



D. Boyd Busby, CPA
Executive Director

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

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July 30, 2019

CERTIFIED MAIL 7016 2140 0000 8815 1879

Mr Kevin Oscar Toth
2625 5th Ave N Bldg C
Bessemer AL 35020-4169

Dear Mr. Toth:

Attached is an Order by the Alabama State Board of Public Accountancy ("the Board") dated July 30, 2019. The Order revokes your Alabama CPA Certificate No. 12525-R and permit to practice, fines you \$2,000.00, and requires the return of the revoked CPA Certificate to the Board office by August 19, 2019, for failure to apply for an annual permit within six months of September 30, 2018, 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 August 19, 2019. The administrative fine of \$2,000.00 is now due and your cashier's check or money order 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of the Code of Alabama 1975 complements Section 34-1-15 by providing monetary requirements of registrants who have been revoked and are seeking reinstatement.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, you must also register and pay all fees and late penalties due for each and every fiscal year subsequent to fiscal year 2017-2018 and that you must also complete the NASBA CPT Ethics Training Course.

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

Attachment
cc: Mr. Billington Garrett, Esq.

6. Documentary evidence presented at the hearing established that Respondent's annual permit to practice expired on September 30, 2018. 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 six months of the expiration date of the permit and/or failure to apply for an annual permit to practice on or before March 31, 2019, 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 18th day of July 2019.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

CONCUR:

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

ATTEST:



D. Boyd Busby, CPA
Executive Director
July 30, 2019