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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RAYMOND A. WEIHOFEN,
RESPONDENT.

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FINAL DECISION AND ORDER
LS0709272ACC

Division of Enforcement Case No. 05 ACC 020

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

Raymond A. Weihofen
Post Office Box 8700
Madison, WI 53708

Accounting Examining Board
Post Office Box 8935
Madison Wisconsin 53708 8935

Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, Wisconsin 53708 8935

PROCEDURAL HISTORY

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. Raymond A. Weihofen (Date of Birth: April 19, 1941) holds a certificate as a certified public accountant. The license (license number 1-3784) to practice as a certified public accountant in the state of Wisconsin was first granted on November 28, 1970, and is current until December 14, 2007.
2. Mr. Weihofen's latest address on file with the Department of Regulation and Licensing (Department) is Post Office Box 8700, Madison, Wisconsin 53708.
3. Mr. Weihofen was disciplined by the American Institute of Certified Public Accountants (AICPA) and the Wisconsin Institute for Certified Public Accounts (WICPA) for violating their codes of professional conduct concerning audits of three non-profit organizations in the years 1999, 2000 and 2001.
4. Mr. Weihofen agreed to discipline in the matter. The discipline involved suspension of his membership in the AICPA and WICPA for two years from the effective date of the discipline, completion of 107 hours of professional continuing education on a predetermined schedule and submission of a list of non-profit engagements that he proposed to undertake for one year after the effective date of the discipline. The effective date was June 16, 2005.
5. Mr. Weihofen told a Departmental investigator that he had turned all non-profit audits over to other licensees at the firm he was employed at and that he had completed 74 hours of the required 107 hours of professional continuing education. Mr. Weihofen also told the investigator that he intended to retire from the practice as a certified public accountant on May 31, 2006.
6. Mr. Weihofen has retired from the practice of a certified public accountant and wishes to voluntarily surrender his certificate as a certified public accountant and the license to practice as a certified public accountant in the state of Wisconsin.
7. In resolution of this matter, Mr. Weihofen 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, Stats.
3. By the conduct referred to in the above Findings of Fact, Raymond A. Weihofen has violated:
 - a. Wis. Admin. Code § Accy 1.202(1). A person licensed to practice as a certified public accountant shall not permit the certified public accountant's name to be associated with financial statements in such a manner as to imply that the certified public accountant is acting as an independent public accountant unless the certified public accountant has complied with the applicable generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants. Statements on auditing standards used by the American Institute of Certified Public Accountants aiding standards executive committee are, for purposes of this rule, considered to be interpretations of the generally accepted auditing standards, and departures from such statements must be justified by those who do not follow them.
 - b. Wis. Admin. Code § Accy 1.203(1). No person licensed to practice as a certified public accountant, as defined in the statutes, shall express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from an accounting principle promulgated by the body designated by the council of the American Institute of Certified Public Accountants to establish such principles which has a material effect to the statements taken as a whole, unless he or she can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases the report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

ORDER

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the voluntary surrender of Raymond A. Weihofen's certificate as a certified public accountant and the license (license number 1-3784) to practice as a certified public accountant in the State of Wisconsin, be and hereby is accepted.
2. Within thirty (30) days of the effective date of the Order, Mr. Weihofen shall send all indicia of licensure to:

Department Monitor
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935
608-261-7904
3. Should Mr. Weihofen reapply for Wisconsin certification and licensure, the Board may in its sole discretion determine whether, and under what terms and conditions, a certificate and license may be reissued.
4. This Order shall be effective on the date on which it is signed.

ACCOUNTING EXAMINING BOARD

By: Thomas J. Kilkenny
A Member of the Board

September 27, 2007
Date

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

RAYMOND A. WEIHOFEN,
RESPONDENT.

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STIPULATION
LS#07 _____ ACC

Division of Enforcement Case No. 05 ACC 020

It is hereby stipulated between Raymond A. Weihofen and his attorney, James A. Freidman, and Claudia Berry Miran, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Mr. Weihofen's license and certificate to practice as a certified public accountant by the Division of Enforcement (05 ACC 020). Mr. Weihofen consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Mr. Weihofen understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Mr. Weihofen is aware of his right to seek legal representation and he has obtained legal advice prior to signing this Stipulation.

4. Mr. Weihofen agrees to the adoption of the attached Final Decision and Order by the Accounting Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Mr. Weihofen waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and the member of the Board assigned as advisor in this investigation may appear before the Board in open and closed session, without the presence of Mr. Weihofen or Mr. Weihofen's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation.

7. Mr. Weihofen is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Enforcement joins Raymond A. Weihofen in recommending the Accounting Examining Board adopt this Stipulation and issue the attached Final Decision and Order.

Raymond A. Weihofen

Respondent

Post Office Box 8700

Madison, Wisconsin 53708

License Number 1-3787

Date

James A. Freidman

Attorney for Respondent
Godfrey & Kahn, S.C.
1 East Main Street
Post Office Box 2719
Madison, Wisconsin 53701-2719

Date

Claudia Berry Miran

Attorney
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935

Date