

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
HARVEY L. SMITH, CPA) Case No. 03R-74
CERTIFICATE NO. 2029-R)
d/b/a HARVEY L. SMITH &)
COMPANY, PC)
FIRM NO. 1384)
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 16, 2003, in Montgomery, in the matter of the complaint against Harvey L. Smith, CPA, Certificate No. 2029-R, d/b/a Harvey L. Smith & Company, PC, Firm No. 1384, 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 doing business as a Certified Public Accountant firm, 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 receipt was signed and returned to the Board by the U.S. Postal Service.
4. Respondent attended the hearing and presented oral argument on his own behalf.

5. Documentary evidence designated as Boards' Exhibits 1 through 5 were admitted into evidence and published to the Board.

6. Documentary evidence presented at the hearing established that Respondent failed to complete the requirements of the Practice Review Program established by the Board as specifically set forth in Board rules and regulations, Sections 30-X-8.01 et seq., (Practice Review Program).

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. Respondent has failed to satisfy the Practice Review requirements set forth in Board Rule 30-X-8-.03(5) by failing to notify the Board that a Practice Review was completed not less than each third fiscal year and/or by failing to obtain a Practice Review by December 31 following the end of the third fiscal year since the last submission.

2. Respondent's failure to satisfy the requirements of the Practice Review Program constitute a violation of the rules and regulations of the Board, specifically, Board Rules 30-X-8-.01, et seq. (Practice Review Program), in violation of Section 34-1-12(a)(13), Code of Alabama 1975.

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 one thousand dollars (\$1,000.00) 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 16th day of January 2003.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

CONCUR:

MESSRS. CARDEN, DeLOACH,
KASSOUF, PATTERSON,
AND MS. INGRAM

ATTEST:



J. Lamar Harris, CPA
Executive Director
January 27, 2003