

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

IN THE MATTER OF

**STACEY GRAY
Certificate No. 2260**

Respondent

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

TO: Stacey L. Gray
 11784 N. Strahorn Rd.
 Hayden Lake, ID 83835

A license renewal hearing was held on October 17, 2011, before the South Dakota Board of Accountancy in Sioux Falls, South Dakota. Ms. Stacey Gray, 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. Respondent, Stacey Gray, Certificate No. 2260, currently has an expired licensed governed by the Board;
2. On December 3, 2010, the Board received a complaint against Ms. Gray.
3. On December 23, 2010, the Board mailed correspondence to Ms. Gray in regards to the investigation of the complaint and offered the opportunity to respond. The Board failed to prove by clear and convincing evidence that Ms. Gray received such correspondence.
4. On August 25, 2011, Ms. Gray submitted an application for active certificate renewal for the period ending July 31, 2012.

5. Ms. Gray's application for active certificate renewal contained the following questions and answers:

- yes no Have you been charged, arrested, convicted, found guilty of, received a prayer for judgment continued, or pleaded nolo contendere to any criminal offense (excluding non-criminal traffic infractions)?
- yes no Have you had an application for a certificate or license denied or a certificate or license suspended, canceled, or revoked by any state or federal agency, or governing or licensing board?
- yes no Have you been investigated, charged, or disciplined; or are you currently under investigation by a governing or licensing board or by a state or federal agency or the AICPA or any state CPA society?
- yes no Have you been party to any civil suit, bankruptcy action, administrative proceeding, or binding arbitration; the basis of which is grounded upon an allegation of negligence, dishonesty, fraud, misrepresentation, or incompetence?

The Board failed to prove by clear and convincing evidence that Ms. Gray was aware that a complaint was filed against her with the Board.

6. 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 pursuant to SDCL Ch. 1-26 and 36-20B.
2. Renewal of Certificate No. 2260 of Stacey Gray may be denied subject to the provisions of SDCL 36-20B-40(3), (6) or (11).
3. The Board failed to prove by clear and convincing evidence that Ms. Gray violated SDCL 36-20B-40(3), (6) or (11), ARSD 20:75:03:03, or ARSD 20:75:05:16.
4. 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:

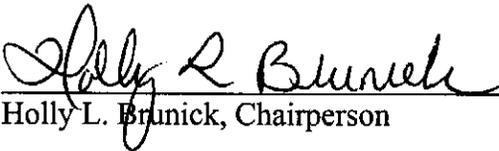
ORDER

1. That the renewal of Certificate No. 2260 of Stacey Gray be granted, if otherwise eligible.

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 21st day of October, 2011.

South Dakota Board of Accountancy



Holly L. Brunick, Chairperson