

AN ACT concerning accounting.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Public Accounting Act is amended by changing Sections 0.03, 1, 2, 3, 4, 5, 5.1, 6, 7, 8, 9, 9.01, 9.02, 9.1, 9.2, 11, 13, 14, 14.1, 14.2, 14.3, 16, 17, 17.1, 17.2, 19, 20.01, 20.1, 20.2, 20.3, 20.4, 20.5, 20.6, 21, 26, 28, 30, and 32 and by adding Sections 2.05, 6.1, 30.4, 30.5, and 30.6 as follows:

(225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 0.03. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Registered Certified Public Accountant" means any person who has been issued a registration under this Act as a Registered Certified Public Accountant ~~certificate as a certified public accountant from the Board of Examiners.~~

(b) "Licensed Certified Public Accountant" means any person licensed under this Act as a Licensed Certified Public Accountant.

(c) "Committee" means the Public Accountant Registration Committee appointed by the Director ~~(Blank).~~

(d) "Department" means the Department of Professional Regulation ~~(Blank).~~

(e) "Director" means the Director of Professional Regulation ~~(Blank).~~

(f) "License", "licensee" and "licensure" refers to the authorization to practice under the provisions of this Act.

(g) "Peer review program" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm certified or licensed under this Act, including

quality review, peer review, practice monitoring, quality assurance, and similar programs undertaken voluntarily ~~or in response to membership requirements in a professional organization,~~ or as a prerequisite to the providing of professional services under government requirements, or any similar internal review or inspection that is required by professional standards.

(h) "Review committee" means any person or persons conducting, reviewing, administering, or supervising a peer review program.

(i) "University" means the University of Illinois.

(j) "Board" means the Board of Examiners established under Section 2.

(k) "Registration", "registrant", and "registered" refer to the authorization to hold oneself out as or use the title "Registered Certified Public Accountant" or "Certified Public Accountant", unless the context otherwise requires.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/1) (from Ch. 111, par. 5501)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 1. ~~No Any person, eighteen years of age or older, who has received from the Board a certificate of his qualifications as hereinafter provided, shall be styled and known as a "Certified Public Accountant," and no other person shall hold himself or herself out to the public in any manner by using the~~ assume such title "Certified Public Accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant, unless he or she has been issued a license or registration by the Department under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/2) (from Ch. 111, par. 5502)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 2. Board of Examiners ~~Examinations~~. The Governor shall appoint a Board of Examiners that shall determine the qualifications of persons applying for certificates and shall make rules for and conduct examinations for determining the qualifications. The Board shall consist of ~~not less than 9 nor more than~~ 11 examiners, ~~as determined by Board rule,~~ including 2 public members. The remainder shall be certified public accountants in this State who have been residents of this State for at least 5 years immediately preceding their appointment, except that one shall be either a certified public accountant of the grade herein described or an attorney licensed and residing in this State and one shall be a certified public accountant who is an active or retired educator residing in this State. The term of office of each examiner shall be 3 years, except that upon the enactment of this amendatory Act of the 93rd ~~92nd~~ General Assembly, those members currently serving on the Board shall continue to serve the duration of their terms, one additional examiner shall be appointed for a term of one year, and one additional examiner for a term of 2 years, ~~and any additional examiners for terms of 3 years~~. As the term of each examiner expires, the appointment shall be filled for a term of 3 years from the date of expiration. Any Board member who has served as a member for 6 consecutive years shall not be eligible for reappointment until 2 years after the end of the term in which the sixth consecutive year of service occurred, except that members of the Board serving on the effective date of this Section shall be eligible for appointment to one additional 3-year term. Where the expiration of any member's term shall result in less than 11 members then serving on the Board, the member shall continue to serve until his or her successor is appointed and has qualified. No Board member shall serve more than 2 full terms. Anyone appointed to the Board shall be ineligible to be appointed to the Illinois Public Accountants Registration Committee appointed by the Director. Appointments to fill

vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. The membership of the Board shall reasonably reflect representation from the geographic areas in this State. The members of the Board appointed by the Governor shall receive reasonable compensation for their necessary, legitimate, and authorized expenses in accordance with the Governor's Travel Control Board rules and the Travel Regulation Rules. The Governor may terminate the term of any member of the Board at any time for cause.

Information regarding educational requirements, the application process, the examination, and fees shall be available on the Board's Internet web site as well as in printed documents available from the Board's office.

~~The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. Prior to implementation of a computer based examination, a candidate must be examined in all subjects except that a candidate who has passed in 2 or more subjects and who attained a minimum grade in each subject failed as may be established by Board regulations shall have the right to be re-examined in the remaining subjects at one or more of the next 6 succeeding examinations. Upon implementation of a computer based examination, a candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is taken within a timeframe established by Board rule.~~

~~The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.~~

~~Applicants may also be required to pass an examination on the rules of professional conduct, as determined by Board rule~~

~~to be appropriate.~~

~~The examinations shall be given at least twice a year.~~

~~Any application, document or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that it is hereby deemed in the public interest that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing herein shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.~~

The Board shall adopt all necessary and reasonable rules and regulations for the effective administration of this Act. Without limiting the foregoing, the Board shall adopt and prescribe rules and regulations for a fair ~~and wholly~~ and impartial method of determining the qualifications of applicants for examination and for a fair ~~and wholly~~ and impartial method of examination of persons under Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with respect to subjects passed.

The Board shall make an annual report of its activities to the Governor and the Director. This report shall include a complete operating and financial statement covering its operations during the year, the number of examinations given, the pass/fail ratio for examinations, and any other information deemed appropriate. The Board shall have an audit of its books and accounts every 2 years by the Auditor General.

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03.)

(225 ILCS 450/2.05 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 2.05. Public Accountant Registration Committee. The Director shall appoint a Public Accountant Registration Committee consisting of 7 persons, who shall be appointed by

and shall serve in an advisory capacity to the Director. Six members must be licensed public accountants or Licensed Certified Public Accountants in good standing and must be actively engaged in the practice of public accounting in this State and one member must be a member of the public who is not licensed under this Act or a similar Act of another jurisdiction and who has no connection with the accounting or public accounting profession. Members shall serve 4-year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. The membership of the Committee shall reasonably reflect representation from the geographic areas in this State. The members of the Committee appointed by the Director shall receive reasonable compensation, as determined by the Department, for the necessary, legitimate, and authorized expenses approved by the Department. All expenses shall be paid from the Registered Certified Public Accountants' Administration and Disciplinary Fund. The Director may terminate the appointment of any member for cause. The Director shall consider the advice and recommendations of the Committee on questions involving standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act.

(225 ILCS 450/3) (from Ch. 111, par. 5504)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 3. Qualifications of applicants. To be admitted to take the examination after the year 2000, for the purpose of determining the qualifications of applicants for certificates as certified public accountants under this Act, the applicants shall be required to present proof of the successful completion of 150 college or university semester hours of study or their quarter-hour or other academic credit unit equivalent, to

include a baccalaureate or higher degree conferred by a college or university acceptable to the Board ~~of Examiners~~, the total educational program to include an accounting concentration or equivalent as determined by Board rule ~~Board rules to be appropriate~~. In adopting those rules, the Board shall consider, among other things, any impediments to the interstate practice of public accounting that may result from differences in the requirements in other states.

Candidates who have taken the examination at least once before January 1, 2001, may take the examination under the qualifications in effect when they first took the examination. (Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/4) (from Ch. 111, par. 5505)

(Section scheduled to be repealed on January 1, 2014)

Sec. 4. Transitional language.

(a) The provisions of this Act shall not be construed to invalidate any certificates as certified public accountants issued by the University under "An Act to regulate the profession of public accountants", approved May 15, 1903, as amended, or any certificates as Certified Public Accountants issued by the University or the Board under Section 4 of "An Act to regulate the practice of public accounting and to repeal certain acts therein named", approved July 22, 1943, as amended, which certificates shall be valid and in force as though issued under the provisions of this Act.

(b) Before July 1, 2010, persons who have received a Certified Public Accountant (CPA) Certificate issued by the Board of Examiners or holding similar certifications from other jurisdictions with equivalent educational requirements and examination standards may apply to the Department on forms supplied by the Department for and may be granted a registration as a Registered Certified Public Accountant from the Department upon payment of the required fee.

(c) Beginning with the 2006 renewal, the Department shall cease to issue a license as a Public Accountant. Any person

holding a valid license as a Public Accountant prior to September 30, 2006 who meets the conditions for renewal of a license under this Act, shall be issued a license as a Licensed Certified Public Accountant under this Act and shall be subject to continued regulation by the Department under this Act. The Department may adopt rules to implement this Section.

(d) The Department shall not issue any new registrations as a Registered Certified Public Accountant after July 1, 2010. After that date, any applicant for licensure under this Act shall apply for a license as a Licensed Certified Public Accountant and shall meet the requirements set forth in this Act. Any person issued a Certified Public Accountant certificate who has been issued a registration as a Registered Certified Public Accountant may renew the registration under the provisions of this Act and that person may continue to renew or restore the registration during his or her lifetime, subject only to the renewal or restoration requirements for the registration under this Act. Such registration shall be subject to the disciplinary provisions of this Act.

(e) On and after October 1, 2006, no person shall hold himself or herself out to the public in any manner by using the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department. It shall be a violation of this Act for an individual to assume or use the title "certified public accountant" or use the abbreviation "C.P.A." or "CPA" or any words or letters to indicate that the person using the same is a certified public accountant unless he or she maintains a current registration or license issued by the Department.

(Source: P.A. 83-291.)

(225 ILCS 450/5) (from Ch. 111, par. 5506)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5. Certification of out-of-State accountants.

(a) Upon review of an applicant's educational and examination credentials by the Board of Examiners, the Department ~~The Board~~ may issue a registration certificate as a registered certified public accountant, without examination, to any applicant who holds a valid unrevoked certificate as a certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) that the state that issued the certificate has certification requirements that have been determined by the Board to be substantially equivalent to the certification requirements of Illinois and grants similar rights to those that Illinois grants to certificate holders;

(2) that the state that issued the certificate has certification requirements that the Board has determined not to be substantially equivalent to the certification requirements of Illinois or does not grant similar rights to Illinois certificate holders, but the Board determines that the individual applicant possesses personal qualifications substantially equivalent to Illinois' certification requirements; or

(3) that the applicant does not qualify under subsections (1) or (2) above, but the following conditions are met:

(A) the certificate was granted to the applicant on the basis of the Uniform Certified Public Accountant examination; and

(B) the educational qualifications of the applicant for a certificate, at the time of the written examination, were equivalent to the educational qualifications then required of applicants for admission to the Illinois examination for certified public accountant or, the applicant has, after passing the examination upon which his or her certificate was based, not less than 5 years of experience in the

practice of public accounting within the 10 years immediately preceding this application, otherwise reasonably considered acceptable by the Board.

(b) In determining the substantial equivalency of the requirements for certification or the rights granted to certificate holders pursuant to this Section, the Department Board ~~Board~~ may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or any other qualification appraisal service, as it deems appropriate.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00.)

(225 ILCS 450/5.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 5.1. Foreign accountants. The Board shall issue a certificate to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid certificate issued by this State to obtain the foreign authority's comparable designation; and

(b) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; and (ii) was issued upon the basis of educational and examination requirements established by the foreign authority or by law; and

(c) The applicant (i) received the designation based on educational and examination standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) passed a uniform qualifying examination in national standards and an examination on the laws, regulations, and code of ethical conduct in effect in this State acceptable to the Board.

~~The Board shall be the sole and final judge of the~~

~~qualifications of applicants under this Section.~~

(Source: P.A. 88-36.)

(225 ILCS 450/6) (from Ch. 111, par. 5507)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 6. Fees; pay of examiners; expenses. The Board shall charge a fee in an amount at least sufficient to defray the costs and expenses incident to the examination and issuance of a certificate provided for in Section 6.1 ~~3~~ and for the issuance of a certificate provided for in Section 5. This fee shall be payable by the applicant at the time of filing an application.

~~The Board appointed by the Governor in accordance with the provisions of Section 2 shall receive reasonable compensation, to be set by Board rule, for the time actually expended in pursuance of the duties imposed upon them by this Act, and they shall be further entitled to their necessary traveling expenses. All expenses provided for by this Act shall be paid from the fees received under this Act.~~

~~From the fees collected, the Board shall pay all the expenses incident to the examinations, the expenses of issuing certificates, the traveling expenses of the examiners, and their compensation while performing their duties, and other necessary expenses in the administration of this Act.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/6.1 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 6.1. Examinations.

(a) The examination shall test the applicant's knowledge of accounting, auditing, and other related subjects, if any, as the Board may deem advisable. A candidate shall be required to pass all sections of the examination in order to qualify for a certificate. A candidate may take the required test sections individually and in any order, as long as the examination is

taken within a timeframe established by Board rule.

(b) On and after January 1, 2005, applicants shall also be required to pass an examination on the rules of professional conduct, as determined by Board rule to be appropriate, before they may be awarded a certificate as a Certified Public Accountant.

(c) The Board may in certain cases waive or defer any of the requirements of this Section regarding the circumstances in which the various Sections of the examination must be passed upon a showing that, by reasons of circumstances beyond the applicant's control, the applicant was unable to meet the requirement.

(d) Any application, document, or other information filed by or concerning an applicant and any examination grades of an applicant shall be deemed confidential and shall not be disclosed to anyone without the prior written permission of the applicant, except that the names and addresses only of all applicants shall be a public record and be released as public information. Nothing in this subsection shall prevent the Board from making public announcement of the names of persons receiving certificates under this Act.

(225 ILCS 450/7) (from Ch. 111, par. 5508)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 7. Licensure. A holder of a certificate or registration as a certified public accountant issued by the Board or Department shall not be entitled to practice public accounting, as defined in Section 8, in this State until the person has been licensed as a licensed certified public accountant by the Department ~~Board~~.

The Department ~~Board~~ may refuse to issue or may suspend the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue,

until such time as the requirements of any such tax Act are satisfied.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/8) (from Ch. 111, par. 5509)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 8. Practicing as a licensed public accountant or licensed certified public accountant. Persons, either individually, as members of a partnership or limited liability company, or as officers of a corporation, who sign, affix or associate their names or any trade or assumed names used by them in a profession or business to any report expressing or disclaiming an opinion on a financial statement based on an audit or examination of that statement, or expressing assurance on a financial statement, shall be deemed to be in practice as licensed public accountants or licensed certified public accountants within the meaning and intent of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9) (from Ch. 111, par. 5510)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9. No person shall, after the effective date of this amendatory Act of the 93rd General Assembly, begin to practice in this State or hold himself out as being able to practice licensed certified public accounting in this State or hold himself or herself out as being able to practice as a licensed certified public accountant ~~this profession~~, unless he or she is licensed in accordance with the provisions of this Act. Any person who is the holder of a license as a public accountant heretofore issued, under any prior Act licensing or registering public accountants in this State, valid on the effective date of this amendatory Act shall be deemed to be licensed under this Act shall be subject to the same rights and obligations as persons originally licensed under this Act.

No person shall, after the effective date of this

amendatory Act of the 93rd General Assembly, begin to hold himself or herself out as a registered certified public accountant unless he or she is registered in accordance with the provisions of this Act.

On and after October 1, 2006, no person may use or incorporate the title "certified public accountant" without holding a license as a licensed certified public accountant or registered certified public accountant under this Act.

(Source: P.A. 83-291.)

(225 ILCS 450/9.01)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 9.01. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed certified public accountant without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department Board in an amount not to exceed \$5,000 for each offense as determined by the Department Board. The civil penalty shall be assessed by the Department Board after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department Board has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.02)

(Section scheduled to be repealed on January 1, 2014)

(This Section may contain text from a Public Act with a

delayed effective date)

Sec. 9.02. Unauthorized use of title; violation; civil penalty.

(a) On and after October 1, 2006, any ~~Any~~ person who shall assume the title "certified public accountant" or use the abbreviation "CPA" or any words or letters to indicate that the person using the same is a certified public accountant without having been issued a registration as a registered certified public accountant or a license as a licensed certified public accountant ~~certificate~~ under the provisions of this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department ~~Board~~ in an amount not to exceed \$5,000 for each offense as determined by the Department ~~Board~~. The civil penalty shall be assessed by the Department ~~Board~~ after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department ~~Board~~ has the authority and power to investigate any and all alleged improper use of the certified public accountant title or CPA designation.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/9.1) (from Ch. 111, par. 5510.1)

(Section scheduled to be repealed on January 1, 2014)

Sec. 9.1. Temporary practice.

(a) An individual who has passed the Uniform CPA Examination and who holds a valid, unrevoked license or permit to practice as a public accountant from a state or United States territory in which he or she resides or has his or her principal place of business, and who does not reside or have his or her principal place of business in this State, may

practice public accounting within this State without the need to obtain a license under this Act. Such practice shall be conducted in accordance with the relevant provisions of this Act and rules and regulations adopted hereunder.

(b) A foreign accountant who holds a license, certificate, or degree in a foreign country constituting a recognized qualification for the practice of public accounting and who does not reside or have an office in this State may temporarily practice public accounting in this State or professional business incident to his or her regular practice without licensure under this Act provided the standards, including examination, governing issuance of the foreign license, certificate, or degree are substantially equivalent to those in Illinois, and the foreign jurisdiction in question grants equal recognition to Illinois accountants.

(c) Any person practicing pursuant to this Section shall file a notice with the Department on forms prescribed by the Department. The Department shall determine by rule the information to be submitted. The Department may charge a processing fee as determined by rule.

(Source: P.A. 91-508, eff. 8-13-99.)

(225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 9.2. Powers and duties of the Department ~~Board~~.

(a) The Department ~~Board~~ shall exercise the powers and duties prescribed by "The Civil Administrative Code of Illinois" for the administration of licensing acts and shall exercise such other powers and duties invested by this Act.

(b) The Director ~~Board~~ may promulgate rules consistent with the provisions of this Act for the administration and enforcement of the provisions of this Act for which the Department is responsible thereof, and for the payment of fees connected therewith and may prescribe forms which shall be issued in connection therewith. The rules shall include

standards and criteria for licensure and professional conduct and discipline.

(c) The Department may solicit the advice and expert knowledge of the Committee or the Board on any matter relating to the administration and enforcement of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/11) (from Ch. 111, par. 5512)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 11. Exemption from Act. Nothing in this Act shall prohibit any person who may be engaged by one or more persons, partnerships or corporations, from keeping books, or from making trial balances or statements, or, as an employee, from making audits or preparing reports, provided that the person does not indicate or in any manner imply that the trial balances, statements, or reports have been prepared or examined by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant or that they represent the independent opinion of a certified public accountant or a licensed certified public accountant. Nothing in this Act shall prohibit any person from preparing tax and information returns or from acting as representative or agent at tax inquiries, examinations or proceedings, or from preparing and installing accounting systems, or from reviewing accounts and accounting methods for the purpose of determining the efficiency of accounting methods or appliances, or from studying matters of organization, provided that the person does not indicate or in any manner imply that the reports have been prepared by, or that the representation or accounting work has been performed by a certified public accountant, a registered certified public accountant, or a licensed certified public accountant. Unlicensed accountants are not prohibited from performing any services that they may have performed prior to this Amendatory Act of 1983.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/13) (from Ch. 111, par. 5514)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 13. Application for licensure. A person, partnership, limited liability company, or corporation desiring to practice public accounting in this State shall make application to the Department ~~Board~~ for licensure as a licensed certified public accountant and shall pay the fee required by rule ~~Section 17~~.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14) (from Ch. 111, par. 5515)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14. Qualifications. The Department ~~may Board shall~~ license as licensed certified public accountants the following:

(a) All persons who have received certificates as certified public accountants from the Board or who hereafter receive registrations as registered certified public accountants from the Department ~~certificates as certified public accountants from the Board~~, who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax, or consulting skills, which may be gained through employment in government, industry, academia, or public practice.

If the applicant's certificate as a certified public accountant from the Board or the applicant's registration as a registered certified public accountant from the Department was issued more than 4 years prior to the application for a ~~an~~

~~internal~~ license under this Section, the applicant shall submit any evidence the Department Board may require showing the applicant has completed not less than 90 hours of continuing professional education acceptable to the Department Board within the 3 years immediately preceding the date of application.

(b) All partnerships, limited liability companies, or corporations, or other entities engaged in the practice of public accounting in this State and meeting the following requirements:

(1) (Blank).

(2) A majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to persons licensed in some state, and the partners, officers, shareholders, members, or managers whose principal place of business is in this State and who practice public accounting in this State, as defined in Section 8 of this Act, hold a valid license issued by this State.

(3) It shall be lawful for a nonprofit cooperative association engaged in rendering an auditing and accounting service to its members only, to continue to render that service provided that the rendering of auditing and accounting service by the cooperative association shall at all times be under the control and supervision of licensed certified public accountants.

(4) The Department Board may adopt rules and regulations as necessary to provide for the practice of public accounting by business entities that may be otherwise authorized by law to conduct business in Illinois.

(Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.1)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.1. Foreign accountants. The Department ~~Board~~ shall issue a license to a holder of a foreign designation, granted in a foreign country entitling the holder thereof to engage in the practice of public accounting, provided:

(a) The applicant is the holder of a certificate as a certified public accountant from the Board or a registration as a registered certified public accountant from the Department issued under ~~Section 2, 5, or 5.1~~ of this Act; and

(b) The foreign authority that granted the designation makes similar provision to allow a person who holds a valid license issued by this State to obtain a foreign authority's comparable designation; and

(c) The foreign designation (i) was duly issued by a foreign authority that regulates the practice of public accounting and the foreign designation has not expired or been revoked or suspended; (ii) entitles the holder to issue reports upon financial statements; and (iii) was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(d) The applicant (i) received the designation based on standards substantially equivalent to those in effect in this State at the time the foreign designation was granted; and (ii) completed an experience requirement, substantially equivalent to the requirement set out in Section 14, in the jurisdiction that granted the foreign designation or has completed 5 years of experience in the practice of public accounting in this State, or meets equivalent requirements prescribed by the Department ~~Board~~ by rule, within the 10 years immediately preceding the application.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/14.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.2. Licensure by endorsement.

(a) The Department Board shall issue a license as a licensed certified public accountant to any applicant who holds a certificate as a certified public accountant issued by the Board of Examiners or similar certification from another jurisdiction with equivalent educational requirements and examination standards, applies to the Department on forms supplied by the Department, and pays the required fee, and who holds a valid unrevoked license or permit to practice as a licensed certified public accountant issued under the laws of any other state or territory of the United States or the District of Columbia, provided:

(1) the individual applicant is determined by the Department Board to possess ~~personal~~ qualifications substantially equivalent to this State's current licensing requirements;

(2) at the time the applicant received his or her current valid and unrevoked license or permit, the applicant possessed qualifications substantially equivalent to the qualifications for licensure then in effect in this State; or

(3) the applicant has, after passing the examination upon which his or her license or other permit to practice was based, not less than 4 years of experience in the practice of public accounting within the 10 years immediately before the application.

(b) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Department Board may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 91-508, eff. 8-13-99; 91-779, eff. 6-9-00; 92-457, eff. 7-1-04.)

(225 ILCS 450/14.3)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 14.3. Additional requirements for firms. In addition to the ownership requirements set forth in subsection (b) of Section 14, all firms licensed under this Act shall meet the following requirements:

(a) All owners of the firm, whether licensed or not, ~~who are not licensed~~ shall be active participants in the firm or its affiliated entities.

(b) An individual who supervises services for which a license is required under Section 8 of this Act or who signs or authorizes another to sign any report for which a license is required under Section 8 of this Act shall hold a valid, unrevoked Licensed Certified Public Accountant license from this State or another state and shall comply with such additional experience requirements as may be required by rule of the Board.

(c) The firm shall require that all owners of the firm, whether or not certified or licensed under this Act, comply with rules promulgated under this Act.

(d) The firm shall designate to the Department ~~Board~~ in writing an individual licensed under this Act who shall be responsible for the proper registration of the firm.

(e) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the

requirements in effect at the time of reapplication.

(Source: P.A. 91-508, eff. 8-13-99; 92-457, eff. 7-1-04.)

(225 ILCS 450/16) (from Ch. 111, par. 5517)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 16. Expiration and renewal of licenses; renewal of registration; continuing education.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule.

(b) Every holder of a license or registration under this Act may renew such license or registration before the expiration date upon payment of the required renewal fee as set by rule.

(c) Every application for renewal of a license by a licensed certified public accountant who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Department shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of continuing professional education programs in subjects given by continuing education sponsors registered by the Department upon recommendation of the Committee. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. All continuing education sponsors applying to the Department for registration shall be required to submit an initial nonrefundable application fee set by Department rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Department rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to be licensed or pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Department under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for

revocation or denial of renewal of the sponsor's registration.

(d) Licensed Certified Public Accountants are exempt from the continuing professional education requirement for the first renewal period following the original issuance of the license.

Notwithstanding the provisions of this subsection (c), the Department may accept courses and sponsors approved by other states, by the American Institute of Certified Public Accountants, by other state CPA societies, or by national accrediting organizations such as the National Association of State Boards of Accountancy.

Failure by an applicant for renewal of a license as a licensed certified public accountant to furnish the evidence shall constitute grounds for disciplinary action, unless the Department in its discretion shall determine the failure to have been due to reasonable cause. The Department, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules and individual orders in respect of requirements of continuing education, the Department in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for the content, duration, and organization of courses; shall take into account the accessibility to applicants of such continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.

The Department shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished

through audits of records maintained by licensees; by requiring the filing of continuing education certificates with the Department; or by other means established by the Department.

The Department may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.

~~(b) Every application for renewal of a license by any person who has been licensed under this Act for 3 years or more shall be accompanied or supported by any evidence the Board shall prescribe, in satisfaction of completing, each 3 years, not less than 120 hours of qualifying continuing professional education programs. Applications for renewal by any person who has been licensed less than 3 years shall be accompanied or supported by evidence of completion of 20 hours of qualifying continuing professional education programs for each full 6 months since the date of licensure or last renewal. Qualifying continuing education programs include those given by continuing education sponsors registered with the Board, those given by the American Institute of CPAs, the Illinois CPA Foundation, and programs given by sponsors approved by national accrediting organizations approved by the Board. All continuing education sponsors applying to the Board for registration shall be required to submit an initial nonrefundable application fee set by Board rule. Each registered continuing education sponsor shall be required to pay an annual renewal fee set by Board rule. Publicly supported colleges, universities, and governmental agencies located in Illinois are exempt from payment of any fees required for continuing education sponsor registration. Failure by a continuing education sponsor to pay the fees prescribed in this Act, or to comply with the rules and regulations established by the Board under this Section regarding requirements for continuing education courses or sponsors, shall constitute grounds for revocation or denial of renewal of the sponsor's registration. All other courses or programs may qualify upon~~

~~presentation by the licensee of evidence satisfactory to the Board that the course or program meets all Board rules for qualifying education programs.~~

~~Failure by an applicant for renewal of a license to furnish the evidence shall constitute grounds for disciplinary action, unless the Board in its discretion shall determine the failure to have been due to reasonable cause. The Board, in its discretion, may renew a license despite failure to furnish evidence of satisfaction of requirements of continuing education upon condition that the applicant follow a particular program or schedule of continuing education. In issuing rules, regulations, and individual orders in respect of requirements of continuing education, the Board in its discretion may, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations; may prescribe rules for content, duration, and organization of courses; shall take into account the accessibility to applicants of continuing education as it may require, and any impediments to interstate practice of public accounting that may result from differences in requirements in other states; and may provide for relaxation or suspension of requirements in regard to applicants who certify that they do not intend to engage in the practice of public accounting, and for instances of individual hardship.~~

~~The Board shall establish by rule a means for the verification of completion of the continuing education required by this Section. This verification may be accomplished through audits of records maintained by registrants; by requiring the filing of continuing education certificates with the Board; or by other means established by the Board.~~

~~The Board may establish, by rule, guidelines for acceptance of continuing education on behalf of licensed certified public accountants taking continuing education courses in other jurisdictions.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/17) (from Ch. 111, par. 5518)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17. Fees; returned checks; fines. Each person, partnership, limited liability company, and corporation, to which a license or registration is issued, shall pay a fee to be established by the Department Board which allows the Department Board to pay all costs and expenses incident to the administration of this Act. Interim licenses shall be at full rates.

The Department Board, by rule, shall establish fees to be paid for certification of records, and copies of this Act and the rules issued for administration of this Act.

Any person who delivers a check or other payment to the Department Board that is returned to the Department Board unpaid by the financial institution upon which it is drawn shall pay to the Department Board, in addition to the amount already owed to the Department Board, a fine of \$50 ~~in an amount to be established by Board rule~~. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license or registration. The Department Board shall notify the person that payment of fees and fines shall be paid to the Department Board by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department Board shall automatically terminate the license or registration certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or registration certificate, he or she shall apply to the Department Board for restoration or issuance of the license or registration certificate and pay all fees and fines due to the Department Board. The Department Board may establish a fee for the processing of an application for restoration of a license or registration certificate to pay all expenses of

processing this application. The Department Board may waive the fines due under this Section in individual cases where the Department Board finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04; 92-651, eff. 7-11-02.)

(225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.1. Any registered certified public accountant who has permitted his or her registration to expire or who has had his or her registration on inactive status may have his or her registration restored by making application to the Department and filing proof acceptable to the Department as defined by rule of his or her fitness to have his or her registration restored, which may include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and by paying the required restoration fee.

Any licensed certified public accountant who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by making application to the Department Board and filing proof acceptable to the Department as defined by rule Board of his or her fitness to have his or her license restored, including sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department Board and by paying the required restoration fee and by submitting proof of the required continuing education.

If the licensed certified public accountant or registered certified public accountant has not maintained an active practice in another jurisdiction satisfactory to the Department Board, the Department Board shall determine, by an evaluation program established by rule, fitness to resume active status and may require the applicant to complete a period of supervised ~~auditing~~ experience.

However, any licensed certified public accountant or registered certified public accountant whose license or registration expired while he was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have his license or registration renewed reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training or education except under conditions other than honorable, he furnished the Department Board with satisfactory evidence to the effect that he has been so engaged and that his service, training or education has been so terminated.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 17.2. Inactive status. Any licensed certified public accountant or Registered Certified Public Accountant who notifies the Department Board in writing on forms prescribed by the Department Board, may elect to place his license or registration on an inactive status and shall, subject to rules of the Department Board, be excused from payment of renewal fees until he notifies the Department Board in writing of his desire to resume active status.

Any licensed certified public accountant requesting restoration from inactive status shall be required to pay the current renewal fee, shall be required to submit proof of the required continuing education, and shall be required to restore his license, as provided in this Act.

Any Registered Certified Public Accountant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to comply with any requirements established by rule.

Any licensed certified public accountant whose license is in an inactive status shall not practice public accounting in this State of Illinois.

Any Registered Certified Public Accountant whose registration is in an inactive status shall not in any manner hold himself or herself out to the public as a C.P.A. or R.C.P.A.

The Department Board may, in its discretion, license as a licensed certified public accountant, on payment of the required fee, an applicant who is a licensed certified public accountant licensed under the laws of another jurisdiction if the requirements for licensure of licensed certified public accountants in the jurisdiction in which the applicant was licensed were, at the date of his licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/19) (from Ch. 111, par. 5520)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 19. Hearings. The Committee established under the provisions of Section 2.05 shall, upon designation by the Director ~~The Board, or a committee thereof, shall~~ hear charges which, if proved, would constitute grounds for disciplinary action; shall hear applications for restoration of a license and the issuance of a license or registration ~~registration cards~~ as a licensed certified public accountant or registered certified public accountant ~~accountants~~ of any person, partnership, limited liability company, or corporation whose license or registration has been suspended or revoked; and

shall report its findings and recommendations in connection therewith to the Director Board, all as provided in Section 20.01.

The Department Board shall also have power to promulgate and amend rules of professional conduct that shall apply to persons registered ~~certified~~ or licensed under this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.01. Grounds for discipline; license or registration.

(a) The Department Board may refuse to issue or renew, or may revoke, suspend, or reprimand any license or licensee, place a licensee or registrant on probation for a period of time subject to any conditions the Department Board may specify including requiring the licensee or registrant to attend continuing education courses or to work under the supervision of another licensee or registrant, impose a fine not to exceed \$5,000 for each violation, restrict the authorized scope of practice, or require a licensee or registrant to undergo a peer review program, for any one or more of the following:

(1) Violation of any provision of this Act.

(2) Attempting to procure a license or registration to practice under this Act ~~public accounting~~ by bribery or fraudulent misrepresentations.

(3) Having a license to practice public accounting or registration revoked, suspended, or otherwise acted against, including the denial of licensure or registration, by the licensing or registering authority of another state, territory, or country, including but not limited to the District of Columbia, or any United States territory. No disciplinary action shall be taken in Illinois if the action taken in another jurisdiction was based upon failure to meet the continuing professional

education requirements of that jurisdiction and the applicable Illinois continuing professional education requirements are met.

(4) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of public accounting or the ability to practice public accounting or as a Registered Certified Public Accountant.

(5) Making or filing a report or record which the registrant or licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing the filing, or inducing another person to impede or obstruct the filing. The reports or records shall include only those that are signed in the capacity of a licensed certified public accountant or a registered certified public accountant.

(6) Conviction in this or another State or the District of Columbia, or any United States Territory, of any crime that is punishable by one year or more in prison or conviction of a crime in a federal court that is punishable by one year or more in prison.

(7) Proof that the licensee or registrant is guilty of fraud or deceit, or of gross negligence, incompetency, or misconduct, in the practice of public accounting.

(8) Violation of any rule adopted under this Act.

(9) Practicing on a revoked, suspended, or inactive license or registration.

(10) Suspension or revocation of the right to practice before any state or federal agency.

(11) Conviction of any crime under the laws of the United States or any state or territory of the United States that is a felony or misdemeanor and has dishonesty as an essential element, or of any crime that is directly related to the practice of the profession.

(12) Making any misrepresentation for the purpose of obtaining a license, or registration or material

misstatement in furnishing information to the Department Board.

(13) Aiding or assisting another person in violating any provision of this Act or rules promulgated hereunder.

(14) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public and violating the rules of professional conduct adopted by the Department Board.

(15) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable skill, judgment, or safety.

(16) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(17) Physical or mental disability, including deterioration through the aging process or loss of abilities and skills that results in the inability to practice the profession with reasonable judgment, skill or safety.

(18) Solicitation of professional services by using false or misleading advertising.

(19) Failure to file a return, or pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue or any successor agency or the Internal Revenue Service or any successor agency.

(20) Practicing or attempting to practice under a name other than the full name as shown on the license or registration or any other legally authorized name.

(21) A finding by the Department Board that a licensee or registrant has not complied with a provision of any lawful order issued by the Department Board.

(22) Making a false statement to the Department Board

regarding compliance with continuing professional education requirements.

(23) Failing to make a substantive response to a request for information by the Department Board within 30 days of the request.

(b) (Blank).

(c) In rendering an order, the Department Board shall take into consideration the facts and circumstances involving the type of acts or omissions in subsection (a) including, but not limited to:

(1) the extent to which public confidence in the public accounting profession was, might have been, or may be injured;

(2) the degree of trust and dependence among the involved parties;

(3) the character and degree of financial or economic harm which did or might have resulted; and

(4) the intent or mental state of the person charged at the time of the acts or omissions.

(d) The Department Board shall reissue the license or registration upon a showing that the disciplined licensee or registrant has complied with all of the terms and conditions set forth in the final order.

(e) The Department Board shall deny any application for a license, registration, or renewal, without hearing, to any person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department Board may issue a license, registration, or renewal if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(f) The determination by a court that a licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code will result in the automatic suspension of his or her license or registration. The licensee or registrant

shall be responsible for notifying the Department of the determination by the court that the licensee or registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code. The licensee or registrant shall also notify the Department upon discharge so that a determination may be made under item (17) of subsection (a) whether the licensee or registrant may resume practice ~~The suspension will end upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.~~

(Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03.)

(225 ILCS 450/20.1) (from Ch. 111, par. 5522)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.1. Investigations; notice; hearing. The Department Board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proved, would constitute grounds for disciplinary action as set forth in Section 20.01, investigate the actions of any person or entity. The Department Board may refer complaints and investigations to a disciplinary body of the accounting profession for technical assistance. The results of an investigation and recommendations of the disciplinary body may be considered by the Department Board, but shall not be considered determinative and the Department Board shall not in any way be obligated to take any action or be bound by the results of the accounting profession's disciplinary proceedings. The Department Board, before taking disciplinary action, shall afford the concerned party or parties an opportunity to request a hearing and if so requested shall set a time and place for a hearing of the complaint. The Department Board shall notify the applicant or the licensed or registered person or entity of any charges made and the date and place of the hearing of those charges by mailing notice thereof to that

person or entity by registered or certified mail to the place last specified by the accused person or entity in the last notification to the Department Board, at least 30 days prior to the date set for the hearing or by serving a written notice by delivery of the notice to the accused person or entity at least 15 days prior to the date set for the hearing, and shall direct the applicant or licensee or registrant to file a written answer to the Department Board under oath within 20 days after the service of the notice and inform the applicant or licensee or registrant that failure to file an answer will result in default being taken against the applicant or licensee or registrant and that the license or registration ~~or certificate~~ may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director Board may deem proper. In case the person fails to file an answer after receiving notice, his or her license or registration ~~or certificate~~ may, in the discretion of the Department Board, be suspended, revoked, or placed on probationary status, or the Department Board may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. The Department Board shall afford the accused person or entity an opportunity to be heard in person or by counsel at the hearing. ~~At Following~~ the conclusion of the hearing the Committee Board shall present to the Director ~~issue~~ a written report order setting forth its finding of facts, conclusions of law, and recommendations ~~penalties to be imposed~~. The report order shall contain a finding whether or not the accused person violated this Act or failed to comply with the conditions required in this Act. If the Director disagrees in any regard with the report, he or she may issue an order in contravention of the report. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the

reasons for the deviations.

The finding is not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for the violation of this Act.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.2) (from Ch. 111, par. 5523)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.2. The Department Board may subpoena and bring before it at any hearing any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.

The Director, any member of the Committee designated by the Director, or any hearing officer appointed may administer oaths to witnesses at any hearing which the Department is authorized by law to conduct or any other oaths required or authorized in any Act administered by the Department.

~~The Chairman of the Board, or any member of the Board designated by the Chairman, or any hearing officer appointed pursuant to Section 20.6, may administer oaths to witnesses at any hearing which the Board is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Board.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.3) (from Ch. 111, par. 5524)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.3. Any circuit court in the State of Illinois, upon the application of the accused person, partnership or corporation, of the complainant or of the Department Board, may, by order duly entered, require the attendance of witnesses

and the production of relevant books and papers before the Department Board at any hearing relative to a disciplinary action and the court may compel obedience to the order by proceedings for contempt.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.4) (from Ch. 111, par. 5525)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.4. The Department Board, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at disciplinary hearings. The Department Board shall furnish a transcript of that record to any person interested in that hearing upon payment of the reasonable cost established by the Department Board.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.5) (from Ch. 111, par. 5526)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.5. Rehearing. In any disciplinary proceeding, a copy of the Committee's report ~~Board's order~~ shall be served upon the respondent by the Department, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department Board a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion or rehearing is denied, then upon such denial the Director may enter an order in accordance with recommendations of the Committee except as provided in Section 20.6 ~~determination of the Board shall be final~~. If the respondent shall order from the reporting service, and pay for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence

upon the delivery of the transcript to the respondent.

Whenever the Director is satisfied that substantial justice has not been done in the disciplinary proceeding, the Director may order a rehearing by the Committee or designated hearing officer. The Director shall provide a written explanation to the Committee of any deviation from the recommendations of the Committee and shall specify with particularity the reasons for the deviation.

Upon the suspension or revocation of a registration certificate or license of a registrant or the licensee, the registrant or licensee shall be required to surrender to the Department Board the registration certificate or license issued by the Department Board, and upon failure or refusal so to do, the Department Board may seize it.

The Department Board may exchange information relating to proceedings resulting in disciplinary action against licensees or registrants with the regulatory bodies of other states, or with other public authorities or private organizations or with federal authorities having regulatory interest in such matter.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 20.6. Notwithstanding the provisions of Section 20.2 of this Act, the Director Board shall have the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any disciplinary action. The Director shall notify the Committee of such appointment.

The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his findings of fact, conclusions of law and recommendations to the Committee and the Director. The Committee shall have 60 days after receiving the report to review the report of the hearing officer and present its findings of fact, conclusions of law,

and recommendations to the Director. If the Committee fails to present its report within the 60-day period, the Director shall issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the report of the Committee or hearing officer, he or she may issue an order in contravention thereof. The Director shall provide a written explanation to the Committee of any such deviations and shall specify with particularity the reasons for said action in the final order. ~~Board. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and shall issue an order based on the report of the hearing officer unless it disagrees in any regard with the report of the hearing officer, in which case it may issue an order in contravention thereof, which order may require a new hearing as to some or all of the facts in dispute or may issue findings of fact and conclusions of law contrary to the findings and conclusions of the hearing officer.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/21) (from Ch. 111, par. 5527)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 21. Judicial review; cost of record; order as prima facie proof.

(a) All final administrative decisions of the Department Board hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided, that if such party is not a resident of this State, the venue shall be in Sangamon, Champaign, or Cook County.

(b) The Department Board shall not be required to certify

any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department Board acknowledging payment of the costs of furnishing and certifying the record, which costs shall be established by the Department Board. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(c) An order of disciplinary action or a certified copy thereof, over the seal of the Department Board and purporting to be signed by the Director Chairman or authorized agent of the Director Board, shall be prima facie proof, subject to being rebutted, that:

(1) the signature is the genuine signature of the Director Chairman or authorized agent of the Director Board;

(2) the Director Chairman or authorized agent of the Director Board is duly appointed and qualified; and

(3) the Committee Board and the members thereof are qualified to act.

(Source: P.A. 91-357, eff. 7-29-99; 92-457, eff. 7-1-04.)

(225 ILCS 450/26) (from Ch. 111, par. 5532)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 26. Rules and regulations. The Department and Board shall adopt all necessary and reasonable rules and regulations for the effective administration and enforcement of the provisions of this Act; and without limiting the foregoing the Board shall adopt and prescribe rules and regulations for a fair and wholly impartial method of determining the qualifications of applicants for examination and for a fair and wholly impartial method of examination of persons under this Act Section 2 and may establish rules for subjects conditioned and for the transfer of credits from other jurisdictions with

~~respect to subjects passed. All Department rules in effect on the effective date of this amendatory Act of the 92nd General Assembly shall continue in effect under the jurisdiction of the Board until changed by the Board.~~

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/28) (from Ch. 111, par. 5534)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 28. Penalties. Each of the following acts perpetrated in the State of Illinois is a Class B misdemeanor.

(a) The practice of public accounting insofar as it consists in rendering service as described in Section 8, without licensure, in violation of the provisions of this Act;

(b) The obtaining or attempting to obtain licensure as a licensed certified public accountant or registration as a registered certified public accountant by fraud;

(c) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or use of any similar words or letters indicating the user is a certified public accountant, the title "Registered Certified Public Accountant", the abbreviation "R.C.P.A.", any similar words or letters indicating the user is a certified public accountant or a registered certified public accountant by any person in contravention of this Act;

(c-5) The use of the title "Certified Public Accountant" or "Licensed Certified Public Accountant" or the abbreviation "C.P.A." or "L.C.P.A." or any similar words or letters indicating the user is a certified public accountant by any person in contravention with this Act;
~~The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating the user is a certified public accountant, by any person who has not received a certificate as a certified public accountant from the Board;~~

(d) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State ~~have received certificates as certified public accountants from the Board,~~ are licensed as licensed certified public accountants by the Department Board, and are holders of an effective unrevoked license, and the partnership, limited liability company, corporation, or other entity is licensed as licensed certified public accountants by the Board with an effective unrevoked license;

(e) The use of the title "Licensed Certified Public Accountant", ~~licensed certified public accountant~~, ~~"licensed CPA"~~, ~~"Public Accountant"~~, or the abbreviation "L.C.P.A." ~~"P.A."~~ or any similar words or letters indicating such person is a licensed certified public accountant, by any person not licensed as a licensed certified public accountant by the Department Board, and holding an effective unrevoked license; provided nothing in this Act shall prohibit the use of the title "Accountant" or "Bookkeeper" by any person;

(f) The use of the title "Licensed Certified Public Accountants", "Public Accountants" or the abbreviation "P.A.'s" or any similar words or letters indicating that the members are public accountants by any partnership, limited liability company, corporation, or other entity unless all members thereof personally engaged in the practice of public accounting in this State are licensed as licensed certified public accountants by the Department Board and are holders of effective unrevoked licenses, and the partnership is licensed as a public accounting firm by the Department Board with an effective unrevoked licenses;

(g) Making false statements to the Department Board

regarding compliance with continuing professional education requirements;

(h) The use of the title "Certified Public Accountant" or the abbreviation "C.P.A." or any similar words or letters indicating that the members are certified public accountants, by any partnership unless all members thereof personally engaged in the practice of public accounting in this State have received certificates as certified public accountants from the Board, are licensed as public accountants by the Department, and are holders of an effective unrevoked license, and the partnership is licensed as public accountants by the Department with an effective unrevoked license.

This Section does not prohibit a firm partnership, limited liability company, corporation, or other entity who does not practice public accounting as set forth in Section 8 of this Act and whose members residing in Illinois are registered with the Department from using the title "Certified Public Accountant" or the abbreviation "C.P.A." or "CPA" or similar words or letters indicating that the members are certified public accountants.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30) (from Ch. 111, par. 5535)

(Section scheduled to be repealed on January 1, 2014)

(Text of Section after amendment by P.A. 92-457)

Sec. 30. The practice of public accounting, as described in Section 8 of this Act, by any person in violation of this Act is hereby declared to be inimical to the public welfare and to be a public nuisance. An action to perpetually enjoin from such unlawful practice any person who has been or is engaged therein may be maintained in the name of the people of the State of Illinois by the Attorney General of the State of Illinois, by the State's Attorney of any county in which the action is brought, by the Department Board or by any resident citizen. The injunction proceeding shall be in addition to and not in

lieu of any penalties or other remedies provided by this Act. No injunction shall issue under this section against any person for any act exempted under Section 11 of this Act.

If any person shall practice as a licensed certified public accountant or a registered certified public accountant or hold himself or herself out as a licensed certified public accountant or registered certified public accountant without being licensed or registered under the provision of this Act then any licensed certified public accountant or registered certified public accountant, any interested party or any person injured thereby may, in addition to the Department Board, petition for relief as provided in subsection (a) of this Section.

Whenever in the opinion of the Department Board any person violates any provision of this Act, the Department Board may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department Board and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department Board. Failure to answer to the satisfaction of the Department Board shall cause an order to cease and desist to be issued forthwith.

(Source: P.A. 92-457, eff. 7-1-04.)

(225 ILCS 450/30.4 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.4. Prohibited practice.

(a) No licensed public accountant, licensed certified public accountant, or public accounting firm may provide contemporaneously with an audit those non-auditing services referenced in subsection (g) of Section 10A of the federal Securities Exchange Act of 1934, as amended, to a company, excluding a not-for-profit organization, that (1) is not required to file periodic information, documents, and reports pursuant to the Securities Exchange Act of 1934 and (2) during the previous fiscal year, had annual revenues exceeding

\$50,000,000 or more than 500 employees.

(b) (1) A licensed public accountant, licensed certified public accountant, or public accounting firm is exempted from the prohibition in subsection (a) of this Section 30.4 if:

(A) the licensed public accountant, licensed certified public accountant, or public accounting firm presents written notice of the contemporaneous provision of auditing and non-auditing services to the company prior to the commencement of the contemporaneous provision of the services; and

(B) the president or chief executive officer of the company to which the contemporaneous auditing and non-auditing services are to be provided subsequently signs an acknowledgement that the company is aware of and agrees to the contemporaneous provision of the auditing and non-auditing services.

(2) A licensed public accountant, licensed certified public accountant, or public accounting firm waives the exemption provided for in paragraph (1) of this subsection (b) if the licensed public accountant, certified public accountant, or public accounting firm engages in criminal activity or willful or wanton negligence regarding the provision of contemporaneous auditing and non-auditing services to the company.

(c) A violation of this Section shall subject a licensed public accountant, licensed certified public accountant, or public accounting firm to the provisions of Section 20.01 of this Act.

(d) Nothing in this Section shall be construed to authorize or permit the provision of any services by a licensed public accountant, licensed certified public accountant, or public accounting firm that would result in a lack of independence under applicable ethics standards of the accounting profession.

(225 ILCS 450/30.5 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.5. Improper influence on the conduct of audits.

(a) It shall be unlawful for any officer or director of a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934, or any other person acting under the direction thereof, to take any action to fraudulently influence, coerce, manipulate, or mislead any licensed public accountant or licensed certified public accountant engaged in the performance of an audit of the financial statements of that company for the purpose of rendering the financial statements being audited materially misleading.

(b) A person who, with the intent to deceive, violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/30.6 new)

(Section scheduled to be repealed on January 1, 2014)

Sec. 30.6. Misleading behavior by certified public accountants.

(a) It shall be unlawful for any licensed public accountant or licensed certified public accountant to intentionally mislead a company that is not required to file periodic information, documents, and reports pursuant to the federal Securities Exchange Act of 1934 by falsifying records it creates as part of an audit of the company.

(b) A person who knowingly violates this Section is guilty of a Class 4 felony.

(225 ILCS 450/32) (from Ch. 111, par. 5537)

(Section scheduled to be repealed on January 1, 2014)

Sec. 32. ~~(a) This subsection (a) applies only until July 1, 2004.~~ All moneys received by the Department of Professional Regulation under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, which is hereby created as a special fund in

the State Treasury. The funds in the account shall be used by the Department ~~or the Board~~, as appropriated, exclusively for expenses of the Department of Professional Regulation, or the Public Accountants' Registration Committee, ~~or the Board~~ in the administration of this Act.

Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation ~~or the Board~~. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

~~(b) This subsection (b) applies beginning July 1, 2004.~~

~~All moneys received by the Board under this Act shall be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund, a special fund in the State treasury. The moneys in the Fund shall be used by the Board, as appropriated, exclusively for expenses of the Department of Professional Regulation and the Board in the administration of this Act.~~

~~Moneys in the Registered Certified Public Accountants' Administration and Disciplinary Fund may be invested and reinvested, with all earnings received from the investments to be deposited into the Registered Certified Public Accountants' Administration and Disciplinary Fund.~~

(Source: P.A. 91-239, eff. 1-1-00; 92-457, eff. 8-21-01.)

Section 99. Effective date. This Act takes effect July 1, 2004, except the provisions changing Section 1 of the Illinois Public Accounting Act take effect on October 1, 2006.