STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

In the Matter of the CPA Certificate of	**STIPULATION AND CONSENT ORDER AND CEASE AND DESIST ORDER**
Scott Alton Mallory CPA Certificate No. 32064 and Scott A Mallory & Associates LLC Unlicensed	Board File Nos. 2025-020 and 2025-022

STIPULATION

Scott Mallory ("Respondent"), Scott A Mallory & Associates LLC ("Respondent Firm") and the Minnesota Board of Accountancy's Complaint Committee stipulate that, subject to Board's review and discretionary approval, the Board may issue a consent order that imposes the following sanctions:

A. Respondent is CENSURED and REPRIMANDED pursuant to Minn. Stat. § 326A.08 (2024).

B. Respondents shall pay to the Board a joint-and-several CIVIL PENALTY of $1,500. Respondents shall submit the civil penalty by check to the Board within 60 days of the Board's approval of this Stipulation and Consent Order.

C. Respondent Firm shall cease and desist from practicing as CPA Firm in Minnesota until such time as it becomes licensed as a CPA Firm in the State of Minnesota.

D. Respondent shall comply with all statutes and rules within the Board's jurisdiction. *See* Minn. Stat. ch. 326A (2024) and Minn. R. ch. 1105 (2023).

E. Respondent shall report in writing within ten days any violations of this stipulation and consent order to the Board's Executive Director.

Respondent and the Committee enter into this stipulation based on the following findings of fact, conclusions of law, and other stipulated provisions:

Findings of Fact

1. The Board issued Respondent a CPA certificate on August 19, 2020.

2. The Board has not now, nor has ever, issued Respondent Firm a CPA firm permit.

3. Respondent's CPA certificate expired on December 31, 2024.

4. Respondent renewed their CPA certificate on April 11, 2025.

5. Between January 1, 2025, and their April 11, 2025, renewal, Respondent held out as a CPA on their X and LinkedIn profiles.

   a. After receiving the allegation letter, Respondent removed reference to Minnesota CPA certificate from his LinkedIn profile.

   b. Respondent changed his X profile to list "MN 32064 (Inactive)" under his licenses. The use of the Inactive designation requires that a CPA request that status with the Board during the renewal process, which the Respondent failed to do.

6. Respondent Firm is registered with the Minnesota Secretary of State's office and amended their election to become registered as a Professional Firm under Minnesota Statutes Chapter 319B, as a "Professional Services- Accountancy" on April 14, 2020.

   a. Under Minnesota Statutes Section 319B.11, subd. 3(a) (2024), no professional firm may furnish professional services within Minnesota until the firm files with each board having jurisdiction over the pertinent professional services.

b. Respondent Firm has never filed an application with the Board.

7. Respondent was issued a CPA sole proprietor firm permit under the name "Scott A Mallory" on October 13, 2021. This permit expired on December 31, 2023.

8. To date, neither the Respondent nor the Respondent Firm has applied for a CPA firm permit.

Conclusion of Law

1. The Board has authority to license and regulate certified public accountants and to take disciplinary action as appropriate. Minn. Stat. ch. 326A (2024). *See also* Minn. Stat. § 319B.11 (2024) (authorizing Board to enforce the Minnesota Professional Firms Act).

2. Respondents violated Minn. Stat. §§ 319B, subds. 3 & 4, 326A.10(c) (2024), and Minn. R. 1105.2500(A)(2) and (C)(5)(c), 1105.3000(A)(4), 1105.3200(D), 1105.5600, subp. 1(C)(1), and (5), and 1105.7800(A) and (D) (2023).

3. Respondents are subject to discipline pursuant to Minn. Stat. §§ 326A.08, subds. 4, 5(a)(1) and (8), and 7 (2024).

4. This stipulation and consent order is in the public interest.

Other Stipulated Provisions

1. This stipulation and consent order must be approved by the Board to become effective.

2. Respondents agrees that the Committee may move the Board *ex parte*, with or without advance notice to the Respondents, to approve this stipulation and consent order. Respondents understands that the Board may either approve the stipulation and consent order

or not approve it. This stipulation and the files, records, and proceedings associated with this matter may be reviewed by the Board in its consideration of the Committee's motion.

3. If approved by the Board, this stipulation and consent order shall be classified as public data. Minn. Stat. § 13.41, subd. 5 (2024).

4. If the Board does not approve this stipulation and consent order, then the matter remains unresolved and the Committee may either seek to negotiate a revised stipulation and consent order with Respondents to present to the Board or issue an order commencing a contested-case hearing before an Administrative Law Judge at the Office of Administrative Hearings. *See* Minn. Stat. §§ 14.57–.62, 214.10, subd. 2 (2024) (describing administrative hearing process).

5. Respondents agree that if this case comes before the Board again after it reviews and discusses this stipulation and consent order, Respondents waives any claim that the Board was prejudiced by its review and discussion of this stipulation and consent order and any records relating to it.

6. Respondents acknowledge that they were advised by the Committee of their right to a contested-case hearing in this matter before an Administrative Law Judge, to file exceptions and make argument to the Board after the hearing, and to seek judicial review from any adverse decision rendered by the Board. Respondents hereby expressly waives those rights. Respondents were further advised by the Committee of their right to be represented by counsel and that they knowingly waive that right.

7. Respondents have read, understands, and agrees to this stipulation and has voluntarily signed it. It is expressly understood that this stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise. If

approved by the Board, a copy of the final stipulation and consent order shall be served personally or by first class mail on Respondents. The Board's order shall be effective when it is signed by the Chair of the Board or the Chair's designee.

8. Pursuant to Minn. Stat. § 16D.13 (2024), any civil penalty imposed by this stipulation and consent order shall begin to accrue simple interest in accordance with that section thirty days after the civil penalty is due. Pursuant to Minn. Stat. § 16D.17 (2024), thirty days after any civil penalty imposed by this stipulation and consent order is due, the Board may file and enforce any unpaid portion of the civil penalty as a judgment against Respondents in district court without further notice or additional proceedings.

Scott Alton Mallory, CPA
Scott A Mallory & Associates LLC
By: _____
Its: _____

STATE OF Minnesota

COUNTY OF Washington

This instrument was acknowledged before me on 8/26/25 by Scott Mallory.

(stamp)

SUZETTE L. JORDAN
Notary Public-Minnesota
My Commission Expires Jan. 31, 2027

Suzette L Jordan
(Signature of notary officer)

My commission expires: 1/31/27

COMPLAINT COMMITTEE

ANN ETTER, CPA
Chair

Dated: Sept 11, 2025

CONSENT ORDER

Upon consideration of this stipulation and consent order, and based upon all the files, records, and proceedings herein, all terms of the stipulation and consent order are approved. Accordingly, the Board hereby ADOPTS the stipulation and issues the ORDER described above.

STATE OF MINNESOTA
BOARD OF ACCOUNTANCY

Dated: October 8, 2025

CHARLES SELCER, CPA
Board Chair