

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
DAVID ALLEN BOWERS, CPA) CASE NO. 11-3
CERTIFICATE NO. 3318)
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, 2011, makes the following Findings of Fact and Conclusions of Law in the above styled case.

FINDINGS OF FACT

1. Respondent is a duly Certified Public Accountant in the State of Alabama, and was so registered at all times 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 receipt was signed and returned to the Board by the U.S. Postal Service.
4. Respondent attended the hearing and presented oral testimony on his own behalf.
5. Documentary evidence designated as Boards' Exhibits 1-7 were admitted into evidence and published to the Board.
6. The evidence presented at the hearing established that on May 6, 2010, the Circuit Court of Morgan County, Alabama, based upon Respondent's plea of guilty, adjudged the Respondent guilty of the felony offense of Theft of Property in the First Degree, in violation of

Section 13A-8-3 of the Code of Alabama 1975.

7. The evidence presented at the hearing established that the Respondent was sentenced to twenty years imprisonment; however, the sentence was suspended and he was ordered to make restitution of \$1,113,431.00.

8. The Board finds that Respondent's conviction of the felony offense of Theft of Property in the First Degree, constitutes sufficient evidence that he committed acts or engaged in conduct discreditable to the public accounting profession.

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 the Respondent constitute a violation of the *Rules of Professional Conduct* established by the Board, specifically, Board Rule 30-X-6-.05(1), which is a cause for revocation under Section 34-1-12(a)(4), Code of Alabama 1975.

2. The Respondent committed acts or engaged in conduct discreditable to the public accounting profession, which is a cause for revocation under Section 34-1-12(a)(11), Code of Alabama 1975.

3. The acts of the Respondent resulted in his conviction of a felony offense under the laws of the State of Alabama, which is a cause for revocation under Section 34-1-12(a)(6), Code of Alabama 1975.

4. The acts of the Respondent resulting in a felony conviction for Theft of Property in the First Degree constitutes dishonesty or fraud under the laws of the State of Alabama, which is a cause for revocation under Section 34-1-12(a)(5), Code of Alabama 1975.

CONCLUSION

Based on the Findings of Fact and Conclusions of Law set forth above, the Board finds that the Respondent is guilty of all charges alleged in the Board's Complaint and, thus, his Certified Public Accountant Certificate and permit to practice are due to be revoked on each of the charges, separately and severally.

It is therefore ORDERED, ADJUDGED and DECREED by this Board that the Certified Public Accountant Certificate and permit to practice of the Respondent be REVOKED, that Respondent is fined five thousand dollars (\$5,000.00) per violation for each of the three violations in the Board's Complaint for a total fine of fifteen thousand dollars (\$15,000.00), and that Respondent return the revoked Certified Public Accountant Certificate and permit to practice to the Board office within thirty (30) days of this Order.

DONE this 21st day of January 2011.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

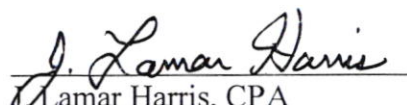
CONCUR:

MESSRS. D'OLIVE, ODOM
PATTERSON, SCOTT,
SINGLETARY AND WRIGHT

RECUSED:

MR. RICHARDS

ATTEST:


Lamar Harris, CPA
Executive Director
February 8, 2011