

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE )  
COMPLAINT AGAINST: )  
THOMAS J. MILLS, CPA ) CASE NO. 10-16  
CERTIFICATE NO. 4488 )  
RESPONDENT. )

**ORDER**

COMES NOW the Alabama State Board of Public Accountancy ("the Board"), and following a full and fair hearing before the Board on November 8, 2010, 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 was returned to the Board by the U.S. Postal Service marked unclaimed; however, the first class mail was not returned to the Board.
4. Respondent failed to attend the hearing. The hearing was conducted in his absence, as provided in Section 34-1-14(c) and Section 41-22-12(d), Code of Alabama 1975.
5. Documentary evidence designated as Boards' Exhibits 1-6 were admitted into evidence and published to the Board.
6. The evidence presented at the hearing established that on August 13, 2010, the United States District Court, Middle District of Alabama adjudged the Respondent guilty of two felony

counts of Bank Fraud, in violation of 18 U.S.C. § 1344.

7. The evidence presented at the hearing established that the Respondent admitted in a plea agreement that he had written a \$150,000.00 check on one of his employer's checking accounts knowing it was worthless yet deposited the check in another checking account of his employer at a different bank where the funds were spent, resulting in an overdraft of \$149,699.23 in the checking account where the funds were spent. The Respondent also admitted in the plea agreement that between May 2008 and continuing through March 2010 he had embezzled funds from one of his employers by making, without authority, checks payable to himself, and then endorsing the checks and depositing them into his bank account.

8. The evidence presented at the hearing established that on August 19, 2010, the Board notified the Respondent by certified letter that the Board had been informed of the felony convictions and the plea agreement and requested the Respondent respond to the Board with written comments by September 20, 2010, regarding the matter. The Board did not receive any written response from the Respondent by September 20, 2010, and has not received any such response as of the date of the hearing in this matter.

9. The Board finds that Respondent's conviction of the felony offenses of Bank Fraud, 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 felony offenses under the laws of the United States, 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 felony convictions for Bank Fraud constitute dishonesty or fraud under the laws of the United States, which is a cause for revocation under Section 34-1-12(a)(5), Code of Alabama 1975.

5. The acts of the Respondent constitute a violation of Board Rule 30-X-7-.11, which is a cause for revocation under Section 34-1-12(a)(14), 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 is 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 four violations

in the Board's Complaint for a total fine of twenty thousand dollars (\$20,000.00), 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 8th day of November 2010.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

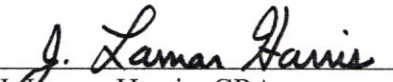
CONCUR:

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

RECUSED:

MR. SINGLETARY

ATTEST:

  
\_\_\_\_\_  
J. Lamar Harris, CPA  
Executive Director  
November 23, 2010