



ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

RSA Plaza Suite 236
770 Washington Avenue
P. O. Box 300375
Montgomery, AL 36130-0375
334/242-5700
Fax 334/242-2711

J. LAMAR HARRIS, CPA
EXECUTIVE DIRECTOR

October 1, 1999

CERTIFIED MAIL P141992016

Mr. Phillip D. Morgan
112 Kentwood Lane
Alabaster, AL 35007

RE: Morgan, Phillip D.,
Certificate No. 4796;
Case No. 99-2.

Dear Mr. Morgan:

Attached is the Final Order by the Alabama State Board of Public Accountancy ("the Board") dated September 24, 1999. The order suspends your Alabama CPA Certificate No. 4796 and your Permit To Practice No. 3095 for nine months from the date of the order. The order also fines you \$1,000.00, requires the return of your CPA Certificate to the Board, requires you to disassociate yourself professionally from the firm Moody & Morgan, P.C. and Mr. James R. Moody, and requires you to complete the AICPA self-study course entitled "Professional Ethics For CPAs".

This Board action also requires that you cease holding yourself out as a Certified Public Accountant and discontinue any practice of public accounting in the State of Alabama for nine months from the date of the order.

We hereby acknowledge that on September 24, 1999 we received from you Cashier's Check No. 180000847 dated September 22, 1999 in the amount of \$1,000.00 drawn on Regions Bank representing payment in full of the fine levied in the Board's Final Order. We also acknowledge receipt from you on the same date your framed Alabama CPA Certificate No. 4796 and your 1998-99 Permit To Practice No. 3095.

If you have any questions, please call me at 1-800-435-9743.

Sincerely,



J. Lamar Harris, CPA
Executive Director

JLH/CAMORGAN3.DOC

Attachment

cc: Mr. Robert D. Tambling, Esq.
Mr. Reneau P. Almon, Esq.

BEFORE THE ALABAMA STATE
BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF)
THE COMPLAINT AGAINST:)
PHILLIP D. MORGAN, CPA) CASE NO. 99-2
CERTIFICATE NO. 4796)
RESPONDENT.)

FINAL ORDER

THIS CAUSE came to be heard before the Alabama State Board of Public Accountancy (the "Board"), on September 24, 1999 in Montgomery, Alabama. Mr. Phillip D. Morgan offered a signed Consent Order and Waiver which was ACCEPTED by the Board and is incorporated herein by reference.

It is therefore ORDERED, ADJUDGED and DECREED by the Board that the provisions set forth in the aforesaid Consent Order are hereby approved and that the terms and conditions thereof shall become effective immediately.

DONE this 24th day of September, 1999.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

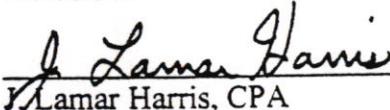
CONCUR:

MESSRS. LAWRENCE, BATSON,
MCCULLAR, WHITE AND MS. BOLLINGER

ABSTAIN:

MR. DELOACH

ATTEST:


Lamar Harris, CPA
Executive Director
October 1, 1999

**BEFORE THE ALABAMA STATE
BOARD OF PUBLIC ACCOUNTANCY**

IN THE MATTER OF)	
THE INVESTIGATION OF)	
PHILLIP D. MORGAN, CPA)	CASE NO. 99-2
CERTIFICATE NO. 4796)	
)	
RESPONDENT.)	

CONSENT ORDER

The Alabama State Board of Public Accountancy (the "Board"), by and through its undersigned counsel, Robert D. Tambling, and Mr. Phillip D. Morgan ("Respondent"), by and through his attorney, agree to the Stipulation and Findings of Fact set forth below and hereby consent to the entry of this order, subject to the approval of the Board, without further adjudication of any factual or legal issues which could or may be raised by the filing of an Administrative Complaint before the Board.

STIPULATION AND FINDINGS OF FACT

1. The Board has acquired and maintains jurisdiction over Respondent by virtue of *Code of Alabama 1975, §34-1-1 et seq. (Public Accountancy Act Of 1973)*, and the rules and regulations promulgated thereunder. Respondent acknowledges and herein submits to the jurisdiction of the Board.

2. Respondent has been fully advised of his rights in this matter by his attorney, including the right to a fair hearing pursuant to the Alabama Administrative Procedure Act, *Code of Alabama 1975 §41-22-20 et seq.*, and the Public Accountancy Act of 1973, *Code of Alabama 1975 §34-1-1 et seq.*

3. Respondent understands that by submitting to this Consent Order he is waiving his rights as set forth herein, thus enabling the Board to adopt and enter this Consent Order without further process.

4. For purposes of this proceeding between the Board and Respondent, and for no other purpose or proceeding, Respondent admits the truth of the factual allegations made against him in the above-styled Summons and Complaint. The Summons and Complaint filed in this case is incorporated herein by reference and is attached as Exhibit A.

5. Respondent understands that the Stipulation and Findings of Fact herein are subject to adoption or rejection by the Board. It is understood that, in deciding whether to adopt the Stipulation and Findings of Fact, the Board may receive oral or written communications from its staff, experts, attorney, or others. Such communications shall not disqualify the Board, staff, experts, attorney, or others from participating in this or other matters affecting Respondent.

6. It is agreed by all parties and the Board that, should the Board decline to approve this settlement, then this Consent Order and Waiver shall become null and void and the Respondent shall have all the rights and privileges under the laws of the State of Alabama and United States of America.

ORDER

Based upon the above referenced Stipulation and Findings of Fact, and Waiver attached hereto, Respondent stipulates that the Board may enter the following disciplinary order:

A. Respondent's certificate and permit to practice public accountancy as a Certified Public Accountant ("CPA") and/or Public Accountant in this State is suspended for a period of nine (9) months effective immediately. Respondent will return his CPA certificate to the Board immediately upon entry of this Order.

B. Respondent is ordered to pay an administrative fine in the amount of one thousand (\$1,000.00) dollars. Payment of the administrative fine shall be made payable to the Alabama State Board of Public Accountancy in the form of a cashier's check or

money order. Payment shall be made immediately upon entry of this Order.

C. Respondent will disassociate himself professionally from the firm Moody & Morgan, P.C., and from his current business partner, James R. Moody, during and throughout the period of suspension imposed. Provided however, Respondent will have two weeks from the entry of this order to effect his disassociation from Moody and the firm.

D. During his period of suspension Respondent will complete an American Institute Of Certified Public Accountants ("AICPA") self study course entitled *Professional Ethics For CPA's*. Written evidence of satisfactory completion of the above-described course shall be submitted to the Board on or before May 31, 2000.

E. Official public notice of Respondent's suspension from the practice of public accountancy shall be subject to a one-time publication in each of four major daily newspapers published in the cities of Huntsville, Birmingham, Mobile, and Montgomery, Alabama.

F. Upon timely completion of all terms and conditions of this Consent Agreement, and submission of a completed 1999-2000 registration form and annual registration fee, the period of suspension imposed herein will be lifted and Respondent's

certificate shall be returned and his permit to practice shall be issued on or about June 24, 2000 without further action of the Board.

FOR THE BOARD

9-14-99

Date



ROBERT D. TAMBLING
Attorney for the Alabama State
Board of Public Accountancy

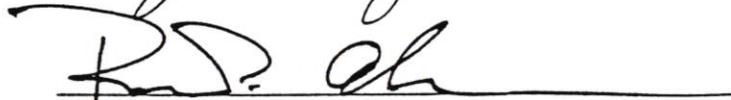
FOR THE RESPONDENT

9.10.99

Date



PHILLIP D. MORGAN

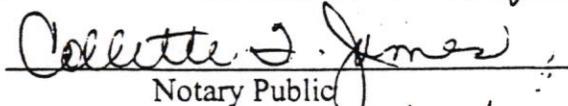


RENEAU ALMON
Attorney for Respondent
White, Dunn & Booker

State of Alabama

County of Jefferson
by Phillip D. Morgan

Subscribed and sworn to before me, a Notary Public on this 10th day of Sept., 1999.



Notary Public

My Commission Expires: 3/20/2000

WAIVER

I have read the Consent Order set forth above and understand and agree to the terms and conditions set forth therein. I understand that I am waving certain rights accorded to me by the Alabama Administrative Procedure Act, *Code of Alabama* 1975 §41-22-1 *et seq.*, and the Public Accountancy Act of 1973, *Code of Alabama* 1975 §34-1-1 *et seq.*, including the right to a hearing in this matter, the right to confront and cross examine witnesses who would testify against me, the right to testify and contest the charges and allegations which could be brought against me, the right to petition for reconsideration of the Board's decision and the right to seek review of that decision by the Courts of this State. I understand that by entering into this Consent Order I am enabling the Board to issue an order imposing upon me the conditions recited herein without further process or proceedings. I knowingly and intelligently waive all of the above rights and any other rights which may be accorded to me by the Alabama Administrative Procedure Act, the Public Accountancy Act of 1973, or other laws.

9-10-99
DATE

Phillip E. Morgan
PHILLIP E. MORGAN

9-10-99
DATE

Jay [Signature]
WITNESS

State of Alabama

County of Jefferson

Subscribed and sworn to before me, a Notary Public on this 10th day of Sept., 1999.

Collette S. James
Notary Public

My Commission Expires: 3/20/2000