

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN

BEFORE THE ACCOUNTING EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST

MICHAEL S. TOEPFER,;

FINAL DECISION AND ORDER

RESPONDENT

LS 9912031ACC

Division of Enforcement Case Nos. 98 ACC 017

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

*Michael S. Toepfer
3120 S. Vermont Ave.
Milwaukee, WI 53207*

*Accounting Examining Board
PO Box 8935
Madison WI 53708-8935*

*Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Michael S. Toepfer, CPA, (D.O.B. 04/27/50) holds a certificate as a certified public accountant in the state of Wisconsin (license #6050). The corresponding license to practice as a certified public accountant was first granted on April 18, 1979.
2. Mr. Toepfer's address is 3120 S. Vermont Ave., Milwaukee, WI 53207.
3. On or about September 10, 1998, Mr. Toepfer pled guilty to Interstate Transportation of Money Taken by Fraud. A true and correct copy of the Judgment, Information and Plea Agreement in this matter is attached to this document as Exhibit A. Exhibit A is incorporated by reference into this document.
4. Mr. Toepfer timely informed the Board of the criminal proceedings referred to in ¶ 3, above.
4. In resolution of this matter, Mr. Toepfer consents to the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Accounting Examining Board has jurisdiction over this matter, pursuant to sec. 442.12, Stats.
2. The Wisconsin Accounting Examining Board is authorized to enter into the attached stipulation, pursuant to sec. 442.12(2), Stats.

3. The conviction referred to above constitutes a basis for disciplinary action against Respondent's certificate and license to practice as a Certified Public Accountant in the state of Wisconsin, pursuant to sec. 442.12(2), Stats. and Wisconsin Administrative Code § Accy 1.401(1) and (2)(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that

1. The Wisconsin license and certificate to practice as a certified public accountant (license #6050) of Michael S. Toepfer shall be **SUSPENDED** for an **INDEFINITE PERIOD** of time. Mr. Toepfer shall immediately return all indicia of Wisconsin certification and licensure to the Board.

2. At any time following two [2] years from the effective date of this Order, Respondent may petition for return of his certificate and license to practice as a certified public accountant in Wisconsin. In conjunction with any petition submitted under this Order, Respondent shall submit a) documentation of successful completion of probation imposed pursuant to his 1998 conviction; b) documentation from the criminal justice system showing no arrests or convictions since his 1998 conviction; (Pursuant to Respondent's request and payment of any usual and customary fees, the Department Monitor shall arrange for a criminal background check on Respondent in satisfaction of this requirement.) and c) such documentation of current competency as the Board in its discretion may require pursuant to Wis. Adm. Code sec. Accy 4.035(2)(c). Denial in whole or in part of a petition under this paragraph shall not constitute shall not give rise to a contested case within the meaning of secs. 227.01(3) and 227.42, Stats.

Department monitor

3. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports and petitions. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 261-7938

ACCOUNTING EXAMINING BOARD

By:

Frank Probst
A Member of the Board

December 3, 1999
Date