

MINUTES
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF ACCOUNTANCY MEETING
February 27, 2009

Conference Call

Friday, February 27, 2009

The meeting was called to order at 10:00 a.m. by Mr. Gunn, Chair. The roll was called by Mr. Tipton, and reflected the following persons present.

BOARD MEMBERS

Teresa Borcheck	Present
Cynthia Borders-Byrd	Present
Rick Carroll	Present
Maria Caldwell	Present
William Durkin	Present
Marshall Gunn	Present
Steve Riggs	Present
David Tipton	Present
John Quinlan	Present

STAFF

Veloria Kelly	Present
June Carroll	Present

Mary Ellen Clark, Esquire, Assistant Attorney General and Board Counsel was present. Phil Amato, Esquire, Assistant General Counsel, Department of Business and Professional Regulation was present. The court reporter was Pam Chorlog.

Ms. Kelly reminded board members that it is important that they repeat their names each and every time they speak for transcribing purposes.

Others in attendance were Kathy Anderson, John Johnson and Adam Potts of the FICPA.

I. Appearances and/or scheduled times for consideration of agenda items

1. Petition for Variance or Waiver of Rule 61H1-27.001 (5) (a) and 61H1-27.002 (a), Kevin Donald.

Mr. Donald was present.

Motion was made by Mr. Quinlan, seconded by Ms. Borders-Byrd, to reconsider. Upon vote, the motion passed unanimously. Motion was made by Mr. Quinlan, seconded by Ms. Borders-Byrd, to vacate previous Notice of Intent to Deny. Upon vote, the motion passed unanimously. Motion was made by Mr. Quinlan, seconded by Ms. Borders-Byrd, to approve upon completion of the law course covering the Uniform Commercial Code. Upon vote, the motion passed unanimously.

2. Reconsideration – Kimberly Sterling.

Ms. Sterling was present.

Motion was made by Mr. Tipton, seconded by Mr. Carroll, to reconsider. Upon vote, the motion

passed unanimously. Motion was made by Mr. Tipton, seconded by Mr. Carroll, to vacate previous Notice of Intent to Deny. Upon vote, the motion passed unanimously. Motion was made by Mr. Tipton, seconded by Mr. Carroll, to approve. Upon vote, the motion passed unanimously.

I. Administrative

3. NASBA – Discuss letter from David Costello regarding the National CPE Expo

Board members discussed the letter from Mr. Costello and were not satisfied with his remarks. They felt that there is still a conflict of interest with NASBA maintaining the National Registry of CPE sponsors and hosting the National CPE Expo. The board determined they would not take action at this time.

Board members asked Ms. Kelly to send a letter to Mr. Cote of NASBA and let them know the board expects them to appear before them at their April meeting to discuss NASBA's QAS program. In the letter Ms. Kelly was asked to remind Mr. Cote that the board had given them six (6) months to respond, and to remind NASBA that they had agreed to bring their proposal on streamlining their application process to the August 13, 2008, board meeting.

4. Consider language to 473 regarding mobility.

Mr. Gunn asked board members if they received a press release that Montana had passed mobility. Ms. Anderson stated that South Dakota, Alabama and four (4) or five (5) other states were anticipating passing the rule in the next few weeks.

Mr. Quinlan stated he saw a number of changes from the edit he gave to Mr. Hart some of the changes were included, some were not and this is the first time that he had seen some of them. Mr. Quinlan asked about the difference in the draft from 2005 to 2007, Ms. Anderson said the changes in the draft do not affect the mobility issues, the changes had to do with other Uniform Accountancy Act issues. Ms. Anderson told board members that the mobility issues are still in draft and do not have a bill number at this point. Mr. Quinlan pointed out that there is still a problem with the portion of the bill 473.3141 certified public accountants licensed in other states (5) regarding personal service, and the fact that it states "licensee" which needs to be changed.

Mr. Quinlan stated there was still a conflict with the rule regarding having a lay person on the Probable Cause Panel. Mr. Johnson stated that there is a stand alone bill 1640 that makes reference to the CPA license in the state, which will take care of this.

Ms. Anderson explained that the draft was presented to Senate bill drafting and it took them a significant time to get it back to the FICPA. Because of the economic situation, the FICPA knew there were items in the board report that they would want included such as the Law and Rules exam, the Probable Cause Panel issue, the inactive status and the implementation of work experience. The Legislation is limited on their number of bills, therefore all of these needed to be included.

5. FICPA update.

Mr. Johnson reported that it has come to the attention of the FICPA through a press conference held by the Governors Office that there is a bill floating out there that would change all Department of Business and Professional Regulation licensee's from a two (2) to four (4) year

license. HB 1413 in fact would change all licensees from a two (2) to four (4) year license but makes no reference to when CPE should be taken or reported. The FICPA will continue to track HB 1413 and report back to the Board at the next meeting.

6. Other Business

It was announced that the department is considering having their counsel act as board counsel. Ms. Kelly said she would be talking with the Departments Secretary and about this and would try to have more information for the next board meeting.

7. Future Meeting Dates.

This was an informational item.

8. Adjourn

There being no further business the meeting was adjourned at 10:55 a.m.

Marshall Gunn, Jr. Chair