



ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

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D. Boyd Busby, CPA
Executive Director

CERTIFIED MAIL 7018 3090 0002 0156 4235

February 3, 2022

Mr Maxwell H Pulliam
301 N 19th St
The Kress Bldg Ste 519
Birmingham AL 35203

RE: Fochtman, Curt W.
Certificate No. 3513
Case No. 21-14

Dear Mr. Pulliam:

Attached is an Order by the Alabama State Board of Public Accountancy ("the Board") dated January 21, 2022. The Order requires that your client, Curt W. Fochtman, surrender his Alabama CPA Certificate No. 3513, fines him, and requires the return of the surrendered CPA Certificate to the Board, for violating Ala. Code (1975) §§ 34-1-12(a)(8), Suspension or revocation of the right to practice before any state or federal agency.

This Board action requires that Mr. Fochtman surrender his Alabama CPA Certificate. The Board Order also requires the return of the surrendered CPA Certificate to this office. We respectfully request that he makes a diligent search for the Certificate and return it to the Board office by close of business on February 21, 2022. The administrative fine of \$100.00 agreed to in the Consent Agreement has already been received by the Board.

Section 34-1-15 of the Code of Alabama 1975 does provide for reinstatement of the CPA Certificate. This section states that upon application to the Board in writing after hearing, pursuant to notice, the Board may reinstate the revoked CPA Certificate. Section 34-1-11(d) of the Code of Alabama 1975 complements Section 34-1-15 by providing monetary requirements of registrants who have been revoked and are seeking reinstatement. This section states that the Board may impose a reinstatement fee not to exceed \$100.00, plus the annual registration fee for the fiscal year of requested reinstatement. The Board will not consider reinstatement requests until all fines and penalties have been paid and the completion of the NASBA Center for the Public Trust (CPT) Ethical Leadership Training course.

If you want to be considered for reinstatement or have other questions, please contact me at the number shown above.

Sincerely,

D. Boyd Busby, CPA
Executive Director

DBB/tt

Attachment

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
CURT W. FOCHTMANN, CPA) CASE NO. 21-14
CERTIFICATE NO. 3513)
RESPONDENT.)

ORDER

COMES NOW the Alabama State Board of Public Accountancy ("the Board"), and, following a full and fair hearing before the Board on January 21, 2022, in Montgomery, in the matter of the complaint against CURT W. FOCHTMANN, CPA, Certificate No. 3513 makes the following Findings of Facts and Conclusions of Law in support of this Order.

FINDINGS OF FACT

1. On August 2, 2021, the Respondent entered into a consent agreement styled United States of America before the Securities and Exchange Commission Administrative Proceeding File No. 3-20447 Order Instituting Public Administrative and Cease-and-Desist Proceedings pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of The Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (The Order).
2. The Order states that the Respondent's violations were that he engaged in improper professional conduct within the meaning of Section 4C(a)(2) of the Exchange Act and Rules 102(e)(1)(ii) and 102(e)(1)(iv)(B) of the Commission's Rules of Practice.
3. As a Result of these findings, the Respondent agreed that he shall cease and desist from committing or causing any violations and any future violations of Rule 2-02(b) of Regulation S-X, is denied the privilege of appearing or practicing before the Commission as an accountant and fined \$15,000.

CONCLUSIONS OF LAW

The Board finds that the facts as established in the signed Consent Agreement, as presented at the hearing, and outlined above, constitute a violation of Sections 34-1-1, et seq., Code of Alabama 1975, as follows:

4. Respondent admits he is subject to the provisions of the ALA. CODE (1975) §§ 34-1-1-22 and the jurisdiction of the Board.

5. Respondent stipulates that his conduct as set for in the "Findings of Fact" constitutes a violation of the following statute: ALA. CODE (1975) §§ 34-1-12(a)(8).

6. Respondent stipulates that his consent to the entry of an Order Instituting Public Administrative and Cease-and-Desist Proceedings Pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions and Cease-and-Desist Order is a violation of one or more of those statutes and/or rules set forth above and is subject to disciplinary action by the Board.

It is therefore ORDERED, ADJUDGED and DECREED by this Board that the license, registration, certificate and/or permit to practice of the Respondent SURRENDER, that the Respondent complete the following and provide proof of completion within thirty (30) days of this Order: fined one hundred dollars (\$100.00), and return the surrendered Certified Public Accountant Certificate (wall certificate).

DONE this 21st day of January 2022.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

CONCUR:

MS. SHEPPARD-HARRIS AND
MESSRS. BLACKMON, KINTZ, AND MADISON

RECUSED:

DR. GRICE

ATTEST:



D. Boyd Busby, CPA
Executive Director

Signed on February 3, 2021

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
CURT W. FOCHTMANN, CPA) CASE NO. 21-14
CERTIFICATE NO. 3513)
RESPONDENT.)

CONSENT AGREEMENT

Curt W. Fochtmann, an Alabama Certified Public Accountant (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval by the Alabama State Board of Public Accountancy (hereinafter referred to as the "Board"), as follows:

STIPULATED FACTS

1. On August 2, 2021, the Respondent entered into a consent agreement styled United States of America Before the Securities and Exchange Commission Administrative Proceeding File No, 3-20447 Order Instituting Public Administrative and Cease-and-Desist Proceedings pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of The Commission's Rules of Practice, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (The Order).

2. The Order states that the Respondent's violations were that he engaged in improper professional conduct within the meaning of Section 4C(a)(2) of the Exchange Act and Rules 102(e)(1)(ii) and 102(e)(1)(iv)(B) of the Commission's Rules of Practice.

3. As a Results of these findings, the Respondent agreed that he shall cease and desist from committing or causing any violations and any future violations of Rule 2-02(b) of Regulation S-X, is denied the privilege of appearing or practicing before the Commission as an accountant and fined \$15,000.

STIPULATED CONCLUSIONS OF LAW

4. Respondent admits he is subject to the provisions of the ALA. CODE (1975) §§ 34-1-1 – 22 and the jurisdiction of the Board.

5. Respondent stipulates that his conduct as set forth in the “Stipulated Facts” constitutes a violation of the following statute: ALA. CODE (1975) §§ 34-1-12(a)(8).

6. Respondent stipulates that his consent to the entry of an Order Instituting Public Administrative and Cease-and-Desist Proceedings Pursuant to Sections 4C and 21C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission’s Rules of Practice, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order is a violation of one or more of those statutes and/or rules set forth above and is subject to disciplinary action by the Board.

STIPULATED DISPOSITION

7. Respondent shall refrain from violating the provisions of Title 34, Chapter 1, ALA. CODE (1975).

8. Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information may be placed on the Board’s website and in its newsletter.

10. Respondent shall submit to the Board an administrative fine of \$100.00 (one-hundred dollars). The fine is due within 30 days of the Board’s acceptance of this agreement.

11. Respondent agrees to surrender his Alabama Certified Public Accountant Certificate upon execution of this consent agreement. Respondent agrees to return his Alabama Certified Public Accountant Certificate (wall certificate) within 30 days of the Board’s acceptance of this agreement.

12. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

13. Respondent agrees to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

14. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that the discussion will take place at a regularly scheduled meeting of the Board.

15. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against his, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

16. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

17. Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this

matter should one be necessary. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission and all stipulations hereinabove are thereby rescinded.

FOR THE BOARD

1-21-2022
DATE

Billington M. Garrett
BILLINGTON M. GARRETT, Esq.
General Counsel

FOR THE RESPONDENT

01/07/2022
DATE

Curt W. Fohtmann
CURT W. FOCHTMANN
Maxwell H. Pulliam
MAXWELL H. PULLIAM
Attorney for the Respondent

State of North Carolina

County of Mecklenburg

Subscribed and sworn to before me, a Notary Public on this 7 day of January, 2022.



Staci W. Brown
Notary Public
My Commission Expires: 01-31-2023