

As Introduced

**122nd General Assembly
Regular Session
1997-1998**

S. B. No. 200

Senator Cupp

A BILL

To amend sections 1111.01, 2925.01, 4701.01, 4701.04, 1
4701.06, 4701.061, 4701.07, 4701.10, 4701.11, 2
4701.12, 4701.13, 4701.14, and 4701.16 and to 3
enact section 4701.29 of the Revised Code to 4
permit certain persons who do not hold a license 5
to practice as an accountant to acquire an 6
ownership interest in public accounting firms, to 7
change the definitions of the "practice of public 8
accounting" and "permit" under the Accountancy 9
Law, to make other definitional changes, and to 10
expand the discipline that may be imposed for 11
infractions of that law. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1111.01, 2925.01, 4701.01, 4701.04, 13
4701.06, 4701.061, 4701.07, 4701.10, 4701.11, 4701.12, 4701.13, 14
4701.14, and 4701.16 be amended and section 4701.29 of the Revised 15
Code be enacted to read as follows: 16

Sec. 1111.01. As used in this chapter: 17

(A) "Charitable trust" means a charitable remainder annuity 18
trust as defined in section 664(d) of the Internal Revenue Code, a 19
charitable remainder unitrust as defined in section 664(d) of the 20

Internal Revenue Code, a charitable lead or other split interest trust subject to the governing instrument requirements of section 508(e) of the Internal Revenue Code, a pooled income fund as defined in section 642(c) of the Internal Revenue Code, a trust that is a private foundation as defined in section 509 of the Internal Revenue Code, or a trust of which each beneficiary is a charity. 21
22
23
24
25
26
27

For purposes of this division and division (B) of this section, "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 28
29
30

(B) "Charity" means a state university as defined in section 3345.011 of the Revised Code, a community college as defined in section 3354.01 of the Revised Code, a technical college as defined in section 3357.01 of the Revised Code, a state community college as defined in section 3358.01 of the Revised Code, a private college or university that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, a trust or organization exempt from taxation under section 501(c)(3) or section 501(c)(13) of the Internal Revenue Code, or a corporation, trust, or organization described in section 170(c)(2) of the Internal Revenue Code. The term "charities" means more than one trust or organization that is a charity. 31
32
33
34
35
36
37
38
39
40
41
42
43

(C) "Collective investment fund" means a fund established by a trust company or an affiliate of a trust company for the collective investment of assets held in a fiduciary capacity, either alone or with one or more cofiduciaries, by the establishing trust company and its affiliates. 44
45
46
47
48

(D) "Fiduciary investment company" means a corporation that is both of the following: 49
50

(1) An investment company; 51

(2) Incorporated, owned, and operated in accordance with 52
rules adopted by the superintendent of financial institutions for 53
the investment of funds held by trust companies in a fiduciary 54
capacity and for true fiduciary purposes, either alone or with one 55
or more cofiduciaries. 56

(E) "Instrument" includes any will, declaration of trust, 57
agreement of trust, agency, or custodianship, or court order 58
creating a fiduciary relationship. 59

(F) "Investment company" means any investment company as 60
defined in section 3 and registered under section 8 of the 61
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 62
and 80a-8. 63

(G) "Trust business" means accepting and executing trusts of 64
property, serving as a trustee, executor, administrator, guardian, 65
receiver, or conservator, and providing fiduciary services as a 66
business. "Trust business" does not include any of the following: 67

(1) Any natural person acting as a trustee, executor, 68
administrator, guardian, receiver, or conservator, pursuant to 69
appointment by a court of competent jurisdiction; 70

(2) Any natural person serving as a trustee who does not hold 71
self out to the public as willing to act as a trustee for hire. 72
For purposes of division (G) of this section, the solicitation or 73
advertisement of legal or accounting services by a person licensed 74
in this state as an attorney or a person holding ~~a live~~ an Ohio 75
permit to practice public accounting issued under division (A) of 76
section 4701.10 of the Revised Code shall not be considered to be 77
the act of holding self out to the public as willing to act as a 78
trustee for hire. 79

(3) A charity, an officer or employee of a charity, or a 80
person affiliated with a charity, serving as trustee of a 81
charitable trust of which the charity, or another charity with a 82

similar purpose, is a beneficiary;	83
(4) Other fiduciary activities the superintendent determines are not undertaken as a business.	84 85
Sec. 2925.01. As used in this chapter:	86
(A) "Administer," "controlled substance," "dispense," "distribute," "federal drug abuse control laws," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "practitioner," "prescription," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	87 88 89 90 91 92 93
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	94 95
(C) "Drug," "dangerous drug," and "Federal Food, Drug, and Cosmetic Act" have the same meanings as in section 4729.02 of the Revised Code.	96 97 98
(D) "Bulk amount" of a controlled substance means any of the following:	99 100
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D)(2) or (5) of this section, whichever of the following is applicable:	101 102 103 104 105
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	106 107 108 109
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount	110 111

of raw or gum opium;	112
(c) An amount equal to or exceeding thirty grams or ten unit	113
doses of a compound, mixture, preparation, or substance that is or	114
contains any amount of a schedule I hallucinogen other than	115
tetrahydrocannabinol or lysergic acid amide, or a schedule I	116
stimulant or depressant;	117
(d) An amount equal to or exceeding twenty grams or five	118
times the maximum daily dose in the usual dose range specified in	119
a standard pharmaceutical reference manual of a compound, mixture,	120
preparation, or substance that is or contains any amount of a	121
schedule II opiate or opium derivative;	122
(e) An amount equal to or exceeding five grams or ten unit	123
doses of a compound, mixture, preparation, or substance that is or	124
contains any amount of phencyclidine;	125
(f) An amount equal to or exceeding one hundred twenty grams	126
or thirty times the maximum daily dose in the usual dose range	127
specified in a standard pharmaceutical reference manual of a	128
compound, mixture, preparation, or substance that is or contains	129
any amount of a schedule II stimulant that is in a final dosage	130
form manufactured by a person authorized by the Federal Food,	131
Drug, and Cosmetic Act and the federal drug abuse control laws,	132
that is or contains any amount of a schedule II depressant	133
substance or a schedule II hallucinogenic substance;	134
(g) An amount equal to or exceeding three grams of a	135
compound, mixture, preparation, or substance that is or contains	136
any amount of a schedule II stimulant, or any of its salts or	137
isomers, that is not in a final dosage form manufactured by a	138
person authorized by the Federal Food, Drug, and Cosmetic Act and	139
the federal drug abuse control laws.	140
(2) An amount equal to or exceeding one hundred twenty grams	141
or thirty times the maximum daily dose in the usual dose range	142

specified in a standard pharmaceutical reference manual of a 143
compound, mixture, preparation, or substance that is or contains 144
any amount of a schedule III or IV substance other than an 145
anabolic steroid or a schedule III opiate or opium derivative; 146

(3) An amount equal to or exceeding twenty grams or five 147
times the maximum daily dose in the usual dose range specified in 148
a standard pharmaceutical reference manual of a compound, mixture, 149
~~specification~~ preparation, or substance that is or contains any 150
amount of a schedule III opiate or opium derivative; 151

(4) An amount equal to or exceeding two hundred fifty 152
milliliters or two hundred fifty grams of a compound, mixture, 153
preparation, or substance that is or contains any amount of a 154
schedule V substance; 155

(5) An amount equal to or exceeding two hundred solid dosage 156
units, sixteen grams, or sixteen milliliters of a compound, 157
mixture, preparation, or substance that is or contains any amount 158
of a schedule III anabolic steroid. 159

(E) "Unit dose" means an amount or unit of a compound, 160
mixture, or preparation containing a controlled substance that is 161
separately identifiable and ~~is~~ in a form ~~indicating~~ that indicates 162
that it is the amount or unit by which the controlled substance is 163
separately administered to or taken by an individual. 164

(F) "Cultivate" includes planting, watering, fertilizing, or 165
tilling. 166

(G) "Drug abuse offense" means any of the following: 167

(1) A violation of division (A) of section 2913.02 that 168
constitutes theft of drugs, or a violation of section 2925.02, 169
2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 170
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 171
Revised Code; 172

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(1) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(2) Any aerosol propellant;

(3) Any fluorocarbon refrigerant;

(4) Any anesthetic gas.	203
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	204 205 206 207 208 209
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	210 211 212 213
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a practitioner, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	214 215 216 217 218
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:	219 220 221
(1) "The National Formulary";	222
(2) "The United States Pharmacopeia," prepared by authority of the United States Pharmacopeial Convention, Inc.;	223 224
(3) Other standard references that are approved by the state board of pharmacy.	225 226
(N) "Juvenile" means a person under eighteen years of age.	227
(O) "Counterfeit controlled substance" means any of the following:	228 229
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade	230 231 232

name, or identifying mark;	233
(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	234 235 236 237
(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	238 239 240
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	241 242 243 244 245
(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	246 247 248 249
(Q) "School" means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.	250 251 252 253 254 255
(R) "School premises" means either of the following:	256
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	257 258 259 260
(2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a	261 262

school for which the state board of education prescribes minimum 263
standards under section 3301.07 of the Revised Code and on which 264
some of the instruction, extracurricular activities, or training 265
of the school is conducted, whether or not any instruction, 266
extracurricular activities, or training provided by the school is 267
being conducted on the parcel of real property at the time a 268
criminal offense is committed. 269

(S) "School building" means any building in which any of the 270
instruction, extracurricular activities, or training provided by a 271
school is conducted, whether or not any instruction, 272
extracurricular activities, or training provided by the school is 273
being conducted in the school building at the time a criminal 274
offense is committed. 275

(T) "Disciplinary counsel" means the disciplinary counsel 276
appointed by the board of commissioners on grievances and 277
discipline of the supreme court under the Rules for the Government 278
of the Bar of Ohio. 279

(U) "Certified grievance committee" means a duly constituted 280
and organized committee of the Ohio state bar association or of 281
one or more local bar associations of the state of Ohio that 282
complies with the criteria set forth in Rule V, section 6 of the 283
Rules for the Government of the Bar of Ohio. 284

(V) "Professional license" means any license, permit, 285
certificate, registration, qualification, admission, temporary 286
license, temporary permit, temporary certificate, or temporary 287
registration that is described in divisions (W)(1) to (35) of this 288
section and that qualifies a person as a professionally licensed 289
person. 290

(W) "Professionally licensed person" means any of the 291
following: 292

(1) A person who has obtained a license as a manufacturer of 293

controlled substances or a wholesaler of controlled substances	294
under Chapter 3719. of the Revised Code;	295
(2) A person who has received a certificate or temporary	296
certificate as a certified public accountant or who has registered	297
as a public accountant under Chapter 4701. of the Revised Code and	298
who holds a live <u>an Ohio</u> permit issued under that chapter;	299
(3) A person who holds a certificate of qualification to	300
practice architecture issued or renewed and registered under	301
Chapter 4703. of the Revised Code;	302
(4) A person who is registered as a landscape architect under	303
Chapter 4703. of the Revised Code or who holds a permit as a	304
landscape architect issued under that chapter;	305
(5) A person licensed as an auctioneer or apprentice	306
auctioneer or licensed to operate an auction company under Chapter	307
4707. of the Revised Code;	308
(6) A person who has been issued a certificate of	309
registration as a registered barber under Chapter 4709. of the	310
Revised Code;	311
(7) A person licensed and regulated to engage in the business	312
of a debt pooling company by a legislative authority, under	313
authority of Chapter 4710. of the Revised Code;	314
(8) A person who has been issued a cosmetologist's license,	315
manicurist's license, esthetician's license, managing	316
cosmetologist's license, managing manicurist's license, managing	317
esthetician's license, cosmetology instructor's license,	318
manicurist instructor's license, esthetician instructor's license,	319
or tanning facility permit under Chapter 4713. of the Revised	320
Code;	321
(9) A person who has been issued a license to practice	322
dentistry, a general anesthesia permit, a conscious intravenous	323

sedation permit, a limited resident's license, a limited teaching	324
license, a dental hygienist's license, or a dental hygienist's	325
teacher's certificate under Chapter 4715. of the Revised Code;	326
(10) A person who has been issued an embalmer's license, a	327
funeral director's license, or a funeral home license, or who has	328
been registered for a funeral director's apprenticeship under	329
Chapter 4717. of the Revised Code;	330
(11) A person who has been licensed as a registered nurse or	331
practical nurse, or who has been issued a certificate for the	332
practice of nurse-midwifery under Chapter 4723. of the Revised	333
Code;	334
(12) A person who has been licensed to practice optometry or	335
to engage in optical dispensing under Chapter 4725. of the Revised	336
Code;	337
(13) A person licensed to act as a pawnbroker under Chapter	338
4727. of the Revised Code;	339
(14) A person licensed to act as a precious metals dealer	340
under Chapter 4728. of the Revised Code;	341
(15) A person registered as a pharmacist, a pharmacy intern,	342
a wholesale distributor of dangerous drugs, or a terminal	343
distributor of dangerous drugs under Chapter 4729. of the Revised	344
Code;	345
(16) A person who is authorized to practice as a physician	346
assistant under Chapter 4730. of the Revised Code;	347
(17) A person who has been issued a certificate to practice	348
medicine and surgery, osteopathic medicine and surgery, a limited	349
branch of medicine or surgery, or podiatry under Chapter 4731. of	350
the Revised Code;	351
(18) A person licensed as a psychologist or school	352
psychologist under Chapter 4732. of the Revised Code;	353

(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	354 355
(20) A person who has been issued a certificate to practice chiropractic under Chapter 4734. of the Revised Code;	356 357
(21) A person licensed to act as a real estate broker, real estate salesman, limited real estate broker, or limited real estate salesman under Chapter 4735. of the Revised Code;	358 359 360
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	361 362
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	363 364
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	365 366
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	367 368
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	369 370 371 372
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	373 374 375
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	376 377 378
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	379 380 381
(30) A person licensed to practice as a speech pathologist or	382

audiologist under Chapter 4753. of the Revised Code;	383
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	384 385
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	386 387 388 389
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	390 391
(34) A person who has been issued a license or temporary permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	392 393 394
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code.	395 396
(X) "Cocaine" means any of the following:	397
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	398 399
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	400 401 402 403
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	404 405 406 407 408 409
(Y) "L.S.D." means lysergic acid diethylamide.	410
(Z) "Hashish" means the resin or a preparation of the resin	411

contained in marihuana, whether in solid form or in a liquid
concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01
of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile"
if the offender commits the offense within one hundred feet of a
juvenile or within the view of a juvenile, regardless of whether
the offender knows the age of the juvenile, whether the offender
knows the offense is being committed within one hundred feet of or
within view of the juvenile, or whether the juvenile actually
views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a
prison term shall be imposed" means a presumption, as described in
division (D) of section 2929.13 of the Revised Code, that a prison
term is a necessary sanction for a felony in order to comply with
the purposes and principles of sentencing under section 2929.11 of
the Revised Code.

(DD) "Major drug offender" has the same meaning as in section
2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the
following:

(1) A violation of section 2925.11 of the Revised Code as it
existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it
exists on and after July 1, 1996, ~~this~~ that is a misdemeanor or a
felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in
section 2929.01 of the Revised Code.

(GG) "Crack cocaine" means a compound, mixture, preparation,
or substance that is or contains any amount of cocaine that is

analytically identified as the base form of cocaine or that is in 442
a form that resembles rocks or pebbles generally intended for 443
individual use. 444

Sec. 4701.01. As used in this chapter: 445

(A) "~~Live permit~~" means a permit issued under section 4701.10 446
~~of the Revised Code that is not suspended or revoked~~ Practice of 447
public accounting" means performing or offering to perform any 448
engagement that will result in the issuance of an attest report, 449
and, with respect to a person who holds a CPA certificate, PA 450
registration, foreign certificate, or firm registration, any other 451
services involving the use of accounting or auditing skills as 452
established by rules adopted by the accountancy board. 453

(B) "Public accounting firm" means a sole proprietorship, a 455
partnership, a limited liability company, a professional 456
association, a corporation-for-profit, or any other ~~legal entity~~ 457
business organization that is ~~permitted by the accountancy board~~ 458
~~to engage~~ engaged in the practice of public accounting in this 459
state. 460

(C) "Opinion on a financial statement" means any opinion 461
expressed in accordance with generally accepted auditing standards 462
as to the fairness of presentation of information used for 463
guidance in financial transactions or for accounting or for 464
assessing the status or performance of commercial and 465
noncommercial enterprises, whether public, private, or 466
governmental. 467

(D) "Quality review" means a study, appraisal, or review of 468
one or more aspects of the professional work of a public 469
accounting firm that meets the standards and requirements set 470
forth by the accountancy board. 471

(E) "Review report on a financial statement" means either of	472
the following:	473
(1) Any review report issued with respect to any of the	474
following:	475
(a) Interim financial information in accordance with	476
generally accepted auditing standards;	477
(b) The financial information of a nonpublic entity in	478
accordance with statements on standards for accounting and review	479
services;	480
(c) The reliability of another party's written assertion in	481
accordance with statements on standards for attestation	482
engagements.	483
(2) Any other review report issued in accordance with	484
standards promulgated by the American institute of certified	485
public accountants.	486
(F) "Compilation report on a financial statement" means any	487
compilation report issued with respect to financial information of	488
a nonpublic entity in accordance with statements on standards for	489
accounting and review services as promulgated by the American	490
institute of certified public accountants.	491
(G) "Examination report on a financial statement" means any	492
examination report issued with respect to another party's written	493
assertion in accordance with statements on standards for	494
attestation engagements as promulgated by the American institute	495
of certified public accountants.	496
(H) "Agreed-upon procedures report on a financial statement"	497
means any report based on agreed-upon procedures issued with	498
respect to another party's written assertion in accordance with	499
statements on standards for attestation engagements as promulgated	500
by the American institute of certified public accountants.	501

(I) "Qualified firm" means a partnership, professional association, corporation-for-profit, limited liability company, or any other business organization in which the individuals who own a majority of the equity interests in the entity and control the entity hold an Ohio permit or a foreign permit. 502
503
504
505
506

(J) "Own" means any direct or indirect ownership of an equity interest in a public accounting firm or qualified firm. 507
508

(K) "Control" or "controlled" means the right to exercise the majority of the voting equity interests in a public accounting firm with respect to any matter. 509
510
511

(L) "Equity interest" means any capital interest or profit interest in a partnership, professional association, corporation-for-profit, limited liability company, or any other business organization. 512
513
514
515

(M) "Ohio permit" means a permit to practice public accounting issued under division (A) of section 4701.10 of the Revised Code that is not revoked or suspended. 516
517
518

(N) "Foreign permit" means a permit to practice public accounting issued under the laws of a state other than Ohio or under the laws of a foreign jurisdiction. 519
520
521

(O) "Ohio registration" means the registration of a holder of a CPA certificate or PA certificate who is not in the practice of public accounting under division (B) of section 4701.10 of the Revised Code. 522
523
524
525

(P) "Firm registration" or "registered firm" means registration as a public accounting firm under section 4701.04 of the Revised Code. 526
527
528

(Q) "PA registration" means registration as a public accountant under section 4701.07 of the Revised Code that is not revoked or suspended. 529
530
531

(R) "CPA certificate" means a certificate issued under section 4701.06 or 4701.061 of the Revised Code that is not revoked or suspended. 532
533
534

(S) "Foreign certificate" means a certificate of certified public accountant issued under the laws of a state other than Ohio or under the laws of a foreign jurisdiction. 535
536
537

(T) "Attest report" means an opinion report, review report, compilation report, examination report, agreed-upon procedures report, or any similar report with respect to a financial statement or other financial information. 538
539
540
541

(U) "Person" means an individual, corporation, business trust, estate, partnership, limited liability company, professional association, and any other business organization. 542
543
544

(V) Technical terms that define specific public accounting engagements have the same meanings as in the professional standards promulgated by the American institute of certified public accountants. 545
546
547
548

Sec. 4701.04. (A) No public accounting firm shall engage in the practice under the firm's name of public accounting in this state unless it registers with the accountancy board and pays a registration fee set by the board. 549
550
551
552

(B) ~~New public~~ Public accounting firms shall apply for initial registration within ninety days ~~of~~ after formation or within ninety days of the commencement of practicing public accounting in this state. All public accounting firms shall renew their registration triennially. All public accounting firms shall submit with their initial and renewal registration applications ~~a~~ all of the following: 553
554
555
556
557
558
559

(1) A list of the names, addresses, and certificate numbers of all ~~license holders~~ individuals who hold an Ohio permit and who 560
561

own an equity interest in the public accounting firm or who are 562
employed by them the public accounting firm; 563

(2) A list of the names and addresses of each person who does 564
not hold an Ohio permit or a foreign permit who owns an equity 565
interest in the public accounting firm if the person's principal 566
place of business is located in this state; 567

(3) A statement that the public accounting firm and each 568
person who owns an equity interest in the public accounting firm, 569
or is employed by the public accounting firm, and does not hold an 570
Ohio permit or a foreign permit is in compliance with divisions 571
(C) and (D) of this section. 572

(C) A public accounting firm shall satisfy all of the 573
following requirements in order to register: 574

(1) Except as provided in division (C)(5) of this section, 575
each partner, shareholder, member, or other person who owns an 576
equity interest in the public accounting firm holds an Ohio permit 577
or a foreign permit; 578

(2) The chief executive of any office of a public accounting 579
firm located in or doing business in this state holds an Ohio 580
permit or a foreign permit; 581

(3) Each individual in a public accounting firm who signs any 582
attest report issued from an office located in this state holds an 583
Ohio permit; 584

(4) An individual who owns an equity interest in the public 585
accounting firm or who is employed by the public accounting firm 586
and who holds an Ohio permit or a foreign permit, assumes ultimate 587
responsibility for any attest report issued from an office of a 588
public accounting firm located in this state; 589

(5) Any person who does not hold an Ohio permit or a foreign 590
permit and who holds an equity interest in the public accounting 591

firm satisfies the conditions set forth in division (D) of this 592
section; 593

(6) The public accounting firm provides for the transfer of 594
the equity interest owned by persons who do not hold an Ohio 595
permit or a foreign permit to either the public accounting firm or 596
to another person who owns an equity interest in the firm if a 597
person not holding an Ohio permit or a foreign permit withdraws 598
from or ceases to be employed by the public accounting firm. The 599
public accounting firm may make payments in connection with the 600
person's withdrawal from the firm to that person or, if that 601
person is deceased or dissolved, to the person's estate or 602
successor in interest. 603

(D) A person who does not hold an Ohio permit or a foreign 604
permit may own an equity interest in a public accounting firm if 605
all of the following conditions are met: 606

(1) All of the persons who hold an Ohio permit or a foreign 607
permit and who own equity interests in the public accounting firm, 608
and qualified firms that own equity interests in the public 609
accounting firm, own, in the aggregate, a majority of the equity 610
interests in the public accounting firm and control the public 611
accounting firm; 612

(2) The person does not assume or use any titles or 613
designations specified in division (A) of section 4701.14 Of the 614
Revised Code. The person may designate or refer to the person as a 615
shareholder, partner, member, principal, owner, or officer of the 616
public accounting firm, and also may use any other title that the 617
board by rule authorizes. 618

(3) The person is not in violation of any standard regarding 619
the character or conduct of that person as established by the 620
board by rule; 621

(4) The person's participation in the business of the public 622

accounting firm is the person's principal occupation and consists 623
of providing services to or on behalf of the public accounting 624
firm, and the person is not functioning solely or predominately as 625
a passive investor in the public accounting firm; 626

(5) The individual has graduated with a baccalaureate or 627
higher degree conferred by a college or university approved by the 628
board; 629

(6) The individual meets or exceeds the continuing education 630
requirements adopted pursuant to section 4701.11 of the Revised 631
Code; 632

(7) A person who holds a professional license, registration, 633
or certification issued by this state, another state, or a foreign 634
jurisdiction complies with the requirements of that license, 635
registration, or certification; 636

(8) The individual abides by the code of conduct of the 637
American institute of certified public accountants or a comparable 638
code of professional conduct that the board by rule adopts; 639

(9) The person complies with all applicable provisions of 640
this chapter and rules adopted by the board. 641

~~(C)~~(E) A person who owns a voting equity interest in a public 642
accounting firm may not delegate, by proxy or otherwise, the duty 643
to exercise any voting rights to a person that does not hold an 644
Ohio permit or a foreign permit or to a person that is not a 645
qualified firm. 646

(F) As a condition for initial or renewal registration on and 647
after January 1, 1993, the board, by rule, shall require that all 648
public accounting firms undergo a quality review to determine the 649
degree of compliance in the practice of public accounting by the 650
public accounting firm with generally accepted accounting 651
principles and, generally accepted auditing standards, and other 652
generally accepted technical standards, unless the applicant 653

public accounting firm meets one of the exceptions in division 654
~~(G)~~(J) of this section. 655

~~(D)~~(G) The board shall adopt rules establishing guidelines 656
for quality reviews. The rules shall do all of the following: 657

(1) Designate a quality review committee consisting of 658
accounting professionals to serve as advisors to the board and to 659
ensure that the board's guidelines are followed. The board ~~shall~~ 660
may establish fair and reasonable compensation for the committee 661
members to be paid for time they spend conducting committee 662
business. 663

(2) Require that the quality review be conducted by a 664
reviewer that is both independent of the public accounting firm 665
reviewed and qualified pursuant to board rules; 666

(3) Require that the standards and practices applied by the 667
reviewer be at least as stringent as those applied by the American 668
institute of certified public accountants; 669

(4) Prohibit the use or disclosure of information obtained by 670
members of the board of reviewers during or in connection with the 671
quality review process for purposes other than those related to 672
determining the degree of compliance by the public accounting firm 673
with generally accepted accounting principles ~~and, generally~~ 674
accepted auditing standards, and other generally accepted 675
technical standards. Division ~~(D)~~(G)(4) of this section does not 676
apply to the use or disclosure of information that is described in 677
division ~~(H)~~(K)(3) of this section or that is necessary to comply 678
with any provision of law. 679

~~(E)~~(H)(1) If a quality review report indicates that a public 680
accounting firm does not comply with standards and practices set 681
forth in board guidelines, the board ~~may~~, at its discretion, ~~or~~ 682
~~shall, upon submission of a written application by the firm, may~~ 683
hold a hearing to ~~determine whether the firm complies with the~~ 684

~~standards and practices. If the board, after conducting the~~ 685
~~hearing, determines that the firm complies with the standards and~~ 686
~~practices, it shall issue an order requiring the reviewer and the~~ 687
~~quality review committee to take any necessary action to record~~ 688
~~and implement the board's determination and to restore the status~~ 689
~~of compliance upon the firm. However, if review the results of the~~ 690
~~quality review report. If~~ the board, after conducting the hearing, 691
determines that the public accounting firm does not comply with 692
the standards and practices, it may issue an order that requires 693
both of the following: 694

(a) Remedial or disciplinary action, which may include: 695

(i) Requiring employees of the public accounting firm to 696
complete general or specific continuing professional education 697
courses; 698

(ii) Requiring the public accounting firm to undergo quality 699
review more frequently than triennially and conducted in whole or 700
part under the direct supervision of the board or its designee; 701

(iii) Any other remedial action specified by the board; 702

(iv) Imposing any disciplinary measures set forth in division 703
(B) of section 4701.16 Of the Revised Code. 704

(b) An affidavit from the public accounting firm submitted 705
within the time specified by the board indicating completion of 706
required remedial actions. 707

(2) Notwithstanding divisions ~~(H)~~(K)(1) and (2) of this 708
section, all matters relating to the procedures for determining 709
compliance with the standards and practices under division 710
~~(E)~~(H)(1) of this section are subject to Chapter 119. of the 711
Revised Code, including the notice and conduct of any hearing, and 712
the issuance and appeal of any order. 713

~~(F)~~(I) The public accounting firm reviewed shall pay for any 714

quality review performed. 715

~~(G)~~(J) The board may exempt a public accounting firm from the 716
requirement to undergo a quality review if the public accounting 717
firm submits to the board a written and notarized statement that 718
the public accounting firm meets at least one of the following 719
grounds for exemption identified in the statement: 720

(1) Within three years of the date of application for initial 721
or renewal registration, the public accounting firm has been 722
subject to a quality review acceptable to the board and conducted 723
pursuant to standards not less stringent than review standards 724
applied by the American institute of certified public accountants. 725
The public accounting firm shall submit to the board a copy of the 726
results of the quality review and any additional documentation 727
required by the board. The board, however, shall not require 728
submittal of the working papers related to the quality review 729
process. 730

(2) Within three years of the date of application for initial 731
or renewal registration, the public accounting firm has undergone 732
a quality review conducted in another state or foreign country. 733
The public accounting firm shall submit to the board a copy of the 734
results of the quality review and any additional documentation 735
required by the board, including a detailed report of the 736
procedures and standards applied by the reviewer. 737

(3) The public accounting firm has never practiced public 738
accounting in this state or any other state or foreign country and 739
will undergo a quality review within eighteen months of 740
registration. 741

(4) The public accounting firm, on a schedule as required by 742
rule adopted by the board, submits a report to the board that 743
states all of the following: 744

(a) The public accounting firm does not ~~engage in any~~ 745

~~financial reporting areas of practice including audits,~~ 746
~~compilations, or reviews~~ undertake any engagement that will result 747
in the issuance of an attest report. 748

(b) Within the next three years, the public accounting firm 749
does not intend to ~~engage in any financial reporting areas of~~ 750
~~practice including audits, compilations, reviews, or prospective~~ 751
~~financial statements~~ undertake any engagement that will result in 752
the issuance of any attest report. 753

(c) The public accounting firm agrees to notify the board 754
within ninety days ~~of engaging in any financial reporting areas of~~ 755
~~practice including audits, compilations, or reviews~~ after 756
accepting any engagement that will result in the issuance of any 757
attest report and will undergo a quality review within one year of 758
~~commencing such practices~~ the acceptance of such an engagement. 759

(5) Subject to the board's approval, for reasons of personal 760
health, military service, or other good cause, the public 761
accounting firm is entitled to an exemption. 762

~~(H)~~(K) In any civil action, arbitration, or administrative 763
proceeding involving a public accounting firm, all of the 764
following shall apply: 765

(1) The proceedings, records, and work papers of any 766
reviewer, including board members and review committee members, 767
involved in the quality review process are privileged and not 768
subject to discovery, subpoena, or other means of legal process 769
and may not be introduced into evidence. 770

(2) No reviewer, including board members and review committee 771
members, involved in the quality review process shall be permitted 772
or required to testify as to any matters produced, presented, 773
disclosed, or discussed during or in connection with the quality 774
review process; or be required to testify to any finding, 775
recommendation, evaluation, opinion, or other actions of such 776

committees, or their members. 777

(3) No privilege exists under this section for either of the 778
following: 779

(a) Information presented or considered in the quality review 780
process which was otherwise available to the public; 781

(b) Materials prepared in connection with a particular 782
engagement merely because they subsequently are presented or 783
considered as part of the quality review process. 784

~~(I)~~(L) If a quality review report indicates that a public 785
accounting firm complies with standards and practices set forth in 786
board guidelines, the board shall destroy all documents and 787
reports related to the quality review within thirty days after the 788
board completes its review of the report. If a quality review 789
report indicates that a public accounting firm does not comply 790
with such standards and practices, the board shall retain all 791
documents and reports related to the quality review until 792
completion of the next quality review. 793

Sec. 4701.06. The certificate of "certified public 794
accountant" shall be granted by the accountancy board to any 795
person: 796

(A) Who is a resident of this state or has a place of 797
business ~~therein~~ in this state or, as an employee, is regularly 798
employed ~~therein~~ in this state. The board may by rule determine 799
circumstances under which the residency requirement may be waived. 800

(B) Who has attained the age of eighteen years; 801

(C) Who is of good moral character; 802

(D) Who meets the requirements of education and experience as 803
provided in this division: 804

(1)(a) Prior to January 1, 2000, graduation with a 805

baccalaureate degree conferred by a college or university 806
recognized by the board, with a concentration in accounting that 807
includes related courses in other areas of business 808
administration, or what the board determines to be substantially 809
the equivalent of the foregoing; 810

(b) On and after January 1, 2000, graduation with a 811
baccalaureate or higher degree that includes successful completion 812
of one hundred fifty semester hours of undergraduate or graduate 813
education. The board ~~shall~~ by rule shall specify graduate degrees 814
that satisfy this requirement and ~~shall~~ also by rule require such 815
subjects as it considers appropriate. The total educational 816
program shall include an accounting concentration with related 817
courses in other areas of business administration, as defined by 818
board rule. 819

(2)(a) The experience requirement for candidates meeting the 820
educational requirements set forth in division (D)(1)(a) or (b) of 821
this section is two years of public accounting experience, 822
satisfactory to the board, in any state in practice, as a 823
certified public accountant or as a public accountant, or, in any 824
state in employment, as a staff accountant by anyone practicing 825
public accounting, or such experience in private or governmental 826
accounting as is, in the opinion of the board, the equivalent of 827
~~such that~~ that public accounting practice, or any combination of such 828
types of experience. 829

(b) The experience requirement is only one year of the 830
experience described in division (D)(2)(a) of this section for any 831
candidate holding a master's degree in accounting or business 832
administration from a college or university recognized by the 833
board, if ~~he~~ the person has satisfactorily completed ~~such the~~ 834
number of semester hours in graduate accounting and such related 835
subjects as the board determines to be appropriate. 836

(c) Except as provided in division (D)(2)(d) of this section, 837
the experience requirement for any candidate who, on and after 838
January 1, 2000, does not meet the educational requirement set 839
forth in division (D)(1)(b) of this section is four years of 840
experience described in division (D)(2)(a) of this section. The 841
experience requirement for any candidate who, prior to January 1, 842
2000, does not meet the educational requirement set forth in 843
division (D)(1)(a) of this section is two years of experience 844
described in division (D)(2)(a) of this section. 845

(d) On and after January 1, 2000, the experience requirement 846
for any candidate who, subsequent to obtaining a baccalaureate or 847
higher degree, other than a baccalaureate or higher degree 848
described in division (D)(1)(b) of this section, successfully 849
completes coursework that meets the educational requirement set 850
forth in division (D)(1)(b) of this section, is two years of 851
experience described in division (D)(2)(a) of this section. 852

(E) Who has passed a written examination in accounting and 853
auditing and in such related subjects as the board determines to 854
be appropriate. The board shall adopt rules, consistent with this 855
section, for these examinations and for application to take these 856
examinations. 857

None of the educational requirements specified in division 858
(D) of this section apply to a candidate who is registered as a 859
public accountant under section 4701.07 of the Revised Code, but 860
the experience requirement for ~~such the~~ candidate who does not 861
meet ~~such those~~ educational requirements is four years of the 862
experience described in division (D)(2)(a) of this section. 863

Prior to January 1, 2000, the board shall waive the 864
educational requirement set forth in division (D)(1)(a) of this 865
section for any candidate if it finds that the candidate has 866
attained the equivalent education by attendance at a business 867

school, by self-study, or otherwise, and if it is satisfied from 868
the results of special written examinations given the candidate by 869
the board to test ~~his~~ the candidate's educational qualifications 870
that ~~he~~ the candidate is as well equipped, educationally, as if ~~he~~ 871
the candidate met the applicable educational requirement specified 872
in division (D)(1)(a) of this section. 873

On and after January 1, 2000, the board shall waive the 874
educational requirement set forth in division (D)(1)(b) of this 875
section for any candidate if the board finds that the candidate 876
has obtained from an accredited college or university approved by 877
the board, either an associate degree or a baccalaureate degree, 878
other than a baccalaureate degree described in division (D)(1)(b) 879
of this section, with a concentration in accounting that includes 880
related courses in other areas of business administration, and if 881
the board is satisfied from the results of special written 882
examinations given the candidate by the board to test ~~his~~ the 883
candidate's educational qualification that the candidate is as 884
well equipped, educationally, as if ~~he~~ the candidate met the 885
applicable educational requirement specified in division (D)(1)(b) 886
of this section. 887

The board shall provide by rule for the general scope of any 888
special written examinations for a waiver of the educational 889
requirements under division (D)(1)(a) or (b) of this section, and 890
may obtain such advice and assistance as it considers appropriate 891
to assist it in preparing and grading ~~such~~ those special written 892
examinations. The board may use any existing examinations or may 893
prepare any number of new examinations to assist in determining 894
the equivalent training of a candidate. The board ~~shall~~ by rule 895
shall prescribe any special written examinations for a waiver of 896
the educational requirements under division (D)(1)(a) or (b) of 897
this section and the passing score required for each examination. 898

The examinations described in division (E) of this section 899

and the special written examinations for a waiver of the 900
educational requirements under division (D)(1)(a) or (b) of this 901
section shall be held by the board and shall take place as often 902
as the board determines to be desirable, but the examinations 903
described in division (E) of this section shall be held not less 904
frequently than once each year. The board may make ~~such~~ the use of 905
all or any part of the uniform certified public accountants' 906
examination and advisory grading service, or either, as it 907
considers appropriate to assist it in performing its duties 908
~~hereunder~~ under this section. The board may also contract with 909
qualified organizations for assistance in the administration of 910
any examinations. The board by rule may provide for granting 911
credit to a candidate for ~~his~~ satisfactory completion of a written 912
examination in one or more of the subjects specified in division 913
(E) of this section given by the licensing authority in any other 914
state. 915

A candidate who has met the educational requirements, or with 916
respect to whom they either do not apply or have been waived, is 917
eligible to take the examination specified in division (E) of this 918
section without waiting until ~~he~~ the candidate meets the 919
experience requirements, provided ~~he~~ the candidate also meets the 920
requirements of divisions (A) and (C) of this section. 921

A candidate for the certificate of certified public 922
accountant who has successfully completed the examination under 923
division (E) of this section has no status as a certified public 924
accountant, unless and until ~~he~~ the candidate has the requisite 925
experience and has received ~~his~~ A certificate as a certified 926
public accountant. The board shall determine and charge a fee for 927
issuing the certificate that is adequate to cover the expense. 928

The board ~~may~~ by rule may prescribe the terms and conditions 929
under which a candidate who passes the examination in one or more 930
of the subjects indicated in division (E) of this section may be 931

reexamined in only the remaining subjects, with credit for the 932
subjects previously passed. It ~~may~~ also may provide by rule for a 933
reasonable waiting period for a candidate's reexamination in a 934
subject ~~he~~ the candidate has failed. Subject to the foregoing and 935
~~such~~ any other rules ~~as~~ that the board may adopt governing 936
reexaminations, a candidate is entitled to any number of 937
reexaminations under division (E) of this section. No candidate 938
shall be required to be reexamined in all subjects unless a period 939
of four years has elapsed since the candidate initially earned 940
credit on the examination. 941

The applicable educational and experience requirements under 942
division (D) of this section shall be those in effect on the date 943
on which the candidate first sits for the examination. 944

The board shall charge such candidate a reasonable fee, to be 945
determined by the board, that is adequate to cover all rentals, 946
compensation for proctors, and other administrative expenses of 947
the board related to examination or reexamination, including the 948
expenses of procuring and grading the examination provided for in 949
division (E) of this section and for any special written 950
examinations for a waiver of the educational requirements under 951
division (D)(1)(a) or (b) of this section. Fees for reexamination 952
under division (E) of this section shall be charged by the board 953
in amounts determined by it. The applicable fees shall be paid by 954
the candidate at the time ~~he~~ the candidate applies for examination 955
or reexamination. 956

Any person who has received from the board a certificate as a 957
certified public accountant and who holds ~~a~~ an Ohio permit issued 958
under section 4701.10 of the Revised Code, which is in full force 959
and effect, shall be styled and known as a "certified public 960
accountant" and ~~may~~ also may use the abbreviation "CPA." The board 961
shall maintain a list of certified public accountants. Any 962
certified public accountant ~~may~~ also may be known as a "public 963

accountant." 964

Persons who, on the effective date of an amendment of this 965
section, held certified public accountant certificates theretofore 966
issued under the laws of this state shall not be required to 967
obtain additional certificates under this section, but shall 968
otherwise be subject to all provisions of this section; and ~~such~~ 969
those certificates ~~theretofore~~ issued ~~shall~~, for all purposes, 970
shall be considered certificates issued under this section and 971
subject to ~~the~~ its provisions hereof. 972

The board may waive the examination under division (E) of 973
this section, and upon payment of a fee determined by it may issue 974
a certificate as a "certified public accountant" to any person 975
possessing the qualifications specified in divisions (A), (B), and 976
(C) of this section and what the board determines to be 977
substantially the equivalent of the applicable qualifications 978
under division (D) of this section, who is the holder of a 979
certificate as a certified public accountant, then in full force 980
and effect, issued under the laws of any state, or is the holder 981
of a certificate, license, or degree in a foreign country 982
constituting a recognized qualification for the practice of public 983
accounting in such country, comparable to that of a certified 984
public accountant of this state, which is then in full force and 985
effect. 986

Sec. 4701.061. Notwithstanding anything to the contrary in 987
section 4701.06 of the Revised Code, the certificate of "certified 988
public accountant" shall be granted by the accountancy board to 989
any public accountant who meets all the following requirements: 990

(A) The public accountant applies to the board for the 991
certificate under this section; 992

(B) At the time of application and the time that the 993
certificate is granted, the public accountant holds ~~a live~~ an Ohio 994

permit issued under division (A) of section 4701.10 of the Revised Code; 995
996

(C) At the time of application, any public accounting firm 997
that employs the public accountant or in which the public 998
accountant has an interest is registered, and meets the applicable 999
quality review requirements of the board, under section 4701.04 of 1000
the Revised Code; 1001

(D) For not less than one hundred twenty months, the public 1002
accountant has held a an Ohio permit issued under division (A) of 1003
section 4701.10 of the Revised Code and has completed and reported 1004
to the board all applicable continuing education hours required by 1005
section 4701.11 of the Revised Code and the rules adopted pursuant 1006
thereto. 1007

Sec. 4701.07. The accountancy board shall register as a 1008
public accountant any person who meets all the following 1009
requirements: 1010

(A) Is a resident of this state, or has a place of business 1011
therein; 1012

(B) Has attained the age of eighteen years; 1013

(C) Is of good moral character; 1014

(D) Holds a baccalaureate or higher degree conferred by a 1015
college or university recognized by the board, with a 1016
concentration in accounting, or with what the board determines to 1017
be substantially the equivalent of the foregoing; or with a 1018
nonaccounting concentration supplemented by what the board 1019
determines to be substantially the equivalent of an accounting 1020
concentration, including related courses in other areas of 1021
business administration. 1022

The board may waive the educational requirement for any 1023
candidate if it finds that the candidate has attained the 1024

equivalent education by attendance at a business school or 1025
two-year college, by self-study, or otherwise, and if it is 1026
satisfied from the result of a special written examination given 1027
the candidate by the board to test ~~his~~ the candidate's educational 1028
qualifications that ~~he~~ the candidate is as well equipped, 1029
educationally, as if ~~he~~ the candidate met the applicable 1030
educational requirement specified in this division. The board may 1031
provide by rule for the general scope of ~~such~~ these examinations 1032
and may obtain such advice and assistance as it considers 1033
appropriate to assist it in preparing and grading ~~such~~ the special 1034
examinations. The board may use any existing examinations or may 1035
prepare any number of new examinations to assist it in determining 1036
the equivalent training of a candidate. The board ~~may~~ by rule may 1037
prescribe such examinations and the passing score required for 1038
each examination. 1039

(E) Has completed two years of public accounting experience, 1040
satisfactory to the board, in any state in practice as a public 1041
accountant, or in any state in employment, as a staff accountant 1042
by anyone practicing public accounting, or such experience in 1043
private or governmental accounting as ~~will~~, in the opinion of the 1044
board, will be the equivalent of such public accounting practice, 1045
or any combination of such types of experience, except that the 1046
experience requirement is only one year of the experience 1047
described in this division for any candidate holding a master's 1048
degree in accounting or business administration from a college or 1049
university recognized by the board, if ~~he~~ the candidate has 1050
satisfactorily completed ~~such~~ the number of credit hours in 1051
accounting, business administration, economics, and such related 1052
subjects as the board determines to be appropriate; and 1053

(1) Has passed the uniform national society of public 1054
accountants examination or a comparable examination approved by 1055
the public accountant members of the accountancy board; or 1056

(2) Has passed the accounting practice and auditing sections 1057
of the uniform CPA examination. 1058

The examination described in division (E)(1) of this section 1059
shall be held by the board and shall take place as often as the 1060
board determines, but shall not be held less frequently than once 1061
each year. The board shall charge a candidate an application fee, 1062
to be determined by the board, that is adequate to cover all 1063
rentals, compensation for proctors, and other expenses of the 1064
board related to examination or reexamination except the expenses 1065
of procuring and grading the examination. In addition, the board 1066
shall charge such candidate an examination fee to be determined by 1067
the board, that is adequate to cover the expense of procuring and 1068
grading the examination. Fees for reexamination under division (E) 1069
of this section ~~shall~~ also shall be charged by the board in 1070
amounts determined by it to be adequate to cover the expenses of 1071
procuring and grading the examinations. The applicable fees shall 1072
be paid by the candidate at the time ~~he~~ the candidate applies for 1073
examination or reexamination. 1074

(F) Applied, on or before ~~the effective date of this~~ 1075
~~amendment~~ April 16, 1993, for registration as a public accountant. 1076

The board shall determine and charge a fee for registration 1077
under this section that is adequate to cover the expense. 1078

The board ~~shall~~ in each case shall determine whether the 1079
applicant is eligible for registration. Any individual who is so 1080
registered and who holds a an Ohio permit issued under section 1081
4701.10 of the Revised Code shall be styled and known as a "public 1082
accountant" and may use the abbreviation "PA." 1083

A person who, on the effective date of an amendment of this 1084
section, holds a valid registration as a public accountant issued 1085
under the laws of this state shall not be required to obtain 1086
additional registration under this section, but shall otherwise be 1087

subject to all provisions of this section; and ~~such that~~ 1088
registration ~~shall~~, for all purposes, shall be considered a 1089
registration issued under this section and subject to ~~the its~~ 1090
provisions ~~hereof~~. 1091

Sec. 4701.10. (A) ~~Permits to practice public accounting shall~~ 1092
~~be issued by the~~ The accountancy board shall issue Ohio permits to 1093
practice public accounting to holders of the certificate of 1094
certified public accountant issued under section 4701.06 or 1095
4701.061 of the Revised Code and to persons registered under 1096
sections 4701.07 and 4701.09 of the Revised Code. Subject to 1097
division (D)(1) of this section, there shall be a triennial Ohio 1098
permit fee in an amount to be determined by the board not to 1099
exceed one hundred fifty dollars. All Ohio permits shall expire on 1100
the last day of December of the year assigned by the board and, 1101
subject to division (D)(1) of this section, shall be renewed 1102
triennially for a period of three years by certificate holders and 1103
registrants in good standing upon payment of a triennial renewal 1104
fee not to exceed one hundred fifty dollars. For the purpose of 1105
implementing this section and enforcing section 4701.11 of the 1106
Revised Code, the board may issue ~~a~~ an Ohio permit for less than 1107
three years' duration. A prorated fee shall be determined by the 1108
board for ~~such that~~ Ohio permit. Renewal of Ohio permits shall be 1109
according to the standard renewal procedure of sections 4745.01 to 1110
4745.03 of the Revised Code. Failure of any certificate holder or 1111
registrant to apply for a triennial Ohio permit to practice within 1112
three years from the expiration date of the Ohio permit to 1113
practice last obtained or renewed, or three years from the date 1114
upon which the certificate holder or registrant was granted ~~his~~ A 1115
certificate or registration, shall result in suspension of such 1116
certificate or registration unless the board determines such 1117
failure to have been due to excusable neglect. In ~~such that~~ case, 1118
the renewal fee or the fee for the issuance of the original Ohio 1119

permit, as the case may be, shall be such amount as the board 1120
shall determine, but not in excess of fifty dollars plus the fee 1121
for each triennial period or part of a period the certificate 1122
holder or registrant did not have a an Ohio permit. 1123

(B) All certificate holders and registrants who are not in 1124
the practice of public accounting in this state shall register 1125
with the board every three years at a fee, not to exceed 1126
fifty-five dollars, established by the board. Such persons shall 1127
not convey to the general public that they are actively engaged in 1128
the practice of public accounting in this state. 1129

(C) The board shall suspend the certificate or registration 1130
of any person failing to obtain a an Ohio permit in accordance 1131
with this section except that the board ~~may~~ by rule may exempt 1132
persons from the requirement of holding a an Ohio permit for such 1133
reasons as retirement, health reasons, military service, foreign 1134
residency, or other just cause. 1135

(D)(1) On and after January 1, 1995, the board ~~shall~~, by rule 1136
adopted in accordance with Chapter 119. of the Revised Code, shall 1137
increase the triennial Ohio permit and renewal fee imposed 1138
pursuant to this section by at least fifteen dollars but no more 1139
than thirty dollars. 1140

(2) Beginning with the first quarter of 1995 and each quarter 1141
thereafter, the board, for the purpose provided in section 4743.05 1142
of the Revised Code, shall certify to the director of budget and 1143
management the number of triennial Ohio permits renewed under this 1144
chapter during the preceding quarter and the amount equal to that 1145
number times the amount by which the triennial Ohio permit and 1146
renewal fee is increased by the board under division (D)(1) of 1147
this section. 1148

Sec. 4701.11. The accountancy board may adopt rules requiring 1149

that each applicant for the Ohio permit required by section 1150
4701.10 of the Revised Code shall have demonstrated to the 1151
satisfaction of the board that the applicant has maintained a high 1152
level of professional competence by the completion of programs of 1153
continuing education satisfactory to the board during the period 1154
immediately prior to the application for the permit or renewal. 1155
The board shall not require more than one hundred twenty hours of 1156
such programs over any three-year period for applicants possessing 1157
~~a live~~ an Ohio permit. For purposes of this section, the board 1158
shall not approve any continuing education courses for which fees 1159
are charged and which are sponsored by an accounting association 1160
in this state unless such courses are open to all persons 1161
registered or certified under this chapter and unless the fees 1162
charged are reasonable for all persons desiring to take the 1163
courses. 1164

The board may issue a an Ohio permit required by section 1165
4701.10 of the Revised Code for less than three years to any 1166
person who is unable to complete continuing education hours 1167
required for renewal of a triennial Ohio permit for good cause, as 1168
established by rule. ~~Such~~ The Ohio permit shall be conditioned 1169
upon the completion of all required continuing education hours 1170
during the period for which ~~such~~ the Ohio permit is issued. 1171

Sec. 4701.12. The display or uttering by a person of a card, 1172
sign, advertisement, or other printed, engraved, or written 1173
instrument or device, bearing a person's name in conjunction with 1174
the words "certified public accountant" or any abbreviation 1175
thereof, or "public accountant" or any abbreviation thereof shall 1176
be prima-facie evidence in any action brought under section 1177
4701.18 or section 4701.99 of the Revised Code, that the person 1178
whose name is so displayed caused or procured the display or 1179
uttering of ~~such~~ that card, sign, advertisement, or other printed, 1180

engraved, or written instrument or device, and that ~~such the~~ 1181
person is holding ~~himself self~~ out to be a certified public 1182
accountant or a public accountant holding a an Ohio permit to 1183
practice under section 4701.10 of the Revised Code. In any action, 1184
evidence of the commission of a single act prohibited by this 1185
section shall be sufficient to justify an injunction or a 1186
conviction without evidence of a general course of conduct. 1187

Sec. 4701.13. The accountancy board shall publish annually a 1188
printed register, which shall contain in separate lists the names 1189
and business addresses of all certified public accountants and 1190
public accountants holding ~~live~~ Ohio permits as of the date of 1191
preparation of the register. 1192

Sec. 4701.14. (A) ~~No person~~ Except as permitted by rules 1193
adopted by the accountancy board, no individual shall assume or 1194
use the title or designation "certified public accountant," 1195
"certified accountant," "chartered accountant," "enrolled 1196
accountant," "licensed accountant," "registered accountant," or 1197
any other title or designation likely to be confused with 1198
"certified public accountant," or abbreviation any of the 1199
abbreviations "CPA," "PA," "CA," "EA," "LA," or "RA," or similar 1200
abbreviations likely to be confused with "CPA," or any other 1201
title, designation, words, letters, abbreviation, sign, card, or 1202
device tending to indicate that the ~~person~~ individual is a 1203
certified public accountant, unless the ~~person has received~~ 1204
individual holds a CPA certificate as a ~~certified public~~ 1205
~~accountant under section 4701.06 or 4701.061 of the Revised Code~~ 1206
and holds a ~~live~~ an Ohio permit ~~issued under section 4701.10 of~~ 1207
~~the Revised Code; provided that a foreign accountant who.~~ However, 1208
an individual who possesses a foreign CPA certificate, has 1209
registered under section 4701.09 of the Revised Code, and holds a 1210

~~live an Ohio permit issued under section 4701.10 of the Revised Code may use the title permitted under which he is generally known in his country the laws of the individual's other licensing jurisdiction, followed by the name of the country from which he received his certificate, license, or degree jurisdiction.~~

~~(B) No partnership shall assume or use the title or designation "certified public accountant" or abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, eard, or device tending to indicate that the partnership is composed of certified public accountants unless it meets all of the following requirements:~~

~~(1) At least one general partner of the partnership is a certified public accountant of this state in good standing.~~

~~(2) Each partner who is personally engaged within this state in the practice of public accounting as a member of the partnership is a certified public accountant of this state in good standing.~~

~~(3) Each partner of the partnership is a certified public accountant of some state in good standing.~~

~~(4) Each resident manager in charge of an office of the firm in this state is a certified public accountant of this state in good standing.~~

~~(C) No person Except as permitted by rules adopted by the board, no individual shall assume or use the title or designation "public accountant," ~~or~~ "certified public accountant," "certified accountant," "chartered accountant," "enrolled accountant," "registered accountant," or "licensed accountant," or any other title or designation likely to be confused with "public accountant," or any of the abbreviations "PA," "CPA," "CA," "EA,"~~

"LA," or "RA," or similar abbreviations likely to be confused with 1241
"PA," or any other title, designation, words, letters, 1242
abbreviation, sign, card, or device tending to indicate that the 1243
~~person individual~~ is a public accountant, unless the ~~person is~~ 1244
~~registered as a public accountant under section 4701.07 of the~~ 1245
~~Revised Code and individual holds a PA registration and holds a~~ 1246
~~live an Ohio permit issued under section 4701.10 of the Revised~~ 1247
~~Code, or unless the person has received a individual holds a CPA~~ 1248
~~certificate as a certified public accountant under section 4701.06~~ 1249
~~or 4701.061 of the Revised Code or holds a live permit issued~~ 1250
~~under section 4701.10 of the Revised Code. An individual who holds~~ 1251
~~a PA registration and an Ohio permit may hold self out to the~~ 1252
~~public as an "accountant" or "auditor."~~ 1253

~~(D) No partnership shall assume or use the title or~~ 1254
~~designation "public accountant" or abbreviation "PA" or any other~~ 1255
~~title, designation, words, letters, abbreviation, sign, card, or~~ 1256
~~device tending to indicate that the partnership is composed of~~ 1257
~~public accountants, unless all of the following apply:~~ 1258

~~(1) At least one general partner of the partnership is a~~ 1259
~~certified public accountant or a public accountant of this state~~ 1260
~~in good standing.~~ 1261

~~(2) Each partner who is personally engaged within this state~~ 1262
~~in the practice of public accounting as a member of the~~ 1263
~~partnership is a certified public accountant or a public~~ 1264
~~accountant of this state in good standing.~~ 1265

~~(3) Each resident manager in charge of an office of a firm in~~ 1266
~~this state is a certified public accountant or a public accountant~~ 1267
~~of this state in good standing.~~ 1268

~~(E) No person or partnership shall assume or use the title or~~ 1269
~~designation "certified accountant," "chartered accountant,"~~ 1270
~~"enrolled accountant," "licensed accountant," "registered~~ 1271

accountant," or any other title or designation likely to be 1272
confused with "certified public accountant" or "public 1273
accountant," or any of the abbreviations "CA," "EA," "RA," or "LA" 1274
or similar abbreviations likely to be confused with "CPA" or "PA"; 1275
provided that anyone who holds a live permit issued under section 1276
4701.10 of the Revised Code may hold himself out to the public as 1277
an "accountant" or "auditor"; and provided that a foreign 1278
accountant who has registered under section 4701.09 of the Revised 1279
Code and holds a live permit issued under section 4701.10 of the 1280
Revised Code may use the title under which he is generally known 1281
in his country, followed by the name of the country from which he 1282
received his certificate, license, or degree. 1283

~~(F) No~~ (C) Except as provided in divisions (C)(1), (2), (3), 1284
and (4) of this section, no partnership, professional association, 1285
corporation-for-profit, limited liability company, or other legal 1286
entity business organization not addressed in another division of 1287
this section that is practicing public accounting in this state 1288
shall assume or use the title or designation "certified public 1289
accountant," or "public accountant," and no professional 1290
association, corporation for profit, limited liability company, or 1291
other legal entity not addressed in another division of this 1292
section shall assume or use the title or designation "certified 1293
accountant," "chartered accountant," "enrolled accountant," 1294
"licensed accountant," "registered accountant," or any other title 1295
or designation likely to be confused with "certified public 1296
accountant" or "public accountant," or any of the abbreviations 1297
"CPA," "PA," "CA," "EA," "RA," or "LA," or similar abbreviations 1298
likely to be confused with "CPA" or "PA," except that a or any 1299
other title, designation, words, letters, abbreviation, sign, 1300
card, or device tending to indicate that the entity is a public 1301
accounting firm. 1302

(1)(a) A partnership may assume or use the title or 1303

designation "certified public accountant," the abbreviation "CPA," 1304
or any other title, designation, words, letters, abbreviation, 1305
sign, card, or device tending to indicate that the partnership is 1306
composed of certified public accountants if it is a registered 1307
firm and a majority of its partners who are individuals hold a CPA 1308
certificate or a foreign certificate, and a majority of the owners 1309
of any qualified firm that is a partner hold a CPA certificate or 1310
a foreign certificate. 1311

(b) A partnership may assume or use the title or designation 1312
"public accountant," the abbreviation "PA," or any other title, 1313
designation, words, letters, abbreviation, sign, card, or device 1314
tending to indicate that the partnership is composed of public 1315
accountants if it is a registered firm and a majority of its 1316
partners who are individuals hold a PA registration, a CPA 1317
certificate, or a foreign certificate, and a majority of the 1318
owners of any qualified firm that is a partner hold a PA 1319
registration, a CPA certificate, or a foreign certificate. 1320

(2)(a) ~~A professional association organized for the practice~~ 1321
~~of public accounting and incorporated under Chapter 1785. of the~~ 1322
Revised Code may assume or use the title or designation "certified 1323
public accountant," ~~if all of its shareholders are certified~~ 1324
~~public accountants in good standing under the law of this state or~~ 1325
~~another state or may assume or use the title "public accountant"~~ 1326
~~if all of its shareholders are public accountants in good standing~~ 1327
~~under this chapter or its shareholders consist of certified public~~ 1328
~~accountants and public accountants in good standing under this~~ 1329
~~chapter, except that a~~ the abbreviation "CPA," or any other title, 1330
designation, words, letters, abbreviation, sign, card, or device 1331
tending to indicate that the professional association is composed 1332
of certified public accountants, if it is a registered firm and a 1333
majority of its shareholders who are individuals hold a CPA 1334
certificate or a foreign certificate, and a majority of the owners 1335

of any qualified firm that is a shareholder hold a CPA certificate 1336
or a foreign certificate. 1337

(b) A professional association incorporated under Chapter 1338
1785. of the Revised Code may assume or use the title or 1339
designation "public accountant," the abbreviation "PA," or any 1340
other title, designation, words, letters, abbreviation, sign, 1341
card, or device tending to indicate that the professional 1342
association is composed of public accountants if it is a 1343
registered firm and a majority of its shareholders who are 1344
individuals hold a PA registration, a CPA certificate, or a 1345
foreign certificate, and a majority of the owners of any qualified 1346
firm that is a shareholder hold a PA registration, a CPA 1347
certificate, or a foreign certificate. 1348

(3)(a) ~~A corporation-for-profit organized for the practice of~~ 1349
~~public accounting and~~ incorporated under Chapter 1701. of the 1350
Revised Code may assume or use the title or designation "certified 1351
public accountant," ~~if all of its shareholders are certified~~ 1352
~~public accountants in good standing under the law of this state or~~ 1353
~~another state or may assume or use the title "public accountant"~~ 1354
~~if all of its shareholders are public accountants in good standing~~ 1355
~~under this chapter or its shareholders consist of certified public~~ 1356
~~accountants and public accountants in good standing under this~~ 1357
~~chapter, and except that a~~ the abbreviation "CPA," or any other 1358
title, designation, words, letters, abbreviation, sign, card, or 1359
device tending to indicate that the corporation is composed of 1360
certified public accountants if it is a registered firm and a 1361
majority of its shareholders who are individuals hold a CPA 1362
certificate or a foreign certificate, and a majority of the owners 1363
of any qualified firm that is a shareholder hold a CPA certificate 1364
or a foreign certificate. 1365

(b) A corporation incorporated under Chapter 1701. of the 1366
Revised Code may assume or use the title or designation "public 1367

accountant," the abbreviation "PA," or any other title, 1368
designation, words, letters, abbreviation, sign, card, or device 1369
tending to indicate that the corporation is composed of public 1370
accountants if it is a registered firm and a majority of the 1371
shareholders who are individuals hold a PA registration, a CPA 1372
certificate, or a foreign certificate, and a majority of the 1373
owners of any qualified firm that is a shareholder hold a PA 1374
registration, a CPA certificate, or a foreign certificate. 1375

(4)(a) ~~A limited liability company formed organized under~~ 1376
~~Chapter 1705. of the Revised Code for the purpose of rendering~~ 1377
~~public accounting services may assume and or use the title or~~ 1378
~~designation "certified public accountant," if each member of the~~ 1379
~~company and, if the management of the company is not reserved to~~ 1380
~~its members, each manager of the company is a certified public~~ 1381
~~accountant in good standing under the law of this state or another~~ 1382
~~state or may assume and use the title "public accountant" if each~~ 1383
~~member of the company and, if the management of the company is not~~ 1384
~~reserved to its members, each manager of the company is a public~~ 1385
~~accountant in good standing under this chapter or those members~~ 1386
~~and, if applicable, managers are either a certified public~~ 1387
~~accountant or a public accountant in good standing under this~~ 1388
~~chapter the abbreviation "CPA," or any other title, designation,~~ 1389
~~words, letters, abbreviation, sign, card, or device tending to~~ 1390
~~indicate that the limited liability company is composed of~~ 1391
~~certified public accountants if it is a registered firm and a~~ 1392
~~majority of its members who are individuals hold a CPA certificate~~ 1393
~~or a foreign certificate, and a majority of the owners of any~~ 1394
~~qualified firm that is a member hold a CPA certificate or a~~ 1395
~~foreign certificate.~~ 1396

(b) A limited liability company organized under Chapter 1705. 1397
of the Revised Code may assume or use the title or designation 1398
"public accountant," the abbreviation "PA," or any other title, 1399

designation, words, letters, abbreviation, sign, card, or device 1400
tending to indicate that the limited liability company is composed 1401
of public accountants if it is a registered firm and a majority of 1402
the members who are individuals hold a PA registration, CPA 1403
certificate, or a foreign certificate, and a majority of the 1404
owners of any qualified firm that is a member hold a PA 1405
registration, a CPA certificate, or a foreign certificate. 1406

~~(G)(D)~~ No ~~person~~ individual shall sign, affix, or associate 1407
~~his~~ the individual's name or any trade or assumed name used by ~~him~~ 1408
the individual in ~~his~~ the individual's profession or business to 1409
~~any opinion, review report, compilation report, examination~~ 1410
~~report, or agreed upon procedures report on a financial statement~~ 1411
attest report with any wording indicating that ~~he~~ the individual 1412
is an accountant or auditor, or with any wording accompanying or 1413
contained in the ~~opinion or attest~~ report that indicates that ~~he~~ 1414
the individual has expert knowledge in accounting or auditing or 1415
expert knowledge regarding compliance with conditions established 1416
by law or contract, including, but not limited to, statutes, 1417
ordinances, regulations, grants, loans, and appropriations, unless 1418
~~he~~ the individual holds a ~~live~~ an Ohio permit ~~issued under section~~ 1419
~~4701.10 of the Revised Code; provided that. However,~~ this division 1420
does not prohibit any officer, employee, partner, or principal of 1421
any organization from affixing ~~his~~ the officer's, employee's, 1422
partner's, or principal's signature to any statement or report in 1423
reference to the financial affairs of that organization with any 1424
wording designating the position, title, or office that ~~he~~ the 1425
individual holds in that organization; ~~and provided that this.~~ 1426
This division also does not prohibit any act of a public official 1427
or public employee in the performance of ~~his~~ the public official's 1428
or public employee's duties. 1429

~~(H)(E)~~ No person shall sign, affix, or associate the name of 1430
a partnership, limited liability company, professional 1431

association, corporation-for-profit, or other ~~legal entity~~ 1432
business organization not addressed in another division of this 1433
section to any ~~opinion, review report, compilation report,~~ 1434
~~examination report, or agreed upon procedures report on a~~ 1435
~~financial statement~~ attest report with any wording accompanying or 1436
contained in the ~~opinion or~~ attest report that indicates that the 1437
partnership, limited liability company, professional association, 1438
corporation-for-profit, or other ~~legal entity~~ business 1439
organization is composed of or employs accountants or auditors or 1440
persons having expert knowledge in accounting or auditing or 1441
expert knowledge regarding compliance with conditions established 1442
by law or contract, including, but not limited to, statutes, 1443
ordinances, regulations, grants, loans, and appropriations, unless 1444
the partnership ~~is entitled to designate itself as a partnership~~ 1445
~~of certified public accountants under division (B) of this section~~ 1446
~~or as a partnership of public accountants under division (D) of~~ 1447
~~this section and, if it is required to be registered, is~~ 1448
~~registered under section 4701.04 of the Revised Code or unless~~ 1449
~~the~~ limited liability company, professional association, or 1450
corporation-for-profit ~~is entitled to designate itself as a~~ 1451
~~limited liability company, professional association, or~~ 1452
~~corporation for profit of certified public accountants or public~~ 1453
~~accountants under division (F) of this section and, if it is~~ 1454
~~required to be registered, or~~ other business organization is a 1455
~~registered under section 4701.04 of the Revised Code~~ firm. 1456

~~(I)(F)~~ No ~~person~~ individual not holding a ~~live~~ an Ohio permit 1457
~~under section 4701.10 of the Revised Code shall hold himself~~ self 1458
out to the public as an "accountant" or "auditor" by use of either 1459
or both of those words on any sign, card, or letterhead, in any 1460
advertisement or directory, or otherwise, without indicating 1461
thereon or therein that the person does not hold a ~~live~~ an Ohio 1462
~~permit; provided that. An individual who holds a CPA certificate~~ 1463
and an Ohio permit may hold self out to the public as an 1464

"accountant" or "auditor." However, this division does not 1465
prohibit any officer, employee, partner, or principal of any 1466
organization from describing ~~himself~~ self by the position, title, 1467
or office ~~he~~ the person holds in that organization; ~~and provided~~ 1468
~~that this.~~ This division also does not prohibit any act of a 1469
public official or public employee in the performance of ~~his~~ the 1470
public official's or public employee's duties. 1471

~~(J)(G)~~ No partnership ~~that is not entitled to designate~~ 1473
~~itself as a partnership of certified public accountants under~~ 1474
~~division (B) of this section or as a partnership of public~~ 1475
~~accountants under division (D) of this section, and no limited~~ 1476
~~liability company, professional association,~~ 1477
corporation-for-profit, limited liability company, or other ~~legal~~ 1478
~~entity~~ business organization not addressed in ~~another division of~~ 1479
this section that is not entitled to assume or use the title 1480
"certified public accountant" or "public accountant" under 1481
division ~~(F)~~ (C) of this section, shall hold itself out to the 1482
public as a ~~firm, partnership, limited liability company,~~ 1483
professional association, corporation-for-profit, limited 1484
liability company, or other ~~legal entity~~ business organization not 1485
addressed in ~~another division of~~ this section ~~of~~ as being composed 1486
of or employing "accountants" or "auditors" by use of either or 1487
both of those words on any sign, card, or letterhead, in any 1488
advertisement or directory, or otherwise, without indicating 1489
thereon or therein that the partnership, ~~limited liability~~ 1490
~~company,~~ professional association, corporation-for-profit, limited 1491
liability company, or other ~~legal entity~~ business organization is 1492
not a registered firm and is not permitted by law to practice as a 1493
~~partnership, limited liability company, professional association,~~ 1494
~~corporation for profit, or other legal entity of public~~ 1495
~~accountants~~ public accounting firm. 1496

~~(K)~~(H) No person shall assume or use the title or designation 1497
"certified public accountant" or "public accountant" in 1498
conjunction with names indicating or implying that there is a 1499
partnership or in conjunction with the designation "and Company" 1500
or "and Co" or a similar designation if, in any such case, there 1501
is in fact no bona fide partnership entitled to designate itself 1502
as a partnership of certified public accountants under division 1503
~~(B)~~(C)(1)(a) of this section or as a partnership of public 1504
accountants under division ~~(D)~~(C)(1)(b) of this section; ~~provided~~ 1505
~~that. However,~~ a sole proprietor or partnership that was on 1506
October 22, 1959, or a corporation that on or after September 30, 1507
1974, has been, lawfully using a title or designation of those 1508
types in conjunction with names or designations of those types, 1509
may continue to do so if ~~he or it~~ the sole proprietor, 1510
partnership, or corporation otherwise complies with this section. 1511

Sec. 4701.16. (A) After notice and hearing as provided in 1512
Chapter 119. of the Revised Code, the accountancy board may 1513
discipline a ~~registrant or certificate holder~~ person holding an 1514
Ohio permit, an Ohio registration, a firm registration, a CPA 1515
certificate, a PA registration, or any other person whose 1516
activities are regulated by the board as specified in division (B) 1517
of this section for any one or any combination of the following 1518
causes: 1519

(1) Fraud or deceit in ~~registering as a public accounting~~ 1520
obtaining a firm registration, in obtaining a CPA certificate ~~as a~~ 1521
~~certified public accountant, or in obtaining a permit to practice~~ 1522
~~accounting pursuant to sections 4701.02 to 4701.19 of the Revised~~ 1523
~~Code, a PA certificate, an Ohio permit, or an Ohio registration;~~ 1524

(2) Dishonesty, fraud, or gross negligence in the practice of 1525
public accounting; 1526

(3) Violation of any of the provisions of section 4701.14 of 1527

the Revised Code;	1528
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by sections 4701.02 to 4701.22 of the Revised Code;	1529 1530 1531
(5) Conviction of a felony under the laws of any state or of the United States;	1532 1533
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	1534 1535 1536
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in such other state;	1537 1538 1539 1540 1541
(8) Suspension or revocation of the right to practice before any state or federal agency;	1542 1543
(9) Failure of a certified public accountant or public accountant <u>holder of a CPA certificate or PA certificate</u> to obtain the an Ohio permit required by section 4701.10 of the Revised Code or an Ohio registration, or the failure of a public accounting firm to register with the board pursuant to section 4701.04 of the Revised Code <u>obtain a firm registration;</u>	1544 1545 1546 1547 1548 1549
(10) Conduct discreditable to the public accounting profession;	1550 1551
(11) <u>Failure of a public accounting firm to comply with section 4701.04 Of the Revised Code.</u>	1552 1553
(B) For any of the reasons specified in division (A) of this section, the board may:	1554 1555
(1) Revoke or, <u>suspend, or refuse to renew</u> any CPA certificate issued under section 4701.06 or 4701.061 of the	1556 1557

~~Revised Code or PA certificate or any registration granted under~~ 1558
~~section 4701.04 or 4701.07 of the Revised Code Ohio permit, Ohio~~ 1559
~~registration, or firm registration;~~ 1560

(2) ~~Revoke, suspend, or refuse to renew any permit issued~~ 1561
~~under section 4701.10 of the Revised Code disqualify a person who~~ 1562
~~is not a holder of an Ohio permit or a holder of a foreign permit~~ 1563
~~from owning an equity interest in a public accounting firm or~~ 1564
~~qualified firm;~~ 1565

(3) Publicly censure a ~~registrant~~ registered firm or holder 1566
of a CPA certificate, a PA certificate, an Ohio permit, or an Ohio 1567
registration; 1568

(4) Levy against a registered firm or a holder of a CPA 1569
certificate, a PA certificate, an Ohio permit, or an Ohio 1570
registration a penalty or fine not to exceed one thousand dollars 1571
for each offense. Any fine shall be reasonable and in relation to 1572
the severity of the offense. 1573

(5) In the case of violations of division (A)(2) or (4) of 1574
this section, require completion of remedial continuing education 1575
programs prescribed by the board in addition to those required by 1576
section 4701.11 of the Revised Code; 1577

(6) In the case of violations of division (A)(2) or (4) of 1578
this section, require the holder of a CPA certificate ~~holder or~~ 1579
~~registrant, PA registration, or firm registration~~ to submit to a 1580
quality review by a professional committee designated by the 1581
board, which committee shall report to the board concerning ~~the~~ 1582
~~certificate holder's or registrant's~~ that person's compliance with 1583
generally accepted accounting principles ~~or,~~ generally accepted 1584
auditing standards, or other generally accepted technical 1585
standards; 1586

(7) In the case of a violation of division (A)(11) of this 1587
section, suspend, revoke, or refuse to renew the firm registration 1588

of a public accounting firm. 1589

(C) Where the board levies a fine against or suspends the 1590
certificate of a person or registration of a person or firm for a 1591
violation of division (A)(2) or (4) of this section, it may waive 1592
all or any portion of the fine or suspension where the holder of 1593
the CPA certificate holder or registrant, PA registration, or firm 1594
registration complies fully with division (B)(5) or (6) of this 1595
section. 1596

Sec. 4701.29. (A) the accountancy board may investigate 1597
whether a person has violated any provision of this chapter or 1598
rule adopted under it before commencing a DISCIPLINARY proceeding 1599
pursuant to section 4701.16 of the Revised Code or taking legal 1600
action pursuant to section 4701.18 of the Revised Code. an 1601
INVESTIGATION under this section is NOT SUBJECT TO CHAPTER 119. OF 1602
THE REVISED CODE. 1603

the board may appoint a committee of board members or staff 1604
employed by the board to conduct an investigation. notwithstanding 1605
any statute or rule to the CONTRARY, a BOARD member who 1606
participates in an investigation may participate actively in any 1607
hearing or proceeding to the same extent as a board member WHO DID 1608
NOT PARTICIPATE IN THE INVESTIGATION. 1609

(B) during an INVESTIGATION, THE BOARD MAY ADMINISTER OATHS, 1610
ORDER THE TAKING OF DEPOSITIONS, ISSUE SUBPOENAS, COMPEL THE 1611
ATTENDANCE AND TESTIMONY OF A PERSON AT a DEPOSITION, AND COMPEL 1612
THE PRODUCTION OF ANY FORM OF DOCUMENTARY EVIDENCE OR RECORD. 1613
SUBPOENAS AND ORDERS TO COMPEL UNDER THIS section MAY BE SERVED BY 1614
A DESIGNEE OF THE BOARD OR By CERTIFIED MAIL TO THE RESIDENCE OR 1615
PLACE OF BUSINESS OF THE PERSON, FIRM, CORPORATION, PARTNERSHIP, 1616
SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, OR OTHER ENTITY 1617
NAMED IN THE SUBPOENA OR ORDER. 1618

(C)(1) any WITNESS WHO APPEARS IN RESPONSE TO A SUBPOENA OF 1619

THE BOARD may request, and SHALL RECEIVE WITHIN A REASONABLE TIME 1620
AFTER MAKING THE REQUEST, THE FEES AND MILEAGE PROVIDED FOR 1621
WITNESSES IN CIVIL CASES IN THE COURTS OF COMMON PLEAS IN THIS 1622
STATE. 1623

(2) If a person fails to comply WITH A SUBPOENA OR ORDER 1624
ISSUED BY THE BOARD UNDER THIS section, THE BOARD MAY PETITION THE 1625
FRANKLIN COUNTY COURT OF COMMON PLEAS for AN ORDER COMPELLING 1626
COMPLIANCE WITH THE BOARD'S SUBPOENA OR ORDER. UPON APPLICATION BY 1627
THE BOARD AND UPON EVIDENCE OF THE person's FAILURE TO COMPLY, THE 1628
COURT SHALL COMPEL THE appearance of the PERSONS OR the production 1629
of the DOCUMENTS named in the board's subpoena or order IN 1630
ACCORDANCE WITH THE RULES OF CIVIL PROCEDURE. the court also MAY 1631
ISSUE any CONTEMPT CITATION AND SANCTION THE COURT DEEMS 1632
APPROPRIATE. 1633

(D) THE INVESTIGATIVE PROCEEDINGS OF THE BOARD UNDER THIS 1634
SECTION ARE NOT A PUBLIC RECORD, ARE CONFIDENTIAL, AND ARE NOT 1635
SUBJECT TO DISCOVERY IN ANY CIVIL OR ADMINISTRATIVE ACTION. 1636

Section 2. That existing sections 1111.01, 2925.01, 4701.01, 1637
4701.04, 4701.06, 4701.061, 4701.07, 4701.10, 4701.11, 4701.12, 1638
4701.13, 4701.14, and 4701.16 of the Revised Code are hereby 1639
repealed. 1640

Section 3. Section 2925.01 of the Revised Code is presented 1641
in this act as a composite of the section as amended by Am. Sub. 1642
S.B. 143, Am. Sub. S.B. 269, Sub. S.B. 223, and Sub. H.B. 125 of 1643
the 121st General Assembly, with the new language of none of the 1644
acts shown in capital letters. Section 4701.16 of the Revised Code 1645
is presented in this act as a composite of the section as amended 1646
by both Am. Sub. S.B. 165 and Am. S.B. 316 of the 119th General 1647
Assembly, with the new language of neither of the acts shown in 1648
capital letters. This is in recognition of the principle stated in 1649
division (B) of section 1.52 of the Revised Code that such 1650

amendments are to be harmonized where not substantively	1651
irreconcilable and constitutes a legislative finding that such is	1652
the resulting version in effect prior to the effective date of	1653
this act.	1654