

immediately preceding the application, had been subjected to a satisfactory peer review conducted in accordance with a peer review program approved by the Board. Rule 10.7(B).

7) For purposes of this rule the peer review must cover at least one office of a firm and one attest engagement of the firm within the state of Vermont. The proof of such peer review shall be the report and any letter(s) of comment(s), responses or remedial actions and subsequent follow-ups by the licensee submitted to the individual or firm by the professional organization. Rule 10.7(E)

8) A licensee shall not use or participate in the use of any form of advertising having reference to the licensee's professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement or claim includes but is not limited to a statement or claim which. . . . Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. Rule 10.10(6).

9) "Attest Services" means providing the following financial statement services: any audit or other engagement to be performed with the Statements on Auditing Standards (SAS); any review of a financial statement or compilation for a financial statement to be performed in accordance with the Statement on Standards for Accounting and Review Services (SSARS); and any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE). The statements on standards specified in this definition shall be adopted by reference by the Board pursuant to rulemaking and shall be those developed for general application by the American Institute of Certified Public Accountants. 26 V.S.A. § 13(1).

10) "Practice of public accounting" means the performance or the offering to perform by a person or firm holding itself out to the public as being licensed or registered under this chapter, for a client or potential client, of one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. 26 V.S.A. § 13(7).

Statement of Facts

A) Susan W. Daigler (the "Respondent") was licensed as a certified public accountant, holding license number 001-0000384, issued by the State of Vermont on or about June 2, 1981. The Respondent's license lapsed on August 1, 2005. The Respondent was given a temporary license which expired on October 30, 2005.

B) Susan W. Daigler, CPA (the "Respondent Firm") was registered as an accounting firm, holding registration number 092-0000168, issued by the State of Vermont on or about February 6, 1987. The Respondent Firm's license lapsed on August 1, 2005. The Respondent Firm was given a temporary license which expired on October 30, 2005.

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C) On or about July 22, 2005 the Respondent and the Respondent Firm requested licensure and registration renewal. In the Renewal material the Respondent indicated that she had performed attest functions from August 1, 2003 to July 31, 2005.

D) On or about August 3, 2005 the Board notified the Respondent and the Respondent Firm that newly enacted professional education requirements required additional continuing professional education course work to be completed precedent to renewal. The Board also informed the Respondent that she was required to submit evidence of the Firm's peer review in the form of an acceptance letter from AICPA/NEPR of Peer Review. The Board granted the Respondent and Respondent Firm temporary licenses good until October 30, 2005 to allow both to accomplish its request.

E) On or about March 3, 2006 the Respondent and Respondent Firm were reminded that their license and registration both lapsed on October 30, 2005 and supplied both entities with the relevant rules and laws governing the practice of the profession.

F) On or about July 12, 2006 the Respondent and Respondent were sent certified mail again reminding of the lapsed license and professional obligations as well as a warning that the CPA designation cannot be utilized by unlicensed individuals.

G) On or about October 11, 2006 the Respondent indicated to Investigator Steven Kennedy that she had been preparing tax returns and utilizing the CPA designation since her license had lapsed.

H) On or about October 14, 2006 the Respondent sent a letter to OPR indicating that she had delayed getting the peer review completed and that she was only doing tax returns. The letterhead contained the designation "Certified Public Accountant".

I) On or about January, 2007 he Respondent filed an acceptable peer review with OPR

Charges

J) By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has engaged in unprofessional conduct by violating the Vermont Statutes and Rules of the Board, as enumerated above in paragraphs 2-10.

Understandings

K) The parties understand that the terms of this Stipulation and Consent Order are contingent upon review and acceptance by the Board and that if the Board rejects any portion the entire Stipulation and Consent Order shall be null and void.

L) The Respondent has read and reviewed this document fully and agrees that it contains the entire agreement between the parties.

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- M) This Stipulation and Consent Order is entered into voluntarily by the Respondent after the opportunity to consult with legal counsel. The Respondent has not been coerced by anyone into signing this Stipulation and Consent Order.
- N) The Respondent is voluntarily waiving her right to a contested hearing before the Board and waives any right to appeal from this Stipulation and Consent Order.
- O) Respondent agrees that the State has sufficient evidence for the Board to find that Respondent has engaged in unprofessional conduct and that the Order set forth below may be entered by the Board.

WHEREFORE, the parties agree that the following constitutes a reasonable resolution given the above violations:

CONSENT ORDER

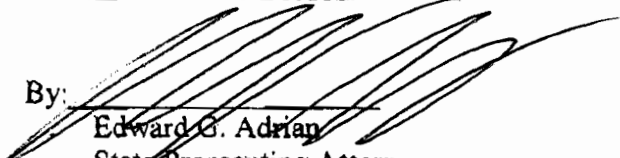
Based upon the above stipulation, it is **ORDERED** and **ADJUDGED** as follows:

- A. The Board of Public Accountancy hereby **REPRIMANDS** the Respondent's license to practice accountancy. Additionally, the Respondent shall pay an **ADMINISTRATIVE PENALTY OF SEVEN HUNDRED DOLLARS (\$700.00)**. This fine shall be paid within sixty (60) days of the date of entry of this Order.
- B. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- C. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

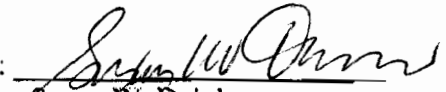
STATE OF VERMONT
SECRETARY OF STATE

Dated: 2/7/07

By: 
Edward G. Adrian
State Prosecuting Attorney

SUSAN W. DAIGLER
RESPONDENT

Dated: 2/6/07

By: 
Susan W. Daigler

STATE OF VERMONT




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APPROVED AND SO ORDERED:

VERMONT BOARD OF PUBLIC
ACCOUNTANCY

Dated: 24 April 2007

By: 
Chairperson

Date of Entry: 4/25/07

ac.daigler.stip

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