

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE WISCONSIN ACCOUNTING EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID A. SCHROEDER,  
RESPONDENT.

:  
:  
: FINAL DECISION AND ORDER  
:  
: **ORDER 0008136**

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Division of Legal Services and Compliance Case No. 20 ACC 013

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

David A. Schroeder  
Milwaukee, WI 53211

Wisconsin Accounting Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Accounting Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. David A. Schroeder (Respondent) (Birth Year 1962) is certified and licensed by the State of Wisconsin as a certified public accountant, having certification and license number 19945-1, first issued on February 5, 2004 and current through December 14, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Milwaukee, Wisconsin 53211.

2. On September 21, 2020, Respondent reported to the Department that he had pending legal charges/convictions in Racine County, Wisconsin and Houston, Texas, and that he had been disciplined by the Texas State Board of Public Accountancy (Texas Board). The Division of Legal Services and Compliance (DLSC) subsequently opened Case Number 20 ACC 013 for investigation.

3. On March 5, 2016, Respondent was arrested in Houston, Texas for possession of a controlled substance with the intent to deliver.

4. On September 21, 2016, Harris County Texas District Court held open Respondent's case (Case No. 1501323) for Deferred Adjudication. The case will be held open for ten years.

5. On May 4, 2017, Respondent was arrested in Houston, Texas for possession of a controlled substance.

6. On September 20, 2018, the Texas Board suspended Respondent's credentials in Complaint No. 17-08-04L for violations regarding discreditable acts, violating a rule of professional conduct adopted by the Texas Board, and conduct indicating lack of fitness to serve the public as a professional accountant.

7. On August 8, 2020, Respondent was arrested in Racine County, Wisconsin for Possession of Cocaine/Paraphernalia.

8. On March 30, 2021, Respondent was convicted of one misdemeanor count of possession of cocaine and two misdemeanor counts of possessing drug paraphernalia in Racine County Circuit Court Case Number 2020CF000940.

9. On June 3, 2021, Respondent signed an Agreed Consent Order regarding Texas Board Complaint Nos. 20-09-52L and 20-09-53L (Texas Agreed Consent Order). The Texas Agreed Consent Order provides for Respondent's Texas credential to be suspended by the Texas Board for two years, and for Respondent to be put on probation for eight years following the suspension for violations regarding discreditable acts, violating a rule of professional conduct adopted by the Texas Board, and conduct indicating lack of fitness to serve the public as a professional accountant.

10. The Order requires, amongst other conditions, that Respondent submit quarterly reports to the Texas Board which detail Respondent's compliance with the order, the nature of Respondent's practice, the completion of Respondent's continuing education, and any criminal arrests. This Order took effect on July 15, 2021.

11. During his certification and license renewals in 2017 and 2019, Respondent answered "no" to the question of whether he had any pending charges or convictions to report.

12. Respondent entered into an impairment program, separate from this Order, and signed the impairment program contract on May 26, 2022.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. The Wisconsin Accounting Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 442.12, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Accy 4.101(13) by having an active or stayed revocation or suspension of an

occupational license or other privilege to practice a licensed occupation by or before any state or other licensing or regulatory authority for wrongful conduct that evidences an unfitness of the applicant to practice public accountancy.

3. By the conduct described in the Findings of Fact, Respondent violated Wis. Admin. Code § Accy 4.101(1) by engaging in dishonesty, fraud, or deceit in obtaining a certificate or license.

4. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 442.12(1)(b).

### ORDER

1. The attached Stipulation is accepted.
2. Respondent David A. Schroeder is REPRIMANDED.
3. Respondent David A. Schroeder's certified public accountant certification and license (no. 19945-1) is LIMITED as follows:
  - a. Respondent shall comply with the impairment program contract dated May 26, 2022.
    - i. Any violation of the terms of the impairment program contract, dated May 26, 2022, is a violation of this Order.
    - ii. Respondent may petition for termination of this limitation upon successful completion of the impairment program. The Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.
  - b. Respondent shall comply with all of the terms of the Texas Agreed Consent Order.
    - i. Any violation of the Texas Order shall be considered a violation of this Order.
    - ii. Beginning 30 days from the date of this Order, Respondent shall submit quarterly reports prepared by the Texas Board detailing his successful compliance with the terms of the Texas Agreed Consent Order during the previous quarterly period. The reports shall be filed with the Department Monitor, at the address below, every 90 days.
    - iii. Respondent may petition for termination of this limitation upon successful completion of the Texas Agreed Consent Order. The

Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

- c. Respondent is required to successfully complete his criminal probation in Racine County Circuit Court Case Number 2020CF000940.
  - i. Any violation of the terms of probation in Racine County Circuit Court Case Number 2020CF000940 shall be considered a violation of this Order.
  - ii. Beginning 30 days from the date of this Order, Respondent shall submit quarterly reports prepared by his Wisconsin probation officer detailing his successful compliance with the terms of his probation.
  - iii. Respondent may petition for termination of this limitation upon successful completion of his criminal probation. The Board may grant or deny the petition(s), in its discretion, or may modify this Order as it sees fit. A denial of such petition(s) for modification or termination shall not be deemed a denial of a license under Wis. Stat. § 227.42, or Wis. Admin. Code ch. SPS 1, and shall not be subject to any right to further hearing or appeal.

4. Within 120 days from the date of this Order, Respondent David A. Schroeder shall pay the COSTS of this matter in the amount of \$1,041.

5. All required submissions and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 266-2112; Fax (608) 266-2264  
[DSPSMonitoring@wisconsin.gov](mailto:DSPSMonitoring@wisconsin.gov)

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov/>.

6. In the event Respondent violates any term of this Order, Respondent's certification and license (number 19945-1), or Respondent's right to renew his certification and license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative, refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN WISCONSIN ACCOUNTING EXAMINING BOARD

by: Michael E. Fendles  
A Member of the Board

8/31/22  
Date

STATE OF WISCONSIN  
BEFORE THE WISCONSIN ACCOUNTING EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID A. SCHROEDER,  
RESPONDENT.

:  
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:

STIPULATION

**ORDER 0008136**

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Division of Legal Services and Compliance Case No. 20 ACC 013

David A. Schroeder (Respondent) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin 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. Respondent 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 then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the 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 Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent 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 Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



\_\_\_\_\_  
David A. Schroeder, Respondent  
Milwaukee, WI 53211-2512  
Credential No. 19945-1

06/15/2022  
\_\_\_\_\_  
Date



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Alicia M. Kennedy, Prosecuting Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

6/24/2022  
\_\_\_\_\_  
Date