

**STATE OF FLORIDA  
BOARD OF ACCOUNTANCY**

**IN RE: PETITION FOR VARIANCE OR WAIVER BY  
KHALED K. ALI**

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**VW 2019-010**

**NOTICE OF INTENT TO DENY PETITION**

Petitioner, Khaled Ali, filed a petition for a permanent variance from the requirements of **Rule 61H1-27.001(5), Florida Administrative Code (F.A.C.)**, on January 17, 2019. The notice of the petition appeared in the Florida Administrative Register on January 23, 2019, in Volume 45 Number 15. No comments by interested persons were received. The petition was heard at a duly-noticed public meeting of the Board of Accountancy ("Board") on March 22, 2019, in Gainesville, Florida. At the hearing on this matter, Petitioner was not present, and the Board was represented by Rachelle Munson, Assistant Attorney General. The petition is attached hereto and incorporated by reference.

**STATEMENT OF RELEVANT FACTS**

The facts relevant to the petition are as follows:

1. Petitioner is an applicant for licensure by endorsement pursuant to Section 473.308(7), Florida Statutes (F.S.). Initial review of his application revealed that he did not meet the education requirements of Section 473.306, F.S., specifically that he was deficient three (3) semester hours of graduate-level taxation course work from an accredited institution.

2. Petitioner requests that the Board waive the credit deficiency for the graduate-level course, noting that he completed TXX 5761, Taxation of Individuals, at Nova Southeastern University in the winter semester of 2018. Petitioner failed to provide proof

that the course is not an undergraduate level course in substance.

**3. Rule 61H1-27.001(5), F.A.C. (2018), provides that**

A graduate of a four-year degree granting institution not accredited at the time the applicant's degree was received or at the time of filing application will be deemed to be a graduate of a four-year accredited college or university course provided an accredited college or university as defined by subsections 61H1-27.001(1) and (2), F.A.C., accepts applicant's non-accredited baccalaureate degree and the applicant satisfactorily completes at least 15 semester or 22 quarter hours, or the equivalent, in post-baccalaureate education at the accredited institution of which at least 9 semester or 13 quarter hours, including at least 3 semester or 4 quarter hours in taxation; or the equivalent, shall be in accounting. Elementary accounting subjects, or courses equivalent to elementary accounting, cannot be used to satisfy the requirements of this rule. Elementary accounting subjects include principles of financial and managerial accounting courses even if they are covered in a three-course sequence, are titled "introductory," "fundamentals," or "principles," and even if they are offered at the graduate level.

4. Petitioner seeks a permanent variance from the requirements of Rule 61H1-27.001(5), F.A.C., to the extent necessary for the Board to determine he has met the educational requirements for licensure.

**GROUND FOR DENIAL**

The Board determined that based on the requirements of Rule 61H1-27.001(5), F.A.C., the petition should be denied on the following grounds:

5. Petitioner failed to establish that the purpose of the underlying statute, Section 473.306, F.S., would be met were he to be granted a variance from Rule 61H1-27.001(5), FAC.

6. Petitioner further failed to establish that the Board's application of Rule 61H1-27.001(5), F.A.C., to his circumstances including his failure to complete the requisite

graduate-level course work, would violate principles of fairness and impose a substantial hardship on him.

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

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

**DONE AND ORDERED** this 16<sup>th</sup> day of April, 2019,  
by the Florida Board of Accountancy.

  
Veloria A. Kelly, Division Director ✓

#### **NOTICE OF RIGHT TO HEARING**

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 76<sup>th</sup> 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 **Khaled Ali**, 5753 NW 98<sup>th</sup> Avenue, Doral, Florida 33178; and to Kenneth Plante, Chief Attorney, Joint Administrative Procedures Committee, 111 W. Madison Street, Pepper Building, Room 680, Tallahassee, Florida 32399-1400, and by electronic delivery to: Rachelle Munson, Assistant Attorney General, at Rachelle.Munson@myfloridalegal.com this 19<sup>th</sup> day of April, 2019.

Brandon M. Nichols

**FILED**

Department of Business and Professional Regulation

Deputy Agency Clerk

CLERK Brandon Nichols

Date 1/17/2019

File #

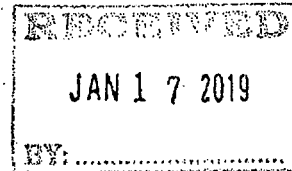
**Petition for variance from Rule 61H1-27.001(5) Florida Administrative Code  
College or University Requirements.**

**Petitioner Information:**

**Name: Khaled K Ali**

**Address: 5753 NW 98<sup>th</sup> Ave, Doral, Florida 33178**

**Telephone: 786-502-7534**



**Attorney Information:**

**Not applicable**

**VW 2019-010**

**Applicable Portion of the Rule:**

(5) A graduate of a four-year degree granting institution not accredited at the time the applicant's degree was received or at the time of filing application will be deemed to be a graduate of a four-year accredited college or university course provided an accredited college or university as defined by subsections 61H1-27.001(1) and (2), F.A.C., accepts applicant's non-accredited baccalaureate degree and the applicant satisfactorily completes at least 15 semester or 22 quarter hours, or the equivalent, in post-baccalaureate education at the accredited institution of which at least 9 semester or 13 quarter hours, including at least 3 semester or 4 quarter hours in taxation; or the equivalent, shall be in accounting. Elementary accounting subjects, or courses equivalent to elementary accounting, cannot be used to satisfy the requirements of this rule. Elementary accounting subjects include principles of financial and managerial accounting courses even if they are covered in a three-course sequence, are titled "introductory," "fundamentals," or "principles," and even if they are offered at the graduate level.

**The citation to the statute the rule is implementing:**

**Section 473.306 – Examinations –**

**Type of Action requested:**

**The petitioner requests that the board of accountancy grant a permanent variance from Rule 61H1-27.001(5) stated above due to the following circumstances.**

**Fact that demonstrate a violation of the principles of fairness and will create a substantial hardship that would justify a variance for the petitioner:**

On November 3<sup>rd</sup>, 2017 I contacted the department of business and professional regulation to confirm the courses to register for to meet the Board requirements in order for me to transfer my license from California state to Florida. I spoke with a regulatory Specialist through the phone and stated the courses at Nova South eastern university (ACTS781 – TXX5761 – ACT 5713 – ACT5753 – ACTS725) a total of 15 credits which I needed to meet the requirements. The specialist said Yes and confirmed that these courses are approved graduate courses and will meet my application requirements and the school is an accredited school. After I got to confirm the courses I registered with Nova and spent the entire year studying while working full time in Public accounting, serving governmental entities in south Florida and helping my clients to meet their deadline for submitting their reports. Working and studying was not an easy task specially when working in public accounting which require very long hours to meet my client's expectations. I been promised by the partners a promotion once I transfer my license to Florida which I could have been qualified if the courses I confirmed were all fine. I was shocked after I submitted my transcript during December 2018 to the board that the taxation course is not approved. However, the course is a graduate level includes many complex cases nothing like the undergraduate course. The course included a broader curriculum and more intense taxation issues. In addition, my application will expire the end of February 2019 and I will need to repay an application fees to resubmit my application again. I do not believe it is fair at all and I believe it is a violation of the rule of fairness that I will take an additional course which I could have taken it back then if that mistake would not have happened. It is time consuming and economically painful which would cost me additional tuitions. I face an extreme hardship not being promoted on time which will cause me and my family to cut on many things that we will need in the coming year. In addition, the emotional hardship I face knowing that I did not meet the requirements on time because of a mistake which I know it is an honest mistake, but it will cost me a delay in my career and will cost me economically. Unfortunately, this is not good news because I should have been at zero deficient credit hours upon satisfactory completion of all the courses. I couldn't believe what was happening because I contacted the DBPR prior to enrolling in those courses.

**The reason why the variance requested would serve the purpose of the underlying statute:**

473.306 Examinations. —

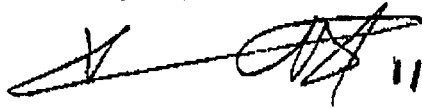
(3) The board shall have the authority to establish the standards for determining and shall determine:

- (a) What constitutes a passing grade for each subject or part of the licensure examination;
- (b) Which educational institutions, in addition to the universities in the State University System of Florida, shall be deemed to be accredited colleges or universities;
- (c) What courses and number of hours constitute a major in accounting; and
- (d) What courses and number of hours constitute additional accounting courses acceptable under s. 473.308(3).

**Petitioner Statement:**

I would like for the board to consider granting my petition to waive the credits deficient. It has taken my family and me a great deal of effort, not only monetary but also the time vested in enrolling and passing all the necessary classes. It's very frustrating to think that the effort vested will not be recognized to meet the requirements. I'm a fulltime Auditor and a public servant, independently providing audit to governmental entities and working in the accounting industry for more than 10 years, carry a valid CPA license in the state of California and carry a certified Fraud examiner designation. I complete all my CPEs every year and I am a member in good standing of FICPA, AICPA and FGFOA (Florida government Finance officers association). It is pointless to take more courses which I believe I will easily pass based on my experience and education. It's very frustrating that what I thought was well thought out plan did not work out. Your understanding and approval of this petition will be greatly appreciated.

Regards,

1/16/19

Khaled K Ali