

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR & REGULATION
BOARD OF ACCOUNTANCY**

IN THE MATTER OF

**Keith Germann,
Keith C. Germann, CPA
Permit No. 1457**

Respondent

**FINDINGS OF FACT,
CONCLUSIONS OF LAW &
ORDER**

TO: Keith Germann
Keith C. Germann, CPA
525 Cayuga St.
Storm Lake, IA 50588

An administrative hearing was held on October 27, 2014, before the South Dakota Board of Accountancy in Pierre, South Dakota. Mr. Keith Germann, Respondent, failed to appear at the scheduled hearing. The South Dakota Board of Accountancy, Board, was represented by attorney Mr. Aaron Arnold, with witness Nicole Kasin, Executive Director of the Board. A majority of the Board was present to receive the evidence and observe the testimony of any witnesses.

Upon receiving the evidence and hearing the testimony presented, the South Dakota Board of Accountancy, by a majority vote, hereby enters the following:

FINDINGS OF FACT:

1. Mr. Keith Germann was a licensed Certified Public Accountant in the state of Iowa. His license number was O03006, initially issued on January 29, 1979 and lapsed on June 30, 2013.
2. Mr. Germann did have a firm license, Keith C. Germann, CPA, in the state of Iowa. His firm license number was 2012-557, initially issued on July 9, 2012, and lapsed on June 30, 2013.
3. Mr. Germann was issued a firm license, Keith C. Germann, CPA, in the state of South Dakota. His firm permit number was 1457, initially issued on August 31, 2009, expiring

July 31, 2010. Subsequent renewals were received and processed for years ending July 31, 2011, July 31, 2012, and July 31, 2013.

4. On August 5, 2013, Mr. Germann applied for a renewal of his firm permit for the period of August 1, 2013, through July 31, 2014. The application indicated he held a firm license in Iowa and it was active.
5. Based on the information completed on the firm renewal application, the board processed his firm permit renewal application.
6. On February 11, 2014, Board staff performed a search on the Iowa Accountancy Examining Board's website to review the licensure status for Mr. Germann and his firm Keith Germann, CPA. The results of the staff's search showed that both Mr. Germann's and his firm's permits had lapsed June 30, 2013.
7. To the extent any of the foregoing are improperly designated and are instead conclusions of law, they are hereby re-designated and incorporated herein as conclusions of law.

CONCLUSIONS OF LAW

1. The South Dakota Board of Accountancy has jurisdiction in this matter.
2. Mr. Keith Germann's practice privileges under the provisions of SDCL §§36-20B-66 or 36-20B-67 may be suspended or revoked subject to the provisions of SDCL §36-20B-40(11).
3. Keith C. Germann, CPA's firm permit may be disciplined pursuant to the provisions of SDCL §36-20B-40(11)
4. The Board has proven by clear and convincing evidence that Mr. Germann and Keith C. Germann, CPA have violated SDCL §36-20B-40(11) by making any false or misleading statement on the firm permit license renewal form by stating that he held an active firm license in Iowa.
5. To the extent any of the foregoing are improperly designated and are instead findings of fact, they are hereby re-designated and incorporated herein as findings of fact.

After reviewing the evidence, taking the findings of fact and conclusions of law into consideration, it is hereby ORDERED:

ORDER

1. That the firm permit of Keith C. Germann, CPA, permit #1457, shall be revoked; and

2. That the practice privileges of Keith Germann under SDCL §§36-20B-66 or 36-20B-67 shall be suspended until such time that Mr. Germann appears before the Board for an informal meeting.

NOTICE: This is the final decision of the South Dakota Board of Accountancy. Parties are hereby advised of the right to appeal this final order to the circuit court within 30 days of receiving this decision pursuant to the authority of SDCL Chapter 1-26.

Dated this 29 day of October, 2014.

South Dakota Board of Accountancy



Chairperson