

May 10, 2002

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

Request for Opinion

Statement of Situation:

Four licensed certified public accountants each own 25% of a Florida corporation operating as A,B,C & D, CP A's, P .A., with A, B, C & D representing the legal last name of each shareholder. In one year, B becomes ill and can no longer participate in the practice. Pursuant to the terms of the buy-sell agreement, his stock is repurchased upon his becoming eligible for disability. In addition, his employment agreement with the firm is terminated at the same time, pursuant to the disability contract.

Question of Situation:

- 1) Can the firm retain the name of A, B, C & D, CP A's, p .A. pursuant to Chapter 473.321 (1), F.S. classifying the disabled shareholder as "retired"?
- 2) Does the status of the ex-shareholder's license (active, inactive, delinquent) have any bearing on the answer of the above question?

Citation and Conclusion:

We believe that as long as the ex-shareholder is not actively practicing accounting under his license, that he will be considered a retired shareholder under Chapter 473.321 (1) F.S. and that the status of his license is not a factor in the application of this section.

We thank you in advance for your consideration of this opinion. If you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,

Derek J. Blakeslee, CPA