

STATE OF FLORIDA
BOARD OF ACCOUNTANCY

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	8/25/2011
File #	2011-05746

IN RE: PETITIONS FOR VARIANCE BY
JONATHAN GORMAN

VW 2011-106

ORDER

Petitioner, Jonathan Gorman, filed petitions for a permanent variance from Rule 61H1-27.0041(2) and Rules 61H1-27.002(2)(a) and (b), Florida Administrative Code (FAC), on April 6, 2011. The notice of the petitions appeared in the Florida Administrative Weekly on April 29, 2011, in Volume 37 Number 17; no comments by interested persons were received. The petitions were heard at a duly-noticed public meeting of the Board of Accountancy held on June 17, 2011, in Tampa, Florida. At the hearing on this matter, Petitioner was present. The Board was represented by Mary Ellen Clark, Assistant Attorney General.

STATEMENT OF RELEVANT FACTS

The facts relevant to the petition are as follows:

1. Petitioner is an applicant for licensure as a certified public accountant (CPA) by endorsement of his Illinois license.
2. Section 473.306(2), Florida Statutes (FS), requires that an applicant for licensure have completed the requisite education at an accredited college or university.
3. Petitioner holds a Bachelor's degree in Business Administration and a Master's degree in Accounting from the University of Michigan.
4. Rules 61H1-27.002(2)(a) and (b), FAC, provide in part that an applicant must have at least 150 semester hours or 200 quarter hours of college education, including a

baccalaureate degree or higher conferred by an accredited college or university with a major in accounting, or its equivalent." The rules go on to identify specific upper division postgraduate courses the applicant must complete prior to licensure.

5. Petitioner's application for licensure by endorsement was received on February 10, 2011; initial review revealed educational deficiencies including twelve (12) semester hours of upper division accounting, three (3) semester hours of business law and one (1) year of applicable work experience.

6. Petitioner passed the final section of the CPA examination in November 1990. Petitioner has worked for twenty years working for publicly traded companies under the supervision of CPAs. Petitioner submitted proof of over five (5) years of qualifying work experience his application for licensure for endorsement.

7. At the June 17, 2011, meeting, Petitioner withdrew his petition for waiver or variance of Rule 61H1-27.0041(2), F.A.C.

8. Petitioner seeks a permanent variance from Rules 61H1-27.002(2)(a) and (b), FAC, to the find his education in compliance with Section 473.308(3), F.S.

Grounds for Approval

The Board determined that the petition for variance should be granted on the following grounds:

9. Petitioner established that the purpose of the underlying statute, Section 473.308(3), FS, would be met were he to be granted a variance from the rules.

10. Petitioner further established that the Board's application of Rules 61H1-27.002(2)(a) and (b), FAC, to his circumstances would violate principles of fairness and would impose a substantial hardship on him.

It is therefore **ORDERED** that the petition be **GRANTED**.

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

DONE AND ORDERED this 10th day of August, 2011,
by the Florida Board of Accountancy.



Veloria A. Kelly, Division Director

NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Division Director of the Board, 240 Northwest 76th Drive, Suite A, Gainesville FL 32607, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), FS; your petition must contain the information required by Rule 28-106.201, FAC, a copy of which is enclosed, including a statement of the material facts which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), FS; your petition must include the information required by Rule 28-106.301, FAC, a copy of which is enclosed. If you request a hearing, you have the right to be represented by an attorney or other qualified representative, to take testimony, to call or cross-examine witnesses, to have subpoena and subpoena duces tecum issued, and to present written evidence or argument.

Pursuant to Section 120.573, FS, you are hereby notified that mediation pursuant to that section is not available.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Certified Mail to Jonathan S. Gorman, 1320 Via Tuscany, Winter Park, Florida 32789; and to Jesslyn Krouskroup, Chief Attorney, Joint Administrative Procedures Committee, Pepper Building, Room 680, 111 W. Madison Street, Tallahassee, Florida 32399-1400, and Mary Ellen Clark, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050 this 25th day of August, 2011.

Brandon M. Nicks

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PS Form 3830, August 2006 See Reverse for instructions.		

Petition for Variance from Rule 61H1-27.002

Petitioner Information

Jonathan S Gorman
1320 Via Tuscany
Winter Park, FL 32789

Attorney Information

Not Applicable

VW 2011-106

Applicable Portions of the rules

(1) 27.001. Concentrations in Accounting and Business.

(2) For purposes of Section 473 306, F.S., if application for licensure is made after August 1, 1983, an applicant must have at least a baccalaureate degree, or its equivalent, from an accredited college or university with a major in accounting, or its equivalent, plus at least 30 semester hours or 45 quarter hours, or the equivalent from an accredited college or university. These additional hours shall be in excess of those required for the baccalaureate degree such that the applicant's total education program shall include at least 150 total semester hours or 200 quarter hours or their equivalent with a concentration in accounting and business as follows:

(a) 36 semester or 54 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, accounting information systems, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 36 semester or 54 quarter hours in accounting (internship courses must be taken in conjunction with other traditional coursework at an institution and must appear on the transcript). Further, any remaining internship credit if otherwise acceptable would be applied to the general business requirement, and

(b) 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which shall include coverage of the uniform commercial code, contracts and torts. Vocational and clerical type courses will not count either toward the accounting requirement set forth in subsection 61H1-27.002(2), F.A.C., or this general business education requirement. Specialized industry courses will be acceptable as general business courses but not as accounting courses unless as defined in subsection 61H1-27.002(2), F.A.C., and they have an accounting prefix, further such courses in order to qualify must be certified by the chairman of the school or college's accounting department as qualifying for general business credit. Written or oral communication courses will qualify for the general business requirement if they have a business or accounting prefix or if they are reflected in the catalog in the school or college as relating directly to the school or college's business or accounting requirements. A maximum of 9 semester hours (13 quarter hours) of computer courses and 6 upper division semester hours (8 quarter hours) of statistics courses will be accepted for purposes of meeting the general business requirement.

The citation to the statute the rule is implementing:

Section 473 306, Licensure

Type of action requested

The petitioner requests that the Board of Accountancy please grant a variance from 61H1-27 002 (2) stated above due to the following circumstances

Specific facts that demonstrate a violation of principles of fairness that would justify a variance for the petitioner.

I earned my Master of Accounting and Bachelor of Business Administration at the University of Michigan, graduating with distinction (cum laude). I was honored to be accepted into both both Beta Alpha Psi and Beta Gamma Sigma and awarded a Becker Scholarship. At the time I chose to earn my Master of Accounting, very few schools even offered a Master Degree in Accounting and enrollment in the program at Michigan was highly competitive and restrictive. In the entire University of Michigan Graduate School of Business Administration, my graduating class was approximately 12 students.

Michigan's MAcc program was unique in that a student could only be admitted to the 2 year Master of Accounting program after being accepted to and completing 1 year in the very highly selective Undergraduate School of Business Administration.

At the time of my attendance at Michigan, there were insufficient courses offered specifically in the Accounting Department (specified as A on my transcript) to meet the Florida standard of 36 hours of upper level accounting. However, much of the coursework in other departments, specifically covered the coursework required by the statute. Further, only 3 credit hours of Business Law were available in the School of Business Administration, but other classes – most notably International Business 620 dealt with the contractual and legal issues for International Corporations and .

Following are the classes and grades in auditing, cost and managerial accounting, financial accounting, accounting information systems, taxation and Business Law all classes are 3 semester hours in credit.

Auditing, Cost and Managerial Accounting, Financial Accounting, Accounting Information Systems & Taxation

A271 Principles of Accounting I:	B-
A272 Principles of Accounting II:	A
A312 Intermediate Accounting:	B+
A315 Cost Accounting	B
A313 Adv Financial Accounting:	B+
A550 Taxes & Managerial Dec:	A
A680 Auditing.	A
A620 Tax & Individual & Business:	A+
A712 Financial Statistical Analysis:	B+
S301 Introduction to Probability	A+
SS62 Management Dec & Planning	A-
C301 Information Systems I.	A
C573 Information Systems II:	B+
F300 Financial Reporting:	B+
F314 Financial Policy I:	B+
F610 Financial Investments	A-
F617 Corp Financial Theory	A
F675 Financial Control	B+
F720 Corp Financial Policy II	A+
<i>Business Law</i>	
L515 Business Law:	A
I620 Mgt Internation Corp	B-

Further to my experience as an accounting student, I spent the summer of 1989 as an Audit Intern at Arthur Andersen & Company, and the following year I interned for Allied Signal Corporation. Finally, in addition to my normal class load, in the first and second semester of my final year at Michigan, I was asked to teach Accounting 271 AND Accounting 272 as a Graduate Teaching Assistant.

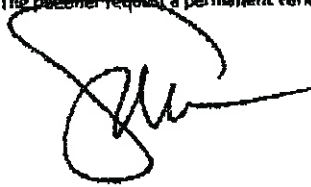
As you can see from my transcript, my academic credentials are exceptionally strong in financial accounting. After graduation I took and passed the CPA exam on my first attempt, earning high scores in all sections.

The reason why the variance required would serve the purposes of the underlying statute.

The petitioner has spent the past 20 years in financial accounting for the most admired companies in the United States (Ford Motor Company, General Electric, Honeywell) and the past 9 years as a Chief Financial Officer, responsible for all accounting and Sarbanes-Oxley compliance since the law's implementation. The petitioner was among the first graduates of the Master of Accounting Program at the University of Michigan and demonstrated sufficient academic excellence in Accounting to be asked to teach introductory accounting to undergraduate students. The petitioner has supervised CPAs for over 15 years and is an expert speaker on the subject of Lean Accounting and Statistical Process Control. The petitioner took and passed the CPA exam on his first attempt within a year of his graduation and a fervent believer in continuing education. The petitioner has fulfilled all the CPE requirements of the statute and is an active member of the AICPA and FICPA.

Petitioner Statement

The petitioner request a permanent variance from rule 61H1-27.002



Jonathan S Gorman
1320 Via Tuscany
Winter Park, FL 32789

Petition for Variance from Rule 61H1-27.0041

Petitioner Information

Jonathan S Gorman
1320 Via Tuscany
Winter Park, FL 32789

Attorney Information

Not Applicable

Applicable Portions of the rules

61H1-27.0041 One Year of Work Experience.

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 supervision 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 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 required by the employing certified public accountant, commencing after the completion of 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, in her or his report to the Department, shall 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.

(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 Certification of Work Experience form (OBPR Form CPA 22/Revised 10/05), 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

The citation to the statute the rule is implementing:

Section 479.308, Licensure

Type of action requested

The petitioner requests that the Board of Accountancy please grant a variance from 61H1-27.041 (2) stated above due to the following circumstances

Specific facts that demonstrate a violation of principles of fairness that would justify a variance for the petitioner.

In 1991, I sat and passed all sections of the CPA Exam in Illinois, and was granted the designation of CPA. I spent the next 20 years, working for various publicly traded companies under the direct supervision of various CPA performing duties customarily performed by full-time, regularly employed staff employees of a certified public accountant during the normal workweek.

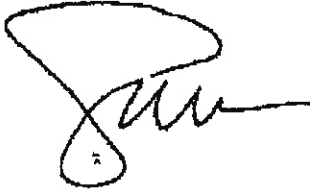
As part of my application package for my Florida CPA license, I have provided documentation of over 5 years of qualifying work experience using the Certification of Work Experience form (DBPR Form CPA 32/Revised 1D/09), obtained from the Board office located at 240 N. W. 76th Drive, Suite A, Gainesville, FL 32607-6655.

The reason why the variance requested would serve the purposes of the underlying statute.

The petitioner has spent the past 20 years in financial accounting for the most admired companies in the United States (Ford Motor Company, General Electric, Honeywell) and the past 9 years as a Chief Financial Officer, responsible for all accounting and Sarbanes-Oxley compliance since the law's implementation. The petitioner was among the first graduates of the Master of Accounting Program at the University of Michigan and demonstrated sufficient academic excellence in Accounting to be asked to teach introductory accounting to undergraduate students. The petitioner has supervised CPAs for over 15 years and is an expert speaker on the subject of Lean Accounting and Statistical Process Control. The petitioner took and passed the CPA exam on his first attempt within a year of his graduation and a fervent believer in continuing education. The petitioner has fulfilled all the CPE requirements of the statute and is an active member of the AICPA and FICPA.

Petitioner Statement

The petitioner request a permanent variance from rule 61H1-27.041



Jonathan S Gorman

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