

James G. Atkins & Assoc., P.A.

Florida Board of Accountancy
240 NW 76th Drive, Ste. A
Gainesville, FL 32607

RE: Firm Name and Advertising of Same Opinion Request

Members of the Board:

This letter is to request guidance with respect to presentation of a firm's name in advertising materials.

Statement of Hypothetical Situation

Charles P. Accountant & Associates, P.A., a Florida corporation and properly licensed Florida CPA/audit firm has a substantial portion of its practice in the litigation support/business valuation arena and wishes to differentiate this area of its practice from its traditional practice areas (i.e., A&A and tax).

Specific Question

May the firm advertise this area of their practice under the name "*Financial Investigative Solutions*" (or some similar name) with the notation appearing in the advertisements of this practice area (including letterhead and business cards) "a Division of *Charles P. Accountant & Associates, P.A., Certified Public Accountants?*"

Citations

Chapter 61h1-26.001 (a) of the Department of Business and Professional Regulation Laws and Rules states, "A licensee may practice public accounting under a fictitious name which is not misleading or deceptive as to the persons who are sole proprietors, partners, officers or shareholders."

Chapter 61h1-24.001 (1) states, "no licensee shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading, if it, among other things: (b) makes only a partial disclosure of relevant facts."

Analysis

With respect to 61H1-26.001 (a) the name “*Financial Investigative Solutions*” or some such similar name is not misleading or deceptive with respect to ownership so long as reference is made to the properly licensed firm.

With respect to 61H1-24.001 (1) (b), the name “Financial Investigative Solutions” or some such similar name is not fraudulent nor false so long as reference is made to the properly licensed firm, and does not constitute any violation of the remaining subparagraphs of 61H-24.001

Conclusion

Charles P. Accountant & associates, P. A. may legitimately conduct their litigation support/business valuation practice as “*Financial Investigative Solutions*” (or some such similar name) with reference in all advertising (as defined by 61H1-24.001 (2) (a) (b)) that such unit is “a division of *Charles P. Accountant & Associates, P. A., Certified Public Accountants.*”

Sincerely,

James G. Atkins, MBA, CPA/ABV, CFE CVA
Managing Director