

STATE OF SOUTH DAKOTA

BOARD OF ACCOUNTANCY

IN THE MATTER OF THE)	
COMPLAINT BY THE)	FINDINGS OF FACT,
SOUTH DAKOTA BOARD OF)	CONCLUSIONS OF LAW
ACCOUNTANCY AGAINST)	AND ORDER
ROSS A. DETERMAN, CPA)	

A hearing was held before the South Dakota Board of Accountancy on December 8, 2008. Based upon the testimony and evidence presented, the Board hereby enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. Ross Determan (hereinafter "Determan") was issued individual Permit No. 2309 and firm Permit No. 953 by the South Dakota Board of Accountancy (the "Board") on July 1, 2002 and December 1, 1997, respectively.
2. Pursuant to SDCL 36-20B-36, Determan must undergo peer review every three years to renew his firm permit.
3. Determan has had two prior peer's reviews, one of which resulted in an adverse engagement report, and the other in a modified engagement report.
4. Specifically, in July 2005, an AICPA equivalent review of Determan's firm resulted in a modified report with letter of comments for engagements year ending December 31, 2004.
5. The Board accepted the AICPA equivalent review, letter of comments, and the firm's response thereto, based on Determan's agreement to

complete an accelerated system review by a qualified reviewer by June 2007, that showed progress in implementing the corrective action recommended in the letter of comments.

6. Determan agreed to the terms of the proposed consent agreement in June 2006.

7. Determan failed to obtain an accelerated system review by June 2007.

8. Determan failed to notify the Board that he would be late in obtaining the accelerated system review by June 2007.

9. On December 11, 2007, Determan requested the Board approve an extension of time to complete the accelerated system review.

10. The Board agreed to accept a system review of Determan's firm for the year ending December 31, 2007, to be completed by June 30, 2008, in lieu of the accelerated system review previously agreed to between the parties.

11. On April 16, 2008, Determan was notified by the Board that he was required to undergo a peer review and that the deadline for submitting an application for equivalent review was June 1, 2008.

12. Determan failed to submit an application for equivalent review by June 1, 2008.

13. Determan failed to submit to the Board by June 30, 2008, a system review of his firm for engagements ending December 31, 2007.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to SDCL Ch. 1-26 and 36-20B.
2. That the particular statutes and rules involved are SDCL 36-20B-36, 36-20B-40(3), (5), (6), (7), (10), (12), and ARSD Chapter 20:75:07.
3. Determan has failed to comply with SDCL §§ 36-20B-36, 36-20B-40(3), (5), (6), (7), (10) and (12); and ARSD 20:75:07.
4. Determan has failed to comply with the statutory and administrative requirements of the South Dakota Board of Accountancy with respect to peer review.

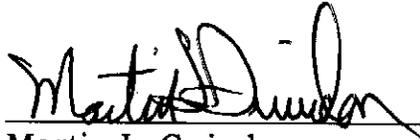
ORDER

Based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that Mr. Determan is prohibited from performing attest work and issuing reports that would include audit, compilations, or reviews, until such time that he petitions the Board for reinstatement of the privilege to provide attest work; it is also

ORDERED Mr. Determan be reminded that the renewal of his firm permit, which he fills out annually, contains a statement that he is not doing any attest work in the required period and therefore affirmatively stating that he is exempt from the requirement of peer review. By December 31, 2008, Determan is required to resubmit his Firm Permit application to the Board for the current year stating that he is exempt from peer review. No additional fee shall be required for resubmitting his Firm Permit renewal; and it is

ORDERED Determan pay the cost of the hearing, which is set forth in the attached affidavit by Executive Director Nicole Olson-Kasin, plus a \$500 administrative fine.

Dated this 5th day of January, 2009

A handwritten signature in black ink, appearing to read "Martin L. Guindon", written over a horizontal line.

Martin L. Guindon,
Board Vice Chairman
South Dakota Board of Accountancy