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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF )  
**CHERIE K. HOOPII** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A )  
CERTIFIED PUBLIC ACCOUNTANT )  
AND AS A CPA FIRM ) **CASE NO. DOPL- 2012 - 398**  
IN THE STATE OF UTAH )

**CHERIE K. HOOPII**, (“Respondent”) and the Division of Occupational and Professional Licensing (“Division”) of the Department of Commerce of the State of Utah stipulate and agree as follows

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Accountancy ("Board"), or the Division President Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses and confront adverse witnesses Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby waives all administrative and judicial review as set forth in Utah Code Annotated §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Annotated § 63G-4-102(4)

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a certified public accountant (CPA) in the State of Utah on or about July 5, 1995. The Division received Respondent's application for licensure as a CPA Firm on or about June 19, 2012.
- b On or about May 11, 2011, Respondent prepared a year-end reviewed financial statement for a client company. In that financial statement Respondent failed to disclose that Respondent was an active officer of the client company and that Respondent was not an independent reviewer. As the result of the failure to disclose the lack of independence, the financial statement prepared by Respondent did not meet AICPA professional standards for preparation of a reviewed financial statement.
- c On or about May 11, 2011, Respondent engaged in the practice of public accounting when Respondent prepared a financial document for a client without being licensed as a CPA Firm.

8. Respondent admits that Respondent's conduct described above is unlawful conduct as defined in Utah Code Annotated § 58-26a-501(2), (3) and (4) and unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (b), § 58-26a-502(1)(a), (c), and (e), Utah Administrative Code R156-26a-501(2) and ET Section 55 – Article IV of the AICPA Code of Professional Conduct; and that said conduct justifies disciplinary action against Respondent's licenses pursuant to Utah Code Annotated § 58-1-401(2)(a) and (b). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Code Annotated § 58-1-401(2) and Utah Administrative Code R156-1-102(6). Respondent agrees that an Order shall be entered in this matter as follows:

- a Respondent's license shall be subject to probation for two years. The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of probation, Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary, such deletions may be made by an amended order issued unilaterally by the Board or Division.

- b. Respondent shall take and pass the Utah Law & Rules Exam and the AICPA Ethics Exam. The two exams are to be completed within six (6) months of the date this Order is signed. The exams are a requirement in addition to the 80 hours of Continuing Professional Education (CPE) required every two years for renewal.
- c. Respondent shall complete 16 hours of CPE on preparing reports no later than December 31, 2013. The 16 hours may count toward Respondent's 80 hours of CPE required for renewal.
- d. Respondent shall meet with the Board at the first scheduled Board meeting following the effective date of this Stipulation and Order. Respondent shall then meet with the Board on a quarterly basis or at such other greater or lesser frequency as determined by the Board and Division for the duration of the Stipulation and Order. Respondent agrees to meet with an assigned staff member prior to the first Board meeting. Unless otherwise directed by the Division or the Board, Respondent may attend these meetings by telephone conference.
- e. Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's profession.
- f. If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return. The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Stipulation and Order. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Stipulation and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Stipulation and Order.
- g. If respondent is arrested or charged with a criminal offense by any law enforcement agency, or disciplined as a Certified Public Accountant in any jurisdiction, inside or outside the State of Utah, for any reason, Respondent agrees to cause the Division and Board to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
- h. If the Respondent, either for her own firm or for another firm, engages in preparing or submitting to any client, any financial reports requiring full

disclosure, including but not limited to any audited financial statement, reviewed financial statements, compiled financial statements, or reports on agreed upon procedures, Respondent shall comply with all of the following additional requirements

- i. Respondent shall provide a copy of this Stipulation and Order to any association with whom Respondent has any formal practice association and to any employer of Respondent for which Respondent engages in preparing or submitting reports,
  - ii Respondent shall not engage in preparing or submitting to any client any financial reports requiring full disclosure, including but not limited to any audited financial statement, reviewed financial statements, compiled financial statements, or reports on agreed upon procedures, unless the report(s) is approved for release to the client by a qualified CPA that has been pre-approved by the Board who has reviewed the report to determine if professional standards have been followed
  - iii Respondent shall cause the CPA reviewing any reports pursuant to subparagraph 8(h)(ii) above to submit quarterly evaluations to the Division. These evaluations shall summarize Respondent's timeliness and competence in preparing the reports
  - iv Respondent shall provide to the CPA who reviews Respondent's reports a copy of this Stipulation and Order and cause any such evaluator to acknowledge to the Board in writing that a copy of this Stipulation and Order have been provided to the evaluator and that the evaluator agrees to review the Respondent's work as required and file timely evaluations with the Division as required by this Stipulation and Order. The evaluator shall focus his/her review to address the types of problems which resulted in disciplinary action by the Division
  - v If Respondent prepares financial statements, Respondent shall timely enroll in and fully comply with any Utah peer review requirement.
- 1 If during the term of probation, Respondent has not engaged in preparing or submitting reports as or having her work monitored as described in paragraph 8(h) for at least 20 engagements, Respondent acknowledges that Respondent will need sufficient assistance and monitoring by qualified CPAs in order to assure Respondent can competently engage in providing such services. If subsequent to the termination of probation, Respondent begins to engage in such work, Respondent agrees to obtain such assistance and monitoring by qualified CPAs

- j If the Respondent does not engage in preparing reports under subparagraph 8(h) above or is not working as a CPA or CPA firm in Utah, Respondent shall submit a written statement on a quarterly basis to the Division stating that Respondent is not engaged in the preparation of reports or in practice of certified public accountancy and shall describe the type of employment or business where Respondent is working
- k Respondent shall be responsible for payment of all costs associated with this Stipulation and Order. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of this Stipulation and Order
- l. Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address
- m Respondent shall maintain an active license at all times during the period of this agreement

9 This Stipulation and Order, upon approval by the Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Director and the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is

unresolved

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Division. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the

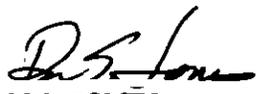
manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

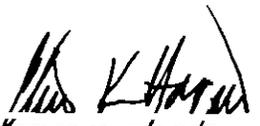
14 Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state

15. Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

RESPONDENT

BY.   
DAN S JONES  
Bureau Manager

  
CHERIE K HOOT

DATE. 9-18-12

DATE 9/14/2012

BY   
L. MITCHELL JONES  
Counsel for Division

DATE 18 Sep 2012

**ORDER**

THE ABOVE STIPULATION, in the matter of **CHERIE K. HOOPII**, is hereby approved and constitutes the Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Annotated § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the final Order in this case.

DATED this 20<sup>th</sup> day of September, 2012.



DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
MARK B STEINAGEL  
Director