

CR 91-28

CERTIFICATE

STATE OF WISCONSIN

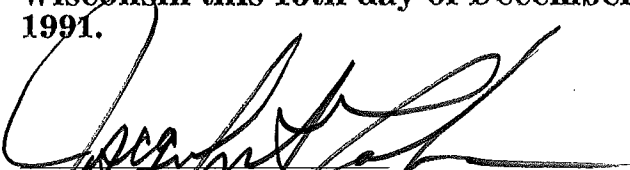
DEPARTMENT OF REGULATION AND LICENSING

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Jacquelyn Lahn, Director, Bureau of Business and Design Professions in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Accounting Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Accounting Examining Board on the 13th day of December, 1991.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 13th day of December, 1991.



Jacquelyn Lahn, Director
Bureau of Business and Design
Professions
Department of Regulation and
Licensing

RECEIVED

DEC 16 1991
4:00 pm.
Bureau of Statutes
Bureau

3-1-92

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Revisor of Statutes
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STATE OF WISCONSIN
ACCOUNTING EXAMINING BOARD

IN THE MATTER OF RULE-MAKING	:	ORDER OF THE
PROCEEDINGS BEFORE THE	:	ACCOUNTING EXAMINING BOARD
ACCOUNTING EXAMINING BOARD	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 91-28)

ORDER

An order of the Accounting Examining Board to amend Accy 1.405 (1) (a) and Accy 4.06 of the administrative code relating to repealing the prohibition against practicing under a firm name which includes a fictitious name or indicates specialization and to the registration of certified accounting firms located in other states which do not have an office in Wisconsin.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b) and 227.11 (2) (a), Stats.

Statutes interpreted: s. 442.07, Stats.

In this proposed order of the Accounting Examining Board, s. Accy 1.405 (1) (a) is amended to eliminate the prohibitions against certified public accounting firms using fictitious names or indicating specialization in their firms names. These changes are made to conform to a consent agreement reached between the Federal Trade Commission and the American Institute of Certified Public Accountants and result in the ability of firms to operate under trade names.

Section Accy 4.06 is amended modifying the requirements needed by firms licensed in other states, but without an office in Wisconsin, to become registered to practice as a firm in this state.

Under the current rule, all of the individual partners, stockholders or others possessing an equity interest in the office of the firm responsible for the Wisconsin practice must be licensed individually as certified public accountants in this state in order to obtain firm registration. Requiring that all of the owners of the out of state office be individually licensed as certified public accountants in Wisconsin, when they will not all necessarily be involved in supervising or conducting the office's Wisconsin engagements, is an unnecessary impediment to the firm's registration in this state.

The proposed rule would require that only the individual designated as the "manager" for the Wisconsin practice must possess individual licensure as a certified public accountant in this state in order for the firm to become registered to practice in Wisconsin.

TEXT OF RULE

SECTION 1. Accy 1.405 (1) (a) is amended to read:

Accy 1.405 (1) (a) No person licensed to practice as a certified public accountant, or public accountant, as defined in the statutes, may practice under a firm name which ~~includes a fictitious name, indicates specialization or~~ is misleading as to the type of organization (~~proprietorship, partnership or corporation~~). However, names of one or more past partners or shareholders may be included in the firm name of a successor partnership or corporation, provided that such persons were licensed or eligible to be licensed in accordance with requirements for all partners or shareholders of the successor partnership or corporation. Also a partner or shareholder surviving the death or withdrawal of all other partners or shareholders may continue to practice under the partnership or corporation name for up to 2 years after becoming a sole practitioner or shareholder.

SECTION 2. Accy 4.06 is amended to read:

Accy 4.06 FIRMS WITHOUT OFFICE IN THIS STATE. Firms without a bona fide office in this state may apply for registration if ~~all partners, stockholders and others with an equity interest in the firm from the office responsible for the Wisconsin engagement or engagements have Wisconsin certified public accountant certificates and are properly registered to practice in Wisconsin~~ there is a licensed Wisconsin certified public accountant designated as the manager for the Wisconsin engagement or engagements. All other nonresident partners, stockholders and others with an equity interest in the firm must have certified public accountant certificates in good standing and be licensed to practice in the state of their resident office.

The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated 12-13-91

Agency *Joel D. Barlock*
Chairperson
Accounting Examining Board

RULES-341
11/26/91

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CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: December 16, 1991

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela Haack, Administrative Assistant
Department of Regulation and Licensing

SUBJECT: Final Rulemaking Order

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Agency: ACCOUNTING EXAMINING BOARD

Clearinghouse Rule: 91-28

Attached is a copy and a certified copy of a final order adopting rules.

Would you please publish these rules in the code.

Thank you.