

MARYLAND STATE BOARD  
OF PUBLIC ACCOUNTANCY

v.

NICHOLAS J. MASHINSKI,

Respondent

\* BEFORE THE MARYLAND  
\* STATE BOARD OF PUBLIC  
\* ACCOUNTANCY  
\* COMPLAINT NO.: 10-0025  
\*

\* \* \* \* \*

CONSENT ORDER

This matter comes before the Maryland State Board of Public Accountancy (the “Board”) pursuant to a random audit by the Board to determine compliance by Nicholas J. Mashinski (the “Respondent”) with continuing professional education (“CPE”) requirements. After review, on or about September 2, 2010, the Board issued a Notice of Charges and Order for Hearing against the Respondent (incorporated by reference herein) alleging violations of the laws which govern Maryland certified public accountants in connection with his application for renewal, dated on or about July 1, 2008. A hearing was scheduled before the Board, however, the hearing was withdrawn as a result of the parties’ consent to the entry of this Consent Order as a full and final resolution of this action.

IT IS STIPULATED BY THE PARTIES THAT:

1) At all relevant times, the Respondent was licensed by the Board as a certified public accountant (“CPA”) with Registration No. 22094.

2) On or about July 1, 2008, the Respondent filed an application with the Board for renewal of his license to practice certified public accountancy. In connection with that

application, the Respondent represented to the Board that he had completed 120 hours of continuing education requirements.

3) Pursuant to the filing of the renewal application, the Respondent's license was renewed with an effective issuance date of July 1, 2008. Thereafter, the Respondent's license was randomly selected for audit by the Board to verify compliance.

4) On or about February 12, 2009, the Board sent a letter to the Respondent advising that his file had been selected for audit and requesting him to provide documentation of the 120 CPE hours claimed in connection with his renewal application. On or about May 14, 2009, the Board sent another letter to the Respondent directing him to respond to the request for CPE documentation.

5) The Respondent failed to provide the requested documentation and failed to provide a response in accordance with the Board's communications. However, on or about September 29, 2010, the Respondent submitted documentation to the Board in support of the CPE hours claimed.

6) Based on the aforementioned circumstances, the Respondent admits to a violation of Bus. Occ. and Prof. Art. ("BOP"), §2-315(a)(1)(xii) and COMAR 09.24.01.06(I)(5) for failing to respond in writing to the Board's communications within 30 days of the mailing of the communications.

7) Accordingly, based on his violations, the parties agree that the following sanctions shall be imposed:

a) The Respondent shall pay a civil penalty in the amount of \$1500.00 to the Board within 7 days from the date of this Consent Order. In the event that the Respondent fails

to make the required payment in accordance with this Consent Order, his license shall be immediately and automatically suspended until such time as the required payment is made; and

b) The Respondent shall obtain 8 additional CPE hours in Ethics. The Respondent agrees to complete such additional CPE training and provide documentary evidence of course completion to the Board within 30 days from the date of this Order. In the event that the Respondent fails to complete the required CPE training and furnish proof to the Board within the 30 day period, his license shall remain in a suspended status until the course completion requirements described in this subparagraph are met. The 8 CPE hours in Ethics shall not count toward any further renewal of the Respondent's CPA license.

8) The Respondent agrees that the documentation provided by him in support of the claimed CPE credits is subject to an audit by the Board to determine compliance and final Board approval.

9) In the event that the Respondent fails to comply with the terms of this Consent Order in any manner, the Board reserves the right to commence further disciplinary proceedings and impose further sanctions.

10) The Respondent waives any and all rights of appeal pursuant to this matter or any action of the Board in accordance with this Consent Order.

BASED ON THE STIPULATIONS OF THE PARTIES, IT IS THIS 1<sup>ST</sup> day of November, 2010, BY THE MARYLAND STATE BOARD OF PUBLIC ACCOUNTANCY,

**ORDERED** that the Respondent has violated BOP, §2-315(a)(1)(xii) and

COMAR 09.24.01.06(I)(5);

**AND IT IS FURTHER ORDERED** that the Respondent shall pay a civil penalty in the amount of \$1500.00 to the Board within 7 days from the date of this Consent Order;

**AND IT IS FURTHER ORDERED** that the Respondent shall obtain 8 additional hours of continuing professional education credits in the field of Ethics in accordance with the terms of this Order;

**AND IT IS FURTHER ORDERED** that this matter shall be resolved in accordance with the terms of this Consent Order and that the same shall be reflected among the records of the Maryland State Board of Public Accountancy;

**AND IT IS FURTHER ORDERED** that this Consent Order shall constitute a Final Order of the Maryland State Board of Public Accountancy.

(RESPONDENT'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)  
\_\_\_\_\_  
Nicholas J. Mashinski, Respondent

10/21/2010  
Date

(BOARD CHAIR'S SIGNATURE  
APPEARS ON ORIGINAL ORDER)  
\_\_\_\_\_  
H. Terry Hancock, CPA  
Chairman  
Maryland State Board of Public  
Accountancy

11/1/10  
Date