

**MINUTES**

**UTAH BOARD OF ACCOUNTANCY  
LICENSING BOARD  
MEETING**

**May 7, 2014**

**Room 474 Fourth Floor – 1:30 p.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 1:30 pm

**ADJOURNED:** 3:40 p.m.

**Bureau Manager:**

Dan S. Jones

**Board Secretary:**

Ann Naegelin

**Board Members Present:**

Sherman Smith, Chairperson  
Robert Fuehr  
Wade Watkins

**Board Members Absent:**

MacRay Curtis, excused  
Gordon Haycock, excused

**DOPL Staff**

Ray Walker, Regulatory and Compliance Officer  
Neena Bowen, Compliance Specialist

**Guests:**

Susan Speirs, UACPA  
Paul Skeen, UACPA  
Travis Kunz, Sparrow, Kunz & Chatterton  
Oxana Nichitin, applicant  
Michael Openshaw, applicant

**TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:**

Approval of Minutes

A motion was made by Mr. Watkins to approve the January 8, 2014 minutes as written. Mr. Fuehr seconded the motion. Motion passed by unanimous vote.

Compliance Report

The Board reviewed the compliance report. All licensees are compliant with the terms of their probation.

The Board discussed the procedures for licensees on probation.

Probation interviews will be scheduled for new probationers and non compliant probationers. Interviews will not be held for probationers who are compliant.

## **DISCUSSION ITEMS:**

### **Word Count Formula for CPE**

The Board discussed using the word count formula for determining the number hours for self study CPE. Mr. Jones explained possible risks involved by allowing word count formula.

Mr. Fuehr made a motion to table this issue until the national organizations finish their discussions of word count formulas. Mr. Watkins seconded the motions. Motion passed by unanimous vote.

## **APPOINTMENTS:**

### **Sparrow Kunz & Chatterton, LLC**

Mr. Jones reviewed the CPA firm application. He explained it is misleading to have the name of a person who is not a CPA in the firm name. Mr. Kunz gave a brief history for the firm. He answered questions from the Board.

The Board agreed it is misleading to have the name of a non CPA in the firm name who is not a CPA.

Mr. Watkins made a motion to conditionally deny the application. Mr. Fuehr seconded the motion. Motion passed by unanimous vote.

### **Oxana Nichitin**

Mr. Jones reviewed the information submitted for Oxana Nichitin. Ms. Nichitin gave an explanation and answered questions from the Board.

Mr. Watkins made a motion to approve the license and issue a letter of concern for misrepresentation on her CPA application. Mr. Fuehr seconded the motion. Motion passed by unanimous vote.

### **Closed Meeting**

Mr. Fuehr made a motion to close the meeting. Mr. Watkins seconded the motion. Motion passed by unanimous vote.

Mr. Watkins made a motion to record the closed portion of the meeting. Mr. Fuehr seconded the motion. Motion passed by unanimous vote.

Meeting was opened to the public

Michael Keith Openshaw

Mr. Jones reviewed the application for reinstatement of license. Mr. Fuehr made a motion to deny the application. Mr. Smith seconded the motion. Mr. Fuehr and Mr. Smith voted for the motion. Mr. Watkins voted against the motion. Motion passed with two votes in favor.

Mr. Openshaw asked what would help him in the future. The Board would like to have the SEC allow him back in. Also a letter from his employer's audit firm.

**ADJOURN AND NEXT MEETING:** Adjourned at 3:40 pm.

Next meeting scheduled for June 4, 2014.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

7-2-14  
Date Approved

  
Chairperson, Utah Board of Accountancy

7-2-14  
Date Approved

  
Bureau Manager, Division of Occupational & Professional  
Licensing

**SWORN STATEMENT**  
**SUPPORTING CLOSURE OF BOARD MEETING**

DOPL-FM-010 05/02/2006

I SHERMAN H. SMITH acted as the presiding member of the UTAH BOARD OF ACCOUNTANCY  
Board, which met on 7 MAY 2014

Appropriate notice was given of the Board's meeting as required by §52-4-202.

A quorum of the Board was present at the meeting and voted by at least a two-thirds vote, as detailed in the minutes of the open meeting, to close a portion of the meeting to discuss the following:

- the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a))
- strategy regarding pending or reasonably imminent litigation (§52-4-205(1)(c))
- deployment of security personnel, devices, or systems (§52-4-205(1)(f))
- investigative proceedings regarding allegations of criminal misconduct (§52-4-205(1)(g))

The content of the closed portion of the Board meeting was restricted to a discussion of the matter(s) for which the meeting was closed.

With regard to the closed meeting, the following was publically announced and recorded, and entered on the minutes of the open meeting at which the closed meeting was approved:

- ~~(a)~~ the reason or reasons for holding the closed meeting;
- ~~(b)~~ the location where the closed meeting will be held; and
- ~~(c)~~ the vote of each member of the public body either for or against the motion to hold the closed meeting.

If required, and/or kept or maintained, the recording and any minutes of the closed meeting will include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent; and
- (c) the names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

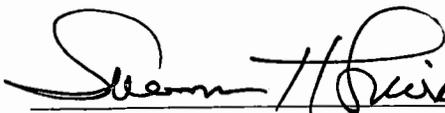
Pursuant to §52-4-206(5), a sworn statement is required to close a meeting under §52-4-205 (1)(a) or 52-4-205(1)(f), but a record by tape recording or detailed minutes is not required.

- A record was not made  
 A record was made by:       Tape Recording       Detailed Written Minutes

Pursuant to §52-4-206(1), a record by tape recording is required for a meeting closed under §52-4-205(1)(c) or 52-4-205(1)(g), and was made.

Detailed written minutes of the content of a closed meeting although not required, are permitted and were kept of the meeting.

I hereby swear or affirm under penalty of perjury that the above information is true and correct to the best of my knowledge.

  
Board Chairman or other Presiding Member

7 MAY 2014  
Date of Signature