

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

In the matter of:

Ping Yu
License No. 24196

Respondent.

NO. ACB-1445

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DEFAULT ORDER

1 INTRODUCTION

THIS MATTER, arises out of the Statement of Charges issued by the Executive Director of the Washington State Board of Accountancy (hereinafter Board) on February 4, 2016. The Statement of Charges alleges that Ping Yu (hereinafter Respondent) violated the provisions of RCW 18.04. Respondent has failed to answer or otherwise respond to the Statement of Charges.

THIS MATTER having come before the Board upon the motion of Elizabeth Thompson-Lagerberg, Assistant Attorney General; Respondent having failed to answer or otherwise respond to the Statement of Charges; the Board having reviewed the records herein and the Declaration of Charles E. Satterlund, Executive Director, and being advised in the premises, makes the following:

2 FINDINGS OF FACT

2.1 At all times material hereto, Ping Yu, the Respondent herein, held an individual Certified Public Accountant (CPA) individual license to practice as a CPA in the state of Washington, license number 24196.

- 2.2. On January 12, 2015, Respondent submitted an application for the renewal of CPA license number 24196.
- 2.3 Respondent was included in the Board's 2015 CPE Audit. The final due date for a response was November 15, 2015.
- 2.4 Board staff attempted to contact Respondent by email to Respondent's email address of record on September 18, 2015, October 18, 2015, November 18, 2015, December 16, 2015, and January 7, 2016.
- 2.5 On February 4, 2016, the Executive Director issued a Cover Letter, Offer to Agree to Monetary Penalty and Remedial Resolution, Statement of Charges, Answer to Statement of Charges, and Notice of Opportunity to Defend to Respondent. The letter was sent by mail and email to Respondent's addresses of record. See Exhibit 1.
- 2.6 Respondent failed to cooperate with the CPE Audit by failing to provide documentation requested by the Board.
- 2.7 Respondent failed to cooperate with investigation by Board staff by not responding to inquiries requesting a response.
- 2.8 Respondent failed to answer the Statement of Charges.

3 CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Board makes the following Conclusions of Law.

- 3.1 The Washington State Board of Accountancy has jurisdiction over Respondent and the subject matter of the case. RCW 18.04.295; RCW 18.04.305.
- 3.2 Service is completed when mail is properly stamped, addressed, and deposited in the United States mail to the last known address of the licensee. RCW 34.05.010(19).

- 3.3 Based on the above Findings of Fact, and Conclusions of Law, Respondent has been served with the Statement of Charges, Answer to Statement of Charges, and Notice of Opportunity to Defend.
- 3.4 The failure of Respondent to file a request for a hearing in this matter within the time limit established by statute or agency rule constitutes a default, resulting in the loss of Respondent's right to a hearing. The Board is legally entitled to proceed to resolve the matter without further notice to, or hearing for, the benefit of Respondent, except that a copy of this order shall be served upon Respondent. RCW 34.05.440.
- 3.5 Failure to respond to in writing Board communications requesting a response within 20 days, as set out in Findings of Fact 2.1 through 2.8, constitutes cause for Board sanction under RCW 18.04.295, WAC 4-30-034, and WAC 4-30-142(13)(b) and (c).
- 3.6 Such conduct constitutes grounds for Board discipline under RCW 18.04.295 and chapter 18.04 RCW.

4 FINAL ORDER

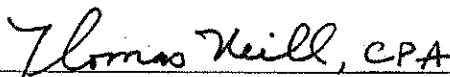
Based upon the above Findings of Fact and Conclusions of Law, the Board hereby makes the following Order:

- 4.1 Respondent's CPA license is hereby suspended.
- 4.2 The Board will not consider any reinstatement application from Respondent unless, prior to the time of application for reinstatement, Respondent:
- 4.2.1 Pay a fine of two hundred fifty dollars (\$250).
- 4.2.2 Reimburses the Board two hundred fifty dollars (\$250) for legal and investigative costs.

- 4.2.2 Satisfies any additional requirement imposed by the Board at the time of reinstatement for any other violations related to the CPE audit and Respondent's failure to respond to the Board, other than the violations in Paragraph 3.5.
- 4.2.3 Meets continuing professional education (CPE) requirements and verification of documentation per WAC 4-30-126.
- 4.2.4 Has not otherwise violated any provisions of Chapter 18.04 RCW and/or Title 4 WAC.
- 4.3 Respondent shall not use the designation "CPA" or "certified public accountant" or hold out as a "CPA" or "certified public accountant".
- 4.4 This Order does not preclude the Board from further action for any other violations related to the CPE audit and Respondent's failure to respond to the Board. The Board may impose

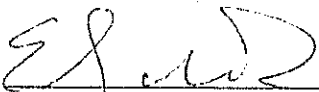
DATED this 2nd day of June 2016.

WASHINGTON STATE BOARD OF ACCOUNTANCY



Thomas G. Neill, CPA
Chair

Presented by,



Elizabeth Thompson-Lagerberg
WSBA #25159
Assistant Attorney General
Attorneys for Washington State Board of Accountancy



STATE OF WASHINGTON
BOARD OF ACCOUNTANCY

PO Box 9131 • Olympia, Washington 98507-9131
(360) 753-2586 • FAX (360) 664-9190 • www.cpaboard.wa.gov

February 4, 2016

Ping Yu
8/F TOPNEW TOWER, 15 GUANGHUA ROAD
CHAOYANG DISTRICT, BEIJING 100026, P.R.CHINA
BEIJING, CHINA 100026

Subject: CPE audit failure
Case No. 2016-014
Statement of Charges

Response Due: February 24, 2016

Dear Ping Yu:

CPE Audit

You were included in the Board's 2015 CPE audit, as staff has previously attempted to notify you. Emails were sent to your email address of record on September 18, 2015, October 18, 2015, November 18, 2015, December 16, 2015, and January 7, 2015. The due date for your response to this audit was November 15, 2015. No response from you has been received.

You must submit your CPE documentation substantiating the CPE represented in your renewal application so that it is received by **February 24, 2016**, either by email to taylor@cpaboard.wa.gov or to the following address:

Washington State Board of Accountancy
ATTN: Taylor Shahon, Investigator
PO Box 9131
Olympia, WA 98507-9131

Offer for Remedial Resolution

This matter may be resolved administratively with your timely response and cooperation, in accordance with the terms outlined in Board Policy 2004-1. In order to resolve this administratively, please ensure that the Board receives the following by **February 24, 2016**:

- CPE documentation sufficient to pass the CPE audit.
- A signed Offer for Remedial Resolution.



The Offer for Remedial Resolution will not be effective until:

- Your CPE documentation has been received.
- Your CPE documentation has been approved as sufficient to pass the CPE audit.
- The Executive Director signs his acceptance on the agreement.
- The Executive Director withdraws the issued Statement of Charges.
- A copy of the accepted agreement will be sent to you upon its acceptance.

If the above items are not fulfilled, then we will proceed with the Statement of Charges.

Statement of Charges

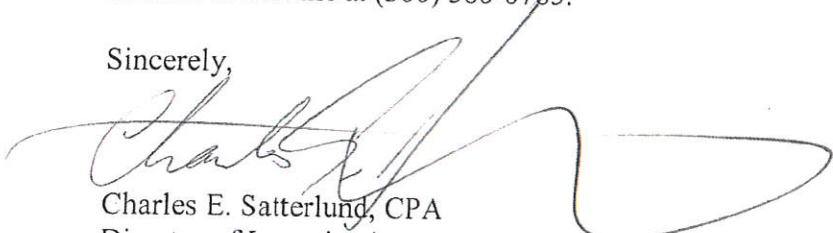
Enclosed is a Statement of Charges, to which you may answer by requesting a hearing or submitting a written statement to the Board if you deny or contest the charges. Also enclosed are a Notice of Opportunity to Defend and an Answer to Statement of Charges.

Please carefully review these documents and respond accordingly within 20 days, by **February 24, 2016**. If you wish to have a hearing on these charges, simply complete and timely return the Answer to Statement of Charges. As soon thereafter as is practicable, the Assistant Attorney General assigned to prosecute Accountancy Board cases will schedule a time and location for the hearing and provide you with a Notice of Hearing in accordance with the Administrative Procedure Act.

It is imperative that you timely respond in writing to this letter with the Answer to Statement of Charges – by February 24, 2016. If you do not respond as directed, you waive your right to a hearing. The Board may issue a default order imposing sanctions against you without considering any input from you, which may include revocation of your license.

If you have questions about these documents, or if you would like to discuss them, please do not hesitate to call me at (360) 586-0785.

Sincerely,



Charles E. Satterlund, CPA
Director of Investigations

Enclosures: Statement of Charges
Administrative Sanctions
CC: pingyul8@yahoo.com

Offer to Agree to Monetary Penalty and Remedial Resolution – CPE Audit Failure

Ping Yu– Case No. 2016-014

Violation of RCW 18.04.295 and WAC 4-30-034 and WAC 4-30-142(13)(a) and (c):

First-time failure to timely respond to a request for administrative information or documents directly related to information and/or documents specified in Board rules (Title 4 WAC).

Instructions:

Please select one by signing and dating the appropriate box. Response is due by **February 24, 2016**.

Option 1: Offer to Agree to Remedial Resolution

- Pay a fine of \$1,500 within 90 days of the acceptance of this Remedial Resolution.
- Reimburse the Board \$500 for investigation and legal costs within 90 days of the acceptance of this Remedial Resolution.
- Complete four (4) CPE hours within 90 days of the acceptance of this Remedial Resolution. Satisfactory documentation of course completion must be submitted to the Board within 30 days of course completion. This course must be an approved course in Ethics and Regulation in the state of Washington.
- This CPE may not be used for the period of January 1, 2015, through December 31, 2017.
- Inclusion in the 2018 CPE Audit.
- Non-publication.

I do not dispute the violation and consent to the Remedial Resolution set forth above by signing below.

Signature

Date

Option 2: Request Board Hearing

Signature

Date

Acceptance by and Effective Date:

Charles E. Satterlund, CPA
Director of Investigations

Date

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

In the matter of the Certified Public Accountant
(CPA) Certificate and/or License(s) to practice
as a CPA of:

Ping Yu
License No. 24196

Respondent.

No. ACB-1445

STATEMENT
OF CHARGES

Charles E. Satterlund, CPA, Director of Investigations for the State of Washington Board of Accountancy, and acting in that capacity, states, and alleges as follows:

ALLEGED FACTS

- 1.1. At all times material hereto, Ping Yu, the Respondent herein, held an individual Certified Public Accountant (CPA) license to practice as a CPA in the state of Washington, No. 24196.
- 1.2. On January 12, 2015, Respondent submitted an application for the renewal of CPA License No. 24196.
- 1.3. Respondent was included in the Board's 2015 CPE Audit. The final due date for a response was November 15, 2015.
- 1.4. Board staff attempted to contact Respondent by email to Respondent's email address of record on September 18, 2015, October 18, 2015, November 18, 2015, December 16, 2015, and January 7, 2016.

- 1.5. Respondent failed to cooperate with the CPE Audit by failing to provide documentation requested by the Board.
- 1.6. Respondent failed to cooperate with investigation by Board staff by not responding to inquiries requesting a response.

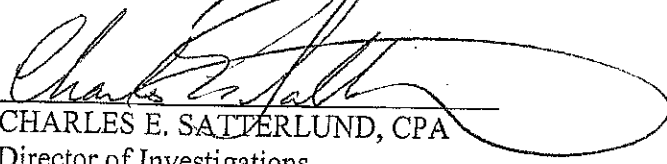
ALLEGED VIOLATIONS

- 2.1. Failure to respond to in writing Board communications requesting a response, as set out in Alleged Facts 1.1 through 1.6, constitutes cause for Board sanction under RCW 18.04.295, WAC 4-30-034 and WAC 4-30-142(13)(a) and (c).

These violations constitute grounds for sanctions pursuant to RCW 18.04.295 and chapter 18.04 RCW including but not limited to the denial, revocation, suspension, or refusal to renew or reinstate the Respondent's CPA certificate and/or any license of the Respondent, the imposition of a fine up to thirty thousand dollars plus the Board's investigative and legal costs, and imposition of full restitution to injured parties.

WHEREFORE I, Charles E. Satterlund, allege that the conduct referred to in this Statement of Charges affects the public health, safety and welfare, that a notice be issued and served as provided by law to the Respondent giving the Respondent the opportunity to defend against the accusations of this Statement of Charges, and provided that if the Respondent shall fail to defend against these accusations, that an order be entered imposing sanctions pursuant to RCW 18.04.295 including but not limited to suspending, revoking, or refusing to renew any certificate as a CPA and/or denying, suspending, revoking, or refusing to renew any license issued under Chapter 18.04 RCW, imposing a fine up to thirty thousand dollars plus the Board's investigative and legal costs, and/or imposing full restitution to injured parties.

DATED this 4th day of February, 2016.

A handwritten signature in black ink, appearing to read "Charles E. Satterlund", written over a horizontal line. The signature is stylized with a large, sweeping flourish that extends to the right.

CHARLES E. SATTERLUND, CPA
Director of Investigations
Washington State Board of Accountancy

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

In the matter of the Certified Public Accountant
(CPA) Certificate and/or License(s) to practice
as a CPA of:

Ping Yu
License No. 24196

Respondent.

No. ACB-1445

ANSWER TO
STATEMENT
OF CHARGES

Enter your answer below, sign, date, and return this form within twenty (20) days after you are served (which is the date of deposit in the U.S. mail, if service is by mail, WAC 10-08-110) to:

Washington State Board of Accountancy
711 Capitol Way South, Suite 400, Mail Stop 43110
Post Office Box 9131
Olympia, Washington 98507-9131

If you desire a hearing, you must complete and return this form so that it is received at the above address within twenty (20) days of service. Failure to do so will constitute a waiver of hearing and result in a default (see RCW 34.05.440), and the Board may proceed to resolve your case without further notice, or hearing for your benefit. This may include the denial, suspension, revocation, or refusal to renew your Certified Public Accountant (CPA) certificate and/or the denial, suspension, revocation, or refusal to renew your license(s) to practice in the State of Washington, and/or the imposition of a fine plus the Board's investigation and legal costs or impose full restitution to injured parties.

INSTRUCTIONS: Circle and initial your response and mail this document to the address set forth above.

I.

I [DO] [DO NOT] request a hearing in this matter.

II.

I [WILL] [WILL NOT] be represented by an attorney. His/her name and address is:

III.

INSTRUCTIONS: List by paragraph number in the spaces provided below, the admitted charges of the Statement of Charges. If you admit all of the charges, state "all." If you do not contest or if you deny any or all charges, see sections (2) and (3) of this paragraph.

(1) I DO ADMIT to the following charges contained in the Statement of Charges:

(2) I DO NOT CONTEST the following charges contained in the Statement of Charges:

(3) I DENY the following charges contained in the Statement of Charges:

IV.

I [HAVE] [HAVE NOT] attached a sworn statement in my defense or in mitigation of the charges.

V.

You have the right to: demand a hearing, be represented by an attorney at your own expense at the hearing, subpoena witnesses or the production of books or documents, and otherwise defend against the Statement of Charges.

VI.

I [DO] [DO NOT] request that a qualified interpreter be appointed at no cost to me or my witness(es). The interpreter is for the following:

(1)

Name

Language

Reason for interpreter

(2)

Name

Language

Reason for interpreter

VII.

INSTRUCTIONS: Sign and date the following.

DATED this _____ day of _____, 2016.

Respondent or representative

INTERPRETER REQUEST: I request that a qualified interpreter be appointed at no cost to me to interpret for (myself) or (my witness(es)). My, or my witness(es)', primary language is _____ (identify language). My, or my witness(es)', hearing impaired status is _____ (identify hearing impaired status). I understand that a qualified interpreter will be appointed at no cost to me or to my witness(es).

DATED this _____ day of _____, 2016.

****SIGN****

Ping Yu
Respondent

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

In the matter of the Certified Public Accountant
(CPA) Certificate and/or License(s) to practice
as a CPA of:

Ping Yu
License No. 24196

Respondent.

No. ACB-1445

NOTICE OF
OPPORTUNITY
TO DEFEND

YOU ARE HEREBY NOTIFIED that a Statement of Charges has been filed with the Washington State Board of Accountancy, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may within twenty (20) days of the date you are served this notice (which is the date of deposit in the U.S. mail, if service is by mail, WAC 10-08-110), demand a formal hearing before the Washington State Board of Accountancy on the Statement of Charges. To demand a hearing you must complete and return the enclosed Answer to Statement of Charges requesting a hearing. If you demand a hearing, you will be subsequently notified of the time and place set for the hearing at least seven days in advance of the hearing. See chapters 10-08 WAC and chapter 34.05 RCW for rules and statutes governing discovery, appearances and appeals.

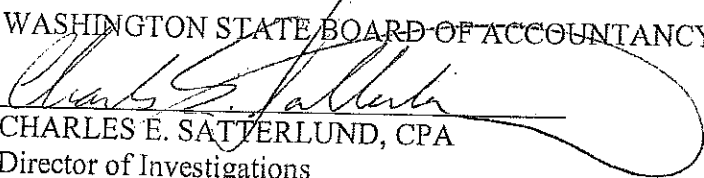
ALTERNATIVELY, you may waive the formal hearing and, in lieu thereof, submit a written statement for consideration by the Board prior to disposition of the Statement of Charges. To exercise either alternative, merely check the appropriate box on the attached Answer to Statement of Charges form, sign, date and return it to the Washington State Board of Accountancy, 711 Capitol Way South, Suite 400, Mail Stop 43110; Post Office Box 9131; Olympia, Washington 98507-9131.

Ping Yu

YOU ARE HEREBY FURTHER NOTIFIED that if you do not return the Answer to Statement of Charges form so that it is received within twenty (20) days from the date you are served this notice, this will constitute a waiver of your right to a hearing and result in a default (See RCW 34.05.440), and the Board may proceed to resolve your case without further notice, or hearing for your benefit. This may include the denial, suspension, revocation, or refusal to renew your Certified Public Accountant (CPA) certificate and/or the denial, suspension, revocation, or refusal to renew your license(s) to practice in the State of Washington, and/or the imposition of a fine plus the Board's investigation and legal costs or impose full restitution to injured parties.

INTERPRETER AVAILABILITY: If you or a witness for you are a person who, because of a non-English speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for you are a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language, including persons who are deaf, deaf and blind, or hard of hearing AND YOU NEED AN INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request the appointment of a qualified interpreter by indicating your request on the attached Answer to Statement of Charges form.

DATED this 4th day of February, 2016.

WASHINGTON STATE BOARD OF ACCOUNTANCY

CHARLES E. SATTERLUND, CPA
Director of Investigations