

1 AN ACT concerning accounting.

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

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

10 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

11 (Section scheduled to be repealed on January 1, 2014)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (225 ILCS 450/1) (from Ch. 111, par. 5501)

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

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

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

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

33 (225 ILCS 450/2) (from Ch. 111, par. 5502)

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

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

2 Sec. 2. Board of Examiners ~~Examinations~~. The Governor shall
3 appoint a Board of Examiners that shall determine the
4 qualifications of persons applying for certificates and shall
5 make rules for and conduct examinations for determining the
6 qualifications. The Board shall consist of ~~not less than 9~~
7 ~~nor more than~~ 11 examiners, ~~as determined by Board rule,~~
8 including 2 public members. The remainder shall be certified
9 public accountants in this State who have been residents of
10 this State for at least 5 years immediately preceding their
11 appointment, except that one shall be either a certified public
12 accountant of the grade herein described or an attorney
13 licensed and residing in this State and one shall be a
14 certified public accountant who is an active or retired
15 educator residing in this State. The term of office of each
16 examiner shall be 3 years, except that upon the enactment of
17 this amendatory Act of the 93rd ~~92nd~~ General Assembly, those
18 members currently serving on the Board shall continue to serve
19 the duration of their terms, one additional examiner shall be
20 appointed for a term of one year, and one additional examiner
21 for a term of 2 years, ~~and any additional examiners for terms~~
22 ~~of 3 years~~. As the term of each examiner expires, the
23 appointment shall be filled for a term of 3 years from the date
24 of expiration. Any Board member who has served as a member for
25 6 consecutive years shall not be eligible for reappointment
26 until 2 years after the end of the term in which the sixth
27 consecutive year of service occurred, except that members of
28 the Board serving on the effective date of this Section shall
29 be eligible for appointment to one additional 3-year term.
30 Where the expiration of any member's term shall result in less
31 than 11 members then serving on the Board, the member shall
32 continue to serve until his or her successor is appointed and
33 has qualified. No Board member shall serve more than 2 full
34 terms. Anyone appointed to the Board shall be ineligible to be
35 appointed to the Illinois Public Accountants Registration
36 Committee appointed by the Director. Appointments to fill

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

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

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

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

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

1 ~~to be appropriate.~~

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

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

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

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

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

31 (225 ILCS 450/2.05 new)

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

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

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

26 (225 ILCS 450/3) (from Ch. 111, par. 5504)

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

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

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

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

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

13 (225 ILCS 450/4) (from Ch. 111, par. 5505)

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

15 Sec. 4. Transitional language.

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

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

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

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

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

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

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

33 (225 ILCS 450/5) (from Ch. 111, par. 5506)

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

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

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

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

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

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

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

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

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

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

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

12 (225 ILCS 450/5.1)

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

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

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

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

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

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

1 ~~qualifications of applicants under this Section.~~

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

3 (225 ILCS 450/6) (from Ch. 111, par. 5507)

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

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

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

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

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

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

26 (225 ILCS 450/6.1 new)

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

28 Sec. 6.1. Examinations.

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

1 taken within a timeframe established by Board rule.

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

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

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

22 (225 ILCS 450/7) (from Ch. 111, par. 5508)

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

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

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

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

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

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

4 (225 ILCS 450/8) (from Ch. 111, par. 5509)

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

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

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

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

19 (225 ILCS 450/9) (from Ch. 111, par. 5510)

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

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

34 No person shall, after the effective date of this

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

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

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

10 (225 ILCS 450/9.01)

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

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

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

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

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

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

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

32 (225 ILCS 450/9.02)

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

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

1 delayed effective date)

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

4 (a) On and after October 1, 2006, any ~~Any~~ person who shall
5 assume the title "certified public accountant" or use the
6 abbreviation "CPA" or any words or letters to indicate that the
7 person using the same is a certified public accountant without
8 having been issued a registration as a registered certified
9 public accountant or a license as a licensed certified public
10 accountant certificate under the provisions of this Act shall,
11 in addition to any other penalty provided by law, pay a civil
12 penalty to the Department ~~Board~~ in an amount not to exceed
13 \$5,000 for each offense as determined by the Department ~~Board~~.
14 The civil penalty shall be assessed by the Department ~~Board~~
15 after a hearing is held in accordance with the provisions set
16 forth in this Act regarding the provision of a hearing for the
17 discipline of a licensee.

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

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

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

27 (225 ILCS 450/9.1) (from Ch. 111, par. 5510.1)

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

29 Sec. 9.1. Temporary practice.

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

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

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

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

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

22 (225 ILCS 450/9.2) (from Ch. 111, par. 5510.2)

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

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

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

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

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

1 standards and criteria for licensure and professional conduct
2 and discipline.

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

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

7 (225 ILCS 450/11) (from Ch. 111, par. 5512)

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

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

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

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

1 (225 ILCS 450/13) (from Ch. 111, par. 5514)

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

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

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

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

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

15 (225 ILCS 450/14) (from Ch. 111, par. 5515)

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

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

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

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

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

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

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

11 (1) (Blank).

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

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

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

32 (Source: P.A. 91-508, eff. 8-13-99; 91-827, eff. 6-13-00;
33 92-457, eff. 7-1-04.)

34 (225 ILCS 450/14.1)

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

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

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

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

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

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

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

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

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

1 (225 ILCS 450/14.2)

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

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

4 Sec. 14.2. Licensure by endorsement.

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

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

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

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

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

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

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

8 (225 ILCS 450/14.3)

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

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

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

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

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

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

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

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

1 requirements in effect at the time of reapplication.

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

3 (225 ILCS 450/16) (from Ch. 111, par. 5517)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (225 ILCS 450/17) (from Ch. 111, par. 5518)

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

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

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

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

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

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

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

7 (225 ILCS 450/17.1) (from Ch. 111, par. 5518.1)

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

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

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

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

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

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

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

16 (225 ILCS 450/17.2) (from Ch. 111, par. 5518.2)

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

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

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

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

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

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

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

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

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

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

23 (225 ILCS 450/19) (from Ch. 111, par. 5520)

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

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

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

1 shall report its findings and recommendations in connection
2 therewith to the Director Board, all as provided in Section
3 20.01.

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

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

8 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

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

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

13 (a) The Department Board may refuse to issue or renew, or
14 may revoke, suspend, or reprimand any license or licensee,
15 place a licensee or registrant on probation for a period of
16 time subject to any conditions the Department Board may specify
17 including requiring the licensee or registrant to attend
18 continuing education courses or to work under the supervision
19 of another licensee or registrant, impose a fine not to exceed
20 \$5,000 for each violation, restrict the authorized scope of
21 practice, or require a licensee or registrant to undergo a peer
22 review program, for any one or more of the following:

23 (1) Violation of any provision of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

1 misstatement in furnishing information to the Department
2 Board.

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

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

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

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

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

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

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

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

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

36 (22) Making a false statement to the Department Board

1 regarding compliance with continuing professional
2 education requirements.

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

6 (b) (Blank).

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

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

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

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

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

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

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

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

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

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

13 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

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

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

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

1 person or entity by registered or certified mail to the place
2 last specified by the accused person or entity in the last
3 notification to the Department Board, at least 30 days prior to
4 the date set for the hearing or by serving a written notice by
5 delivery of the notice to the accused person or entity at least
6 15 days prior to the date set for the hearing, and shall direct
7 the applicant or licensee or registrant to file a written
8 answer to the Department Board under oath within 20 days after
9 the service of the notice and inform the applicant or licensee
10 or registrant that failure to file an answer will result in
11 default being taken against the applicant or licensee or
12 registrant and that the license or registration ~~or certificate~~
13 may be suspended, revoked, placed on probationary status, or
14 other disciplinary action may be taken, including limiting the
15 scope, nature or extent of practice, as the Director Board may
16 deem proper. In case the person fails to file an answer after
17 receiving notice, his or her license or registration ~~or~~
18 ~~certificate~~ may, in the discretion of the Department Board, be
19 suspended, revoked, or placed on probationary status, or the
20 Department Board may take whatever disciplinary action deemed
21 proper, including limiting the scope, nature, or extent of the
22 person's practice or the imposition of a fine, without a
23 hearing, if the act or acts charged constitute sufficient
24 grounds for such action under this Act. The Department Board
25 shall afford the accused person or entity an opportunity to be
26 heard in person or by counsel at the hearing. ~~At Following~~ the
27 conclusion of the hearing the Committee Board shall present to
28 the Director ~~issue~~ a written report order setting forth its
29 finding of facts, conclusions of law, and recommendations
30 ~~penalties to be imposed~~. The report order shall contain a
31 finding whether or not the accused person violated this Act or
32 failed to comply with the conditions required in this Act. If
33 the Director disagrees in any regard with the report, he or she
34 may issue an order in contravention of the report. The Director
35 shall provide a written explanation to the Committee of any
36 such deviations and shall specify with particularity the

1 reasons for the deviations.

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

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

7 (225 ILCS 450/20.2) (from Ch. 111, par. 5523)

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

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

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

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

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

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

28 (225 ILCS 450/20.3) (from Ch. 111, par. 5524)

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

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

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

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

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

6 (225 ILCS 450/20.4) (from Ch. 111, par. 5525)

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

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

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

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

16 (225 ILCS 450/20.5) (from Ch. 111, par. 5526)

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

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

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

1 upon the delivery of the transcript to the respondent.

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

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

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

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

21 (225 ILCS 450/20.6) (from Ch. 111, par. 5526.6)

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

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

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

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

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

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

19 (225 ILCS 450/21) (from Ch. 111, par. 5527)

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

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

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

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

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

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

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

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

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

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

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

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

23 (225 ILCS 450/26) (from Ch. 111, par. 5532)

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

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

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

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

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

6 (225 ILCS 450/28) (from Ch. 111, par. 5534)

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

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

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

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

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

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

26 (c-5) The use of the title "Certified Public
27 Accountant" or "Licensed Certified Public Accountant" or
28 the abbreviation "C.P.A." or "L.C.P.A." or any similar
29 words or letters indicating the user is a certified public
30 accountant by any person in contravention with this Act;

31 ~~The use of the title "Certified Public Accountant" or the~~
32 ~~abbreviation "C.P.A." or any similar words or letters~~
33 ~~indicating the user is a certified public accountant, by~~
34 ~~any person who has not received a certificate as a~~
35 ~~certified public accountant from the Board;~~

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

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

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

36 (g) Making false statements to the Department Board

1 regarding compliance with continuing professional
2 education requirements;

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

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

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

23 (225 ILCS 450/30) (from Ch. 111, par. 5535)

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

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

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

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

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

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

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

24 (225 ILCS 450/30.4 new)

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

26 Sec. 30.4. Prohibited practice.

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

1 \$50,000,000 or more than 500 employees.

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

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

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

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

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

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

1 (225 ILCS 450/30.5 new)

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

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

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

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

16 (225 ILCS 450/30.6 new)

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

18 Sec. 30.6. Misleading behavior by certified public
19 accountants.

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

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

28 (225 ILCS 450/32) (from Ch. 111, par. 5537)

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

30 ~~Sec. 32. (a) This subsection (a) applies only until July 1,~~
31 ~~2004.~~ All moneys received by the Department of Professional
32 Regulation under this Act shall be deposited into the
33 Registered Certified Public Accountants' Administration and
34 Disciplinary Fund, which is hereby created as a special fund in

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

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

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

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

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

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

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

31 Section 99. Effective date. This Act takes effect July 1,
32 2004, except the provisions changing Section 1 of the Illinois
33 Public Accounting Act take effect on October 1, 2006.