

**STATE OF FLORIDA  
BOARD OF ACCOUNTANCY**

**IN RE: PETITION FOR DECLARATORY STATEMENT BY  
GOLDSTEIN SCHECHTER KOCH, P.A.**

<b>FILED</b>	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	12/18/2014
File #	2014-09890

**DS 2014-104**

**FINAL ORDER**

THIS MATTER came before the Board of Accountancy (Board) pursuant to Section 120.565, Florida Statutes (FS), at a duly-noticed public meeting held on October 10, 2014, in Miramar, Florida, for a hearing on the Petition for Declaratory Statement filed by Goldstein Schechter Koch, P.A. (Petitioner) on July 30, 2014. The notice of the petition appeared in the Florida Administrative Register on August 4, 2014, in Volume 40, Number 150. No comments by interested persons were received. Sanford Horowitz was present at the hearing to speak of behalf of Petitioner. The Board was represented by Mary Ellen Clark, Senior Assistant Attorney General. Having considered the petition and testimony presented, the Board makes the following findings and conclusions.

**FINDINGS OF FACT**

1. Petitioner is a Certified Public Accountant (CPA) firm licensed in Florida, license number AD65561, and a wholly-owned subsidiary of a company owned entirely by Florida licensed CPAs.

2. Petitioner's parent company also owns a wealth management firm, KR Financial Services, Inc., and an insurance solutions firm, KR Financial Advisors, LLC; these firms are licensed in their respective disciplines. There are plans to change the names of these firms to GSK Wealth Advisers, Inc. and GSK Insurance Strategists, LLC, respectively, in 2015.

3. Section 473.321(1), FS, provides in part that “[a] certified public accountant, partnership, corporation, or limited liability company may not practice public accountancy in this state under any name that is misleading or deceptive as to the legal form; as to persons who are partners, officers, shareholders, or members of the firm; or as to any other matter.”

4. Rule 61H1-24.001(2)(a), Florida Administrative Code (FAC), includes business cards, letterhead, and websites in the definition of advertising regulated by the Board.

5. Rule 61H1-26.001(1), FAC, provides in part that “a Florida certified public accountant may practice public accounting, whether as an owner or employee, only in the form of a proprietorship, a partnership or a corporation, or a limited liability company. A Florida certified public accountant shall not allow any person to practice in his name that is not a partner or shareholder with him or in his employ. A Florida certified public accountant shall not practice under a name which is misleading or deceptive as to the legal form of the firm or as to persons who are partners, or shareholders of the firm or as to any other matter. In this regard:

(a) A Florida certified public accountant may practice public accounting under a fictitious name which is not misleading or deceptive as to the persons who are sole proprietors, partners, or shareholders.”

6. Petitioner wishes to combine the branding of the CPA firm, wealth management firm, and insurance solutions firm into one logo for all services firm wide and asks the following question:

Will the presentation of the CPA firm, wealth management firm, and insurance

solutions firm under one name and logo on letterhead, business cards, or website violate any provision of Section 473.321, FS, or Rules 61H1-24.001 and 61H1-26.001, FAC?

**CONCLUSIONS OF LAW**

7. The Board has jurisdiction over this matter pursuant to section 120.565, and Chapter 473, FS.

8. The Board answers question in the negative. The answer is premised upon the following:

A. That Petitioner is a wholly-owned subsidiary of a company owned entirely by CPAs;

B. That Petitioner use a website as described in the petition with links to separate pages for each service area, including separate firm entity disclosures; and

C. That Petitioner remain in compliance with the requirements of Rule 61H1-26.001(3), FAC, regarding name-shared office space.

This Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 15<sup>th</sup> day of December, 2014.

BOARD OF ACCOUNTANCY

Veloria A. Kelly  
Veloria A. Kelly, Division Director ✓

**NOTICE OF RIGHT TO APPEAL**

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review Proceedings are governed by Rules 9.110 and 9.190, Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Department of Business and Professional Regulation, Attn: Ronda L. Bryan, Agency Clerk, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399 and a Second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida Appellate District where the Party Resides. The Notice of Appeal must be filed within thirty (30) Days of Rendition of the Order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Mitchell Stein, CPA, Goldstein Schechter Koch, P.A., 2121 Ponce De Leon Blvd, 11<sup>th</sup> Floor, Coral Gables, FL 33134; and by interoffice mail to Mary Ellen Clark, Senior Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 18<sup>th</sup> day of December, 2014.

  
Brandon M. Nicks



**Goldstein Schechter Koch**  
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

**FILED**  
Department of Business and Professional Regulation  
Deputy Agency Clerk  
CLERK Brandon Nichols  
Date 7/30/2014  
File #

July 30, 2014

**DS 2014-104**

Florida Board of Accountancy  
240 NW 76<sup>th</sup> Drive, Suite A  
Gainesville, FL 32607-6656

RE: Petition for Declaratory Statement before Florida Board of Accountancy regarding Co-branded Logo Usage on Corporate Materials

To Whom It May Concern:

Goldstein Schechter Koch is combining the branding for our CPA firm, our wealth management firm and our insurance solutions entity into one logo for all services firm-wide. The CPA firm, the wealth management firm and the insurance entity are three separate entities. In addition, there are three separate licenses for each entity namely accounting, investment advisors and insurance. Our promotional materials will disclose that the investment advisory and insurance solution services are provided by the two previously mentioned entities and not the accounting firm.

Therefore, we have the following questions that we seek a declaratory statement on certain provisions of the Florida Statutes and the Florida Administrative Code as follows.

Will the presentation of the accounting firm, investment advisory services firm, and insurance advisory services under one name, logo and letterhead violate any provision of Florida Statutes 473.321 - Fictitious names or the Florida Administrative Code sections 61H1 - 24.001 - Advertising or 61H1-26.001 - Form of Practice and Name-Shared Office Space?

In addition, would combining and presenting all of the services described above on one web-site (i.e. accounting, assurance, investment advisory services, insurance, etc.) violate any provision of Florida Statutes 473.321 - Fictitious names or the Florida Administrative Code section 61H1 - 24.001 - Advertising or 61H1-26.001 - Form of Practice and Name-Shared Office Space? If so, would having a link to a separate page for the investment advisory services and insurance services remedy this?

In addition, could one business card be used by all without violating the Florida Administrative Code section 61H1 - 24.001 - Advertising or would two or three business cards be needed for accounting, investment advisors and insurance?

Goldstein Schechter Koch

Coral Gables: 2121 Ponce De Leon Blvd. • 11th Floor • Coral Gables, FL 33134 • Ph: 305-442-2200 • Fax: 305-444-0880  
Hollywood: 4000 Hollywood Blvd. • Suite 215 South • Hollywood, FL 33021 • Ph: 954-989-7462 • Fax: 954-962-1021  
Boca Raton: 2255 Glades Road. • Suite 324A • Boca Raton, FL 33431 • Ph: 561-396-3550 • Fax: 954-962-1021




**Goldstein Schechter Koch**  
 CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

For your information, the proposed new logo will look like this:



**CPAs & CONSULTANTS  
 WEALTH ADVISORS  
 GOLDSTEIN SCHECHTER KOCH**

For your information, the proposed website wireframe displays how it will appear in the navigation bar of the website. Each service area would have its own separate pages once clicked by the user.

		<a href="#">Encrypted Email Access</a> <a href="#">Client Portal</a> <a href="#">Careers</a>   <a href="#">Locations</a>   <a href="#">Contact Us</a>	
<input type="text" value="Search"/>			
<a href="#">About Us</a>	<a href="#">Professionals</a>	<a href="#">Services</a>	<a href="#">Industries</a>
<a href="#">Important Tax Dates</a>			
<b>Accounting Services (not clickable)</b> About Accounting Services Our Approach Accounting and Financial Consulting Assurance Services Business Valuations Cost Segregation Estate Planning Internal Audit & Compliance Litigation Support & Forensic Accounting Management Consulting SOC Reporting Tax Specilities	<b>Insurance Solutions (not clickable)</b> About Insurance Solutions Our Approach Business Insurance Disability Insurance Estate Planning Financial Advisory Insurance Audits Legacy Planning Life Insurance Long-Term Care	<b>Wealth Management (not clickable)</b> About Wealth Management Our Approach College Planning Customized Portfolio Management Estate Planning Financial & Tax Planning Retirement Planning Risk Management Tax Efficient Investing Trust & Estate Expenses	



**Goldstein Schechter Koch**  
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

Thank you for your time and consideration to this matter and please call me at 305-442-2200 if you would like to discuss. In addition, my e-mail address is [mitch.stein@gskcpas.com](mailto:mitch.stein@gskcpas.com) and our fax number is 305-444-0880.

Sincerely,

*Mitchell Stein*

Mitchell Stein, CPA  
Director

Goldstein Schechter Koch, P.A.