

STATE OF FLORIDA
BOARD OF ACCOUNTANCY

FILED	
<small>Department of Business and Professional Regulation</small>	
<small>Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	12/18/2014
File #	2014-09889

IN RE: **PETITION FOR DECLARATORY STATEMENT BY
JOSEPH MASTER & COMPANY, LLP**

DS 2014-102

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 Joseph Master & Company, LLP (Petitioner) on July 25, 2014. The notice of the petition appeared in the Florida Administrative Register on July 31, 2014, in Volume 40, Number 148. No comments by interested persons were received. Richard A. Haughwout was present to speak on behalf 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 with two Florida CPA partners with equal ownership; the firm business activities are predominately Certified Public Accounting. One of the partners is also Florida securities licensed as an Agent and Investment Advisor Representative and Florida insurance licensed for Life, Health and Variable Annuity. The securities and insurance activities are operated and maintained under the name "Florida Wealth Counselors, LLC."

2. Rule 61H1-26.001(1), FAC, provides in part that "[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."

3. Petitioner asks whether if its firm name were changed from "Joseph Master & Company, LLP" to "Florida Wealth Counseling, LLP, Certified Public Accountants," to establish a continuing brand, would the proposed name be misleading, in violation of Rule 61H1-26.001(1), FAC?

CONCLUSIONS OF LAW

4. The Board has jurisdiction over this matter pursuant to section 120.565, and Chapter 473, Florida Statutes.

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

A. That all members of Florida Wealth Counseling, LLP, are Florida licensed CPAs; and

B. 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 15th 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 Richard A. Haughwout, Joseph Master & Company, LLP, 145 East Rich Ave., Suite A, Deland, FL 32724-4338; and by interoffice mail to Mary Ellen Clark, Senior Assistant Attorney General, Administrative Law Section, PL-01 The Capitol, Tallahassee, Florida 32399-1050, this 18th day of December, 2014.


Brandon M. Nichols

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	7/25/2014
File #	

Joseph Master & Company, LLP



Certified Public Accountants

148 East Rich Avenue, Suite A
Deland, FL 32724-4338
Telephone: 386.738.0227
800.761.5014
Facsimile: 386.734.8824
rickh@jmastercpa.com

Joseph J Master, CPA
1924 - 2008
Robert L Biferie, CPA
1982 - 2010
Mary Jeanne Ludwig, CPA
Richard A Haughwout, CPA

July 23, 2014

DS 2014-102

Division of Certified Public Accounting
Board of Accountancy
240 NW 76th Drive, Suite A
Gainesville, Florida 32607-6858

Re: Petition for Declaratory Statement Before the Division of Certified Public
Accountancy, Board of Accountancy by Joseph Master & Company, LLP

Dear Distinguished Members of the Board of Accountancy:

We are requesting a Declaratory Statement from the Board of Accountancy with regard
to a potential firm name change.

Our Situation

Joseph Master & Company, LLP is a partnership with two Florida CPA partners with
equal ownership. The firm business activities are predominantly Certified Public
Accounting.

One partner is also Florida securities licensed as an Agent and Investment Advisor
Representative and Florida insurance licensed for Life, Health and Variable Annuity.
These securities and insurance activities are operated and marketed under the name
"Florida Wealth Counseling, LLC"

Our Question

We are considering changing our firm name from "Joseph Master & Company, LLP" to
"Florida Wealth Counseling, LLP, Certified Public Accountants" to establish a continuing
brand. Is the proposed name change misleading?

Citations

Rule 61H1-26.001 of the Florida Administrative Code states:

(1) 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;

Our Conclusion

The name "Florida Wealth Counseling, LLP, Certified Public Accountants" is not misleading or deceptive as to the nature of the business, as to the legal form of the firm or as to the persons who are partners.

Thank you for your consideration of this petition.

Sincerely,



Richard A Haughwout, Managing Partner

Joseph Master & Company, LLP



Certified Public Accountants

145 East Rich Avenue, Suite A

Deland, FL 32724-4338

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Joseph J Master, CPA

1924 - 2008

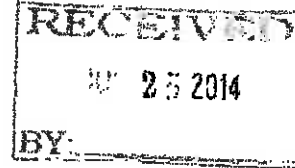
Robert L Biferis, CPA

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Richard A Haughwout, CPA

July 23, 2014



Division of Certified Public Accounting
Board of Accountancy
240 NW 76th Drive, Suite A
Gainesville, Florida 32607-6656

Re: Petition for Declaratory Statement Before the Division of Certified Public Accountancy, Board of Accountancy by Joseph Master & Company, LLP

Dear Sir/Madam:

Enclosed is a Petition for Declaratory Statement pursuant to Florida Administrative Code 28.105. We request that appropriate action be taken so that the petition can be placed on the Board of Accountancy agenda for its August 15, 2014 meeting.

Thank you for your assistance with this request. Please contact me regarding any questions that may arise.

Sincerely,

A handwritten signature in cursive script that reads 'Richard A. Haughwout'.

Richard A Haughwout, Managing Partner

Enclosure