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JUN 20 2023

STATE OF NEW HAMPSHIRE
BOARD OF ACCOUNTANCY AND PLG-FINANCE
CONCORD, NH

In the matter of:
Kim Thi Tran
Lic. #07589 - CPA

DOCKET #22-ACCT-006

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 Kim Thi Tran ("Ms. Tran" 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.
2. The Board first granted the Respondent a license to practice as an accountant in the State of New Hampshire on July 28, 2014. Respondent holds CPA license number 007589. Respondent's license is currently inactive.
3. The Respondent neither admits nor denies the allegations herein, but stipulates that the Board could make the following factual findings to support the conclusion that Respondent engaged in professional misconduct as defined in RSA 309-B:10:
 - A. Respondent On July 14, 2022, the Board selected the Respondent for a random continuing professional education ("CPE") audit. The Board, through its staff administrator, mailed and emailed a letter to the Respondent to her address of record.
 - B. The same day, July 14, 2022, the Respondent replied to the Board by email,

explaining that she had recently switched her computer and lost a lot of her CPE certificates. She was able to retrieve certificates of completion for CPE courses completed in 2020 and a few from 2021. She attached all of the certificates she was able to retrieve.

- C. The Respondent engaged in further email and written communications with Board administrator staff, but was unable to retrieve or provide any additional certificates as required by the audit.
 - D. On September 1, 2022, the Respondent filed an Application for Inactive Status so she could complete the required CPEs and reapply for licensure at a later date.
 - E. The Board approved the Respondent's inactive status on October 3, 2022.
4. The Board finds that, by engaging in such conduct, Respondent has violated RSA 309-B:10, I-a(c) and (f), and Rules 403.02(b), and/or Rule 401.04(c)(6).
5. The Respondent consents to the Board imposing the following sanctions as discipline:
- A. The Respondent is **CENSURED** pursuant to RSA 309-B:10, I(a) and Ac 402.05(b). It shall consist of a public statement (formalized in this *Settlement Agreement*) from the Board that describes the non-compliance and which is placed in the Respondent's licensure file. This censure shall be considered by the Board in any subsequent disciplinary action.
 - B. The Respondent shall pay an **ADMINISTRATIVE FINE** of \$500.00 pursuant to RSA 309-B:10, I(e) and Ac 402.06. Such fine shall be made payable to "Treasurer, State of New Hampshire" and delivered to the Board's offices at 7 Eagle Square, Concord, NH 03301. The Respondent shall pay such fine prior to the submission and granting of any future application for reinstatement pursuant to Plc 213.02(b).

- C. The Respondent shall complete 144 hours of **CONTINUING EDUCATION**, which shall include the 120 hours required for the Respondent to re-enter practice from her current inactive designation pursuant to Ac 401.06(b)(10). 24 of these hours must be ethics credits, 4 of which must be ethics credits provide through the National Association of State Boards of Accountancy (NASBA). The Respondent must provide proof of completion to the Board prior to the submission and granting of any future application for reinstatement.
6. The Board may consider the Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding the Respondent's license.
 7. The 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.
 8. 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 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.
 9. This Settlement Agreement shall become a permanent part of the Respondent's file.
 10. The Respondent voluntarily enters into and signs this Settlement Agreement and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
 11. The Board agrees that in return for the Respondent executing this Settlement Agreement, the Board will not proceed further with the formal adjudicatory process in this docketed matter.

12. The 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.
13. The Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with his decision to enter into this Settlement Agreement.
14. The 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. The Respondent specifically waives any claims that any disclosures made to the Board during its review of this Settlement Agreement has prejudiced her right to a fair and impartial hearing in the future if this Settlement Agreement is not accepted by the Board.
15. The Respondent is not under the influence of any drugs or alcohol at the time she signs this Settlement Agreement.
16. The Respondent certifies that she has read and understands this Settlement Agreement. The Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, the Respondent fully understands the nature, quality, and dimensions of these rights. The Respondent understands that by signing this Settlement Agreement, she waives these rights as they pertain to the misconduct described herein.
17. 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

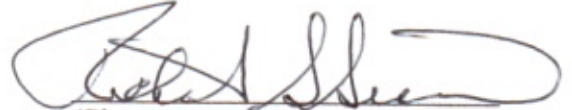
Date: April 12, 2023

Kim Thi Tran

Kim Thi Tran
Respondent

FOR THE BOARD*

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


(Signature)

Richard J. Sherman
(Printed or typed name)

Authorized Representative of the
Board of Accountancy

* Board members recused: