

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

In the Matter of:)	
)	CPE AUDIT
JAY P. WEHKING,)	
CERTIFIED PUBLIC ACCOUNTANT)	NEGOTIATED
)	CONSENT AGREEMENT
Certificate No. 2823)	

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.

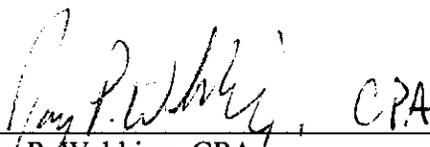
1. The South Dakota Board of Accountancy (Board) has jurisdiction of this matter pursuant to SDCL 36-20B.
2. Jay P. Wehking (Wehking) is licensed as a certified public accountant (CPA) with the Board. His certificate number is 2823.
3. As a licensee, Wehking is subject to the provisions of SDCL 36-20B 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.
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, Wehking was sent a letter in regards to being randomly selected for a CPE audit. Wehking was informed that the deadline for submission of the documentation to verify claimed CPE was October 31, 2012.
8. Wehking submitted partial CPE documentation to the board on October 31, 2012.

9. On January 4, 2013, Executive Director Kasin emailed Wehking detailing the CPE records still needed to complete the CPE audit. Wehking was asked to submit the documentation to verify the claimed CPE by January 18, 2013.
10. On January 7, 2013, Wehking replied via email to Executive Director Kasin that he would not be able to gather any further documentation for the CPE Audit.
11. Wehking acknowledges that he failed to submit sufficient documentation to verify CPE course reportedly taken in the period of July 1, 2009, to June 30, 2010.
12. Wehking acknowledges that he has failed to maintain documentation for CPE as required in ARSD 20:75:04:15.
13. Wehking acknowledges that he failed to submit sufficient documentation to verify the 120 hours of CPE claimed for the period ending June 30, 2011.
14. Wehking acknowledges that he failed the CPE audit for the three year period ending June 30, 2011, by not submitting sufficient documentation for all claimed CPE.
15. The above described conduct constitutes grounds for disciplinary action in South Dakota against Wehking.
16. Wehking is aware that he may choose to be represented by legal counsel in this matter.
17. Wehking 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.
18. Wehking admits that the violations described in this Consent Agreement are true and accurate, and Wehking admits to having violated South Dakota Law and Administrative Rules of South Dakota.

19. In return Wehking'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.
20. Wehking agrees, in lieu of contesting this matter formally, to voluntarily accept the following terms and conditions for entry of this Consent Agreement:
 - a. Wehking will have 1 hour of CPE rolled back from the period ending June 30, 2012, into the period ending June 30, 2011. A CPE extension will be placed on his file for period ending June 30, 2011;
 - b. Wehking shall submit proof of completion for all claimed CPE courses taken for the next three renewal periods;
 - c. Wehking will not be eligible for an extension to complete CPE for the next three renewal periods;
 - d. Wehking 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.
21. If Wehking fails to comply with the terms or conditions of this Consent Agreement, the Board may initiate formal disciplinary action against him.
22. Wehking 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.
23. Wehking 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, Wehking 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.

24. Wehking 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.
25. Wehking 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.
26. Wehking 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. Wehking is not relying on any other representations of any kind, verbal or otherwise.
27. If this Consent Agreement is approved by the Board, a copy of the executed Consent Agreement will be served by first class mail to Wehking, at the address 26477 487th Avenue, Valley Springs, SD 57068.

Dated this 5 day of March, 2013.


Jay P. Wehking, CPA

Dated this 27 day of March, 2013.


John Mitchell, Chair
South Dakota Board of Accountancy