

**PROCEEDINGS BEFORE THE
WASHINGTON STATE BOARD OF ACCOUNTANCY**

In the Matter of the Certified Public
Accountant (CPA) Certificate and/or
Licenses to Practice Public Accounting of:

Marshall H. Waldman
License No. 06703

Respondent.

No. ACB-1417

CONSENT AGREEMENT

The Washington State Board of Accountancy (Board) and Marshall H. Waldman
(Respondent), stipulate and agree as follows:

Section 1: Procedural Stipulations

- 1.1 Respondent understands that the Board may issue a statement of charges in this matter and proceed to a hearing before the Board upon the merits of said charges. The Board has not done so in order to facilitate resolution of this matter in accordance with the legislative intent endorsed in RCW 34.05.060 and the provisions of WAC 4-30-140.
- 1.2 Respondent understands that should the Board prevail at hearing based on a statement of charges that the Board has the power and authority to deny, suspend, revoke, or refuse to renew the Respondent's CPA certificate or any individual or firm licenses to practice public accounting as a CPA or CPA firm in Washington and may impose a fine plus the Board's investigative and legal costs in bringing charges or impose conditions precedent to renewal of the certificate or license, or impose full restitution to injured parties.
- 1.3 Respondent has the right to defend against a statement of charges by demanding a hearing and presenting evidence on the Respondent's behalf. Respondent voluntarily waives the

right to a hearing and all other rights which may be accorded the Respondent by the Administrative Procedures Act, chapter 34.05 RCW, and the laws of Washington, including the right to petition the courts for judicial review.

- 1.4 Respondent wishes to expedite the resolution of this matter by means of this Consent Agreement and does not desire to proceed to a formal hearing based on the issuance of a statement of charges.
- 1.5 Respondent understands that the terms of this Consent Agreement are not binding unless approved by the Board and fully executed.
- 1.6 Should this Consent Agreement be rejected by the Board and the Board proceeds to issue a statement of charges, the Respondent waives any objection to the participation of any members of the Board at a hearing on this matter, other than the consulting Board member in this proceeding.

The parties further stipulate to the following Stipulated Facts, Conclusions of Law, and Agreed Order:

Section 2: Stipulated Facts

- 2.1 Respondent holds a valid Certified Public Accountant (CPA) license to practice public accounting (License No. 06703, issued on March 28, 1980) in Washington State.
- 2.2 On February 28, 2014, Sue Askay (Complainant) engaged the Respondent to complete her 2013 individual tax return. The Respondent had previously prepared and filed the Complainant's 2013 corporate tax return and prior year individual tax returns.
- 2.3 Respondent made numerous errors in preparing the tax returns. The corporate return was prepared on Form 1120, when it should have been on a Form 1120S. Passive activity loss carryovers were erroneously omitted from the 2012 and 2013 individual tax returns.

- 2.4 The Complainant filed an extension and had another CPA prepare her 2013 individual tax return. The successor CPA will amend the 2013 corporate tax return.

Section 3: Conclusions of Law

- 3.1 The Board has jurisdiction over the Respondent and the subject matter of this proceeding.
- 3.2 The conduct described in Stipulated Facts 2.1 through 2.4 constitute cause for Board discipline under RCW 18.04.295, for violations of WAC 4-30-046. WAC 4-30-046 prohibits CPAs and CPA firms from undertaking to perform any professional service unless the CPA and CPA firm can reasonably expect to complete the service with professional competence. Convincing evidence indicates that the Respondent was negligent in rendering tax return preparation services in violation of WAC 4-30-046.

Section 4: Agreement

- 4.1 Respondent consents to the entry of this Agreement and has waived any right to a hearing.
- 4.2 Pursuant to RCW 18.04.295, the Board has the power to impose discipline. Based on the preceding Stipulated Facts and Conclusions of Law, the Board and Respondent agree that:
- 4.2.1 Pay the Board the amount of five hundred dollars (\$500) to reimburse the Board's investigative costs within 90 days of the service of this Agreement. Such reimbursement shall be made payable to the Washington State Board of Accountancy and remitted to the Washington State Board of Accountancy at PO Box 9131, Olympia, WA 98507-9131.
- 4.2.2 Complete four (4) hours of continuing professional education (CPE) in Board approved ethics and regulations with specific application to the practice of public accounting in Washington State. The CPE course must be completed within 90

days of the acceptance of this Order. The certificate of completion must be submitted to the Board within 30 days of the completion date of the course.

4.2.3 Complete four (4) hours of continuing professional education (CPE) covering IRS Circular 230. The CPE course must be completed within 90 days of the acceptance of this Order. The certificate of completion must be submitted to the Board within 30 days of the completion date of the course.

4.2.4 Reimburse client fees related to the corporate tax return preparation in the amount of four hundred and fifty dollars (\$450) within 30 days of service of this Order. Such reimbursement shall be made payable to the Complainant, Sue Aksay. Proof of payment must be provided to the Board within 30 days of payment.

I, Marshall H. Waldman, certify that I have read this Consent Agreement in its entirety, and that I fully understand and agree to all of it and that it may be presented to the Board without my appearance. If the Board accepts the Consent Agreement, I understand that I will receive a signed copy.

DATED this 22 day of JULY, 2015.

RESPONDENT

Marshall H. Waldman
Marshall H. Waldman
CPA

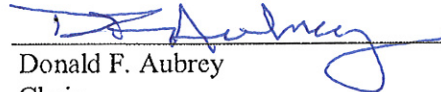
The Board accepts and enters this Consent Agreement.

DATED this 22nd day of JULY, 2015.

Consent Agreement

Marshall H. Waldman

WASHINGTON STATE
BOARD OF ACCOUNTANCY



Donald F. Aubrey
Chair