

Jonathan Zachem, Secretary

Rick Scott, Governor

March 23, 2018
 Board of Accountancy

Jacksonville Omni Hotel
 Jacksonville, Florida

Friday, March 23, 2018

The meeting was called to order at 9:00 a.m. The Pledge of Allegiance was recited; Introduction of Board; the roll was called by Veloria Kelly, Executive Director, and reflected the following persons present:

BOARD MEMBERS		STAFF	
David Dennis	Present	Veloria Kelly	Present
M.G. Fennema	Present	Denise Graves	Present
Tracy Keegan	Present	Angela Francis	Present
Mindy Rankin	Present		
Michelle Maingot	Present		
Steven Platau	Present		
David Skup	Present		
Jesus Socorro	Present		
H. Steven Vogel	Excused Absence		

Mary Ellen Clark, Senior Assistant Attorney General and Board Counsel; Megan Kachur, Chief Attorney, Department of Business and Professional Regulation; Andrew Pietrylo, Assistant General Counsel, Department of Business and Professional Regulation, were present. The court reporter was Sherri Martin.

1. Approve Board Minutes

A. February 2, 2018

Motion was made by Dr. Fennema, seconded by Mr. Skup, to approve minutes. Upon vote, the motion passed unanimously.

2. OGC Final Action

A. Douglas A. Labrozzi 2014-008561

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Skup, to reject the Stipulation. Upon vote, the motion passed unanimously. Counter Stipulation terms were given to Ms. Kachur for guidance for a new Stipulation. The terms were Revocation; Administrative fine of \$1,000.00; Administrative costs of \$1,520.17 due within sixty (60) days of the filing date of the Final Order. Ms. Kachur will place the case on the next available agenda.

B. Labrozzi & Co., P.A. 2014-008562

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Skup, to accept the Stipulation. Upon vote, the motion passed unanimously.

C. Evelyn Latortune Santiago 2017-012010

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Ms. Maingot, seconded by Mr. Skup, to accept the Stipulation. Upon vote, the motion passed unanimously.

D. Mark D. Levine 2017-011788

Ms. Keegan was recused.

Mr. Pietrylo presented the case.

Motion was made by Dr. Fennema, seconded by Ms. Maingot, to accept the Stipulation. Upon vote, the motion passed unanimously.

E. John Douglas Lykkebak 2017-035488

Beecher Larson, Esquire was present.

Ms. Keegan was recused.

Mr. Pietrylo presented the case.

Motion was made by Dr. Fennema, seconded by Ms. Rankin, to reject the Stipulation. Upon vote, the motion passed unanimously. Motion was made by Mr. Dennis, seconded by Ms. Maingot, to dismiss count two (2) of the Administrative Complaint. Upon vote, the motion passed unanimously. No counter offer was made but the Board gave Mr. Larson the understanding of what terms would be acceptable to the Board; Reprimand; and impose an administrative fine of \$500.00 and administrative costs of \$147.50, to be due within thirty (30) days from the filing date of the Final Order; Four (4) hours of CPE and Practice Restriction. Mr. Pietrylo will work with Mr. Larson on a new Settlement Stipulation and place the case on the next available agenda.

F. Mary K. Moran, CPA 2017-034797

Ms. Keegan was recused.

Mr. Pietrylo presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to accept the Stipulation. Upon vote, the motion passed unanimously.

G. Michael Earl Page, CPA 2017-011208

Ms. Keegan was recused.

Mr. Pietrylo presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to accept the Stipulation. Upon vote, the motion passed unanimously.

H. James R. Scheltema 2017-007177

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Dr. Fennema, seconded by Ms. Rankin, to accept the Stipulation. Upon vote, the motion passed with Mr. Dennis opposing.

I. Hunter S. Wilson 2017-024675

Motion was made by MS. Rankin, seconded by Mr. Skup, to accept the Stipulation. Upon vote, the motion passed unanimously

J. Louis A. Berry 2017-019905

Continuance granted.

K. Vincent Afable Alzate 2017-012067

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to deny the motion for reconsideration. Upon vote, the motion passed unanimously.

L. George I. Augustine 2017-010710

Mr. Augustine was present.

Ms. Keegan was recused.

Ms. Kachur presented the case.

Motion was made by Ms. Rankin, seconded by Mr. Skup, to grant the motion for reconsideration. Upon vote, the motion passed unanimously. Motion was made by Dr. Fennema, seconded by Mr. Skup, to impose an administrative fine of \$500.00 and administrative costs of \$233.56, to be due within thirty (30) days from the filing date of the Final Order; suspension until licensee submits satisfactory evidence of having completed the following: completion of sixty four (64) hours of continuing professional education that he failed to complete for the reestablishment period July 1, 2013, through June 30, 2015, plus an additional sixty four (64) hours, as penalty, for a total of one hundred twenty eight (128) continuing professional education hours. The hours are not eligible for use toward meeting the requirements of any subsequent reestablishment periods. Upon vote, the motion passed unanimously.

3. Petition for Variance or Waiver

A. Carter, Allison

Ms. Carter was present.

Motion was made by Dr. Fennema, seconded by Ms. Rankin, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were she to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were she to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code, based upon her completion of the following: The petitioner established that the Board's full application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to her circumstances would violate principles of fairness and would impose a substantial hardship on her. The petitioner established that, if she were granted the variance, the purpose of the accountancy examination statute would be met as required by Section 473.306, Florida Statute. Upon vote, the motion passed unanimously.

B. Doerr, Heather

Motion was made by Ms. Keegan, seconded by Dr. Fennema, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were she to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were she to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code, based upon her completion of the following: The petitioner established that the Board's full application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to her circumstances would violate principles of fairness and would impose a substantial hardship on her. The petitioner established that, if she were granted the variance, the purpose of the accountancy examination statute would be met as required by Section 473.306, Florida Statute. Upon vote, the motion passed unanimously.

C. Gonzalez, Julian Javier

Mr. Gonzalez was present.

Motion was made by Mr. Skup, seconded by Mr. Socorro, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were he to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were he to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code, based on the following: The petitioner established that the Board's full application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to his circumstances would violate principles of fairness and would impose a substantial hardship on him. The petitioner established that, if he were granted the variance, the purpose of the accountancy examination statute would be met as required by Section 473.306, Florida Statute. Upon vote, the motion passed unanimously.

D. Kirkland, Michael

Motion was made by Mr. Skup, seconded by Mr. Socorro, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were he to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were he to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner further established that the Board's application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to his circumstances would violate principles of fairness and would impose a substantial hardship on his. Upon vote, the motion passed unanimously.

E. Sagal, Tetiana

Ms. Sagal was present.

Motion was made by Dr. Fennema, seconded by Ms. Keegan, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were she to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were she to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner further established that the Board's application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to her circumstances would violate principles of fairness and would impose a substantial hardship on her. Upon vote, the motion passed unanimously.

F. Salazar, Dulny

Motion was made by Mr. Skup, seconded by Mr. Socorro, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were he to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were he to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner further established that the Board's application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to her circumstances would violate principles of fairness and would impose a substantial hardship on her. Upon vote, the motion passed unanimously.

G. Santiago, Carlos

Mr. Santiago was present.

Motion was made by Dr. Fennema, seconded by Mr. Skup, to grant the Petition for Variance or Waiver a permanent variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of the underlying statute, Section 473.306, Florida Statute, would be met were he to be granted a variance from Rule 61H1-28.0052(1)(b), Florida Administrative Code. Petitioner established that the purpose of Section 455.271, Florida Statutes, would be met were he to be granted a waiver of Rule 61H1-28.0052(1)(b), Florida Administrative Code. The petitioner further established that the Board's application of Rule 61H1-28.0052(1)(b), Florida Administrative Code, to his circumstances would violate principles of fairness and would impose a substantial hardship on him. Upon vote, the motion passed unanimously.

4. Examination – Considerations

A. Dorney, Brandon James

Motion was made by Dr. Fennema, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

B. Landry, Annie Sirpilla

Ms. Maingot informed the Board she knows Ms. Landry but can be fair and impartial.

Motion was made by Ms. Keegan, seconded by Mr. Skup, to approve for convictions only. Upon vote, the motion passed unanimously.

5. Original Licensure – Considerations

A. McArthur, Michael Dennis

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to approve for convictions only. Upon vote, the motion passed unanimously.

B. Minutoli, Stephen James

Mr. Minutoli was present.

Motion was made by Dr. Fennema, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

6. Endorsement Considerations

A. Annon, William S.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to request the applicant appear before the Board at the meeting of his choice. Upon vote, the motion passed unanimously.

B. Emory, Billy Joe

Motion was made by Dr. Fennema, seconded by Mr. Skup, to deny the application based on 455.227(1)(h), Florida Statutes. Upon vote, the motion passed unanimously.

Motion was made Mr. Socorro, seconded by Dr. Fennema, to reconsider the previous denial action. Upon vote, the motion passed unanimously.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to approve for convictions only. Upon vote, the motion passed unanimously.

C. Ferraro, Pietrangelo

Motion was made by Dr. Fennema, seconded by Ms. Keegan, to approve for answering yes to question two (2). Upon vote, the motion passed unanimously.

D. Kreinik, Steve Brad

Motion was made by Dr. Fennema, seconded by Ms. Rankin, to approve for answering yes to question five (5). Upon vote, the motion passed unanimously.

E. Meara, John William

Motion was made by Dr. Fennema, seconded by Mr. Skup, to request Mr. Meara waive his ninety (90) day requirement and appear before the Board or deny the application based on 455.227(1)(h), Florida Statutes. Upon vote, the motion passed unanimously.

F. Pokrant, Gary Carl

Motion was made by Dr. Fennema, seconded by Mr. Skup, to approve for answering yes to question five (5). Upon vote, the motion passed unanimously.

G. Rife, Brittany F.

Ms. Rife was present.

Motion was made by Ms. Keegan, seconded by Dr. Fennema, to approve for answering yes to question five (5). Upon vote, the motion passed unanimously.

7. Military Endorsement

Motion was made by Ms. Keegan, seconded by Mr. Skup, to approve and ratify those listed. Upon vote, the motion passed unanimously.

Motion was made by Mr. Dennis to add the additions agenda for good cause shown.

1. Exams – Considerations

A. Farmer, Leila Kay

Ms. Farmer was present.

Motion was made by Dr. Fennema, seconded by Ms. Keegan, to approve for convictions only. Upon vote, the motion passed unanimously.

2. Firms

A. Mossman Advisory Group, LLC

Motion was made by Ms. Keegan, seconded by Dr. Fennema, to approve for convictions only. Upon vote, the motion passed unanimously.

3. AICPA

This was an informational item.

8. Maintenance and Reactivation - Staff Approvals

Motion was made by Ms. Keegan, seconded by Mr. Socorro, to approve and ratify those listed. Upon vote, the motion passed unanimously.

9. Maintenance and Reactivation - Voluntary Relinquishment

Motion was made Ms. Keegan, seconded by Mr. Socorro, to approve and ratify those listed. Upon vote, the motion passed unanimously.

10. Deceased Practitioners

There was a moment of silence.

11. Firms

- A. Peter Messineo, CPA, LLC

Motion was made by Ms. Rankin, seconded by Ms. Keegan, to approve the firm name. Upon vote, the motion passed unanimously.

12. Temporary Permits

Motion was made by Ms. Keegan, seconded by Dr. Fennema, to approve and ratify those listed. Upon vote, the motion passed unanimously.

Motion was made by Mr. Dennis to add Juaquin Jake Sanchez to the agenda for good cause shown.

- A. Juaquin Jake Sanchez

Mr. Sanchez was present.

Motion was made Dr. Fennema, seconded by Ms. Rankin, to approve the application. Upon vote, the motion passed unanimously.

13. Rules

- A. 61H1-27.001 College or University Requirements.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to approve text but continue to the May 4, 2018, meeting to include SERC checklist for further review. Upon vote, the motion passed unanimously.

61H1-27.001 College or University Requirements.

(1) An accredited college or university within the meaning of Section 473.306, F.S., is a four-year degree granting college or university in the State University System or other four-year degree granting educational institution accredited at the time applicant's degree was received by virtue of membership in one of the following accrediting agencies so listed:

- (a) Middle States Association of Colleges and Secondary Schools;
- (b) New England Association of Schools and Colleges;
- (c) Higher Learning Commission;
- (d) Northwest Commission on Colleges and Universities;
- (e) Southern Association of Colleges and Schools;
- (f) Western Association of Schools and Colleges;
- (g) Association to Advance Collegiate Schools of Business (AACSB);
- (h) Association of Independent Colleges and Schools. After August 2, 1992 the Association of Independent Colleges and Schools (AICS) will no longer be deemed an acceptable accrediting agency, unless the college or school accredited by the AICS is regulated by the Commission for Independent Education and exempted from licensure by the CIE under the provisions of Section

246.085, F.S.

(i) Canadian, Mexican, Irish, Australian, New Zealand, and Hong Kong academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.

(2) A listing of accredited colleges and universities as recognized by the Board is contained in the "Accredited Institutions of Post-secondary Education"; published by the American Council on Education for the Council on Post-secondary Accreditation as published for the time period the candidate attended the institutions. However, an applicant whose degree was received from a non-accredited college or university may qualify under the provisions of subsection (3).

(3) If an institution was not accredited at the time an applicant's degree was received but was so accredited at the time his application was filed with the Board, the institution will be deemed to be accredited for the purpose of subsections (1) and (2) provided it:

(a) Certifies that the applicant's total educational program would qualify him for graduation with a baccalaureate degree during the time the institution has been accredited, and

(b) Furnishes the Board satisfactory proof, including college catalogue course numbers and descriptions, that the preaccrediting courses used to qualify applicant as an accounting major can be matched with substantially equivalent postaccrediting courses.

(4) If an applicant's degree was received at an accredited college or university as defined in subsections 61H1-27.001(2) and 61H1-27.001(3), F.A.C., but the educational program used to qualify him as an accounting major included courses taken at either two-year or four-year nonaccredited institutions either before or after graduation, such courses will be deemed to have been taken at the accredited institution from which applicant's degree was received provided it either has accepted by virtue of inclusion in an official transcript, or will accept by certification to the Board, such courses for credit toward graduation.

(5)(a) 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.

~~(6) An applicant relying on transcripts from a foreign institution (b) A graduate seeking approval under this subsection shall provide at her or his own expense to the Board, a complete course by course evaluation of any foreign transcripts by an evaluation service as approved by the Board.~~

Rulemaking Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05, 4-9-06, 8-13-06, 12-27-09, 2-6-12, 3-27-13, 8-7-13, 3-11-18.

B. 61H1-27.002 Concentration in Accounting and Business

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to approve text but continue to the May 4, 2018, meeting to include SERC checklist for further review. Upon vote, the motion passed unanimously.

61H1-27.002 Concentrations in Accounting and Business.

(1) For purposes of Section 473.306, F.S., if application for the Uniform CPA Examination was made prior to August 2, 1983, an applicant must have a baccalaureate degree from an accredited college or university with a major in accounting, or its equivalent, with a concentration in accounting and

business subjects. A concentration in accounting and business is defined as an educational program that includes at least 18 semester hours or 27 quarter hours, or the equivalent, in accounting education above elementary (principles of) accounting and 27 semester or 40 quarter hours, or the equivalent, in general business education. In order to meet the provisions of Section 473.306, F.S., the application must have been filed, completed and approved and show on its face that all educational and other requirements were met prior to August 2, 1983.

(2) For purposes of Section 473.308, F.S., if application for licensure is made after August 1, 1983, an applicant must have at least 150 semester hours or 225 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 applicant's total education program shall include a concentration in accounting and business as follows:

(a) 30 semester or 45 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 30 semester or 45 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) 36 semester or 54 quarter hours in general business education which shall include not less than the equivalent of 3 semester or 4 quarter hours in business law courses. 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; ~~and~~ -

(c) At least 3 of the required hours in each of the areas of business law, taxation, and financial accounting are to have been based upon United States of America law or accounting standards.

(3) To be eligible to take the licensure examination, an applicant shall have completed 120 semester or 180 quarter hours as follows:

(a) 24 semester or 36 quarter hours in accounting education at the upper division level which shall include coverage of auditing, cost and managerial accounting, financial accounting, and taxation. Not more than 3 semester or 4 quarter hours may be internship programs which may be applied to the 24 semester or 36 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) 24 semester or 36 quarter hours in general business education which shall include not less than the equivalent of 3 semester or 4 quarter hours in business law courses. 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; ~~and~~ -

(c) At least 3 of the required hours in each of the areas of business law, taxation, and financial accounting are to have been based upon United States of America law or accounting standards.

(4) For purposes of this rule, upper division accounting hours other than elementary above the minimum requirement may be substituted for general business hours. Elementary accounting subjects shall not be accepted as general business education. 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. All accounting courses and not less than 21 semester or 32 quarter hours of general business courses must be at the upper division level. For the purpose of paragraph 61H1-27.002(2)(b), F.A.C., all general business courses, including accounting courses in excess of the 36 hours required, must be taken at the upper division level, except for Introductory Macro and Micro Economics, Business Law, Introductory Statistics, Introduction to Computer Information Systems, and any written or oral communication course described in paragraph 61H1-27.002(2)(b), F.A.C. Lower level general business courses, other than those listed above, posted to transcripts after August 31, 1989 will not count. Standardized tests, such as CLEP, are not acceptable for accounting or general business courses; however, advanced placement (AP) courses will be counted if the applicant has been granted college credit for those AP courses by their degree-granting institution.

(a) Upper division, as used in Rule 61H1-27.002, F.A.C., means courses offered at the junior level or higher. By definition, any course taken at a community college is not upper division. Courses offered at the freshman and sophomore level at senior institutions are not upper division, regardless of the title or content of the course (e.g., Cost, Intermediate, Tax, etc.)

(b) If an applicant has taken a course at the lower division at a senior institution, and that institution has reclassified the course to the upper division at the time of application to Florida, the course will be deemed upper division for the purpose of Rule 61H1-27.002, F.A.C.

(5) Re-applicants whose original application for the CPA examination was approved prior to August 2, 1983, may elect to satisfy subsection 61H1-27.002(1), F.A.C.

(6) For purposes of subsection 61H1-27.002(2), F.A.C., and Section 473.306, F.S., a baccalaureate degree will not be considered as meeting the statutory requirement for a major in accounting or its equivalent unless all credit hours accepted by the college or university as part of the degree requirement are listed as courses in the catalogues of all institutions attended.

(7) If an applicant takes duplicate courses, only one of these courses will be counted. For purposes of this rule, all CPA Examination Review courses will be deemed to be duplicate courses.

(a) Courses will be considered duplicated if they cover a substantially equivalent professional area of knowledge even if separated by a span of time and even if some of the professional, technical and/or legal issues have been changed or modified.

(b) Regarding CPA Review courses, by definition these courses cover material already studied. Accordingly, no exception will be made to consider a CPA Review course non-duplicative, regardless of statements by applicants, professors, or academic administrators that additional topics are covered or the material covered only superficially in prior courses is covered in more detail in a "review" course.

(8) Individuals who are currently licensed in good standing in countries ~~have graduated from accounting programs~~ approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy and whose educational degrees are from accredited institutions as set forth in subsection 61H1-27.001(1), F.A.C., shall be deemed to have met the requirements set forth in subsections 61H1-27.002(1)-(3), F.A.C.

Rulemaking Authority 473.304, 473.306(3), 473.308(3) FS. Law Implemented 473.306(2), (3), 473.308(3) FS. History—New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, 1-31-05, 5-24-07, 11-30-08, 12-21-09, 12-2-14, 7-11-16, 2-13-18.

C. 61H1-31.003 Renewal of Active and Inactive License Fee for CPA.

Motion was made by Dr. Fennema, seconded by Mr. Socorro, that the proposed rule would not have an adverse impact on small business or likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule and this rule or any part of this rule will not be designated a minor violation. Upon vote, the motion passed unanimously.

61H1-31.003 Renewal of Active and Inactive License Fee for CPA.

For individual active and inactive status licenses, the biennial renewal fee provided for in Section 473.305, F.S., shall be \$100.00, with the exception that for the 2018 and 2019 ~~2013-2014~~ renewal periods, the fee shall be \$90.00 ~~\$80.00~~. A special fee of \$5.00 per licensee shall be imposed upon initial licensure and at each renewal to fund efforts to combat unlicensed activity.

Rulemaking Authority 455.219(1), 455.2281, 455.271, 473.305, 473.311, 473.313 FS. Law Implemented 455.219(1), 455.271, 473.305, 473.311, 473.313 FS. History–New 1-7-13.

D. 61H1-31.0075 Temporary License – Electronic Practice

Motion was made Ms. Keegan, seconded by Mr. Platau, to notice for repeal. Upon vote, the motion passed unanimously.

61H1-31.0075 Temporary License Fee – Electronic Practice.

~~The fee for a temporary license shall be \$400.00 for the first license in a calendar year and \$400.00 for each additional application in the same calendar year.~~

Rulemaking Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.305, 473.314, 473.3141 FS. History–New 1-7-13.

E. 61H1-33.006 Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.

This item was continued to the May 4, 2018 meeting for additional review of updated incorporated form DBPR CPA 5011-1.

F. 61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

Motion was made by Dr. Fennema, seconded by Ms. Keegan, that the proposed rule would not have an adverse impact on small business or likely to directly or indirectly increase regulatory cost to any entity (including government) in excess of \$200,000 in the aggregate in Florida within one (1) year after the implementation of the rule and this rule or any part of this rule will not be designated a minor violation. Upon vote, the motion passed unanimously.

61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1)(a) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 473, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 473, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. The brief description of each violation is provided for quick reference and is not meant to convey all elements of any given statutory provision; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in

the final penalty at the board's discretion.

(b) Standard probationary terms will include, as applicable, a review of the licensee's practice, including analysis of selected financial statements (including working papers), restriction of the scope of the licensee's practice and review of internal controls put in place by the licensee in order to eliminate the violation. All of the above will usually include the use of a CPA consultant employed by the Department of Business and Professional Regulation or approved by the Board and will usually require the licensee to assume the cost of the consultant's activities. Additional continuing education may also be required of a licensee where deficiencies in a particular practice area are noted. In all cases of probation or suspension a report showing compliance with the terms of the final order must be received and accepted by the Board prior to the termination of the probation or suspension. Other specific terms of probation or suspension may be imposed, as necessary, by the Board.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Attempting to procure license by bribery or fraudulent misrepresentation (Sections 455.227(1)(h), 473.323(1)(b), F.S.)	Revocation and \$5,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(b) CPA License disciplined by another jurisdiction (Sections 455.227(1)(f), 473.323(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or imposition of same range of penalties as those set forth in those rules for the same type of violation	
(c) Criminal conviction relating to accountancy (Sections 455.227(1)(c), 473.323(1)(d), F.S.)	Misdemeanor: Reprimand Felony: One (1) year suspension; two (2) year probation \$5,000 fine	Reprimand and \$5,000 fine and two (2) year probation one (1) year suspension Revocation and \$5,000 fine
(d) Knowingly making or filing false report (Sections 455.227(1)(g), (1)(l), 473.323(1)(e), F.S.)	Reprimand one (1) year probation	Revocation and \$5,000 fine Reprimand, one (1) year probation and \$5,000 fine
(e) Fraudulent, false, deceptive or misleading advertising (Section 473.323(1)(f), F.S.) (Rule 61H1-24.001, F.A.C.)	\$250 fine	<u>\$1,000 fine</u>
(f) Incompetence (mental or physical impairment) (Section 473.323(1)(g), F.S.) (Rule 61H1-36.001(3), F.A.C.)	Suspension until ability to practice proved, followed by probation	
(g) Fraud, deceit or misleading (Sections 455.227(1)(a), (m), 473.323(1)(g), (k), F.S.)	Reprimand, one (1) year suspension; two (2) years probation and \$5,000 fine	\$5,000 fine and revocation

(h) Negligence or misconduct (Section 473.323(1)(g), F.S.)	\$250 fine	Reprimand and one (1) year probation (continuing Education and review of practice at licensee's expense and limited area of practice) and <u>\$5,000 fine</u>
1. Technical standards and professional competence (Sections 455.227(1)(o), 473.315, F.S.) (Rule 61H1-21.006 and Chapter 61H1-22, F.A.C.)	Reprimand, probation, and \$500 fine	Suspension and \$5,000 fine
2. Lack of independence (Sections 473.315, 473.319, 473.3205, F.S.) (Rule 61H1-21.001, F.A.C.)	Reprimand, one (1) year probation with review of practice and continuing education	Revocation and \$5,000 fine Reprimand, one (1) year suspension, two (2) years probation and review of practice and continuing education
3. Commissions and contingent fees (Rules 61H1-21.001, 61H1-21.003, 61H1-21.005, F.A.C.)	Reprimand	One (1) year suspension, two (2) years probation and \$2,500 <u>\$5,000</u> fine
4. Client records disposition (Rule 61H1-23.002, F.A.C.)	\$250 fine	Suspension until records are returned and <u>\$1,000 fine</u>
(i) Practicing on suspended or revoked license (Section 473.323(1)(i), F.S.)	Revoke if previously suspended; refer to State Attorney if previously revoked	
(j) Practicing on inactive or delinquent license (Sections 455.271, 473.323(1)(i), F.S.)	Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice)	
(k) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of (Sections 473.309, 473.3101, and 473.323(1)(g), F.S.) (Rule 61H1-26.001, F.A.C.)	Reprimand and \$100 per maximum of \$5,000 and suspension of right to practice until corrected	
(l) Suspension or revocation of right to practice in front of any state or federal agency, including the Public Company Accounting Oversight Board. (Sections 455.227(1)(f), 473.323(1)(j), F.S.)	Same penalty as imposed by agency or imposition of same range of penalties as those set forth in those rules for the same type of violation	
(m) Lack of Good Moral Character (Section 473.323(1)(l), F.S.)	Reprimand; and one year probation	Revocation
(n) Failure to pay fines or administrative cost imposed by final order or citations set for in Rule 61H1-36.005, F.A.C.	\$100 per month late fee for every month the licensee is late to a maximum of \$5,000	Revocation
(o) Violation of CE requirements (Section 473.323(1)(a) by 473.312 or 473.323(1)(h), 455.227(1)(q), F.S., by Rule 61H1-33.003 and/or 61H1-33.0035, F.A.C.)	Reprimand, probation, make up missed CEs and penalty CEs	Suspension and \$1,000 fine

(p) Violation of client Confidentiality (Section 473.323(1)(a) or 455.227(1)(q), F.S., by Rule 61H1-23.001, F.A.C.)	Reprimand, probation, and \$1,000 fine	Revocation Suspension and \$5,000 fine
(q) Misleading or deceptive name (Section 473.323(1)(a) by Section 473.321, F.S.)	Reprimand, probation, and \$1,000 fine	Suspension and \$1,000 5,000 fine
(r) Violation of Section 473.323(1)(a) by Section 473.322, F.S.:		
1. Present license of another as one's own (Section 473.322(1)(d), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation Suspension and \$5,000 fine
2. Give false or forged evidence to Board or member thereof (Section 473.322(1)(e), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation and \$5,000 fine
3. Use or attempt to use license that has been suspended, revoked, or placed on inactive or delinquent status (Section 473.322(1)(f), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation and \$5,000 fine
4. Employ unlicensed persons to practice public accounting; aiding or assisting unlicensed practice public accounting (Section 473.322(1)(g), F.S.)	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine
5. Conceal information relative to violations of Chapter 473, F.S. (Section 473.322(1)(h), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation Suspension and \$5,000 fine
(s) Failure to provide legally-required written disclosure to client or public (violation of Section 473.323(1)(m), F.S.)	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine
(t) Violation of Section 473.323(1)(a) by Section 455.227(1), F.S.:		
1. Improper influence on client (Section 455.227(1)(n), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation and \$5,000 fine
2. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine
3. Improper interference with investigation or disciplinary proceeding (Section 455.227(1)(r), F.S.)	Reprimand, probation, and \$1,000 fine	Revocation and \$5,000 fine
4. Failure to perform statutory/legal obligations (Section 455.227(1)(k), F.S.)	Reprimand, probation and \$1,000 fine	Suspension and \$1,000 fine
(u) Failure to maintain current address (violation of Sections 455.275, 455.227(1)(q), and 473.323(1)(h), F.S., by violating Rule 61H1-26.005, F.A.C.)	Reprimand and \$500 fine	Suspension and \$1,000 fine
(v) Standards for assembly of financial statements (violation of Sections 455.227(1)(q) and 473.323(1)(h), F.S., by Rule 61H1-20.0053, F.A.C.)	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine
(v)(w) Violation of Sections 473.323(1)(h) and 455.227(1)(q), F.S., by Rule 61H1-25.001, F.A.C. Same as subparagraph (t)2.	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine

(w)(x) Minimum capital (violation of and Sections 455.227(1)(q) and 473.323(1)(h), F.S., by Rule 61H1-26.002, F.A.C.)	Reprimand, probation, \$1,000 fine and corrective action. Must document required capital	Suspension and <u>\$1,000</u> 5,000 fine
(x)(y) Licensure of firm names and changes (violation of Sections 455.227(1)(q) and 473.323(1)(h), F.S., by Rules 61H1-26.003 and 61H1-26.004, F.A.C.)	Reprimand, probation, \$100/month fine and corrective action. Must document licensure	Suspension and <u>\$1,000</u> 5,000 fine
(y)(z) Failure to report discipline violation (Section 455.227(1)(i), F.S.)	Reprimand, probation, and \$1,000 fine	Suspension and \$5,000 fine
(z)(aa) Failure to timely report being convicted or found guilty of, or entering a plea of nolo contendere or guilty to, regardless of adjudication, a crime in any jurisdiction (more than 30 days late) (Section 455.227(1)(t), F.S.)	Reprimand	Suspension and \$5,000 fine
(aa)(bb) Failure to obtain continuing professional education hours (Section 473.312, F.S., Rule 61H1-33.003, F.A.C.)		
First Offense		
NUMBER OF HOURS LACKING		
1 to 16 hours	\$500 fine, makeup missing hours plus 20 additional penalty hours, in same category as those missed, if missing hours are ethics, penalty hours would consist of accounting/auditing, within 90 days of final order, must submit proof of compliance for next two renewal periods	\$1,000 fine, makeup missing hours plus 20 additional penalty hours, in same category as those missed, if missing hours are ethics, penalty hours would consist of accounting/auditing, within 90 days of final order, must submit proof of compliance for next two renewal periods
17 to 80 hours	\$1,000 fine, makeup missing hours plus additional penalty hours equal to the number of those missed, within same category as those missed, suspension until all hours are completed, must submit proof of compliance for next two renewal periods	Suspension, \$2,000 fine, makeup missing hours plus additional penalty hours equal to the number of those missed, within same category as those missed, must submit proof of compliance for next two renewal periods
Second Offense		
NUMBER OF HOURS LACKING		
1 to 16 hours	<u>\$1,000</u> 500 fine, makeup missing hours plus 20 additional penalty hours, in same category as those missed, if missing hours are ethics, penalty hours	<u>\$2,000</u> 4,000 fine, makeup missing hours plus 20 additional penalty hours, in same category as those missed, if missing hours

	would consist of accounting/auditing, suspension until all hours are completed, must submit proof of compliance for next two renewal periods	are ethics, penalty hours would consist of accounting/auditing, suspension until all hours are completed, must submit proof of compliance for next two renewal periods
17 to 80 hours	\$2,000 fine, makeup missing hours plus additional penalty hours equal to the number of those missed, within same category as those missed, suspension until all hours are completed, must submit proof of compliance for next two renewal periods	Suspension, \$5,000 2,500 fine, makeup missing hours plus additional penalty hours equal to the number of those missed, within same category as those missed, must submit proof of compliance for next two renewal periods
(bb) (ee) Failure to enroll in peer review program when required (Sections 473.323(1)(a) and 473.3125(4), F.S.)	Suspension until enrollment and a reprimand	Revocation and <u>\$5,000</u> 2,000.00 fine
(cc) (dd) Utilizing CPA designation without an active license (Section 473.323(1)(a), F.S., through a violation of Section 473.322(1)(b), F.S.)	Reprimand, completion of four penalty hours of Board-approved ethics continuing professional education hours	Suspension and \$500 fine
(dd) (ee) Performing work described in Section 473.302(8)(a), F.S., (e.g. – audits, reviews or compilations) without an active individual and/or firm license (Section 473.323(1)(a), F.S., through a violation of Section 473.322(1)(c), F.S.)	Reprimand, \$500 fine, completion of four penalty hours of Board-approved ethics and eight penalty hours of Accounting and Auditing continuing professional education hours	Suspension and \$1,000 fine, completion of eight penalty hours of Accounting and Auditing continuing professional education hours

(3) The Board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final penalty.

(a) Aggravating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.
2. In the case of negligence; of the magnitude and scope of the engagement and the damage inflicted upon the general public by the licensee's misfeasance.
3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.
4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S., has previously been issued to the licensee.
5. Multiple convictions of violations of the same provision of Chapter 473, F.S., or the rules promulgated thereto contained in the same administrative complaint.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the engagement in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices

his profession.

3. Restitution of any damages suffered by the licensee's client.

4. The licensee's professional standing among his peers including continuing education.

5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.

6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.

7. Cooperation with the Department of Business and Professional Regulation and the Board including understanding and admission of the violation by the Respondent.

Rulemaking Authority 455.2273, 473.304 FS. Law Implemented 455.277, 455.2273, 473.323 FS. History--New 1-7-87, Amended 9-16-87, 8-25-88, 6-18-91, 12-30-91, Formerly 21A-36.004, Amended 12-7-93, 5-23-94, 8-16-99, 1-31-05, 7-28-10, 5-6-15, 9-30-15, 2-6-17, 1-31-18.

14. Reports

A. Committee on Budget Task Force Meeting Material, March 9, 2018.

Motion was made by Mr. Skup, seconded by Ms. Keegan, to approve and ratify the recommendations and actions of the Committee. Upon vote, the motion passed unanimously.

B. Committee on Continuing Professional Education Meeting Minutes, February 28, 2018.

Motion was made by Mr. Socorro, seconded by Ms. Maingot, to approve and ratify the recommendations and actions of the Committee. Upon vote, the motion passed unanimously.

C. Committee on Rules Meeting Minutes, March 7, 2018.

- Consider adding to the Regulatory plan Rule 61H1-23.001 Confidential Client Information.
- Consider adding to the Regulatory plan Rule 61H1-23.002 Records Disposition Responsibility.

Motion was made by Dr. Fennema, seconded by Ms. Rankin, to approve and ratify the recommendations; actions of the Committee and add Rules 61H1-23.001 and 61H1-23.002, Florida Administrative Code, to the 2018-2019 Regulatory Plan. Upon vote, the motion passed unanimously.

D. Prosecuting Attorney Report

Ms. Kachur gave the Board stats on how many licensed and unlicensed cases are under investigation as well as how many are being reviewed by legal.

Ms. Kachur requested permission from the Board to continue prosecuting cases over one (1) year old.

Motion was made by Ms. Keegan, seconded by Ms. Rankin, to approve Ms. Kachur to prosecute cases over one (1) year old. Upon vote, the motion passed unanimously.

E. Rules Report – Assistant Attorney General

Ms. Clark reported.

Ms. Clark informed the Board the rules on the report are for their information only.

15. Administration

A. Board of Accountancy Statistics

This was an informational item.

B. Consider sending Representation to the NASBA Eastern Regional Meeting in Orlando, June 5-7, 2018.

Motion was made by Dr. Fennema, seconded by Mr. Dennis, to request approval to send Mr. Platau; Ms. Maingot; Mr. Socorro; Mr. Skup; Ms. Keegan; Mr. Dennis and Ms. Kelly and to support Ms. Clark's attendance at the NASBA regional meeting. Upon vote, the motion passed unanimously.

C. Discuss 2018 Delegation of Authority

Motion was made by Dr. Fennema, seconded by Mr. Socorro, to approve the Delegation of Authority list. Upon vote, the motion passed unanimously.

D. Remarks from the Executive Director

Ms. Kelly thanked the Board for their service. Ms. Kelly thanked the Board for allowing her to attend the NASBA meeting and reminded the Board of the NASBA tracker. Ms. Kelly informed the Board the CPE audit is currently still under away.

E. Update from Board Members / Staff Serving on NASBA Committees

Mr. Dennis reported.

Mr. Dennis informed the Board, International Ethics Standards Board for Accountants (IESBA) felt they had to change the long-standing rule on how accountants are to respond to a client's noncompliance with laws and regulations (NOCLAR). Mr. Dennis will keep the Board updated on the progress of NOCLAR.

Ms. Clark informed the Board her committee is not currently active.

16. National Association of State Boards of Accountancy (NASBA)

A. 2018-2019 Request for Vice Chair Recommendations – Deadline April 18, 2018.

This was an informational item.

B. Candidate Concerns Fourth Quarter October 1, 2017- December 10, 2017 - FYI

This was an informational item.

C. Focus Questions

This was an informational item.

D. Ratify the Mutual Recognition Agreement (MRA) for United Kingdom (UK).

Motion was made by Dr. Fennema, seconded by Ms. Rankin to ratify the MRA Agreement. Upon vote, the motion passed unanimously.

18. Old Business

None at this time.

19. Other Business

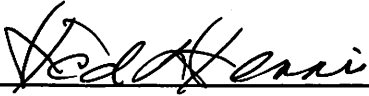
None at this time.

20. Future Meetings

This was an informational item.

21. Adjourned

Mr. Dennis adjourned the meeting at 2:00 p.m.



David Dennis, Chair