



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

CERTIFIED MAIL 7016 2140 0000 8815 3163

May 25, 2021

Mr Thomas T Dyer, CPA
Dyer & Smith LLC
112 Southside Sq Ste F
Huntsville AL 35801-4277

Dear Mr. Dyer,

Attached is an Order by the Alabama State Board of Public Accountancy ("the Board") dated May 14, 2021. The Order fines you \$3,000.00 for lack of due professional care required of a CPA, violations of auditing standards and lack of compliance with applicable accounting principles and technical standards, both promulgated by a body designated by Council of the AICPAs to establish such standards and principles.

This Board action requires that the administrative fine of \$3,000.00 is due within 30 days of the Board Order. 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 and/or your firm are subject to a follow up review to verify compliance with the Board Order.

The Board also directed that you must complete the NASBA CPT "Ethical Leadership Training Program," the Becker "GASB Other Postemployment Benefits (OPEB)," the Becker "How to Prepare Audit Documentation and Workpapers, Parts 1 and 2," and the AICPA "Governmental and Auditing Update." Additionally, you must choose and engage a pre-issuance reviewer that is pre-approved by the Board to perform pre-issuance reviews on four audits and supply a list of the upcoming audits issued under GASB standards expected to be completed with an issuing date in the 12-months following the date of the Board Order. All items are due within 30 days of the date of the Board Order.

If you have questions, please contact me at the number shown above.

Sincerely,

D. Boyd Busby, CPA
Executive Director

DBB/tt

Attachment

CC: Mr. Billington Garrett, Esq.

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
THOMAS T DYER, CPA) CASE NO. 20-19
CERTIFICATE NO. 3003)
d/b/a DYER & SMITH LLC)
FIRM NO. F1675)
RESPONDENT.)

ORDER

COMES NOW the Alabama State Board of Public Accountancy ("the Board"), and, following a full and fair hearing before the Board on May 14, 2021, in Montgomery, in the matter of the complaint against THOMAS T. DYER, CPA, Certificate No. 3003, d/b/a DYER & SMITH, LLC, Firm No. F1675 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 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. The hearing was conducted in Respondent's absence with execution of his signed Consent Agreement and this Final Order.
5. Respondent undertook to perform audits of two entities that were component units of a local government with year ends of June 30, 2019 and September 30, 2019. The two audit

reports and associated financial statements were presented to the Complainant, Mr. Dennis Norton, to be included in the group audit of the local government.

6. The audits reviewed by the Board were inadequate in that they reflected: a lack of due professional care required of a certified public accountant, violations of auditing standards and a lack of compliance with applicable accounting principles and technical standards, both promulgated by a body designated by Council of the American Institute of Certified Public Accountants to establish such standards and principles.

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 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 the circumstances set forth in the "Findings of Fact" constitutes a violation of one or more of the following statutes and administrative rules: Ala. Code (1975) §§ 34-1-12(a)(4), and 34-1-12(a)(14); and/or Ala. Admin. Code r. 30-X-6-.03(1)(b), 30-X-6-.03(2), and 30-X-6-.03(3).
3. Respondent stipulates the circumstances set forth in the "Findings of Fact" are a basis for disciplinary action by the Board.
4. It is therefore ORDERED, ADJUDGED and DECREED by this Board that the Respondent be fined three thousand dollars (\$3,000.00) and requires that the Respondent complete the following and provide proof of completion within thirty (30) days of this Order:

- (a) 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 (<https://thecpt.org/ethical-leadership-certification-program/>);
- (b) The Becker course titled “GASB Other Postemployment Benefits (OPEB)” (<https://www.becker.com/cpe/catalog/gasb-other-postemployment-benefits-opeb>);
- (c) The Becker course titled “How to Prepare Audit Documentation and Workpapers, Part 1” (<https://www.becker.com/cpe/catalog/how-to-properly-prepare-audit-documentation-and-workpapers-part-1>);
- (d) The Becker course titled “How to Prepare Audit Documentation and Workpapers, Part 2” (<https://www.becker.com/cpe/catalog/how-to-properly-prepare-audit-documentation-and-workpapers-part-2>); and
- (e) The AICPA course titled “Governmental and Auditing Update” (<https://future.aicpa.org/cpe-learning/course/governmental-accounting-and-auditing-update>).
- (f) The Board also requires the Respondent to engage a pre-issuance reviewer, chosen by the respondent and pre-approved by the Board, to perform pre-issuance reviews on four audits issued under GASB standards. Respondent shall supply a list of the upcoming audits issued under GASB standards expected to be completed with an issuing report date in the twelve months following the Board’s acceptance of this agreement. Such list shall be provided to the Board within thirty (30) days of the Board’s approval of this agreement and detail the audit client’s name, client’s year end, expected report date, type of services to be

provided, whether the engagement is subject to Government Auditing Standards and Single Audit requirements, names of the members of the engagement team including their roles and expected total engagement hours from which the Board shall select the four engagements subject to pre-issuance review The pre-issuance reviewer will be required to report all findings and recommendations, in detail, directly to the Board. The Board may extend the period and number and type of engagements subject to pre-issuance review based on the results of these reports.

DONE this 14th day of May 2021.

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
May 24, 2021

BEFORE THE ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

IN THE MATTER OF THE)
COMPLAINT AGAINST:)
THOMAS T DYER, CPA) CASE NO. 20-19
CERTIFICATE NO. 3003)
DYER & SMITH LLC)
FIRM NO. F1675)
RESPONDENT.)

CONSENT AGREEMENT

Thomas T. Dyer, 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 undertook to perform audits of two entities that were component units of a local government with year ends of June 30, 2019 and September 30, 2019. The two audit reports and associated financial statements were presented to the Complainant, Mr. Dennis Norton, to be included in the group audit of the local government.

2. The audits reviewed by the Board were inadequate in that they reflected: a lack of due professional care required of a certified public accountant, violations of auditing standards and a lack of compliance with applicable accounting principles and technical standards, both promulgated by a body designated by Council of the American Institute of Certified Public Accountants to establish such standards and principles.

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 the circumstances set forth in the "Stipulated Facts" constitutes a violation of one or more of the following statutes and administrative rules: Ala. Code (1975) §§ 34-1-12(a)(4), and 34-1-12(a)(14); and/or Ala. Admin. Code r. 30-X-6-.03(1)(b), 30-X-6-.03(2), and 30-X-6-.03(3).

5. Respondent stipulates the circumstances set forth in the "Stipulated Facts" are a basis for 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 Agreement 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 \$3,000.00 (three-thousand dollars). The fine is due within 30 days of the Board's acceptance of this agreement.

9. 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 and provide proof of completion within 30 days of the Board's acceptance of this agreement.

10. Respondent shall complete the Becker courses titled "GASB Other Postemployment Benefits (OPEB)" (<https://www.becker.com/cpe/catalog/gasb-other-postemployment-benefits-opeb>), "How to Prepare Audit Documentation and Workpapers, Part 1" (<https://www.becker.com/cpe/catalog/how-to-properly-prepare-audit-documentation-and-workpapers-part-1>), "How to Prepare Audit Documentation and Workpapers, Part 2" (<https://www.becker.com/cpe/catalog/how-to-properly-prepare-audit-documentation-and-workpapers-part-2>) and the AICPA course titled "Governmental and Auditing Update" (<https://future.aicpa.org/cpe-learning/course/governmental-accounting-and-auditing-update>) and provide proof of completion within 30 days of the Board's acceptance of this agreement.

11. Respondent shall engage a pre-issuance reviewer, chosen by the respondent and pre-approved by the Board, to perform pre-issuance reviews on four audits issued under GASB standards. Respondent shall supply a list of the upcoming audits issued under GASB standards expected to be completed with an issuing report date in the twelve months following the Board's acceptance of this agreement. Such list shall be provided to the Board within thirty days of the Board's approval of this agreement and detail the audit client's name, client's year end, expected report date, type of services to be provided, whether the engagement is subject to Government Auditing Standards and Single Audit requirements, names of the members of the engagement team including their roles and expected total engagement hours from which the Board shall select the four engagements subject to pre-issuance review. The pre-issuance reviewer will be required to report all findings and recommendations, in detail, directly to the Board. The Board may extend the period of time and number and type of engagements subject to pre-issuance review based on the results of these reports.

12. Respondent understands this Consent Agreement 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.

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

14. Respondent understands in order to make a decision relative to approving this Consent Agreement 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.

15. 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 Agreement and Final Order of the Board.

16. 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 Agreement Order, the stipulated facts, conclusions of law and imposition of administrative action contained herein, and the Final Order of the Board incorporating said Consent Agreement.

17. Respondent, for the purpose of avoiding further administrative action with respect to this Cause executes this Consent Agreement. It is agreed that presentation to and consideration of the Consent Agreement by the Board requires certain factual information related to this matter be disclosed to the Board members. Should the Consent Agreement not be

accepted by the Board, it is therefore expressly agreed that the reviewing, and consideration of this Consent Agreement, 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 Agreement is not accepted, the Board shall not take into consideration the contents of this Agreement as evidence of an admission and all stipulations hereinabove are thereby rescinded.

FOR THE BOARD

5-4-21
DATE

Billington M. Garrett
BILLINGTON M. GARRETT, Esq.
General Counsel, Alabama State Board of
Public Accountancy

FOR THE RESPONDENT

4-27-2021
DATE

Thomas T. Dyer CPA
THOMAS T. DYER, CPA

XXXXXXXXXXXXXXXXXXXX
Attorney for the Respondent

State of Alabama

County of Madison

Subscribed and sworn to before me, a Notary Public on this 27 day of April, 2021.

Viktoria Powell
Notary Public
My Commission Expires: 02/06/2023
Expires: _____

