

STATE OF FLORIDA
BOARD OF ACCOUNTANCY

DS 2008-023

IN RE: PETITION FOR DECLARATORY STATEMENT BY
RHONDA REED

Final Order No. BPR-2008-07544 Date: 9-5-08
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

FINAL ORDER

By: 

THIS MATTER came before the Board of Accountancy (Board) pursuant to Section 120.565, Florida Statutes, at a duly-noticed public meeting on June 11, 2008, in Tampa, Florida, for a hearing on the Petition for Declaratory Statement filed by Rhonda Reed (Petitioner) on March 31, 2008. The notice of the petition appeared in the Florida Administrative Weekly on April 18, 2008, in Volume 34, Number 16. No comments by interested persons were received. Petitioner was neither present nor represented by counsel at the meeting. The Board was represented by Mary Ellen Clark, Assistant Attorney General. Having considered the petition, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. Petitioner is a Certified Public Accountant (CPA) licensed pursuant to Chapter 473, Florida Statutes (FS).
2. Petitioner owns six percent (6%) of Florida C-Corp as an individual; Petitioner owns an additional forty-seven percent (47%) of Florida C-Corp through Petitioner's 401(k). Through this combined ownership, Petitioner controls fifty-three percent (53%) of Florida's C-Corp's financial interests and voting rights.
3. The remaining forty-seven percent (47%) of Florida C-Corp is owned by D.A. Reed's 401(k). D.A. Reed (Petitioner's mother) is not a CPA in any state and is engaged in

the business of Florida C-Corp as her principal occupation.

4. Florida C-Corp is the parent company of Florida Payroll C-Corp and Florida CPA C-Corp. Florida C-Corp owns 100% of Florida CPA C-Corp and 100% of Florida Payroll C-Corp.

5. Petitioner is the principal officer, President, of both Florida C-Corp and Florida CPA C-Corp.

6. Section 473.309(2), FS, provides that a corporation may not engage in the practice of public accounting unless:

a. It is a corporation duly organized in this or some other state.

b. Shareholders of the corporation owning at least 51 percent of the financial interest and voting rights of the corporation are CPAs in some state and are principally engaged in the business of the corporation. However, each shareholder who is a CPA in another state and is domiciled in this state must be a CPA of this state and hold an active license.

c. The principal officer of the corporation is a CPA some state.

d. At least one shareholder of the corporation is a CPA and holds an active license in this state.

e. All shareholders who are not CPAs in any state are engaged in the business of the corporation as their principal occupation.

f. It is in compliance with the rules adopted by the board pertaining to minimum capitalization, letters of credit, and adequate public liability insurance.

g. It is currently licensed as required by Section 473.3101, FS.

7. Petitioner seeks the Board's interpretation of Section 473.309(2), FS, with regard to whether Florida CPA C-Corp meets the requirements to practice public accounting in Florida.

CONCLUSIONS OF LAW

8. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes.

9. The Board determined that it could not provide a response to Petitioner due to insufficient information regarding the corporation in question. Therefore, the Board

declines to issue a declaratory statement in response to this petition, and the petition is
DISMISSED.

DONE AND ORDERED this 3rd day of September, 2008.

BOARD OF ACCOUNTANCY

Veloria A. Kelly
Veloria A. Kelly, Division Director

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(D), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT-S CLERK OF AGENCY PROCEEDINGS, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to Rhonda Reed, P.O. Box 372425, Satellite Beach, Florida 32937; and by interoffice mail to Mary Ellen Clark, Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 5th day of September 2008.

Brandon M. Nichols