



D. Boyd Busby, CPA  
Executive Director

Carol J. Preston, CPA  
Deputy Executive Director

# ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

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P.O. Box 300375  
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February 1, 2017

CERTIFIED MAIL 91 7199 9991 7030 3171 4266

Mr Robert E Phelps  
2309 Sea Cliff N  
Daphne AL 36526

Dear Mr. Phelps:

Attached is an Order by the Alabama State Board of Public Accountancy ("the Board") dated February 1, 2017. The Order revokes your Alabama CPA Certificate No. 7403 and permit to practice, fines you \$2,000.00, and requires the return of the revoked CPA Certificate to the Board office by February 28, 2017, for failure to apply for an annual permit within one year of September 30, 2015, the expiration date of your annual permit.

This Board action requires that you cease holding yourself out as a Certified Public Accountant and discontinue any practice of public accounting in the State of Alabama. The Board Order also requires the return of the revoked CPA Certificate to this office. We respectfully request that you make a diligent search for the CPA Certificate and return it to the Board office by February 28, 2017. The administrative fine of \$2,000.00 is now due and your check should be made payable to the Alabama State Board of Public Accountancy and mailed to the Board at the address shown above. Please be aware that you are subject to a follow up review to verify compliance with the Board Order.

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of the Code of Alabama 1975 complements Section 34-1-15 by providing monetary requirements of registrants who have been revoked and are seeking reinstatement.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 total annual registration fees and late renewal penalties which the CPA would have paid during the period when neither a permit nor inactive status was maintained. The Board has directed that the maximum fees and penalties allowed by law must be submitted to obtain favorable consideration for reinstatement. The Board also directed that, in addition to the reinstatement requirements delineated herein, that you must also register and pay all fees and late penalties due for each and every fiscal year subsequent to fiscal year 2014-2015.

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

CJP/t:\BOARD ORDERS\17D-39Phelps

Attachment

cc: Mr. Billington Garrett, Esq.

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE )  
COMPLAINT AGAINST: )  
ROBERT E PHELPS, CPA ) CASE NO. 17D-39  
CERTIFICATE NO. 7403 )  
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 13, 2017, in Montgomery, in the matter of the complaint against ROBERT E PHELPS, CPA, Certificate No. 7403, makes the following Findings of Facts and Conclusions of Law in support of this Order.

FINDINGS OF FACT

1. Respondent is a Certified Public Accountant in the State of Alabama and was so registered at all time relevant to the complaint.
2. Respondent was provided notice of the hearing by certified mail, return receipt requested, and regular first class mail to the most recent address on file with the Board.
3. The certified mail was returned to the board office, marked "RETURN TO SENDER INSUFFICIENT ADDRESS UNABLE TO FORWARD," by the U.S. Postal Service.
4. Respondent failed to attend the hearing. The hearing was conducted in Respondent's absence, as provided in Section 34-1-14 (c) and Section 41-22-12 (d), Code of Alabama 1975.

5. Documentary evidence designated as Board's Exhibits 1-6 was admitted into evidence and published to the Board.

6. Documentary evidence presented at the hearing established that Respondent's annual permit to practice expired on September 30, 2015. Respondent has failed to renew the annual permit to practice as of the date of the hearing in this matter.

### CONCLUSIONS OF LAW

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

1. The acts of Respondent constitute the failure to apply for an annual permit within one year of the expiration date of the permit and/or failure to apply for an annual permit to practice on or before September 30, 2016, in violation of Section 34-1-11 and Section 34-1-12(a) (10) Code of Alabama 1975.

2. The acts of the Respondent constitute a violation of Section 34-1-1, et seq., Code of Alabama 1975, and of the rules and regulations of the Board, specifically, Board Rules 30-X-3-.01, et seq. (Registration, Annual Permits, Branch Offices).

3. The acts of the Respondent constitute a violation of the rules of professional conduct established by the Board, specifically, Board Rule 30-X-6-.05(8), in violation of Section 34-1-12 (a)(4), Code of Alabama 1975.

It is therefore ORDERED, ADJUDGED and DECREED by this Board that the license, registration, certificate and/or permit to practice of the Respondent be REVOKED, that Respondent be fined two thousand dollars (\$2,000.00) and that Respondent return the revoked Certified Public Accountant Certificate to the Board office within thirty (30) days of this Order.

DONE this 13th day of January 2017.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

CONCUR:

MS. SHEPPARD-HARRIS AND  
MESSRS. BARRANCO, BLACKMON,  
COMER, GRICE, MADISON, AND  
SINGLETARY,

ATTEST:



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D. Boyd Busby, CPA  
Executive Director  
February 1, 2017