

**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:

No. ACB-1454

Brett Backues
License No. 19542

CONSENT AGREEMENT

Individually and as Owner of:

MYCFOLINK
License No. 4554

Respondent.

The Washington State Board of Accountancy (Board) and Brett Backues (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. 19542, issued on August 18, 1997) in Washington State.
- 2.2 Respondent owns and operates MYCFOLINK, and holds a valid CPA firm license to practice public accounting (Firm License No. 4554, issued on July 7, 2003) in Washington State.

- 2.3 Respondent was engaged by Complainants, owners of In an Instant Art for the preparation of tax returns, and general accounting services for the business.
- 2.4 Respondent or Respondent's employee made an error on the Washington Department of Revenue ("DOR") Combined Excise Tax Return for 2014, which was signed by Respondent and dated February 3, 2015. Complainants received a notice from DOR assessing additional taxes and penalties totaling \$1,517.36.
- 2.5 Washington Department of Labor and Industries ("LNI") Quarterly Report dated April 24, 2015, stated that "SH gross was erroneously reported and should have been \$3,894." The report also indicated that Respondent was the preparer. The error resulted in an additional \$215.25 in premiums owing by Complainants.
- 2.6 A miscalculation on the deposits for the Q1 2015 IRS 941 resulted in a penalty of \$342.75. Respondent acknowledged and took responsibility for the miscalculation by offering to reduce the outstanding invoice balance to the client.

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 2.6 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.

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 shall pay the Board a fine in the amount of seven hundred fifty dollars (\$750) within 90 days of the service of this Agreement.
- 4.2.2 Respondent shall pay the Board the amount of two hundred fifty dollars (\$250) to reimburse the Board's investigative and legal costs within 90 days of the service of this Agreement.
- 4.2.3 Respondent shall complete four (4) hours of Continuing Professional Education (CPE) in practice management within 30 days of the service of this Agreement. A certificate copy shall be provided to the Board within 30 days of completion.
- 4.2.4 Respondent shall complete four (4) hours of CPE in Board approved ethics and regulations for Washington CPAs within 30 days of the service of this Agreement. A certificate copy shall be provided to the Board within 30 days of completion.

I, Brett Backues, 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 1st day of April, 2016.

RESPONDENT

Brett Backues
Brett Backues

The Board accepts and enters this Consent Agreement.

DATED this 1st day of April, 2016.

WASHINGTON STATE
BOARD OF ACCOUNTANCY

Thomas Neill, CPA
Thomas G. Neill, CPA
Chair