

Charlie Liem, Secretary

Charlie Crist, Governor

Board of Accountancy
December 2 & 3, 2010

Department of Business and Professional Regulation Board Room
1940 North Monroe Street
Tallahassee, Florida 32399

Thursday and Friday, December 2 and 3, 2010

The meeting was called to order at 1:00 p.m., on December 2, 2010, and at 9:05 a.m., on December 3, 2010, by Mr. Tipton, Chair. The roll was called by Ms. Caldwell on December 2 and 3, 2010, and reflected the following persons present.

BOARD MEMBERS

Teresa Borcheck	Present
Cynthia Borders-Byrd	Present
Maria Caldwell	Present
William Durkin	Present
Steve Riggs	Present
Eric Robinson	Present
David Tipton	Present

STAFF

Veloria Kelly	Present
June Carroll	Present

Mary Ellen Clark, Esquire, Assistant Attorney General and Board Counsel was present. Eric Hurst, Chief Attorney, Department of Business and Professional Regulation was present. The court reporter was Tracy Brown, and was present on December 3, 2010.

1. Approve Board Minutes

A. October 21, 2010

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to approve. Upon vote, the motion passed unanimously.

B. October 22, 2010

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to approve. Upon vote, the motion passed unanimously.

2. OGC Action Request

A. CASTELLANOS, ELIAS – 2009059380

Ms. Caldwell and Ms. Borcheck were recused.

Motion was made Mr. Durkin, seconded by Ms. Borders-Byrd, that a right to hearing was waived. Upon vote, the motion passed unanimously. Motion was made by Mr. Durkin, seconded by Ms. Borders-Byrd, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Motion was made by Mr. Durkin, seconded by Ms. Borders-Byrd, to revoke license, impose fine in the amount of \$5,000.00 and cost in the amount of \$86.30 due within thirty days of date of Final Order.

3. Petitions for Variance or Waiver

A. ANDREWS, TAVARA

Ms. Andrews was present.

Motion was made by Ms. Caldwell, seconded by Ms. Borders-Byrd, to grant an extension of BEC until March 31, 2011, and deny the extension for AUD. Upon vote, the motion passed unanimously.

B. KRUGER, ALWYN

Mr. Kruger was present along with his attorney Ms. Palumbo.

Motion was made by Mr. Riggs, seconded by Mr. Robinson, to approve based on the fact that he has four (4) years of work experience. Upon vote, the motion passed unanimously.

C. WEISS, AMY

Motion was made by Ms. Borders-Byrd, seconded by Mr. Riggs, to approve a six (6) month extension due to medical reasons. Upon vote, the motion passed unanimously.

4. Non-Disputed Fact Hearing

A. MORRIS, STUART

Motion was made by Ms. Borders-Byrd, seconded by Ms. Borcheck, to reconsider, vacate previous denial and approve. Upon vote, the motion passed unanimously.

B. YOUNG, HERBERT

Motion was made by Mr. Durkin, seconded by Ms. Borcheck, to reconsider, vacate previous denial and approve. Upon vote, the motion passed unanimously.

5. Declaratory Statements

A. JONES, KEITH - DEC STMT #2010-073

Mr. Jones was present.

Motion was made by Mr. Robinson, seconded by Ms. Caldwell, to approve declaratory statement that the completion of Form DR-15ZC on a contingency fee basis is in compliance with the Board's Rules. Upon vote, the motion passed unanimously.

6. Disciplinary Matters

A. CAMPBELL, MICHAEL

Motion was made by Mr. Durkin, seconded by Mr. Rigs, to revoke license. Upon vote, the motion passed unanimously.

7. Exams – Recommended Approvals

Trevor Davis

Applicant charged with careless driving on August 7, 2001; attended traffic school. All sanctions satisfied. Applicant charged with careless driving on November 2, 2001; adjudication withheld. All sanctions satisfied. Applicant charged with careless driving on July

23, 2002; guilty, all sanctions satisfied. Applicant charged with seat belt violation on October 3, 2006; pled guilty. All sanction satisfied. Applicant charged with careless driving on April 3, 2008; attended traffic school. All sanctions satisfied.

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve for convictions only. Upon vote, the motion passed unanimously.

James Digamon Applicant charged with underage possession of alcohol on July 2, 2007; paid fines and performed community service. All sanctions satisfied. Applicant charged with underage possession of alcohol on March 12, 2008; paid fine. All sanction satisfied.

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve for convictions only. Upon vote, the motion passed unanimously.

Jeffery Perbix Applicant charged with driving under the influence on December 19, 2003; fined, placed on probation attended education classes. All sanction satisfied. Applicant charged with driving under the influence on August 20, 1988; fined, attended education classes. All sanctions satisfied. Applicant charged with careless driving on July 10, 1982; fined, all sanctions satisfied. Applicant charged with possession of marijuana on March 15, 1978; fined and placed on probation. All sanctions satisfied.

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve for convictions only. Upon vote, the motion passed unanimously.

Thomas Raymer Applicant charged with possession of cannabis less than 20 grams and with possession of a drug without a valid prescription on December 2, 2004; adjudication withheld. All sanctions satisfied. Applicant charged with possession of drug paraphernalia on December 2, 2004; pled guilty. All sanctions satisfied.

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve for convictions only. Upon vote, the motion passed unanimously.

8. Exams – Recommended Denials

Sugey Arias Deficient three (3) semester hours of business law.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Joseph Dailey Deficient three (3) semester hours of upper division cost/managerial accounting.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Roseline Dickson Deficient four (4) semester hours of upper division accounting to include coverage of cost managerial accounting and six (6) semester hours of business law to include coverage of contracts, torts and the Uniform Commercial Code; of which three (3) semester hours must be upper division.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Mark Doyle Deficient 21 semester hours of upper division accounting to include coverage of auditing, financial and cost managerial accounting and three (3) semester hours of business law.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Gabriel Mendoza Deficient six (6) semester hours of upper division accounting to include coverage of auditing and six (6) semester hours of business law to include coverage of contracts, torts and the Uniform Commercial Code; of which three (3) semester hours must be upper division.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Kinjal Mukesh Shah Deficient 15 semester hours of graduate level courses from an accredited institution to include three (3) semester hours of taxation and six (6) semester hours of accounting. These courses must be completed after admission to graduate school. Deficient coverage of upper division taxation and financial accounting, also deficient three (3) semester hours of business law to include coverage of contracts, torts and the Uniform Commercial Code.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

Monique Williams Deficient official undergraduate transcripts from Florida International University, applicant failed to meet requirements of rule 61H1-27.002(2).

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny. Upon vote, the motion passed unanimously.

9. Original Licensure – Recommended Denials

Michael Ugliodoro Deficient six (6) semester hours of upper division accounting.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to deny unless he signs the ninety day waiver. Upon vote, the motion passed unanimously.

10. Endorsement – Recommended Approvals

Jeffrey Farrington Applicant was charged with no valid driver license on November 6, 2006; fine/disposed trial. Charged with DUI on April 26, 2006; disposed trial. All sanctions have been satisfied.

Motion was made by Mr. Durkin, seconded by Mr. Riggs, to approve for convictions only. Upon vote, the motion passed unanimously.

Chadwick Walter

Applicant was charged with DUI on April 7, 2002; \$500.00 fine, community service, and suspended driver license. Charged with DUI and driving with a suspended license on June 27, 2002; \$1000.00 fine, home detention, community service, and suspended driver license. Charged with driving with a suspended license on May 21, 2003; court costs. All sanctions have been satisfied.

Motion was made by Mr. Durkin, seconded by Mr. Riggs, to approve for convictions only. Upon vote, the motion passed unanimously.

11. Endorsement – Considerations

Paula Hayes

The Texas Board of Accountancy entered an order against Ms. Hayes on October 4, 1989 for violation of SEC. 8(e); practicing without a license and on October 17, 1994 for violation of SEC. S21(c)(10); failed to renew license for three (3) consecutive years. Applicant currently has an active CPA license in California issued May 17, 1991 which expires March 31, 2012.

Motion was made by Mr. Durkin, seconded by Mr. Riggs, to approve. Upon vote, the motion passed unanimously.

Richard Yavel

Richard Yavel's endorsement application was received by the Department of Business and Professional Regulation on July 27, 2010 and noticed on August 12, 2010 for a deficiency of a Certification of Work Experience form evidencing one (1) year of public, governmental, academia, or industry accounting experience under the supervision of a licensed CPA and 21 hours of CPE. Mr. Yavel New York license was issued November 26, 1982 which expires May 31, 2012.

Mr. Yavel would like the Board to consider letter from PricewaterhouseCoopers in lieu of the Certification of Work Experience form evidencing one (1) year of public, governmental, academia, or industry accounting experience under the supervision of a licensed CPA. Mr. Yavel indicated that he was not able to locate his past supervisor and the New York Board of Accountancy no longer has his experience affidavit on file.

Motion was made by Mr. Durkin, seconded by Mr. Riggs, to approve. Upon vote, the motion passed with Mr. Robinson voting no.

12. Maintenance and Reactivation – Consent Agenda – Staff Approvals

Motion was made by Ms. Borders-Byrd, seconded by Ms. Borcheck to approve. Upon vote, the motion passed unanimously.

13. Maintenance and Reactivation – Requests to Reactivate

Elaine Wood

Ms. Wood is requesting that the status of her license be changed from "null and void" to "inactive" status so that she can begin the process of activating her license. Her license reverted to "delinquent inactive" status

on January 1, 2004 for failure to remit the renewal fee and “null and void” on January 1, 2006.

Motion was made by Mr. Durkin, seconded by Ms. Borders-Byrd, to deny request to place license on “inactive” status, approved extending the “delinquent” status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

14. Maintenance and Reactivation – Considerations

Antonio Arner

Mr. Arner is requesting that his original reactivation package is revisited for approval and that his subsequent renewal package for the June 30, 2010 deadline is accepted for review to bring his license back to “active” status.

The Board of Accountancy, at their meeting on October 21, 2008, denied Mr. Arner’s reactivation application for the following reasons: deficient four (4) continuing professional education (CPE) hours for the period ending June 30, 2008.

The Intent to Deny Order was filed with the Agency Clerk office on March 19, 2009. The board office has no record of receiving the certified return receipt card.

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to approve. Upon vote, the motion passed unanimously.

George I. Augustin

Mr. Augustin is requesting an extension of time beyond the August 12, 2010 deadline the Board of Accountancy approved him for to reactivate his “null and void” license.

The Board of Accountancy, at their meeting on August 4, 2009, approved an extension of Mr. Augustin’s “delinquent” status for one year which would allow him to reactivate his “null and void” license. Mr. Augustin was sent a letter on August 12, 2009 informing him that he would need to complete 244 total continuing professional education (CPE) hours with 120 in accounting and auditing and four (4) in board approved ethics by August 12, 2010.

Mr. Augustin’s application was received by the Department of Business and Professional Regulation on September 30, 2010. He was notified on October 14, 2010 that we could not process his application because it was received after the August 12, 2010 deadline and the application would be placed on the Board of Accountancy’s agenda for consideration.

If the Board approves Mr. Augustin’s request for additional time, then he will not meet all requirements to reactivate his license. He is deficient \$290 fee and sufficient proof of attendance for all courses completed through the University of South Florida – missing sponsor’s name and signature.

Motion was made by Mr. Durkin, seconded by Ms. Borders-Byrd, grant an extension until January 28, 2011. Upon vote, the motion passed unanimously.

15. Maintenance and Reactivation – Voluntary Relinquishment

<u>Licensee's Name</u>	<u>License Number</u>
Jennings, William	8951

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to approve. Upon vote, the motion passed unanimously.

16. Deceased

There was a moment of silence for those listed.

17. Temporary Permits

Motion was made by Ms. Borders-Byrd, seconded by Mr. Riggs, to ratify those on the list dated December 3, 2010. Upon vote, the motion passed unanimously. Motion was made by Mr. Riggs, seconded by Mr. Durkin, to deny Karl Senina and Professional Auditing Services of America. Upon vote, the motion passed unanimously.

18. Reports

A. COMMITTEE ON CONTINUING PROFESSIONAL EDUCATION - 9-21-2010

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to ratify minutes. Upon vote, the motion passed unanimously.

B. COMMITTEE ON ACCOUNTING EDUCATION – 10-5-2010

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to ratify minutes. Upon vote, the motion passed unanimously.

C. EDUCATION MINORITY ASSISTANCE PROGRAM - MINORITY SCHOLARSHIP MINUTES - 8-24-2010

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd, to ratify minutes. Upon vote, the motion passed unanimously.

D. PROSECUTING ATTORNEY REPORT - 11-4-2010

Mr. Hurst reported.

E. RULES - RULES REPORT FROM ASSISTANT ATTORNEY GENERAL - 11-5-2010

This portion of agenda was heard on December 2, 2010 and Ms. Borders-Byrd chaired.

Ms. Clark reported.

Ms. Clark advised the board that Rule 61H1-23.001 – Confidential Client Information; has had the rule development published, and language was approved by the board.

Motion was made by Mr. Riggs, seconded by Mr. Robinson, that this would not adversely affect small businesses. Upon vote, the motion passed unanimously.

Ms. Clark advised the board that Rule 61H1-29.002 – Temporary License; has had the rule development published, language approved by the board, and the notice published.

Motion was made by Mr. Riggs, seconded by Mr. Durkin, that this would not adversely affect small businesses. Upon vote, the motion passed unanimously.

F. RULES - PEER REVIEW - 11-10-2010

This portion on agenda was heard on December 2, 2010 and Ms. Borders-Byrd chaired.

Ms. Anderson, Mr. Hevia, Mr. Brown, and Mr. Hart from the Florida Institute of CPA's were present to talk with board members about peer reviews and to answer any questions.

The FICPA told board members that the Institute feels strongly that Peer Review is something that the Board needs to move forward with. It was determined that the board would work on the statute's and then move forward with rules.

Statute 473.3125 Peer Review was reviewed and discussed as this is a new statute.

Motion was made by Mr. Robinson, seconded by Mr. Durkin, to approve statute as presented by the FICPA. Upon vote, the motion passed unanimously. Mr. Tipton will send a letter to the FICPA informing them that the board unanimously approved Peer Review as a requirement for firm license renewal, and ask them to proceed with statutory changes.

This portion of the meeting was adjourned at 2:41 p.m.

19. Administrative

A. FOLLOW UP TO CALL CENTER AND BUDGET DISCUSSION

Terry Kester, Chief Information Officer and Janet Parramore, Budget and Financial Management Director were present for this item.

Ms. Kelly informed the board that this was a follow up from their October 22, 2010 meeting.

The board discussed their concern with the cost of the Customer Contact Center. They asked Mr. Kester and Ms. Parramore the average cost of a call which is \$8.05, with the average time for all boards being about five (5) minutes. It was noted that there had been a spike in the cost of the last several years. Ms. Parramore explained that this was due to the Customer Contact Center being open on weekend, which is no longer the case. Board members expressed their concern that the cost of their calls will go up. The board asked for a better analysis of the cost.

B. PRESENTATION ON REACTIVATION PROCESS

Ms. Kelly informed the board that the Department has been looking over the reactivation process, reviewing staff's current procedures and policies, looking for ways to reduce regulatory burden while supplying good customer service. Ms. Kelly explained the current reactivation process, and thoughts on ways that staff and the Department have on streamlining the process. One of the ways to streamline would be to have licensees that did not report the Continuing Education hours timely, to submit a fine, without sending in proof of attendance, they would sign an affidavit confirming that had completed the hours. These licensees would be included in the audit. This would get the CPA back to work more quickly, and there would be no loss in

revenue. Ms. Kelly told the board that full reactivation would still be place for those CPA's whose licensees were inactive or delinquent.

Ms. Kelly informed the board Chapter 455 gives the board authority to make these change. However, Rule 61H1-33.006 (4) would need to be looked at. Ms. Clark pointed out that Rule 61H1-33.006 (2) would also need to be looked at. It was determined that rule development should be noticed to make changes to 61H1-33.006 (2)(4).

Motion was made by Mr. Durkin, seconded by Ms. Borcheck, to request rule development begin. Upon vote, the motion passed unanimously.

C. RESOLUTION FOR MR. CARROLL

Motion was made by Mr. Riggs, seconded by Ms. Borders-Byrd to approve. Upon vote, the motion passed unanimously.

D. ULA CAMPAIGN

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to not want to authorize spending towards the ULA Campaign until the board is in the black, and not to spend more than what is in the account for this. Upon vote, the motion passed unanimously.

E. VOTE ON CHAIR AND VICE CHAIR FOR 2011

Motion was made by Ms. Borcheck, seconded by Mr. Riggs, to nominate Ms. Caldwell as chair and Ms. Borders-Byrd vice chair. Upon vote, the motion passed unanimously.

20. NASBA

A. FOCUS QUESTIONS

Ms. Kelly told board members she would like their input, and assistance on responding to these questions. Ms. Kelly said she would send an email with the questions, and a date when she would need a response.

21. FICPA

A. DISCUSSION

John Johnson of the FICPA was present and informed the board that the FICPA will move forward with the statutory changes for Peer Review. Mr. Johnson also informed the board that the FICPA would work towards getting the information out to school's and students about the Minority Scholarship program.

22. AICPA

A. AICPA RESPONSE TO SEC'S REQUEST FOR COMMENTS OF IFRS – FYI

This was an informational item.

B. INTRODUCING DANIEL NESTLE – FYI

This was an informational item.

23. Other Business

Ms. Clark asked the board to send legal counsel to the 16th Annual Conference for Board Counsel on March 6th thru the 8th, in San Diego California.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin, to approve Ms. Clark and Mr. Hurst to attend. Upon vote, the motion passed unanimously.

Motion was made by Mr. Robinson, seconded by Mr. Durkin, to approve Ms. Kelly and Ms. Caldwell to attend. Upon vote, the motion passed unanimously.

Mr. Tipton thanked board members for their service.

24. Future Meetings

This was an informational item.

25. Adjourn

The meeting was adjourned at 12:01 p.m.

David Tipton, Chair