

**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:

Paul J. Van Winkle  
License No. 26003

Respondent.

No. ACB-1438

CONSENT AGREEMENT

The Washington State Board of Accountancy (Board) and Paul J. Van Winkle  
(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. 26003, issued on January 24, 2007) in Washington State.
- 2.2 The Board received seven separate complaints from individuals who were clients of Respondent, as detailed in this section. These complaints define a consistent pattern of failure to communicate with and follow through on commitments to clients.

- 2.3 The following individuals filed complaints against Paul Van Winkle alleging that he had either delayed or failed to provided completed work to which he had agreed.
- 2.4 On May 27, 2015 a complaint was received from Ronald Lee White (Complainant #1) alleging that he had engaged with the Respondent in early March of 2015 and provided his 2014 tax documents. On April 13, 2015 Complainant #1 contacted the Respondent's office to find out if an IRS Form 4868 Application for Automatic Extension had been filed. Respondents staff indicated that she would make an inquiry of Respondent and call Complaint #1 to confirm. Complaint #1 did not receive a response and called Respondent's office again on April 29, 2015, leaving a message on the Respondent's voice mail. Complainant #1 visited the Respondent's residence/office located at 3615 Harborview Drive, Gig Harbor WA 98332 (office) on May 6, 2015 to find the office closed and the Respondent not present. On May 11, 2015 Complainant #1 mailed a letter by certified mail to the Respondent and made additional attempts to contact the IRS to find out if the IRS Form 4868 Application for Automatic Extension had been received. Complainant #1 was told by the IRS that IRS Form 4868 Application for Automatic Extension had not been filed.
- 2.5 On June 1, 2015 a complaint was received from Johnathan Phillips (Complainant #2) alleging that he had engaged with Respondent on March 17, 2015 to file personal federal income tax returns. Complainant called the IRS on May 11, 2015 and discovered that his federal income taxes were not filed. Complainant #2 then made other arrangements to file his federal income tax returns, and then contacted the Respondent for a refund. A refund was provided by the Respondent to the complainant after being contacted by the Board's investigative staff.

2.6 On June 15, 2015 a complaint was received from Damon Adams (Complainant #3) alleging that he had engaged with Respondent on February 26, 2015 and paid a fee. On May 5, 2015 Complainant #3 contacted the Respondent's Office when no refund was received. Complaint #3 made inquiry of the IRS website to find out that his taxes had not been received by the IRS. Complainant #3 made additional attempts to contact the respondent, but did not receive a response until two weeks later on or about May 19, 2015. Respondent explained to Complainant #3 why he had not been able to respond, and stated that he would look into the matter and get back to Complainant #3. There was no subsequent communication from the Respondent to Complainant #3. On or about June 10, 2015, Complainant #3 obtained confirmation from the IRS his taxes had been received and that a refund was forthcoming.

2.7 On July 7, 2015 a complaint was received from Kevin Whatley (Complainant #4) alleging that he and his wife had engaged with the Respondent on March 9, 2015 and provided all of their personal tax documents included business related documents and receipts. On March 11, 2015 Complainant #4 provided additional documents by e-mail per the Respondent's request. Complaint #4 received no further contact from the respondent. After additional attempts to contact the Respondent, the Complainants received an e-mail on the morning of April 15, 2015 and set up an appointment to meet with him at 7:00 PM the same evening and the Respondent's office. Shortly before the scheduled meeting the Respondent contacted Complaint #4 and canceled the meeting, but agreed to file an extension on their behalf. Complaint #4 received no subsequent contact from the Respondent. Complainant #4 made further attempts to contact the respondent at his office, but the Respondent was not present and Complainant #4 left a note on his door. As of the date of the complaint, Complainant

#4 had not received any communication from Respondent, and had not secured the return of his records.

- 2.8 On July 13, 2015 a complaint was received from Kathleen McDonald (Complainant #5), alleging that she had engaged with the Respondent in early April 2015. On April 15, 2015 Complainant #5 made contact with the Respondent who indicated to her that he would not be able to complete her taxes due to a personal matter. Complainant #5 asked Respondent to file an extension on her behalf. Several weeks passed and there was no further contact from the Respondent. Complainant #5 made a visit to the Respondent's office but was not able to establish contact. Complaint #5 stated in her complaint, that she simply wanted the return of her records so that she could file her taxes which had not been returned as of the date of her complaint.
- 2.9 On August 26, 2015 a complaint was received from John Vodry (Complainants #6) alleging that he and his wife had engaged with the Respondent in March of 2015 to complete their 2014 tax return. According to Complainant #6, he has texted and e-mailed the Respondent numerous times asking for the completion of his tax 2014 taxes and the return of files and financial reports. They had not received any communication from the Respondent as of the date of their complaint.
- 2.10 On September 14, 2015 a complaint was received from Geary and Kay Hayes (Complainants #7) alleging that they had engaged with the Respondent on March 3, 2015 to file their 2014 income tax return. Complainants #7 attempted to make contact with the Respondent on April 2, 2015 by e-mail. The Respondent replied on April 3, 2015 indicating that the tax return had not been completed, but that it would be completed by the end of that day. Complaints #7 attempted to contact the Respondent again on May 1, 2015, May 2, 2015, and on May 4, 2015 having not received any

communication in the interim following April 3, 2015. After not receiving any communication from the Respondent, Complainants #7 filed their own taxes on May 4, 2015 and wrote a letter to the Respondent requesting a refund of their \$300.00. That had not received any subsequent communication from the Respondent as of the date of their complaint.

- 2.11 After receiving Complaints one through five detailed in 1.3.1 to 1.3.5 above the Board's investigative staff made contact with the Respondent via e-mail and advised him of the several complaints that had been filed against him. The Board's investigative staff provided contact information for complaints one through five. Accordingly, the Respondent made contact with four of the five Complainants and either returned records or completed their tax returns. Following the receipt of Complaint #6, the Board's investigative staff contacted the Respondent via e-mail on August 27, 2015. Subsequently the Board's investigators made contact with Complainant #6 and found out that the Respondent was addressing his concerns.

### **Section 3: Conclusions of Law**

- 3.1 The Board has jurisdiction over the Respondent and the subject matter of this proceeding.
- 3.2 Respondent failed to respond timely to client requests for completion of tax which is in violation 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.

## Section 4: Agreed Order


- 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 Respondent's individual CPA license is suspended for two years.
- 4.2.2 The suspension of Respondent's individual CPA license is stayed.
- 4.2.2.1 If it is determined, after due notice and opportunity for hearing, that during the stayed suspension Respondent violates or fails to comply with the terms of this Agreement, Chapter 18 RCW, or Title 4 WAC, the Board may vacate the stay and impose the original discipline.
- 4.2.3 Respondent will immediately seek to identify and resolve any current and/or outstanding issues with former and current clients, relating to the preparation of 2014 tax returns. At the discretion of the client(s), Respondent may either complete the work, or return records and refund any fees paid for work not performed. Any complaints filed with the Board within six weeks of the final approval and acceptance of this agreement by the Board will be evaluated in terms of the Respondent's actions to address any remaining outstanding issues.
- 4.2.4 Pay the Board a fine in the amount of one thousand five hundred dollars (\$1,500) within 180 days of the acceptance of this Agreement.

- 4.2.5 Pay the Board the amount of seven hundred fifty dollars (\$750) to reimburse the Board's investigative and legal costs within 180 days of the acceptance of this Agreement.
- 4.2.6 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 180 days of the acceptance of this Agreement. A certificate of completion must be submitted to the Board within 30 days of the completion date of the course.

I, Paul J. Van Winkle, 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 8<sup>th</sup> day of October, 2015.

RESPONDENT

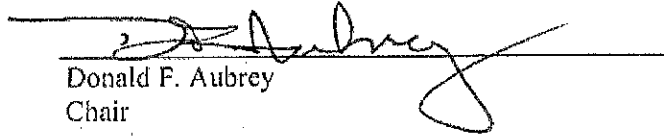
  
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Paul J. Van Winkle



The Board accepts and enters this Consent Agreement.

DATED this 12<sup>th</sup> day of OCTOBER 2015.

WASHINGTON STATE  
BOARD OF ACCOUNTANCY

  
Donald F. Aubrey  
Chair