

**M. Kent Thompson, C.P.A.**  
**22324 Calibre Court # 808**  
**Boca Raton, Florida 33433**  
**(561) 392-7192**

March 1, 2002

Ms. Martha Willis  
Division Director  
Florida Board of Accountancy  
240 NW 76th Drive  
Gainesville, Florida 32607

Dear Ms. Willis:

As per our phone conversation, I have cited the rules of the Florida Board of Accountancy rules as they relate to a CPA accepting a commission, and the FREC rules as far as an attorney and CPA being exempt from the real estate licensure requirement.

As stated in the Florida Real Estate Principles, Practices and Law, 24 Edition, Page 23, "*Individuals who are specifically exempted from licensure include... attorneys-at-law and Certified Public Accountants when acting within the scope of their professional duties.*" (DBPR Laws and Rules Chapter 475.019(0 and 475.011 )

The rules governing Certified Public Accountants allow CP A's to accept commissions under Chapter 473.3205 "*Commissions or referral fees... Any certified public accountant or business entity that is engaged in the practice of public accounting and that accepts a commission for the sale of a product or service to a client must disclose that fact to the client in writing in accordance with rules adopted by the board*"

We find most employers or clients unwilling to pay the fees associated with such services in relation to their real value, as the seller is generally paying a commission to the real estate listing agent, and feel such services should be an offset to the commission paid. Due mainly to the risk of rejection inherent in the negotiating process.

The FREC rules regarding commissions relate to the activities of unlicensed professionals, and specifically exempt the activities of attorneys and CP A's when acting in their official capacity for a client. This infers, Tightfully so, that attorneys and CP A's have the desired minimum of education, licensure requirements and experience to ensure they not break the rules that instigated the need for Real Estate Licensure.

Therefore, I respectfully request the Board issue an opinion as to an attorneys, or CP A's right to accept a portion of, or the whole real estate brokerage commission as consulting fees.

Sincerely,

M. Kent Thompson, CP A

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