

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

RSA Plaza Suite 226
770 Washington Avenue
Montgomery, AL 36104-3807

334/242-5700
In-state WATS: 1-800-435-9743
Fax: 334/242-2711
www.asbpa.alabama.gov

Mailing Address
P.O. Box 300375
Montgomery, AL 36130-0375

D. Boyd Busby, CPA
Executive Director

December 4, 2020

CERTIFIED MAIL 7016 2140 0000 8815 3323

VICTOR A MERKEL CPA
COMMUNITY LOANS OF AMERICA INC
250 BOYD DR
GADSDEN AL 35901

RE: Merkel, Victor A., CPA
Certificate No. 5736
Case No. 20CPE-14

Dear Mr. Merkel:

Enclosed is the Final Order by the Alabama State Board of Public Accountancy ("the Board") dated November 20, 2020. The Order fines you \$650.00, requires that you be audited for two additional years, and that you complete the NASBA CPT Ethics Training Course within 45 days. Additionally, the Order requires that you resolve all CPE deficiencies for fiscal year ending September 30, 2019, with current year CPE. The CPE used to resolve the 2019 deficiency may not be used for fiscal year 2020 compliance.

The administrative fine of \$650.00 is due within 30 days from the Board meeting 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. If you have not already completed the NASBA CPT Ethics Training Course, you may find the link on the Board's web site. If you have questions, please contact me at the number shown above.

Sincerely,

D. Boyd Busby, CPA
Executive Director

DBB/tt

Enclosure

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
VICTOR A MERKEL, CPA) CASE NO. 20CPE-14
CERTIFICATE NO. 5736)
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 20, 2020, in Montgomery, AL, in the matter of the complaint against VICTOR A MERKEL, CPA, Certificate No. 5736, 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 and was always so registered relevant to this complaint.
2. Respondent reported 40.5 hours of Continuing Professional Education (hereinafter referred to "CPE") on the respondent's 2019-2020 Registration.
3. Respondent was unable to document completion of courses claimed for 2 hours of CPE.

CONCLUSIONS OF LAW

The Board finds that the facts as established in the signed Consent Agreement, as presented at the hearing and outlined above, constitute a violation of Sections 34-1-1, et seq., Code of Alabama 1975, as follows:

1. Respondent admits he is subject to the provisions of the ALA. CODE (1975) §§ 34-1-1 – 22 and the jurisdiction of the Board.

2. Respondent stipulates that his conduct as set for in the “Findings of Facts” constitutes a violation of one or more of the following statutes and administrative rules: ALA. CODE (1975) §§ 34-1-11(c), 34-1-12(a)(11), and 34-1-12(a)(12); and/or ALA. ADMIN. CODE r. 30-X-5-.02 and 30-X-5-.05(1).

3. Respondent stipulates that his failure to fully comply with CPE attendance and/or reporting requirements is a violation of one or more of those statutes and/or rules set forth above and is subject to disciplinary action by the Board.

It is therefore ORDERED, ADJUDGED and DECREED by this Board that the Respondent be fined six hundred fifty dollars (\$650.00) within 30 days, requires him to resolve all CPE deficiencies for fiscal year ending September 30, 2019, with current year CPE, and requires him to complete the NASBA CPT Ethics Training Course within 45 days. The CPE used to resolve the 2019 deficiency may not be used for fiscal year 2020 compliance.


DONE this 20th day of November 2020.

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

CONCUR:

MMES. PRINCE AND SHEPPARD-HARRIS
AND MESSRS. BLACKMON, GRICE, KINTZ,
MADISON, AND SCHAFFERS

ATTEST:



D. Boyd Busby, CPA
Executive Director
December 4, 2020

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE
COMPLAINT AGAINST:
VICTOR A. MERKEL, CPA
CERTIFICATE NO. 5736

RESPONDENT.

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CASE NO. 20CPE-14

CONSENT AGREEMENT

Victor A. Merkel, an Alabama Certified Public Accountant (hereinafter referred to as "Respondent") hereby stipulates and agrees, subject to approval by the Alabama State Board of Public Accountancy (hereinafter referred to as the "Board"), as follows:

STIPULATED FACTS

1. Respondent reported 40.5 hours of Continuing Professional Education (hereinafter referred to "CPE") on the respondent's 2019-2020 Registration.
2. Respondent was unable to document completion of courses claimed for 2 hours of CPE. The CPE audit concludes that the respondent is deficient a total of 1.5 hours of CPE for the fiscal year 2019.

STIPULATED CONCLUSIONS OF LAW

3. Respondent admits he is subject to the provisions of the ALA. CODE (1975) §§ 34-1-1 – 22 and the jurisdiction of the Board.
4. Respondent stipulates that his conduct as set for in the "Stipulated Facts" constitutes a violation of one or more of the following statutes and administrative rules: ALA. CODE (1975) §§ 34-1-11(c), 34-1-12(a)(11), and 34-1-12(a)(12); and/or ALA. ADMIN. CODE r. 30-X-5-.02, 30-x-5.03(c), and 30-x-5-.05(1).

5. Respondent stipulates that his failure to fully comply with CPE attendance and/or reporting requirements is a violation of one or more of those statutes and/or rules set forth above and is subject to disciplinary action by the Board.

STIPULATED DISPOSITION

6. Respondent shall refrain from violating the provisions of Title 34, Chapter 1, ALA. CODE (1975).

7. Respondent understands this Consent Order and subsequent Final Order will be a public record, and this information may be placed on the Board's website and in its newsletter.

8. Respondent shall submit to the Board an administrative fine of \$650.00 (six hundred and fifty dollars). The fine is due within 30 days of the Board's acceptance of this agreement.

9. Respondent shall resolve all CPE deficiencies for fiscal year ending September 30, 2019, with current year CPE. CPE used to resolve the 2019 deficiency may not be used for fiscal year 2020 compliance.

10. Respondent shall complete the Ethical Leadership Training Program provided by the National Association of State Board of Accountancy (NASBA) Center for Public Trust with a passing score of 80 within 45 days of the Board's acceptance of this agreement.

11. Respondent understands this Consent Order is subject to the approval of the Board and has no force and effect until a Final Order based upon it is rendered by the Board.

12. Respondent agrees to comply with the terms of this Consent Order and understands failure to comply with the terms of the Consent Order may result in additional charges or discipline.

13. Respondent understands in order to make a decision relative to approving this Consent Order discussions must take place between Board Members, Board Staff and Board Counsel. Respondent understands that the discussion will take place at a regularly scheduled meeting of the Board.

14. Respondent understands he has the right to seek the advice of legal counsel. Respondent also understands he has the right to a formal fact-finding hearing before the Board, to compel the testimony of witnesses, to cross-examine witnesses against him, and to obtain judicial review of the Board's decision in said formal hearing but expressly waives these rights with execution of this Consent Order and Final Order of the Board.

15. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Consent Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Order.

16. Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Order. It is agreed that presentation to and consideration of the Consent Order by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Order not be accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Order, and the information provided to the Board for their review, shall not unfairly prejudice the Board and shall in no way act to disqualify any Board member from any further participation in this matter through its resolution, including, but not limited to, any contested hearing on this matter should one be necessary. Likewise, if this Consent Order is not accepted, the Board shall not take into consideration the contents of this Order as evidence of an admission and all stipulations hereinabove are thereby rescinded.

FOR THE BOARD

11-19-2020

DATE

Billington M. Garrett

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

FOR THE RESPONDENT

10/13/2020

DATE

Victor A. Merkel

VICTOR A. MERKEL

, Esq.
Attorney for the Respondent

State of Georgia

County of Cobb

Subscribed and sworn to before me, a Notary Public on this 13th day of October, 2020.

Barbara Bridges

Notary Public

My Commission Expires: December 13, 2022

