”), NMSA 1978, §§ 61-1-1 through -34 (1957, as amended through 2017), the Board finds:

1. Respondent is licensed as a certified public accountant and is therefore subject to the jurisdiction and discipline of the Board.
2. The Board voted to issue a Notice of Contemplated Action (“NCA”) against the Respondent stating that the Board had sufficient evidence to justify revoking or taking other disciplinary action against Respondent’s license based on alleged violations of the Act.
3. On July 8, 2020 in accordance with the ULA, Section 61-1-5, the Board sent Respondent, a NCA in the above-referenced case via the United States Postal Service via Certified Mail with a Return Receipt requested, Article No. 7019 1120 0001 1081

0657, to his last known address P.O. Box 898, Alamogordo, NM 88311.

4. The NCA alleged that Respondent capitalized on his Certified Public Accountant License to defraud clients who engaged his professional services contrary to 16.60.5.6 NMAC, 16.60.5.8 NMAC, 16.60.5.11 NMAC, 16.60.5.12 NMAC, 0.300.030.01 - .02 AIPCA Professional Standards, 0.300.040.01 -.03 AIPCA Professional Standards, 0.300.060.01 - .02 AIPCA Professional Standards, 0.400.001 AIPCA Professional Standards, 1.400.050.01 - .02 AIPCA Professional Standards. Respondent also violated rules of the American Institute of Certified Public Accountants (“AICPA”) regarding public interest integrity, due care, and acts disreputable, and also failed to follow requirements of governmental bodies, commission and other regulatory agencies as required by the AICPA.
5. In addition, the NCA alleged that Respondent failed to notify the Board as required by Section 16.60.5.11 NMAC of the following reportable events:
 - a. A plea of guilty on a charge of tax evasion in federal court and its resultant plea agreement, which included Respondent’s pledge to pay restitution in the amount of around \$2,414,589.
 - b. The above mentioned tax evasion charge stemmed from Respondent’s embezzlement of around \$1,785,300 from a charitable foundation that Respondent’s role was Director. Respondent also admitted that he had falsified a tax return to avoid paying income tax on the embezzled funds.
 - c. Respondent failed to report to the Board a criminal information for under-reporting Respondent’s income.
 - d. Respondent’s failure to report that his Kansas Board of Accountancy license

was revoked in response to conduct detailed above.

6. The NCA stated that, unless explained or rebutted at a formal hearing, the alleged conduct justified the Board in taking disciplinary action, including suspending or revoking Respondent's license.
7. On July 21, 2020, the Board received the USPS Return Receipt indicating that an agent received Article No. 7019 1120 0001 1081 0657 containing the NCA at Respondent's last known address.
8. All licensees are required to maintain a current address with the Board, and pursuant to the ULA, notice "shall be deemed to have been served on the date borne by the return receipt showing delivery of the last attempted delivery of the notice." NMSA 1978, § 61-1-5.
9. The ULA provides if a licensee "does not mail a request for a hearing within the time and the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review." NMSA 1978, § 61-1-4(E).
10. Respondent failed to request a hearing within the time and manner prescribed by the NCA. Moreover, Respondent has not communicated nor offered any evidence to the Board or its staff which would rebut or explain the charges alleged in the NCA.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that:

- A. The Board has jurisdiction over Respondent, Respondent's license, and the subject matter of this proceeding pursuant to the Act and the ULA.
- B. In accordance with Sections 61-1-4 and -5 of the ULA, Respondent was deemed to be served with the NCA on the date of delivery.

- C. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
- D. Having reviewed the matter, the Board finds there is sufficient evidence to justify taking disciplinary action against Respondent as contemplated in the NCA.
- E. The Board finds by a preponderance of the evidence that Respondent violated Sections 16.60.5.6 NMAC, 16.60.5.8 NMAC, 16.60.5.12 NMAC, 0.300.030.01 - .02 AIPCA Professional Standards, 0.300.040.01 - .03 AIPCA Professional Standards, 0.300.060.01 - .02 AIPCA Professional Standards, 0.400.001 AIPCA Professional Standards, 1.400.050.01 - .02 AIPCA Professional Standards Section, 16.60.5.11 NMAC, and 16.60.5.12 NMAC by embezzling funds from a charitable foundation which Respondent directed, Respondent's admission that he falsified a tax return to avoid paying income tax on the embezzled funds, as well as Respondent's failure to disclose his plea of guilty related to the described tax evasion and by his failure to disclose the revocation of Respondent's license held by the Kansas Board of Accountancy.
- F. The Board finds that the Respondent failed to request a hearing within the time period required by the ULA, Section 61-1-5.
- G. The Board is proceeding to take the action contemplated in the NCA and such action shall be final and not subject to judicial review, as provided by § 61-1-4 of the ULA.
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- H. Respondent's certified public accountant's license is hereby **revoked**.
- I. Respondent shall not engage in the practice of public accountancy as defined by the 1999 Public Accountancy Act, or use the title or represent himself as a certified public accountant or use any other title or abbreviation, letters, signs or devices indicating that he is a certified public accountant.

- J. Respondent shall surrender his certificate/license to the Board office and cease his practice **immediately** upon his receipt of this **Order**.
- K. Respondent shall immediately remove and shut down any websites, signs or other advertisements that have been used to advertise or provide any services by Respondent as a certified public accountant.
- L. Respondent must reapply for licensure in accordance with the application procedures outlined in 16.60.3.8 NMAC and 16.60.3.9 NMAC.
- M. This Order is considered disciplinary action and will be included in Respondent's licensing file and is a public record open to inspection by the public.
- N. Failure to comply with the terms of this Order will result in further Board action as permitted by law. If Respondent's non-compliance constitute acts that are prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.

So ordered on this 27th day of October, 2020.

NEW MEXICO PUBLIC ACCOUNTANCY BOARD


C. Jack Emmons, Board Chair

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Order** was sent via the United States Postal Service Certified Mail with a Return Receipt requested on October 28, 2020 to:

Marion L. Ledford
P.O. Box 898
Alamogordo, NM 88311

Article No. **7019 1120 0001 1081 0381**



Ernest Santucci, State Investigator
New Mexico Public Accountancy Board
5500 San Antonio Drive NE
Albuquerque, NM 87109