

Board of Accountancy  
January 30 & 31, 2014

Tampa Airport Marriott  
Tampa International Airport  
Tampa Florida 33607

Thursday, January 30, 2014

The meeting was called to order at 3:02 p.m. The roll was called by Ms. Kelly, Division Director, and reflected the following persons present:

**BOARD MEMBERS**

Teresa Borcheck	Excused Absence
Cynthia Borders-Byrd	Present
Maria E. Caldwell	Excused Absence
David L. Dennis	Present
William Durkin	Present
M.G. Fennema	Present
Steve Riggs	Present
Eric Robinson	Present
H. Steven Vogel	Present

**STAFF**

Veloria Kelly	Present
June Carroll	Present

Mary Ellen Clark, Senior Assistant Attorney General and Board Counsel was present. C. Erica White, Chief Attorney, Department of Business and Professional Regulation, was present. Dustin Metz, Prosecuting Attorney, Department of Business and Professional Regulation, was present. Court Reporter was Penny Appleton.

**16. Other Business**

Secretary Ken Lawson, Deputy Secretary Tim Vaccaro and Deputy General Counsel Paul Waters all of the Department of Business and Professional Regulation were present for this item.

Mr. Riggs informed the Board that he had a discussion with a law firm regarding drafting and presenting to the Legislature a proposal to privatize the legal and investigation unit of the Board of Accountancy. Mr. Riggs stated he had met with the Architecture and Interior Design Board, to get feedback as to what the privatization process had entailed and the results twelve years later, after they privatized this portion of their board. Mr. Riggs stated the Board of Architecture and Interior Design informed him they were very pleased with the results, and his reason for putting this item on the agenda was to see how the Board felt about moving forward with privatizing.

Secretary Lawson spoke on behalf of the Department of Business and Professional Regulation. Secretary Lawson informed the Board that he believes in the people working for the Board and the Board itself. Secretary Lawson said he was committed to seeing that employees get the training needed to perform their jobs, and at this time it's only been six months since a new unit has been put into place. The Secretary asked the Board to give the new unit a chance, and to re-visit if there are still issues in the future. Secretary Lawson stated he does not support privatization at this time. He asked the Board to give the unit and procedures at least another year before considering any

changes, and they would come back and discuss the process. Secretary Lawson stated he is against privatization; however he does agree that there needs to be a quality of work and service. Secretary Lawson encouraged the Board members to contact him individually with any thoughts or concerns they may have.

Deputy Secretary Vaccaro addressed the Board and stated he wanted to re-iterate what Secretary Lawson had said. He informed the Board that the new positions in investigations and legal were filled six months ago. Deputy Secretary Vaccaro informed the Board members that the attorneys are meeting with the investigators on a monthly basis and that they are receiving training. He informed the Board that one of the investigators hired in the Board office is a CPA in another state and is qualified to be licensed in Florida. Deputy Secretary Vaccaro stated that he is committed to listening to the Board and doing whatever is necessary to serve. He asked if there was a possibility of giving a year to the staff to correct issues.

Paul Waters informed the Board members that he is in charge of all prosecutions within the Department of Business and Professional Regulation. Mr. Waters stated he has heard what the Board has had to say about the unit put together to investigate and prosecute. Mr. Waters informed the Board that its true there are improvements to be made, and they will see improvements starting at the next Probable Cause and Board meetings. Mr. Waters stated the prosecution and investigators are being trained and working together to improve case files. Mr. Waters gave examples on what is being done to improve the quality of the work and product, for example the CPA prosecuting attorneys will be attending the NASBA Legal Conference. Mr. Waters spoke of the disorganization of documents in the OGC's materials and that they will be working on deleting unnecessary and duplicate documents that are being presented. Mr. Waters asked that the new prosecution unit and investigative unit be allowed the time to show a good work product.

Board members discussed the importance of quality work, the Board's expectations of the Prosecuting and Investigative Unit. After further discussion the Board came to the consensus that they would re-address the privatization issue at the August 2014 Board meeting, to see what improvements have been made and if the privatization issue needs to be discussed further.

Additional Business:

Mr. Robinson asked for a discussion regarding Board meetings beginning at 8:00 a.m. as opposed to the 9:00 a.m. starting time. This will be brought back to the Board when all board members are present.

## **11. Reports**

Mr. Dennis acted as Chair for this portion of the meeting.

### **A. 61H1-39.001 DEFINITIONS**

#### **61H1-39.001 Definitions.**

(1) "Board" means the Florida Board of Accountancy.

(2) "Compilation" means a service performed in accordance with American Institute of Certified Public Accountants, Incorporated's Standards for Accounting and Review Services incorporated into Rule 61H1-20.009, F.A.C.

(3) "Firm" means a sole proprietor, partnership, corporation, limited liability company, or any other firm required to be licensed under section 473.3101, Florida Statutes.

(4) "Peer Review Administering Entity" or "AE" means an organization approved by the board to facilitate and administer a peer review program in accordance with the peer review standards established by the board.

(5) "Peer Review Program" means the entire peer review process of a peer review administering organization.

(6) "Review" means a service performed in accordance with American Institute of Certified Public Accountants, Incorporated's Standards for Accounting and Review Services incorporated into Rule 61H1-20.009, F.A.C.

Motion was made by Ms. Borders-Byrd, seconded by Dr. Fennema, to approve the proposed language, and notice. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Riggs that the proposed rule would not have an adverse impact on small business nor be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$2000.00 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### B. 61H1-39.002 PEER REVIEW PROGRAM STANDARDS

##### **61H1-39.002 Peer Review Program Standards.**

The board hereby adopts and incorporates by reference, as its minimum standards for administering, performing and reporting on peer reviews, the American Institute of Certified Public Accountants, Incorporated's "Standards for Performing and Reporting on Peer Review" and "Peer Review Standards Interpretations," (AICPA Standards), effective March 7, 2013, and available at

[www.aicpa.org/Research/Standards/PeerReview/DownloadableDocuments/PeerReviewStandards.pdf](http://www.aicpa.org/Research/Standards/PeerReview/DownloadableDocuments/PeerReviewStandards.pdf) and

<http://www.aicpa.org/Research/Standards/PeerReview/DownloadableDocuments/PeerReviewStandardsInterpretations.pdf>, respectively.

Motion was made by Mr. Vogel, seconded by Dr. Fennema, after consideration of letter from the Joint Administrative Procedures Committee to approve the proposed language, and notice for rule development. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Vogel that the proposed rule would not have an adverse impact on small business nor be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$2000.00 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### C. 61H1-39.003 PEER REVIEW ADMINISTERING ENTITIES

##### **61H1-39.003 Peer Review Administering Entities.**

(1) Peer Review Administering Entities shall be approved by the Board.

(2) To be approved by the Board as a Peer Review Administering Entity (AE), an organization must submit an administration plan to the Board for review and approval.

The plan of administration must:

- (a) establish Report Acceptance Bodies (RAB) and provide professional staff, as needed, for the operation of the review program;
  - (b) establish and document a program to communicate to enrolled Firms the latest development in peer review standards and the most common findings in the reviews conducted by the AE;
  - (c) establish and document procedures for resolving any disagreement which may arise out of the performance of a review;
  - (d) establish procedures to resolve matters which may lead to the dismissal of a Firm from the peer review program, and conduct hearings pursuant to those procedures;
  - (e) establish procedures to evaluate and document the performance of each reviewer, and conduct hearings which may lead to the disqualification of a reviewer who does not meet the standards adopted in Rule 61H1-39.002, F.A.C.;
  - (f) require the maintenance of records of reviews conducted under the program in accordance with the records retention rules of standards adopted in Rule 61H1-39.002, F.A.C. ; and
  - (g) provide for the periodic performance assessments and related reports to the Board's Peer Review Oversight Committee.
- (3) The Board adopts the AICPA as an approved AE and its Peer Review Program and other Peer Review Programs administered by entities fully involved in the administration of the AICPA Peer Review Program. These AEs are not required to submit a plan of administration required in (2) above. The Board may approve other AEs.
- (4) If requested by the Board or the Peer Review Oversight Committee, a peer review administering entity shall provide a list of the Firms enrolled in its programs and the date of their last peer review.
- (5) The Board shall maintain a list of Board-approved peer review administering entities.

Motion was made by Dr. Fennema, seconded by Mr. Durkin, after consideration of letter from the American Institute of Certified Public Accountants to approve amended language and notice for rule development. Motion was made by Dr. Fennema, seconded by Mr. Durkin that the proposed rule would not have an adverse impact on small business nor be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$2000.00 in the aggregate in Florida within one year after the implementation of the rule. The motion passed with Mr. Robinson voting no.

The Board approved Ms. Clark's draft response to the Joint Administrative procedures Committee's comments, no action was needed.

#### D. 61H1-39.004 PEER REVIEW OVERSIGHT COMMITTEE COMPOSITION AND RESPONSIBILITIES

##### **61H1-39.004 Peer Review Oversight Committee Composition and Responsibilities.**

- (1) The Board shall appoint a peer review oversight committee (PROC) to oversee and monitor implementation of the peer review requirement set forth in section 473.3125, Florida Statutes and the licensee renewal requirements of 473.311 (2), Florida Statute.
- (2) The PROC shall consist of three members, appointed for a term of service of no less than three years and no more than five years. Board appointment shall be based upon the review of applications of those who possess the following qualifications:
  - (a) current licensure in good standing as a Florida certified public accountant; and
  - (b) extensive auditing experience as part of a firm or practice unit that has undergone a peer review and received a review rating of pass on the most recent review.
- (3) PROC members may not:

- (a) be a current member of the Board;
- (b) be an employee of the department or AE; or
- (c) be a voting member of the AE's governing board
- (d) perform any enforcement related work for the board/department during their term on the PROC.

(4) Responsibilities of the PROC shall include:

- (a) Recommending to the Board the approval or termination of peer review administering entities, peer review programs and peer review standards; and
- (b) Monitoring and assessing the effectiveness of the peer review programs and peer review standards.

Motion was made by Mr. Durkin, seconded by Ms. Borders-Byrd, to approve the proposed language and notice for rule development. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Dr. Fennema that the proposed rule would not have an adverse impact on small business nor be likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$2000.00 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

The Board approved Ms. Clark's draft response to the Joint Administrative Procedures Committee's comments, no action was needed.

#### E. 61H1-39.005 COMPLIANCE WITH PEER REVIEW REQUIREMENTS

Motion was made by Dr. Fennema, seconded by Mr. Durkin, that no changes were needed to language previously approved at the October 3, 2013 Board meeting. Motion was made by Dr. Fennema, seconded by Ms. Borders-Byrd, to approve Statement of Estimated Regulatory Costs check sheet as provided.

The Board approved Ms. Clark's draft response to the Joint Administrative Procedures Committee's comments, no action was needed.

#### F. AICPA COMMENTS on 61H1-39, F.A.C.

This was an informational item.

#### G. FICPA COMMENTS on 61H1-39, F.A.C.

This was an informational item.

#### H. STANDARDS FOR DETERMINING INDEPENDENCE

Ms. Clark informed the Board that she and Ms. Kelly discussed the Standards for Determining Independence and will place it on the Board's May 2014 meeting. Mr. Vogel volunteered to review the Standards for Determining Independence. It was suggested that Mr. Vogel, Ms. Caldwell and the Florida Institute of Certified Public Accountants would review prior to the May 2014 Board meeting.

### **1. Approve Board Minutes**

#### A. DECEMBER 6, 2013

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

B. DECEMBER 19, 2013

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

**10. Deceased Practitioners**

There was a moment of silence for those listed.

The meeting was recessed at 4:58 p.m.

Friday, January 31, 2014

The meeting was reconvened and the order called at 9:04 a.m. The roll was called by Ms. Kelly, Division Director, and reflected the following persons present:

**BOARD MEMBERS**

Teresa Borcheck	Excused Absence
Cynthia Borders-Byrd	Present
Maria E. Caldwell	Excused Absence
David L. Dennis	Present
William Durkin	Present
M.G. Fennema	Present
Steve Riggs	Present
Eric Robinson	Present
H. Steven Vogel	Present

**STAFF**

Veloria Kelly	Present
June Carroll	Present

Mary Ellen Clark, Senior Assistant Attorney General and Board Counsel was present. C. Erica White, Chief Attorney, Department of Business and Professional Regulation, was present. Dustin Metz, Prosecuting Attorney, Department of Business and Professional Regulation, was present. Court Reporter was Penny Appleton.

**2. OGC Action Request**

A. BROWN, NANCY L – 2011038250

Mr. Riggs, Ms. Caldwell and Mr. Vogel were recused.

Mr. Dennis acted as chair.

Ms. Brown was present with her attorney Ms. Trench, Esq.

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. Upon vote, the motion passed unanimously. Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin to impose a reprimand, and a fine of \$1,000.00 due to the aggravating and mitigating circumstances. Upon vote, the motion failed with Mr. Robinson, Mr. Dennis

and Dr. Fennema voting no. Motion was made by Mr. Robinson, seconded by Dr. Fennema, to impose a reprimand, one year of probation and a fine of \$1,000.00 to be paid within thirty days of date of Final Order due to the following mitigating circumstances, respondent's lack of previous disciplinary history in Florida and respondent's cooperation with the Department and the Board including understanding and admission of the violation in this matter. Upon vote, the motion passed with Mr. Durkin opposed.

B. CHAIET, PAUL JEFFREY- 2012022075

Mr. Riggs and Mr. Vogel were recused.

Mr. Dennis acted as chair.

Mr. Chaiet was present with his attorney Mr. Furlow, Esq.

Motion was made by Dr. Fennema, seconded by Ms. Borders-Byrd, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Ms. Borders-Byrd, to adopt amended stipulation, to include two year probation, pre-issuance review, with the first review to be concluded within six months of probation and the second pre-issuance review is to be concluded within eighteen months of probation. The reviewer will in his report state if the respondent has passed a peer review. If there are any discrepancies or issues with the pre-issuance reviews Mr. Chaiet and the reviewer will be required to appear before the Board, these reviews will be at Mr. Chaiet's expense. Respondent will pay cost in the amount of \$49.98 due within thirty days of date of Final Order. Upon vote, the motion passed with Mr. Robinson opposed.

C. DE ARMAS, DELTON G – 2012021405

This item was withdrawn.

D. DOHAN & COMPANY PA CPA'S – 2011038255

Mr. Riggs, Ms. Caldwell and Mr. Vogel were recused.

Mr. Dennis acted as chair.

Mr. Dohan was present with his attorney Ms. Trench, Esq.

Motion was made by Mr. Robinson, seconded by Dr. Fennema, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Dr. Fennema, to impose a reprimand, one year of probation and a fine of \$1,000.00 and cost of \$57.49 to be paid within thirty days of date of Final Order due to the following mitigating circumstances, respondent's lack of previous disciplinary history in Florida and respondent's cooperation with the Department and the Board including understanding and admission of the violation in this matter. Upon vote, the motion passed unanimously.

E. DOHAN, STEVEN H – 2011038254

Mr. Riggs, Ms. Caldwell and Mr. Vogel were recused.

Mr. Dennis acted as chair.

Mr. Dohan was present with his attorney Ms. Trench, Esq.

Motion was made by Mr. Robinson, seconded by Dr. Fennema, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Dr. Fennema, to impose a reprimand. Upon vote, the motion passed unanimously.

F. HOHL, TIMOTHY M – 2012041062

Mr. Riggs and Mr. Vogel were recused.

Mr. Dennis acted as chair.

Mr. Hohl was present with his attorney Mr. Sisco.

Motion was made by Mr. Robinson, seconded by Dr. Fennema, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Dr. Fennema, to impose two year probation, a fine of \$10,000, to be paid within two years of Final Order date with the option of paying in twenty four monthly installments of \$416.67 with the first payment due within thirty days of date of Final Order. A pre-issuance review, with the first review to be concluded within six months of probation and the second pre-issuance review is to be concluded within eighteen months of probation. The reviewer in his report will state if the respondent has passed a peer review. If there are any discrepancies or issues with the pre-issuance reviews Mr. Hohl and the reviewer will be required to appear before the board, these reviews will be at Mr. Hohl's expense. Upon vote, the motion passed unanimously.

G. SMILEY, RODNEY – 2011004842

Ms. Borders-Byrd and Ms. Borcheck were recused.

Mr. Smiley was present.

Mr. Dennis informed the Board that he knows the complaint; however, he felt he could be fair and impartial.

Motion was made by Mr. Robinson, seconded by Dr. Fennema, to adopt the findings of fact and adopt the law as set forth in the administrative complaint. Upon vote, the motion passed unanimously. Motion was made by Mr. Robinson, seconded by Mr. Dennis, to impose one year of suspension, two years of probation at the end of the suspension, fine of \$2,500.00 to be due within thirty days of date of Final Order, with the option to submit payments, to be paid within one year. A pre-issuance review of any attestation work, with the first review to be concluded within six months of probation and the second pre-issuance review is to be concluded within eighteen months of probation. The reviewer in his report will state if the respondent has passed a peer review. If there



are any discrepancies or issues with the pre-issuance reviews Mr. Smiley and the reviewer will be required to appear before the board, these reviews will be at Mr. Smiley's expense. Twenty hours of continuing education in accounting/auditing during probation period, in addition to continuing education hours required for renewal. Upon vote, the motion passed unanimously.

H. TURYNOWICS, STEVEN THOMAS – 2012000148 – (SR/SV)

Mr. Riggs and Mr. Vogel were recused.

Mr. Dennis acted as chair.

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

### **3. Reconsiderations**

A. GATES, WILLIAM

Mr. Gates was present.

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

### **4. Declaratory Statement**

A. DUNN, RENATA

Motion was made by Mr. Dennis, seconded by Ms. Borders-Byrd, to instruct staff to inform Ms. Dunn that if she gains 10-50% ownership interest in another firm, she may keep the firm she already owns. The Board determined they did not have enough information to opine on the second question regarding being independent to continue performing audit services under her company name for mutual clients. Upon vote, the motion passed unanimously.

### **5. Exam – Do Not Meet Requirements**

Anthia Nunez	Applicant deficient coverage of upper division accounting information systems and three (3) semester hours of upper division business law.
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Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to deny the application. Upon vote, the motion passed unanimously.

### **6. Original Licensure- Considerations**

Heather LaBeau	Applicant was charged on February 4, 1998 with driving while license suspended/revoked/cancelled; non-reporting probation and paid \$131.00 fine. All sanctions have been satisfied.
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Applicant was noticed on December 19, 2013 to provide additional documentation. Applicant submitted an updated application on November 7, 2013, in which she indicated her license was suspended due to unpaid fines. She was pulled over for a cracked windshield and arrested for driving with a suspended license. The applicant submitted the citation she received from the arresting officer on January 9, 2014, and indicated she had no other information to provide. Applicant submitted an examination application on December 13, 2011. She responded "No" to the statement on the application, have you ever been convicted of a crime, found guilty, or entered a plea of guilty or nolo contendere (no contest) even if she received a withhold of adjudication. She also indicated on her September 19, 2013 Original Licensure application she had not been convicted of a felony or misdemeanor regardless of adjudication or declared by court of competent jurisdiction to have committed any fraud since the filing of the original application for CPA examination. FDLE background results indicated she was arrested on February 4, 1998, for a nonmoving traffic violation (misdemeanor). The background check offered no other information or charges. Applicant met all other requirements for licensure on November 7, 2013.

Motion was made by Dr. Fennema, seconded by Ms. Borders-Byrd, to deny application. Upon vote, the motion passed unanimously.

### **7. Endorsement – Considerations**

Lawrence Gerard Brunn                      Applicant answered affirmatively to question regarding holding self out or practiced as a CPA in the geographical boundaries of the State of Florida. The application is incomplete.

Mr. Brunn was present.

Motion was made by Ms. Borders-Byrd, seconded by Mr. Durkin to approve for answering affirmatively to question regarding holding self out or practices as a CPA in the geographical boundaries of the State of Florida only. Upon vote, the motion passed unanimously.

Robert Zigman                                      Applicant answered affirmatively to the question regarding has any license, registration, or permit to practice any regulated profession, occupation, vocation or business been revoked, annulled, suspended, relinquished, surrendered, or otherwise

disciplined in Florida or in any other jurisdiction, or is any such proceeding or investigation now pending. The application is incomplete.

Motion was made by Dr. Fennema, seconded by Mr. Dennis to approve for answering affirmatively to question regarding holding self out or practices as a CPA in the geographical boundaries of the State of Florida only. Upon vote, the motion passed unanimously.

Bryan Gabriel Bryant

Applicant charged on February 11, 1998 with assault, battery and trespassing in New Jersey. All sanctions have been satisfied. FDLE background check did not indicate any background issues. Application completed December 11, 2013.

Motion was made by Dr. Fennema, seconded by Mr. Dennis to approve for convictions only. Upon vote, the motion passed unanimously.

Frederick William Burt

Applicant charged on August 7, 2008 with possession of marijuana less than 10 grams; fine. All sanctions have been satisfied. Background analysis is not consistent with application. Applicant indicated yes to background questions but did not explain on application. Application is incomplete.

Motion was made by Dr. Fennema, seconded by Mr. Dennis to approve for convictions only. Upon vote, the motion passed unanimously.

Peter C Ferraro

Applicant answered no to background question has any license, registration, or permit to practice any regulated profession, occupation, vocation, or business been revoked, annulled, suspended, relinquished, surrendered, or otherwise disciplined in Florida or in any other jurisdiction, or is any such proceeding or investigation now pending. Per the Pennsylvania Board of Accountancy Certification of License received November 19, 2013, Mr. Ferraro CPA license number CA-021691-L was suspended; the suspension was stayed, effective immediately, in favor of probation. As a condition of probation Mr. Ferraro had to pay \$1000.00 civil penalty and complete 14 hours of continuing education on auditing standards by September 20, 2002. Mr. Ferraro has a current active CPA license in Pennsylvania which will expire December 31, 2015. Application is incomplete.

Motion was made by Dr. Fennema, seconded by Mr. Dennis to deny. Upon vote, the motion passed unanimously.

Matthew Joseph Skelton

Applicant charged on May 13, 2001 with driving under the influence of alcohol and possession of marijuana. Plead nolo contendere, received fines and probation. All sanctions have been satisfied. Applicant charged on April 13, 2007 with driving under the influence of alcohol. Plead nolo contendere, received fines and probation. All sanctions have been satisfied. Background analysis is consistent with application. Application completed December 18, 2013.

Motion was made by Dr. Fennema, seconded by Mr. Robinson to approve for convictions only. Upon vote, the motion passed unanimously.

### **8. Maintenance and Reactivation – Consent Agenda – Staff Approvals**

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

### **9. Maintenance and Reactivation – Voluntary Relinquishment**

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

### **11. Reports**

#### **A. BUDGET TASK FORCE MEETING DECEMBER 18, 2013**

Mr. Dennis reported.

This was an informational item.

#### **B. CONTINUING PROFESSIONAL EDUCATION MINUTES FROM DECEMBER 9, 2013**

Mr. Robinson reported.

Mr. Robinson reported to the Board that the Continuing Professional Education Committee had met, and that there are concerns regarding the renewal audit. Mr. Robinson informed the Board that there is a significant number of licensees who have failed the audit. Ms. Kelly informed the Board that she had met with the Bureau of Education and Testing; Department of Business and Professional regarding the audit, and referrals for those who failed it have been referred to investigations. Ms. Kelly informed the Board that they may not see most of the investigations as they are being handled as citations and citations do not come before the Board. Mr. Robinson requested that on the next Continuing Professional Education minutes he would like to see the stats on cases, which are going to investigations for citations. Mr. Robinson discussed the concern that the compliance rate of 95% isn't being met. Ms. Kelly stated she has a meeting with the Bureau of Testing, Department of Business and Professional Regulation to discuss.

#### **C. PROSECUTING ATTORNEY'S REPORT**

Ms. White reported.

Ms. White informed the Board that at this time there are a total of 287 licensed and unlicensed cases, being processed.

**12. Administrative**

A. BOARD OF ACCOUNTANCY STATISTICS

This was an informational item.

B. COMMITTEE ASSIGNMENTS

Board Members Committee Appointments:

Probable Cause Panel:

Steve Vogel, Chair

Dave Dennis

Maria Caldwell (Audit cases)

Clay Ford Scholarship Council:

Cynthia Borders-Byrd, Chair

Education Advisory Committee:

Dr. Fennema, Chair

Teresa Borcheck

Budget Task Force:

Dave Dennis, Chair

Cynthia Borders-Byrd

CPE Committee:

Maria Caldwell, Chair

Eric Robinson, Vice Chair

Dr. Fennema

C. CONSIDER STARTING TIME FOR BOARD MEETINGS

This item was discussed at the January 30, 2014 meeting.

D. GUIDELINES FOR ATTESTATION SERVICES RELATING TO QUARTERLY LOBBYING FIRM COMPENSATION REPORTS

This was an informational item.

E. REMARKS FROM THE EXECUTIVE DIRECTOR

Ms. Kelly shared with the Board; the 2014 goals of the Division Office. Ms. Kelly informed the Board that the application team is working on a two day processing time; the investigation unit is working on a goal of no more than 120 days. Ms. Kelly informed the Board that the investigation unit has been re-organized with three full time

investigators and an OPS complaint analyst. Ms. Kelly stated the investigation unit has completed an investigator training course that was offered through NASBA, and that she is looking into additional training as well as a writing course. Ms. Kelly stated that staff will be working on re-designing the architecture of the automated agenda as well as renaming documents within the structure. Ms. Kelly stated that after reviewing the Customer Contact Center's survey it appears that there is a need for information on the Board of Accountancy's website, and it will be re-designed with relevant, accurate information as well as being user friendly.

### **13. NASBA**

#### **A. FIRM MOBILITY EXPOSURE DRAFT**

This was an informational item.

#### **B. LETTER TO UAA COMMITTEE ON FIRM MOBILITY EXPOSURE DRAFT FROM SOUTH DAKOTA BOARD OF ACCOUNTANCY**

This was an informational item.

#### **C. NASBA JURISDICTION REPORTS: TESTING WINDOWS 2013 Q-4**

This was an informational item.

#### **D. NOMINATION LETTER FOR VICE CHAIR FOR 2014/15 KENNETH ODOM**

Motion was made by Mr. Riggs, seconded by Mr. Vogel to submit a letter of support of the nomination of Mr. Odom. Upon vote, the motion passed with Ms. Borders-Byrd and Mr. Dennis voting no.

#### **E. NOMINATION LETTER FOR VICE CHAIR FOR 2014/15 THEODORE LONG**

Motion was made by Ms. Borders-Byrd, seconded by Mr. Dennis to submit a letter of support of the nomination of Mr. Long. The motion died.

#### **F. RECOMMENDATIONS FOR VICE CHAIR FOR 2014/15**

This was an informational item.

### **ADDITIONS**

#### **A. NOMINATION LETTER FOR VICE CHAIR FOR 2014/15 JANICE GRAY**

No action was taken.

### **14. FICPA**

#### **A. FICPA DISCUSSION**

Rivers Buford, Director of Governmental Affairs and Jennifer Green, Partner Liberty Partners of Florida, LLC were present for this item.

Ms. Green discussed changes in HB 725, she informed the Board that most of the issues are being corrected from the bill that was presented in 2008. Ms. Green informed the Board that a change was to be made to F.S. 473.306 Examination 2(a), the hours for a candidate to sit for the exam was being corrected from 160 quarter hours to 180 quarter hours which is the equivalent of 120 semester hours. Ms. Green informed the Board that there was an issue in HB 725 regarding good moral character, additional information is being introduced in the bill for the purpose of having the same meaning as provided in F.S. 473.308 (6)(a). Ms. Green informed the Board that F.S. 473.313 Inactive Status was being updated to allow inactive or delinquent licensees as of June 30, 2014 to be able to reactivate their license by completion of 120 hours of continuing education, if they notify the Board of Accountancy by December 31, 2014 that this is their intention.

Motion was made by Mr. Robinson, seconded by Ms. Borders-Byrd, to send a letter of support to the potential changes to the practice of public accounting in Florida. Upon vote, the motion passed unanimously.

Ms. Green discussed with the Board the confusion regarding 473.308 (8) Licensure, and the five years of work experience, required for licensure. Ms. Clark stated that staff has had concerns with the 2008 law change and that they have contacted Mr. Buford to discuss changes.

Mr. Buford informed the Board that Governor Scott's budget proposal had been released, and the Governor has recommended funding for the Clay Ford Scholarship.

#### **15. Old Business**

There was none at this time.

#### **16. Other Business**

Portions of this were heard at the January 30, 2013 meeting.

Mr. Waters thanked the board for allowing him, Deputy Secretary Vaccaro and Secretary Lawson the opportunity to meet and speak with the Board regarding the Prosecuting and Investigative Unit. Mr. Waters informed the Board that within the next six months they will see an improvement in quality of the work presented.

Ms. Brande Bulger was introduced to the Board as one of the new Prosecuting Attorneys that will be working with the Board.

It was noted that Ms. Clark, Ms. Bulger and Mr. Metz were approved to attend the NASBA's Legal Conference, March 3-5, 2014. Ms. Kelly was approved to attend NASBA's Annual Conference for Executive Directors and Board Staff, March 3-6, 2014.

Ms. Clark informed the Board that she had been nominated for member of the NASBA Continuing Education Task Force Committee. Board members were in support.

Mr. Riggs asked Board staff to look into ways to collect email addresses for all Florida CPA's. It was suggested that there be a place on the license renewal form to add an email address. Ms. Kelly stated she would check with the Department of Business and Professional regulation and would report on this at the next Board meeting.

### **17. Future Meetings**

This was an informational item.

### **18. Adjourn**

#### **Additions**

##### Disciplinary Matters

- A. GARCIA, MANUEL – Final Order 2010-053636

Motion was made by Mr. Vogel, seconded by Mr. Durkin, to deny request for an extension to complete Final Order requirements. Upon vote, the motion passed unanimously.

The meeting was adjourned at 1:45 p.m.

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Steve Riggs, Chair