

BEFORE THE ARKANSAS STATE BOARD OF PUBLIC ACCOUNTANCY

**IN THE MATTER OF
Mitchell Wayne Seabaugh
Applicant**

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CONSENT ORDER

The Arkansas State Board of Public Accountancy (hereafter "the Board") and Mitchell Wayne Seabaugh (hereafter "Applicant") acknowledge the existence of a controversy regarding Applicant's status as a certified public accountant, and it now appearing that Applicant is willing to enter into a Consent Order to resolve the pending controversy:

IT IS HEREBY agreed by and between Applicant and the Executive Director of the Board that:

1. Applicant held a certificate as a certified public accountant that was revoked by the Board after notice and hearing and has requested that the Board reinstate him to the status of a certified public accountant on inactive status.
2. Applicant has read the proposed Consent Order, acknowledges his right to consult with counsel, and voluntarily agrees to enter into this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent or other representative thereof, other than expressly set forth herein.
3. Applicant hereby waives any further procedural steps including, without limitation, his right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
4. Applicant executes this Consent Order for the purpose of resolving the pending matter without further administrative action. In this regard, Applicant agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, should this Consent Order not be approved by the Board, Applicant agrees

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that the presentation and consideration of this Consent Order by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation in, consideration, or resolution of the matters set forth herein at any subsequent hearing.

5. Applicant understands and agrees that approval and entry of this Consent Order shall not preclude additional proceedings by the Board against Applicant for acts or omissions not specifically addressed herein.

6. Applicant understands and acknowledges that this Consent Order and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, A.C.A. §25-19-101 *et seq.* and subject to the exceptions thereto.

7. This agreement shall not become a valid and enforceable order of this Board unless and until it is accepted and approved by the Board at an official meeting and executed by the President of the Board or his designee.

FINDINGS OF FACT

1. The Applicant was certified by the Board as a certified public accountant in Arkansas on or about March 23, 1989, after successfully completing the CPA examination and obtaining the required experience in public accountancy.

2. On or about April 25, 2003 Applicant's certificate as a certified public accountant in Arkansas was revoked by the Board after notice and hearing because the Applicant failed to obtain an annual permit or inactive status for licensing years 2000-02.

CONCLUSIONS OF LAW

Applicant is qualified to be reinstated as a certified public accountant on inactive status pursuant to A.C.A. §17-12-604 subject to certain terms and conditions set out herein.

ORDER

IT IS THEREFORE ORDERED that upon Applicant Mitchell Wayne Seabaugh's payment of applicable licensing fees of one hundred twenty (\$120.00) dollars for licensing years 2000-02 and the current year of forty (\$40.00) dollars and a \$100.00 reinstatement fee within thirty days of the date of this Consent Order, the Board shall reinstate Applicant's certificate as a certified public accountant to inactive status.

IT IS FURTHER ORDERED that Applicant can convert to a license to practice pursuant to Board Rule 13.7.

IT IS FURTHER ORDERED that Applicant shall file a complete application to renew her license/inactive status for licensing years 2004 – 2006 on or before December 31, 2003 –2005.

IT IS FURTHER ORDERED that the Board shall retain jurisdiction of this matter for purposes of implementing and enforcing the Consent Order and that Applicant's failure to comply with any term or condition of this Order shall constitute conduct discreditable to the public accounting profession pursuant to Board Code of Professional Conduct, Rule 401 and A.C.A. §17-12-601(a)(9), for which the Board may, after notice and opportunity for a hearing, suspend or revoke Applicant's certificate as a certified public accountant or take other appropriate action pursuant to A.C.A. §17-12-601 (Repl. 2001) or §25-15-217 (Supp. 2001).

IT IS SO ORDERED this 21 day of November 2003.

ARKANSAS STATE BOARD
OF PUBLIC ACCOUNTANCY


ROBERT M. WINTER, CPA
PRESIDENT

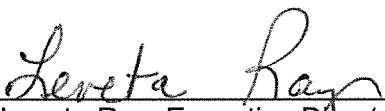
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Approved:



Mitchell Wayne Seabaugh

Attorney for Applicant



Leveta Ray, Executive Director