

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF)
THE COMPLAINT AGAINST:)
KRISTIN RETZKE MCCRACKEN, CPA) CASE NO. 17-22
CERTIFICATE NO. 10757-R)
RESPONDENT.)

CONSENT AGREEMENT

The Alabama State Board of Public Accountancy, ("Board"), having evidence that Kristin Retzke McCracken, (Respondent) is in violation of the Board's *Rules of Professional Conduct* governing the Accounting Profession, specifically, Rule 30-X-6-.05(1) (*Conduct in General*). The Respondent, desiring to avoid the necessity of a formal hearing, does hereby enter into this Consent Agreement. By waiver dated June 7, 2018 (attached), Respondent acknowledged her understanding that she had a right to a formal hearing in this matter, and by her signature, knowingly waived such right.

ALLEGATIONS

The investigative committee of the Board hereby proffers the following charges and factual allegations in support of this Consent Agreement.

2. Respondent Kristin Retzke McCracken is a Certified Public Accountant in the State of Alabama.

3. On April 13, 2017, the Respondent, was arrested by the Mobile Police Department and charged with Theft of Property 1st Degree and Credit Card Possession, Fraudulent Use in the District Court of Mobile County, Alabama. On August 10, 2017, the Respondent made restitution of \$87,594.96 to a former employer, the Mobile Downtown Alliance, styled Restitution Form, State of Alabama vs. Kristin McCracken, Case Number DC17-

3545. A copy of the arrest record and Restitution Form are attached to this complaint as exhibits.

STIPULATIONS

3. The Board has acquired and maintains jurisdiction over Respondent by virtue of the licensing and disciplinary provisions governing the Public Accounting Profession, *Code of Alabama 1975, § 34-1-1 et seq.*

4. Respondent has been fully advised of his rights in this matter, including the right to a fair hearing pursuant to the Alabama Administrative Procedure Act, *Code of Alabama 1975, § 41-22-20, et seq.* and *Code of Alabama 1975, § 34-1-1 et seq.*

5. Respondent understands that by submitting to this Consent Agreement she is waiving her rights as set forth herein, thus enabling the Board to adopt and enter this Consent Agreement without further process.

6. Respondent understands that the terms of this Consent Agreement are subject to adoption or rejection by the Board. It is understood that, in deciding whether to enter into the Consent Agreement, the Board may receive oral and/or written communications from its staff, experts, attorney, or others regarding the allegations set forth above. Such communications shall not disqualify the Board, staff, experts, attorney, or others from participating in this or other matters affecting Respondent, including a hearing, if necessary, on the underlying charges, which provide the basis for this Consent Order.


7. If it is determined by the Board or its staff that Respondent has not fully complied with the terms and conditions of this Consent Agreement, Respondent understands that the Board may file a formal complaint and hold a disciplinary hearing against Respondent on the charges or factual allegations recited herein.

ORDER

Based upon the above referenced Allegations and Stipulations and Waiver attached hereto, Respondent stipulates that the Board may enter the following disciplinary order. The Board hereby revokes Respondent's certificate as a Certified Public Accountant in this State. Respondent agrees to surrender her Alabama Certified Public Accountant Certificate upon execution of this Consent Agreement. In addition, Respondent agrees to pay an administrative fine to the Board in the amount of \$5000.00 (five thousand dollars) to be paid within twelve months of the Board's acceptance of this settlement.



FOR THE BOARD

6-18-18
DATE


BILLINGTON M. GARRETT, Esq.
Assistant Attorney General, Office of the
Attorney General

FOR THE RESPONDENT

6-7-18
DATE

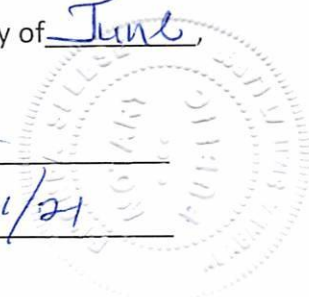

KRISTIN RETZKE MCCRACKEN

DANIEL L. McCLEAVE, Esq.
Attorney for the Respondent

State of Alabama

County of Mobile

Subscribed and sworn to before me, a Notary Public on this 7th day of June, 2018.


Notary Public
My Commission Expires: 3/1/21



WAIVER

I have read the Consent Agreement set forth above and understand and agree to the terms and conditions set forth therein. I understand that I am waiving certain rights accorded to me by the Alabama Administrative Procedure Act, *Code of Alabama* 1975, § 41-22-1 *et seq.*, and the Public Accountancy Act of 1973, *Code of Alabama* 1975, § 34-1-1 *et seq.*, including the right to a hearing in this matter, the right to confront and cross examine witnesses who would testify against me, the right to testify and contest the charges and allegations which could be brought against me, the right to petition for reconsideration of the Board's decision and the right to seek review of that decision by the Courts of this State. I understand that by entering into this Consent Agreement I am enabling the Board to issue an order imposing upon me the conditions recited herein without further process or proceedings. I knowingly and intelligently waive all of the above rights and any other rights which may be accorded to me by the Alabama Administrative Procedure Act, *Code of Alabama* 1975, § 41-22-1 *et seq.*, the Public Accountancy Act of 1973, *Code of Alabama* 1975, § 34-1-1 *et seq.*, or other laws. I further understand that, if it is determined by the Board or its staff that I have not fully complied with the terms and conditions of the above Consent Agreement, the Board may file a formal complaint and hold a disciplinary hearing against me based upon the allegations recited in the Consent Agreement.

6-7-18
DATE

6/7/18
DATE

State of Alabama
County of Mobile

Kristin Retzke McCracken
KRISTIN RETZKE MCCRACKEN

[Signature]
WITNESS

Subscribed and sworn to before me, a Notary Public on this 7th day of June, 2018.

[Signature]
Notary Public
My Commission Expires: 3/1/21

