

STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
BOARD OF ACCOUNTANCY

In the Matter of:

STEVEN C. WAGNER,
CERTIFIED PUBLIC ACCOUNTANT

Certificate No. 1298

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CPE AUDIT
NEGOTIATED
CONSENT AGREEMENT

The above-named parties in the interest of resolving the action between them enter into this Consent Agreement upon the terms and conditions set forth below.

1. The South Dakota Board of Accountancy (Board) has jurisdiction of this matter pursuant to SDCL 36-20B.
2. Steven C. Wagner (Wagner) is licensed as a certified public accountant (CPA) with the Board. His certificate number is 1298.
3. As a licensee, Wagner is subject to the provisions of SDCL 36-20B and ARSD 20:75.
4. Pursuant to SDCL 36-20B-27 a licensed CPA is required to complete 120 hours of continuing professional education (CPE) in each three-year renewal cycle. Pursuant to ARSD 20:75:04:07 the CPA is required to complete a minimum of 20 CPE hours in a one year renewal period.
5. Pursuant to ARSD 20:75:04:11 the CPA is subject to verification of all CPE submitted to the board. A CPA selected for a review must provide documentation to verify attendance or completion of all courses reported to the board for CPE credit.
6. Pursuant to ARSD 20:75:04:15 the CPA is required to keep documentation as acceptable evidence of completion for claimed CPE courses.
7. On September 11, 2012, Wagner was sent a letter in regards to being randomly selected for a CPE audit. Wagner was informed that the deadline for submission of the documentation to verify claimed CPE was October 31, 2012.

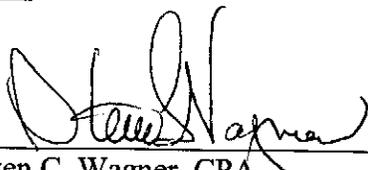
8. Wagner submitted partial CPE documentation to the board on October 19, 2012.
9. On December 14, 2012, Executive Director Kasin called Wagner detailing the CPE records still needed to complete the CPE audit. Wagner stated he would send in the requested documentation within a week.
10. On January 2, 2013, Executive Director Kasin emailed Wagner detailing the CPE records still needed to complete the CPE audit. Wagner was asked to submit the documentation to verify the claimed CPE by January 11, 2013.
11. Wagner replied via email on January 12, 2013, asking for a 2 day extension due to a death in the family. Executive Director Kasin replied via email providing the extension and asked that the documentation to verify the claimed CPE be submitted by January 18, 2013.
12. On January 17, 2013, Wagner called and requested more time to gather the requested documentation. Executive Director Kasin replied via email providing the extension through January 25, 2013 and she indicated no further extensions would be granted.
13. On January 25, 2013, Wagner came into the office and was not able to provide all requested documentation for the CPE Audit.
14. Wagner acknowledges that he failed to submit sufficient documentation to verify a CPE course reportedly taken in the period of July 1, 2009, to June 30, 2010. He provided documentation for 19 hours of CPE for the period ending June 30, 2010. He failed to provide documentation for 1 hour of CPE claimed for the period ending June 30, 2010. He failed to provide documentation to verify that he met the minimum of 20 hours of CPE each year as required in ARSD 20:75:04:07.
15. Wagner acknowledges that he has failed to maintain documentation for CPE as required in ARSD 20:75:04:15.

16. Wagner acknowledges that he failed to submit sufficient documentation to verify the 20 hours of CPE claimed for the period ending June 30, 2010.
17. Wagner acknowledges that he failed the CPE audit for the three year period ending June 30, 2012, by not submitting sufficient documentation for all claimed CPE.
18. The above described conduct constitutes grounds for disciplinary action in South Dakota against Wagner.
19. Wagner is aware that he may choose to be represented by legal counsel in this matter.
20. Wagner is aware of and understands the nature of these matters and has been informed of his right to counsel, notice, hearing, and appeal, and that by agreeing to and signing this Consent Agreement, he waives all procedures and proceedings before the Department to which he may be entitled under state or federal law.
21. Wagner admits that the violations described in this Consent Agreement are true and accurate, and Wagner admits to having violated South Dakota Law and Administrative Rules of South Dakota.
22. In return Wagner's agreement to the provisions of this Consent Agreement, the Board agrees not to proceed to hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
23. Wagner agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Wagner will have 1 hour of CPE rolled back from the period ending June 30, 2011, into the period ending June 30, 2010. A CPE extension will be placed on his file for period ending June 30, 2010;
 - b. Wagner shall submit proof of completion for all claimed CPE courses taken for the next three renewal periods;
 - c. Wagner will not be eligible for an extension to complete CPE for the next three renewal periods;

- d. Wagner shall pay an administrative fee in the amount of \$50. The administrative fee must be paid within 30 days of the signed agreement by the Chair.
24. If Wagner fails to comply with the terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary action against him.
25. Wagner understands that nothing in this Consent Agreement will be deemed to restrict the Board from raising facts in reference to either party outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
26. Wagner consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Board for acceptance or rejection. In the event the Board rejects the recommendations for resolution by Consent Agreement, Wagner waives any right to claim prejudice of the Board by reason of any factual basis submitted to the Board in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
27. Wagner understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken on the Board's website.
28. Wagner understands that this Consent Agreement may be considered in any future licensing procedures with the Board and for the purposes of determining the appropriate sanctions in any future actions by the Board for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Board.
29. Wagner has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Wagner is not relying on any other representations of any kind, verbal or otherwise.

30. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Wagner, at the address 1216 S. Kevin Circle, Sioux Falls, SD 57106.

Dated this 8th day of March, 2013.



Steven C. Wagner, CPA

Dated this 27 day of March, 2013.



John Mitchell, Chair
South Dakota Board of Accountancy