

17 CAR § 236-1002. Compliance Committee recommendation.

(a) The Arkansas State Board of Public Accountancy shall consider the recommendation by the Compliance Committee and may:

- (1) Find probable cause;
- (2) Find no probable cause; or
- (3) Instruct the investigating officer or officers to further investigate the matter.

(b)(1) A finding of no probable cause by the board shall be final, and after such finding no further proceedings shall be had in the matter by the board unless new or additional evidence not available or made known to the board at the time of the finding is thereafter brought to the attention of the board.

(2) The board shall promptly notify the person or entity being investigated and any complaining party of the board's finding of no probable cause.

(c) If the board finds probable cause it may direct that:

(1) Disciplinary proceedings against a licensee be initiated under this part by the filing of a hearing notice, setting forth the particular act or acts of conduct for which the person may be disciplined;

(2) An action be instituted pursuant to Arkansas Code § 17-12-104 or § 17-12-105; or

(3) Other appropriate action be taken.

(d)(1) When a hearing notice is filed, it shall be given a docket number, and any motions or other papers thereafter filed in the case shall refer to such docket number.

(2)(A) At the time the hearing notice is filed, a copy thereof shall be mailed, under the direction of the board, by registered mail or certified mail, return receipt requested, to the respondent at the respondent's address as shown upon the records of the board, notifying the respondent that a hearing thereon will be held at a time and place to be specified, not less than thirty (30) days after the mailing of such notice.

(B) The notice of hearing shall state the legal authority and jurisdiction under which the hearing is to be held.

(3)(A) All pleadings, motions, and orders filed in the case, except applications

for witness subpoenas, shall be served on each party.

(B)(i) Service shall be made by:

(a) Delivery of a copy of the document to be served to the party or the party's attorney; or

(b) Mailing or emailing it to the party at the party's last known address or email address.

(ii) Delivery of a copy within this section shall mean:

(a) Handing it to the attorney or to the party;

(b) Leaving it at the attorney's or the party's office with the attorney or the party's secretary or other person in charge of the office; or

(c) If there is no one in charge, leaving it in a conspicuous place therein.

(iii) If the office is closed or the attorney or party to be served has no office, leaving it at the attorney's or party's usual place of abode with some person of the attorney's or party's family above fifteen (15) years of age and informing such person of the contents thereof.

(iv) Service by mail shall be deemed complete upon mailing.

(v) When an attorney makes the service, a certificate of service conforming to that required by the Arkansas Rules of Civil Procedure shall be taken as prima facie proof of such service in compliance with this part.

(e) Upon the failure of a respondent to appear at a scheduled hearing, the board may proceed to hear evidence against the respondent and may enter such order as shall be justified by the evidence, provided however that within thirty (30) days from the date of any order, upon a showing of good cause for failure to respond, the board may reopen said proceedings.

(f) The respondent has a right to information pursuant to Arkansas Code § 25-15-208(a)(3).

(g) Hearings upon motions may be deferred until the final hearing, and rulings thereon may be reserved until the conclusion of the final hearing.