

**State of New Hampshire  
Board of Accountancy  
Concord, New Hampshire 03301**

In the Matter of:  
Richard M. Thomas, CPA  
No.: 01141  
(Misconduct Allegations)

**SETTLEMENT AGREEMENT**

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of accountancy, the New Hampshire Board of Accountancy ("Board") and Richard M. Thomas, CPA ("Mr. Thomas" or "Respondent"), an accountant licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 309-B:10; RSA 309-B:11; and Board of Accountancy Administrative Rule ("Ac") 204.01, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by licensed accountants. Pursuant to Ac 204.03 (c), the Board may impose disciplinary sanctions pursuant to a settlement agreement and without commencing a hearing.
2. The Board first granted Respondent a license as an accountant in the State of New Hampshire on July 19, 1982. Respondent holds license number 01141. Respondent practices accountancy in Goffstown, New Hampshire.
3. On or about December 31, 2008, the Board received information that Respondent had failed to complete a required Peer Review for the three-year period ending June 30, 2008, in violation of Ac 405.02(a).
4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's questionable conduct.
5. The Board's investigation revealed the following facts:
  - A. During the three-year period ending June 30, 2008, Respondent performed attest and/or compilation services and was therefore required to hold a Firm Permit pursuant to RSA 309-B:8, I (a).
  - B. On or about June 30, 2008, Respondent submitted an application for renewal of his Firm Permit and was required by Ac 405.02 (a) to engage in peer review.
  - C. Respondent was issued a Firm Permit on or about August 27, 2008.
  - D. Respondent's peer review was to have been completed by December 31, 2008.
  - E. The Board learned that although Respondent enrolled in the New England Peer Review to administer his peer review for the three-year period ending June 30, 2008, he never engaged a reviewer or completed the review.

- F. As a firm permit holder, Respondent's failure to maintain compliance with the requirements for the issuance of a Firm Permit is grounds for discipline under RSA 309-B:10, I (c).
6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 309-B:10, I (c).
7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's accountant's license in the State of New Hampshire.
8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 309-B:10, I:
- A. Respondent is **censured**.
- B. Respondent is required to meaningfully participate in a program of continuing education in the area of ethics, for a total of eight (8) hours. These hours shall be in addition to the hours required by the Board for renewal of licensure and shall be completed within one (1) year from the effective date of this Settlement Agreement. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.
- C. Respondent shall participate in the peer review process for June 30, 2005 through June 30, 2008. Respondent shall complete this peer review within one (1) year from the effective date of this Settlement Agreement. In the event that Respondent is unable to obtain a peer review for this time period, he shall submit supporting documentation to the Board. This requirement will be vacated upon the Board's review of supporting documentation.
- D. Respondent is assessed an administrative fine in the amount of One Thousand Dollars (\$1,000.00). Respondent shall pay this fine in full within thirty (30) days of the effective date of this Settlement Agreement, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 57 Regional Drive, Concord, New Hampshire 03301.
- E. The Board may consider Respondent's compliance with the terms and conditions herein and in any subsequent proceeding before the Board regarding Respondent's license.
- F. Within ten (10) days of the effective date of this Settlement Agreement, as defined further below, Respondent shall furnish a copy of the Settlement Agreement to any current employer for whom Respondent performs services as an accountant and to any agency or authority which licenses, certifies or credentials accountants, with which Respondent is presently affiliated.
- G. For a continuing period of one (1) year from the effective date of this Settlement Agreement, Respondent shall furnish a copy of this Settlement Agreement to any employer to which Respondent may apply for work as an accountant and to any

agency or authority that licenses, certifies or credentials accountants, to which Respondent may apply for any professional privileges or recognition.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 309-B:10, and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this *Settlement Agreement*.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.

19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

**FOR RESPONDENT**

Date: 1/26/12 Richard M. Thomas  
Richard M. Thomas, CPA  
Respondent

**FOR THE BOARD/\***

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 3/19/12 Louise Lavoie  
(Signature)

Louise Lavoie, Executive Director  
(Print or Type Name)  
Authorized Representative of the  
New Hampshire Board of Accountancy

/\* Board member(s), recused:  
Thomas W. Musgrave, CPA