

**Facsimile to:
Opinion Requests
Florida State Board of Accountancy
Fax: 1-352-333-2508**

Dear Board:

I have read the request by Kevin J. Lockwood dated July 24, 2000. My request are in the same area:

Facts:

- 1. Paul J. Murray, C.P.A., P.A. is a professional corp. incorporated and licensed in New Jersey. (May 6, 1980 date of Incorporation.) The actual legal name is registered in New Jersey is: "Paul J. Murray, C.P.A., A Professional Association". From May 6, 1980 to May 31, 2001 this accounting corporation was 1000% owned by Paul J. Murray and practiced accounting under the name: "Paul J. Murray, C.P.A., P.A. (P.A. designating "A Professional Association".)**
- 2. Paul J. Murray holds a CPA license in Pa and reciprocal licenses in Wy., NJ and Florida. (Fl. License # AC-0021371)**
- 3. Paul J. Murray, C.P.A., P.A. (NJ Corp.) registered as a foreign corp. in Florida (with both the Secretary of the State and the Florida Board of Accountancy.). This was done January 14, 1993. Both registrations have been maintained and both are currently active. (Fl. License # AD-0016046)**
- 4. The Board of Accountancy lists the license as Paul J. Murray CPA PA Florida Secretary of State lists registration as Paul J. Murray, C.P.A., A Professional Association.**

5. Paul J. Murray's practice of accounting was discontinued May 31, 2001. From 1993 to May 31, 2001, Mr. Murray's accounting service for Florida clients was nil.

6. Paul J. Murray has permanently relocated to Central Florida and is planning to resume the practice accounting starting November 2, 2001.

7. Paul J. Murray will either use Paul J. Murray, C.P.A., P.A. (N.J. Corp.) or will form a new Florida LLC to practice accounting.

Issues:

1. Can Paul J. Murray, C.P.A., P.A. use the name: Paul J. Murray, C.P.A., A Professional Association? If Diane T. Murray (wife)(non-CPA) were a 49% or less share holder and full-time employee could the corp. use the name: Paul J. Murray, C.P.A., A Professional Association.

2. What are allowable names for a FL. LLC? Could I form a Florida LLC named: Paul J. Murray CPA and Associates, LLC with Paul J. Murray CPA, P.A. a 51% owner (Member) and Diane T. Murray a %49 owner. (member). Alternatively, could I form a Florida LLC named: "Murray Business Advisors". And put on the letterhead – Owned 51% by Paul J. Murray, C.P.A., P.A.

Conclusions:

I personally see a conflict between 61h1-26.001(1): " A CPA shall.....which is misleading....." & 61h1-26.001(1)(a)(c) which bars the use of "and Associates". Many people are not aware that the P.A. designation means a professional corp. Thus, the use of: "A Professional Association" could in fact, be less legally deceptive. The Board may assert that it is too close to the " And Associates" and is therefore misleading. I disagree with since anyone using my services would know I was a "sole CPA".

I also am a bit confused over the wording of 61H1-26.001(1)(c)&(d). I

believe it to be permissible to use “CPA” with my name and “ and Associates” indicating non-CPA ownership and non-CPA employees.

My conclusions are therefore:

1. Use of “A Professional Association” is permissible. Having Diane T. Murray own 49% of Paul J. Murray, C.P.A., P.A. doesn’t impact the conclusion.

2. Using the name Paul J. Murray CPA and Associates, LLC with Paul J. Murray, C.P.A. , P.A. owning 51% is permissible. Also using Murray Business Advisors, LLC and disclosing: “owned 51% by Paul J. Murray, C.P.A., P.A.” is permissible.

Thank you for your consideration of these matters.

Paul J. Murray