

CR 85-108

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CERTIFICATE

STATE OF WISCONSIN)
) SS
ACCOUNTING EXAMINING BOARD)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Wilma Morris, director of the Bureau of Business Professions in the Department of Regulation and Licensing, and custodian of the official records of the Accounting Examining Board, do hereby certify that the annexed rules, relating to access to public records, good moral character, qualifications for certification and unprofessional advertising or solicitation, were duly approved and adopted by the board on January 24, 1986.

I further certify that the attached copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of the 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 11th day of February, A.D. 1986.

Wilma Morris

Wilma Morris, Director
Bureau of Business Professions
Department of Regulation and Licensing

STATE OF WISCONSIN
BEFORE THE
ACCOUNTING EXAMINING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE ACCOUNTING
PROCEEDINGS BEFORE THE	:	EXAMINING BOARD REPEALING,
ACCOUNTING EXAMINING BOARD	:	AMENDING OR ADOPTING RULES

AN ORDER to repeal ch. Accy 2 and Accy 3.03(1)(b), and 5.02(4); to renumber Accy 3.03(1)(c) and (d); to amend Accy 4.02, 4.03, 4.07 and 4.10; and, to repeal and recreate Accy 1.402, relating to access to public records, good moral character, qualifications for certification and unprofessional advertising or solicitation.

Analysis prepared by the department of regulation and licensing.

ANALYSIS

In this order of the accounting examining board:

1. Section Accy 1.402 is repealed and recreated to eliminate restrictions on advertising and solicitation which may be construed to prohibit truthful advertising and solicitation and to recreate the provision to prohibit only advertising or solicitation of clients by a certified public accountant or public accountant in a manner which is false, fraudulent, misleading or deceptive. The rule repealed and recreated interprets s. 442.12, Stats., relating to disciplinary action for violation of rules of practice.
2. Chapter Accy 2, relating to access to public records, is repealed. Pursuant to s. 19.33(5), Stats., the department of regulation and licensing is custodian of records of boards which are attached to the department for administrative purposes. The rules repealed interpreted s. 19.34, Stats., relating to access to public records.
3. Section Accy 3.03(1)(b) is repealed to eliminate an obsolete provision no longer supported by statutory authority which requires applicants for examination to submit two personal references attesting to the applicants' good moral character. With the repeal of par. (b), pars. (c) and (d) are renumbered to restore the order of paragraphs in sequence.
4. Sections Accy 4.02, 4.03, 4.07 and 4.10 are amended to conform the rules to s. 227.0105(1), Stats., which requires that applicants for license be informed of the time limit by which a licensing agency will approve or deny an application for license. Minor technical changes are also made in the rules. The rules amended interpret s. 227.0105(1), Stats., as described above.

5. Section Accy 5.02(4) is repealed to eliminate an obsolete procedure which specifies that a candidate may not receive information concerning the candidate's experience review date by telephone. The board has authorized that candidates may obtain this information by telephone. The rule interprets s. 442.04(2) and (3), Stats., relating to qualifications for certification of public accountants.

ORDER

Pursuant to authority vested in the accounting examining board in ss. 15.08(5)(b), 227.014(2)(a), 442.04 and 442.12, Stats., the accounting examining board hereby repeals, renumbers, amends and creates rules, interpreting ss. 19.33(5), 227.0105(1), 442.04(2) and (3) and 442.12, Stats., as follows:

SECTION 1. Accy 1.402 is repealed and recreated to read:

Accy 1.402 ADVERTISING OR OTHER FORMS OF SOLICITATION. No certified public accountant or public accountant may advertise or solicit a client in a manner that is false, fraudulent, misleading or deceptive.

SECTION 2. Ch. Accy 2 is repealed.

SECTION 3. Accy 3.03(1)(b) is repealed.

SECTION 4. Accy 3.03(1)(c) and (d) are renumbered 3.03(1)(b) and (c).

SECTION 5. Accy 4.02 and 4.03 are amended to read:

Accy 4.02 INDIVIDUAL AND FIRM REGISTRATION. All Wisconsin resident partners, stockholders and others with an equity interest in a firm of public accountants or certified public accountants ~~must be registered~~ shall register as individuals. In addition, all resident firms with which they are associated ~~must be registered~~ shall register except as ~~noted~~ specified in s. Accy 4.03, ~~Wis. Adm. Code.~~ An application for registration shall be granted or denied within 30 business days after receipt of a completed application.

Accy 4.03 INDIVIDUAL REGISTRATION OF SOLE PROPRIETOR. A sole proprietor practicing in his or her own name ~~must~~ shall register as an individual. One so registered may also register as a firm, ~~if he chooses to do so.~~ An application for registration shall be granted or denied within 30 business days after receipt of a completed application.

SECTION 6. Accy 4.07⁽¹⁾ is amended to read:

Accy 4.07 REPORTING OF NONRESIDENT PARTNERS. ~~Non-resident~~ Nonresident partners of firms registered to practice in Wisconsin or their corporate counterparts, ~~must be registered~~ shall register to participate as individuals in Wisconsin when such partner has direct responsibility and authority in the Wisconsin practice. An application for registration shall be granted or denied within 30 business days after receipt of a completed application.

SECTION 7. Accy 4.10⁽¹⁾ is amended to read:

Accy 4.10 REGISTRATION OF SERVICE CORPORATIONS. A service corporation, ~~being a separate entity in its own right, must be registered~~ shall register as a firm ~~if it is~~ to practice in Wisconsin. ~~Such Any service corporations~~ ~~must~~ corporation shall be incorporated and appropriately registered under ch. 180, Stats. and be licensed as a firm to practice in Wisconsin. An application for registration shall be granted or denied within 30 business days after receipt of a completed application.

SECTION 8. Accy 5.02(4) is repealed.

The rules repealed, renumbered, amended and created in this order shall take effect pursuant to ss. 227.026(1)(a) and 442.01(2), Stats.

Dated this 11th day of February, 1986.

By Michelle Serto
Michelle Serto
Accounting Examining Board

FISCAL ESTIMATE

There is no statewide or local fiscal effect.

FINAL REGULATORY FLEXIBILITY ANALYSIS

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.016(1)(a), Stats.

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