

**OREGON BOARD OF ACCOUNTANCY**  
**September 23, 2005 Minutes**  
**3218 Pringle Road SE #110**  
**Salem OR 97302**  
**503-378-4181**

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*The Board of Accountancy protects the public by regulating  
the practice and performance of all services  
provided by licensed accountants.*

**Board Members Present**

Stuart Morris, PA, *Chair*  
Kent Bailey, CPA  
James Gaffney, CPA  
Anastasia Meisner, *Public Member*

**Staff Members**

Noela Kitterman, *Investigator*  
Joyce Everts, *Committee Coordinator*

**Excused**

Jens Andersen, CPA  
Ray Johnson, CPA  
Lynn Klimowicz, CPA

**Guests Attending**

Christine Chute, AAG

A special phone conference meeting was called to consider *Motion to Correct Record* filed in the matter of Donald Sherry CPA (Sherry).

The Board issued a Notice to Donald Sherry proposing to impose a civil penalty in the amount of \$500 per violation of OAR 801-030-0005(4)(c)(B) Prohibited contingent fees and OAR 801-030-0020(4) Public communication and advertising, for a total civil penalty of \$1,000 and required four (4) hours of CPE Oregon Ethics.

An administrative hearing was held January 25, 2005. Administrative Law Judge Donna Brann issued a proposed order on April 7, 2005 and the Board accepted the proposed order on May 23, 2005. Sherry filed to appeal the decision on July 12, 2005.

Stephen A. Hutchinson, attorney for Sherry, filed a *Motion to Correct Record* on appeal to add the following documents to the record: Minutes of the April 23, 2004 Complaints Committee meeting and Donald J. Sherry's engagement letter and privacy policy statement. Neither the committee minutes nor Sherry's engagement letter and policy statement were included in the record before the Administrative Law judge.

Chute explained that the Board may deny the motion in whole, allow one document, or allow both of the documents requested to be admitted to the record.

*Board Discussion: It is unclear why Sherry's attorney filed the Motion to Correct Record since the additional items do not have a bearing on this case. The Complaint Committee meeting minutes of April 23, 2004 are a matter of public record and there is no reason not to allow the minutes on the record for appeal.*

**BOARD RECOMMENDATION:** Bailey moved and it was carried to allow the Complaint Committee meeting minutes dated April 23, 2004 to be admitted in the record for the appeal and to deny the motion as to Sherry's engagement letter and policy statement.

*Vote: Chair Morris voted: 4 ayes, 2 excused (Andersen, Johnson)*

Morris directed the Administrator to sign the order.

The meeting adjourned at 8:31 a.m.