

Board of Accountancy  
September 27 & 28, 2012

Tampa Airport Marriott  
Tampa International Airport  
Tampa Florida 33607

Thursday, September 27, 2012

The meeting was called to order at 2:05 p.m. by Ms. Borders-Byrd, Chair and recessed at 4:36 p.m. The roll was called by Ms. Kelly, Executive Director, and reflected the following persons present:

**BOARD MEMBERS**

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

**STAFF**

Veloria Kelly	Present
June Carroll	Present

Mary Ellen Clark, Assistant Attorney General and Board Counsel was present. Eric Hurst, Prosecuting Attorney, Department of Business and Professional Regulation was present. Court Reporter was Penny Appleton.

**1. Approve Board Minutes**

A. August 2 & 3, 2012

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

B. July 11, 2012

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

**14. Deceased Practitioners**

Mr. Dennis asked that the moment of silence include Jack Oppenheimer.

There was a moment of silence, those on exhibit as well as the additions to the agenda.

**15. Temporary Permits**

Motion was made by Mr. Durkin, seconded by Dr. Fennema, to ratify the list. Upon vote, the motion passed unanimously.

**16. Reports**

- A. COMMITTEE - BUDGET TASK FORCE - 7-2-2012

Motion was made by Mr. Durkin, seconded by Dr. Fennema, accept minutes. Upon vote, the motion passed unanimously.

- B. PROSECUTING ATTORNEY - PROSECUTING REPORT

Mr. Hurst reported.

**17. Administrative**

- A. CPA STATS

This was an informational item.

- B. CPA – TO LENDER LETTERS

This was an informational item.

- C. DISCUSS RETIREMENT STATUS

Ms. Kelly informed board members that Florida currently does not have statute in place for retirement status.

- D. DISCUSS SECTION 3 OF HB 769

This item also includes ADDITIONS Administrative 3B and was discussed on September 27<sup>th</sup> and 28<sup>th</sup>.

Mr. Dennis, Budget Task Force Chair shared with the board, the finding that the Task Force concluded regarding the cost effectiveness of the Board of Accountancy. Mr. Dennis stated there were items that could not be reduced, by privatization. Included in that is the cost of the office (salaries), fixed cost required by Florida Statutes, including refunds. Mr. Dennis informed the board that the legal cost which is based on a combination of direct charges and an allocation of total costs would not result in significant savings. Mr. Dennis informed the board that there could be opportunities to improve service levels to licensees and the public.

Mr. Dennis stated that the Task Force concluded that there could be cost reductions and improvement of efficiency if the board could move the Call Center to the Board office. Mr. Dennis informed the board that there would still be a need for IT people, and there doesn't seem to be significant savings in this category.

Board members concluded they would like there to be flexibility with the Minority Scholarship, such as awarding the money semiannually. The board members discussed the need to have a licensed CPA as the investigator for complaints received.

Mr. Vaccaro, Deputy Secretary of Professional Regulation, informed board members whether or not the board opts to privatize or stay with the Department the budget process is determined by legislation.

Ms. Green, Managing Partner of Liberty Partners of Tallahassee, LLC, stated that the FICPA strongly encourages the board to give the legislature a report. It was suggested in the report the Board should include the need for a CPA investigator, awarding semiannually Minority Scholarships. This should be done in a report that can be brought to legislature in a justifiable manner. The Board will be moving forward with a report to the legislature.

Mr. Dennis was designated to work with the Department of Business and Professional Regulation on report for legislation.

#### E. LEGISLATIVE PROPOSAL FOR FICPA

This item came before the board at the August 2, 2012 meeting and at that time the board wasn't interested in making a change to their rules regarding CPE. However, at this meeting the board agreed that the topic is open for discussion, but nothing needs to be done at this point. This item will not be on the agenda for the 2012 legislative session. The board determined the regulatory body and board will keep as is.

#### G. RULES REPORT – ASSISTANT ATTORNEY GENERAL

This item also includes ADDITIONS Administrative 3D, this was discussed on September 27 and 28, 2012.

Ms. Clark reported.

Ms. Clark informed board members that she and Ms. Kelly are working on the Statement of Estimated Regulatory Costs for Rule 61H1-26.002 Minimum Capitalization or Adequate Public Liability Insurance for Florida Firms with the Exception of a Sole Proprietorship.

Ms. Clark informed board members that no action is necessary for Rule 61H1-26.003 Licensure of Florida Certified Public Accountant Firms as this notice was published August 17, 2012.

Ms. Clark informed board members that no action is necessary for Rule 61H1-26.004 Changes by Firms as this notice was published on August 24, 2012.

#### **61H1-27.0041 One Year of Work Experience.**

(1) With the exception of an applicant who completes the requirements of Section 473.308(3), F.S., on or before December 31, 2008, and who passes the licensure examination on or before June 30, 2010, an applicant must document one year of work experience, as follows:

(1) ~~Definitions. Within the context of this rule, the following definitions apply:~~

(a) ~~“Applicant.” An applicant is a person who has met Florida’s educational requirements for licensure and intends from the outset of the supervised experience to meet the supervised experience requirement for licensure.~~

~~(b) "Supervised" and "supervision" the subjection of the applicant, during employment, to oversight, guidance and evaluation by a supervisor who had the right to control and direct the applicant as to the result to be accomplished by the work and also as to the means by which the result was to be accomplished.~~

~~(c) "Supervisor." A supervisor is either a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB).~~

~~(2) One year of work experience shall be held and understood to mean the provision of any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills rendition of services such as are customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek as verified required by the verifying employing certified public accountant, commencing after the completion of 120 semester or 160 quarter hours from an accredited college or university with a concentration in accounting and business courses or after the applicant has passed the licensure examination in another state or territory of the United States and has either been licensed as a certified public accountant or has met licensing requirements for that state or territory the educational requirements set forth in subsection 61H1-27.002(3), F.A.C. The experience must either average at least twenty (20) hours a week over no more than one hundred and four (104) weeks or average no more than forty (40) hours a week over no more than fifty-two (52) weeks. Reasonable vacation time and sick leave or other required absences may be permitted. The supervisor verifying certified public accountant, in her or his report to the Department, shall verify ~~certify~~ that the applicant rendered such services as are customarily performed by full-time, regularly employed staff employees for a minimum of 2,000 hours gained over a period of not less than fifty-two (52) or more than one hundred and four (104) weeks. The sequence of the experience is considered immaterial, that is, whether the experience was secured before or after taking the examination, or partly before the examination and partly after the examination, provided the two periods combined equal at least one year.~~

~~(2) For purposes of this rule, a verifying certified public accountant is either a licensed certified public accountant in good standing with any regulating body or a chartered accountant recognized by the International Qualifications Appraisal Board (IQAB), both during the applicant's one year of work experience and at the time of verification.~~

~~(3) The one year of work experience may be achieved by teaching accounting full-time for one year at an accredited college or university, as defined in subsection 61H1-27.001(1), F.A.C., under the following conditions:~~

~~(a) Full-time teaching as described by the rules of the educational institution where the applicant taught will be accepted by the Board to be full-time teaching. However, in no case will less than twelve (12) semester hours, or the equivalent, be accepted by the Board as full-time teaching.~~

~~(b) If the applicant has not taught accounting full-time for one year, credit will be allowed by the Board for teaching accounting less than full-time on a pro rata basis based upon the number of semester or quarter hours required for full-time teaching at the educational institution where the applicant taught. However, in no case will an applicant receive credit for a full-time teaching year for teaching done in less than one academic year or more credit than one full-time teaching year for teaching done within one calendar year.~~

(c) Courses outside the fields of accounting and general business will not be counted toward full-time teaching.

(4) Documentation of the one year of work experience shall be made using the Verification Certification of Work Experience form (DBPR Form CPA 32/Revised 08/2012 40/09), which is hereby incorporated by reference, a copy of which may be obtained from the Board office located at 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607-6655.

*Rulemaking Authority 473.304(1), 473.308(4) FS. Law Implemented 473.308(4) FS. History—New 3-3-09, Amended 5-3-10,\_\_\_\_\_.*

Motion was made by Mr. Robinson, seconded by Mr. Durkin to approve the language presented for Rule 61H1-27.0041 One Year of Work Experience, and notice change. 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 or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously. Motion was made Mr. Robinson, seconded by Mr. Durkin to approve form CPA 32 Verification of Work Experience to be incorporated in rule. Upon vote, the motion passed unanimously.

Ms. Clark informed board members that no action is necessary for Rule 61H1-29.002 Temporary License and Rule 61H1-29.0025 Temporary License – Electronic Practice.

Ms. Clark informed board members that the only action to be taken on Rule 61H1-29.003 was approval of the revised Vericiation of Work Expereince form (CPA 32). Motion was made Mr. Robinson, seconded by Mr. Durkin to approve form CPA 32 Verification of Work Experience to be incorporated in rule. Upon vote, the motion passed unanimously.

61H1-31.001 Collection and Payment of Fees.

All fees shall be made payable to the Department of Business and Professional Regulation. Application fees will not be refunded in the event an application is withdrawn or denied.

~~(1) Applicants to sit for the CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor.~~

~~(2) In addition to the examination fee charged to take each section of the exam set forth in subsection (1), re-examination candidates will be charged a re-examination administration fee covering the costs of administration of the re-examination, which will vary depending on the number of examination sections the candidate applies to take per application:~~

- ~~(a) Four sections of the examination — \$105.00,~~
- ~~(b) Three sections of the examination — \$90.00,~~
- ~~(c) Two sections of the examination — \$75.00, or~~
- ~~(d) One section of the examination — \$60.00.~~

~~(3) For individual active and inactive status licenses, biennial renewal fee provided in Section 473.305, F.S., one hundred and five dollars (\$105.00).~~

~~(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status; two hundred and fifty dollars (\$250.00); for reactivation of a delinquent status license to active, two hundred and fifty dollars (\$250.00); changing a delinquent status license to inactive status, fifty dollars (\$50.00). In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., shall be required for reactivation.~~

~~(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred fifty dollars (\$150.00). The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in Section 473.3101, F.S., fifty dollars (\$50.00).~~

~~(6) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.~~

~~(7) For application for license by endorsement provided in Section 473.308, F.S., two hundred fifty dollars (\$250.00) per person. If such application is withdrawn or denied, no portion of the fee will be refunded by the Department.~~

~~(8) For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.~~

~~(9) Duplicate licensee fee — If a Florida certified public accountant requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of twenty-five dollars (\$25.00).~~

~~(10) For verification of licensure to other states; fifty dollars (\$50.00).~~

~~(11) For initial licensure, fifty dollars (\$50.00).~~

~~(12) For approval of continuing education provider status, one hundred dollars (\$100.00), valid for two years.~~

~~(13) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., two hundred fifty dollars (\$250.00).~~

Rulemaking Authority 455.213(2), 455.219(5), 455.271, 473.305 FS. Law Implemented 455.219(5), 455.271, 473.305, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06, 12-3-06, 4-29-07, 9-24-07, 2-24-08, 8-20-09, \_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.002 Examination and Reexamination Fees.

(1) Applicants to sit for the CPA examination, as a first time candidate or for candidates transferring partial credits from another state, a \$50.00 application fee will be

owed prior to processing the application. Once the applicant has been approved to sit for the examination as a Florida candidate, it is the applicant's responsibility to complete the examination process with the national vendor and pay any examination fee required by the vendor.

(2) In addition to the examination fee charged to take each section of the examination set forth in subsection (1), re-examination candidates will be charged a re-examination administration fee covering the costs of administration of the re-examination, which will vary depending on the number of examination sections the candidate applies to take per application:

(a) Four sections of the examination – \$105.00,

(b) Three sections of the examination – \$90.00,

(c) Two sections of the examination – \$75.00, or

(d) One section of the examination – \$60.00.

(3) For fees relating to the Foreign Language Examination refer to Section 455.11,

F.S.

Rulemaking Authority 455.213(2), 455.219(1), 473.305 FS. Law Implemented 455.219(1), 473.305 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.003 Renewal of Active and Inactive License Fee for CPA

For individual active and inactive status licenses, the biennial renewal fee provided for in Section 473.305, F.S., shall be \$100.00, with the exception that for the 2013-2014 renewal period, the fee shall be \$80.00. A special fee of \$5.00 per licensee shall be imposed upon initial licensure and at each renewal to fund efforts to combat unlicensed activity.

Rulemaking Authority 455.219(1), 455.271, 473.305, 473.311, 473.313 FS. Law Implemented 455.219(1), 455.271, 473.305, 473.311, 473.313 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.004 Delinquency Fee

A delinquent status licensee shall pay a delinquency fee of \$50.00 when the licensee applies for active or inactive status.

Rulemaking Authority 455.271, 473.305 FS. Law Implemented 455.271, 473.305 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.005 Initial Licensure Fee

The fee for initial licensure of an individual shall be \$50.00. In the event the application is denied or withdrawn, no portion of the fee shall be refunded by the Department. A special fee of \$5.00 per licensee shall be imposed upon initial licensure and at each renewal to fund efforts to combat unlicensed activity.

Rulemaking Authority 455.213(2), 455.219(5), 455.271, 473.305 FS. Law Implemented 455.219(5), 455.271, 473.305, 473.313 FS. History–New \_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.006 Reactivation Fee

The application fee for reactivation of an inactive status license to active status shall be \$250.00; for reactivation of a delinquent status license to active, \$250.00; In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., shall be required for reactivation.

Rulemaking Authority 473.305, 473.311 FS. Law Implemented 473.305, 473.311 FS. History–New \_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.0065 Change of Status Process Fee

The fee for processing a licensee's request to change licensure status from active to inactive at any time other than during the renewal period shall be \$50.00.

Rulemaking Authority 473.305, 473.313 FS. Law Implemented 473.305, 473.313 FS. History–New \_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory

costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

61H1-31.007 Temporary License Fee

The fee for a temporary license shall be \$400.00 for the first license in a calendar year and \$400.00 for each additional application in the same calendar year.  
Rulemaking Authority 473.305, 473.314 FS. Law Implemented 473.305, 473.314, 473.3141 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

61H1-31.0075 Temporary License Fee – Electronic Practice

The fee for a temporary license shall be \$400.00 for the first license in a calendar year and \$400.00 for each additional application in the same calendar year.  
Rulemaking Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.305, 473.314 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

61H1-31.008 Licensure by Endorsement

The application fee for license by endorsement provided in Section 473.308, F.S. shall be \$250.00 per person.  
Rulemaking Authority 473.305, 473.308, 473.3141 FS. Law Implemented 473.305, 473.308, 473.3141 FS. History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

61H1-31.009 Renewal of Accountancy Firm License Fee

(1) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., \$145.00.  
(2) The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor

firms licensed in Section 473.3101, F.S., \$45.00.

Rulemaking Authority 473.305, 473.3101 FS. Law Implemented 473.305, 473.3101 FS.  
History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.010 Initial Accountancy Firm License Fees

(1) The initial licensure fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S. shall be \$145.00.

(2) The initial licensure fee provided in Section 473.305, F.S., for sole proprietor firms licensed in Section 473.3101, F.S., \$45.00.

(3) Persons, partnerships and corporations licensed in the first year of the biennial period, as established by the Department, shall pay the fees established above. Those persons, partnerships and corporations licensed in the second year of the biennial period, as established by the Department, shall pay one half of the fees established above.

Rulemaking Authority 473.305, 473.3101 FS. Law Implemented 473.305, 473.3101 FS.  
History–New\_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.011 Licensure and Exam Score Verification Fee

The fee for verification of licensure and examination status to other states shall be \$50.00.

Rulemaking Authority 473.305 FS. Law Implemented 473.305 FS. History–New

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.012 Duplicate License Fee

Duplicate licensee fee – If a Florida certified public accountant requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in

writing and is accompanied by a payment of \$25.00.

Rulemaking Authority 455.219(5), 473.305 FS. Law Implemented 455.219(5), 473.305 FS. History–New \_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.014 Continuing Education Provider and Course Approval Fees

(1) For approval of continuing education provider status, \$100.00, valid for two years.

(2) For approval of a continuing education course in ethics, meeting the requirements of Section 473.312(1)(c), F.S., \$250.00.

Rulemaking Authority 473.305, 473.312 FS. Law Implemented 473.305, 473.312 FS. History–New \_\_\_\_\_.

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

#### 61H1-31.015 Reinstatement of a Null and Void License Fee

Upon approval of the board, reinstatement of a null and void license must be accompanied by an application fee of \$250.00. The completion of the requirements of Rule 61H1-33.006, F.A.C. shall be required for reinstatement.

Rulemaking Authority 473.305, 473.311 FS. Law Implemented 473.305, 473.311 FS. History–New

Motion was made by Mr. Durkin, seconded by Mr. Dennis to approve language as presented. Upon vote, the motion passed with Mr. Robinson voting no. Motion was made by Mr. Durkin, seconded by Mr. Dennis, that the proposed rule would not have an adverse impact on small business or be likely to directly or indirectly increase regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule. Upon vote, the motion passed unanimously.

Ms. Clark reminded board members that the meetings are public, and formal procedure should be followed.

#### H. THIRD PARTY COMMUNICATIONS

This was an informational item.

#### I. ULA MEDIA CAMPAIGN REPORT

This was an informational item.

#### ADDITIONS

- A. Consider Proposed 5% Reduction Issues for 2013-14

This was an informational item.

- D. Private Company Council Appointments

This was an informational item.

#### **18. NASBA**

- A. COMMENTS ON THE ARSC AND PEEC DRAFTS

Ms. Kelly asked Board Members if they would like to comment individually or as a group to NASBA on the subject of ARSC and PEEC drafts. Board members determined they would write an individual report to NASBA if they had comments.

- B. CONSIDER DELAWARE FOR SUBSTANTIAL EQUIVALENCY

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

#### **19. FICPA**

- A. DISCUSSION

This item includes ADDITIONS FICPA 4A

Ms. Green and Mr. Buford were present for this item.

Mr. Buford informed the board members that the FICPA is looking at a few main areas for the legislative season, such as changing the minority scholarship too semiannually as opposed to annually, Peer Reviews, and IRS. Mr. Buford reminded board members to let those that appointed them to the board know their concerns regarding budget issues. Ms. Green stated this would be the opportunity for the board to address their budget concerns with the legislation as they are working on their report.

#### **20. AICPA**

- A. AICPA UPDATE ON BP OIL SPILL SETTLEMENT

This item also includes ADDITIONS AICPA 5A.

Mr. J. Valiente and Mr. R. Garcia were present for this item.

Mr. Valiente and Mr. Garcia asked the board what their opinion would be regarding charging attest clients based on fees that were given based on court order claim. Ms. Clark informed Mr. Valinete and Mr. Garcia to receive an opinion on this they must request a declaratory statement from the board as is required by Section 120.565, F.S. and 28.105, FAC. Staff was asked to send the declaratory instructions to Mr. Garcia.

B. TITLE 16. DIVISION 1. CALIFORNIA BOARD OF ACCOUNTANCY

This was an informational item.

ADDITIONS

B. Consider Exposure Draft

This was an informational item.

**21. Other Business**

Ms. Caldwell informed the board members that she had recently attended a NASBA meeting, and encouraged board members to look at the videos on NASBA's website. The meeting recessed at 4:36 p.m.

Friday, September 28, 2012

The meeting was called to order and reconvened at 9:05 a.m. by Ms. Borders-Byrd, Chair. The roll was called by Ms. Carroll, Government Analyst, and reflected the following persons present:

BOARD MEMBERS

Teresa Borcheck	Present
Cynthia Borders-Byrd	Present
Maria E. Caldwell	Present
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, Assistant Attorney General and Board Counsel was present. Eric Hurst, Prosecuting Attorney, Department of Business and Professional Regulation was present. Court Reporter was Penny Appleton.

**2. Approve Board Minutes**

A. August 2 & 3, 2012

Motion was made by Mr. Riggs, seconded by Mr. Durkin, to amend approval of minutes from the August 2 & 3, 2012 meetings to correct the place of meeting from Tampa to Miami. Upon vote, the motion passed unanimously.

**3. OGC Action Request**

A. RODRIGUEZ, JUAN CARLOS – 2011002423

Ms. Borders-Byrd, Mr. Riggs, and Ms. Borcheck were recused.

Mr. Durkin chaired.

Motion was made by Dr. Fennema, seconded Mr. Dennis that Mr. Rodriguez waived his right to dispute material facts and request a hearing pursuant to Section 120.57 Florida Statutes. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Dennis, to adopt the findings of fact as set forth in the administrative complaint and to adopt the conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Ms. Caldwell, to revoke license, issue a fine in the amount of \$10,000, and cost in the amount of \$2,475.00 due within thirty days of date of Final Order. Upon vote, the motion passed unanimously.

**B. RODRIGUEZ, JUAN CARLOS – 2011019233**

Ms. Borders-Byrd, Mr. Riggs, and Ms. Borcheck were recused.

Mr. Durkin chaired.

Motion was made by Dr. Fennema, seconded Mr. Dennis that Mr. Rodriguez waived his right to dispute material facts and request a hearing pursuant to Section 120.57 Florida Statutes. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Dennis, to adopt the findings of fact as set forth in the administrative complaint and to adopt the conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Ms. Caldwell, to revoke license, issue a fine in the amount of \$10,000, and cost in the amount of \$2,475.00 due within thirty days of date of Final Order. Upon vote, the motion passed unanimously.

**C. RODRIGUEZ, JUAN CARLOS – 2011060637**

Ms. Borders-Byrd, Mr. Riggs, and Ms. Borcheck were recused.

Mr. Durkin chaired

Motion was made by Dr. Fennema, seconded Mr. Dennis that Mr. Rodriguez waived his right to dispute material facts and request a hearing pursuant to Section 120.57 Florida Statutes. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Dennis, to adopt the findings of fact as set forth in the administrative complaint and to adopt the conclusions of law. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Ms. Caldwell, to revoke license, issue a fine in the amount of \$10,000, and cost in the amount of \$2,475.00 due within thirty days of date of Final Order. Upon vote, the motion passed unanimously.

**4. Petitions for Variance or Waiver**

**A. CIGLIUTTI, MARIA ALEJANDRA**

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve petition for variance or waiver and grant a six (6) months extension. Upon vote, the motion passed unanimously.

B. CURREY, KATHERINE

Ms. Currey was present.

Motion was made by Dr. Fennema, seconded by Mr. Durkin, to approve petition for variance or waiver and grant six (6) months extension. Upon vote, the motion passed unanimously.

C. DIAZ, RICARDO J.

Motion was made by Mr. Riggs, seconded by Ms. Borcheck, to approve petition for variance or waiver and grant a six (6) months extension. Upon vote, the motion passed unanimously.

D. JORDAN, HEATHER

Ms. Jordan withdrew her petition request.

E. PEREZ, ISRAEL

Motion was made by Mr. Robinson, seconded by Dr. Fennema, to approve petition for variance or waiver. Upon vote, the motion passed unanimously.

F. SHMALO, AARON

Mr. Shmalo was present.

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

**5. Non-Disputed Fact Hearing**

A. REGER, ALAN EDWARD

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

B. YEAMAN, JASON

Mr. Yeaman was present.

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

**6. Now Meets Requirements**

A. FONSECA, MILDRED



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

## 9. Exams – Considerations

Theodore James Arch                      Applicant charged on October 9, 2006 with boating under the influence; community service, fine and US Coast Guard safety program. All sanctions have been satisfied. Applicant charged on June 11, 2010 with unknowingly driving while license suspended; community service and fine. All sanctions have been satisfied. Application was complete on August 22, 2012.

Mr. Arch was present.

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

Jonathan N. Dorn                              Applicant charged on August 24, 1995 with possession of marijuana under 20 grams; placed in the pre-trial diversion program, performed 20 hours of community service. All sanctions have been satisfied. Applicant charged on February 20, 1996 with dealing in stolen property; adjudication withheld, performed 100 hours of community service. All sanctions have been satisfied. Applicant charged on December 10, 2003 with trespassing; pled guilty, performed 30 hours of community service. All sanctions have been satisfied. Applicant charged on October 9, 2006 with driving under the influence (DUI); pled guilty, placed on six (6) month's probation and performed 50 hours of community service. All sanctions have been satisfied. Application was complete on July 19, 2012.

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

Nancy Garrido                                 Applicant charged on June 8, 2001 with petty theft larceny; nolle prosequi, case was expunged by court on April 13, 2004. All sanctions have been satisfied. Applicant charged on December 2, 2001 with grand theft third degree; no action, sued Wal-Mart for wrongful arrest. All sanctions have been satisfied. Application was complete on August 7, 2012.

Ms. Garrido was present.

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

Ryan M. Ribakoff Applicant charged on October 1, 2006 with possession of marijuana under 20 grams; entered into misdemeanor diversion program which involved counseling, community service and drug tests in exchange for charges being dropped. All sanctions have been satisfied. Applicant charged on November 1, 2008 with minor in possession of alcohol, entered into misdemeanor diversion program which involved community service and a fine in exchange for charges being dropped. All sanctions have been satisfied. Application was complete on July 23, 2012.

Mr. Ribakoff was present.

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

Barry L. Ritter Applicant charged on September 20, 1992 with possession of marijuana; guilty and sentenced to five (5) years probation. All sanctions have been satisfied. Applicant charged on April 7, 2011 with open container; adjudication withheld and \$200.00 fine. All sanctions have been satisfied. Application was complete on August 6, 2012.

Mr. Ritter was present.

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

Sacha R. Widmaier Applicant charged on March 15, 2006 with grand theft in the third degree; probation. All sanctions have been satisfied. Applicant charged on March 15, 2006 with offense against computer user; restitution payment. All sanctions have been satisfied. Applicant submitted orders showing his request to seal records which was granted on July 7, 2008. Application was complete on July 6, 2012.

Ms. Widmaier was present.

Motion was made by Dr. Fennema, seconded by Ms. Borcheck, to approve for convictions only. The motion passed with Mr. Dennis voting no.

#### **10. Endorsement – Considerations**

Thomas J. Swapp Applicant answered, “Yes” to number four of the background questions regarding proceedings or investigations for any license, registration permit, etc. Mr. Swapp was required to take an approved ethics course to renew his Virginia license. Mr. Swapp took a Florida ethics course in hopes of receiving a Florida CPA license. Virginia audited his CPE and indicated he was in violation

of Virginia's CPE requirement for licensure. As a result; he had to sign an agreement that placed a mark on his Virginia license. Staff verified Virginia does not indicate discipline against his license. Applicant has met the requirements for licensure.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve. Upon vote, the motion passed unanimously.

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

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve those listed. Upon vote, the motion passed unanimously.

### **12. Maintenance and Reactivation – Requests to Reactivate**

Kevin T. Cimino                      Mr. Cimino is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 1997 for failure to submit the continuing professional education (CPE) hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 1, 1999.

Mr. Cimino was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

David Gordon Cornell              Mr. Cornell is requesting additional time to reinstate his license. His license reverted to delinquent status on January 1, 2009 for failure to submit the CPE hours and the license renewal fee. His license reverted to null and void status on January 1, 2011. His application was reviewed by the Board at their October 7, 2011 meeting and he was approved to reactivate his license. He was given a deadline of April 6, 2012 which he failed to meet due to a financial hardship.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Wilford Robert Deweese              Mr. Deweese is requesting reinstatement of his license. His license reverted to delinquent status on January 2, 2004 for failure to submit the CPE hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 4, 2006.

Mr. Deweese was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Merrisa McCraney Ingram      Ms. Ingram is requesting reinstatement of her license. Her license reverted to delinquent status on January 1, 2010 for failure to remit the license renewal fee. Her license reverted to null and void status on January 1, 2012. Ms. Ingram submitted her CPE hours on June 30, 2009.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Shoaib Ahmed Khan              Mr. Khan is requesting reinstatement of his license to inactive status. His license reverted to delinquent inactive on January 1, 2010 for failure to pay the license renewal fee. His license reverted to null and void status on January 1, 2012.

Mr. Khan was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Jerry T. Kirkland                Mr. Kirkland is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 2010 for failure to submit the CPE hours and the license renewal fee. His license reverted to null and void status on January 1, 2012.

Mr. Kirkland was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Robert Anthony Neal            Mr. Neal is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 2005 for failure to submit the CPE hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 1, 2007.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Jacob Justin Payne                Mr. Payne is requesting reinstatement of his license. His license reverted to delinquent status on January 4, 2006

for failure to submit the CPE hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 1, 2008.

Mr. Payne was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Theodore Pioquinto                      Mr. Pioquinto is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 2006 for failure to submit the CPE hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 1, 2008.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Carlos B. Porrata                      Mr. Porrata is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 2010 for failure to submit the CPE hours and the license renewal fee. His license reverted to null and void status on January 1, 2012.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Cynthia Marie Proulx                      Ms. Proulx is requesting reinstatement of her license. Her license reverted to delinquent status on January 1, 1999 for failure to submit the CPE hours. Her license reverted to null and void status on January 1, 2001.

Ms. Proulx was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Elias Robert Samaan                      Mr. Samaan is requesting reinstatement of his license to an inactive status. Mr. Samaan placed his license on inactive status on October 29, 2001. His license reverted to delinquent inactive status on January 1, 2008 for failure to pay the \$50 late fee. His license reverted to null and void status on January 1, 2010.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship

provision. Upon vote, the motion passed unanimously.

Bradley E. Stephenson Mr. Stephenson is requesting reinstatement of his license. His license reverted to delinquent status on January 1, 1991 for failure to submit the CPE hours, a passing score on the laws and rules exam and the license renewal fee. His license reverted to null and void status on January 1, 1993.

Mr. Stephenson was present.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

Pennie Ann Thomas Ms. Thomas is requesting reinstatement of her license. Her license reverted to delinquent status on January 1, 2009 for failure to submit the CPE hours. Her license reverted to null and void status on January 1, 2011.

Motion was made by Ms. Caldwell, seconded by Dr. Fennema, to approve extending the delinquent status for six (6) months in order to reactivate under the unusual hardship provision. Upon vote, the motion passed unanimously.

**13. Maintenance and Reactivation – Considerations**

McHenry Hamilton Mr. Hamilton answered “Yes” to background question number four (4) of his reactivation application. Mr. Hamilton stated that he held a life insurance license and a real estate license which he voluntarily surrendered. He states he never received a dollar of commission from the sale of a life product and the only real estate commission he received was a split commission on the sale of his mother’s house which he then gave to his mother. Mr. Hamilton states since he surrendered these licenses approximately twenty-five years ago, he does not have any documentation supporting these licenses.

Mr. Hamilton was present.

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

**14. Maintenance and Reactivation – Voluntary Relinquishment**

<u>Licensee’s Name</u>	<u>License Number</u>
John A. Broderick	38000
Edwin Lorrell Cable	9701
James Clavijo	33323
Daryl G. Graham	5431

Paul David Hilsenrath	34984
Frank Milmore	24293
Neil N. Presser	1396

Motion was made by Ms. Caldwell, seconded by Ms. Borcheck, to approve those listed. Upon vote, the motion passed unanimously.

## **17. Administrative**

### **F. REMARKS FROM EXECUTIVE DIRECTOR**

Ms. Kelly reported.

Ms. Kelly informed board members that the Department and board staff are working on making license verifications available online by the end of December this year. She stated once this is done all fee based applications will be available on line. Ms. Kelly informed the board the Department and board staff are working on automated agendas for all board committees.

Ms. Kelly discussed the Board's request and her findings on background checks for licensees and the expense. Ms. Kelly informed board members that 455.213(10) F.S. does allow fingerprinting as part of the application process. Ms. Kelly informed the board at this time there are other board such a Real Estate, Home Experts, Construction and Veterinarians that require fingerprinting for licensure. It was determined that this item will be on the November 16, 2012 board agenda with further information for more discussion.

## **22. Future Meetings**

This was an informational item. However, Mr. Robinson requested staff look into having a meeting in January than February.

## **23. Adjourn**

Meeting was adjourned at 11:50 a.m.

---

Cynthia Borders-Byrd, Chair