

FIRST REGULAR SESSION

# HOUSE BILL NO. 245

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TREADWAY.

Read 1<sup>st</sup> time January 3, 2001, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0959L.011

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### AN ACT

To repeal sections 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210 and 326.230, RSMo 2000, relating to accountants, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 326.011, 326.012, 326.021, 326.022, 326.040, 326.050, 326.055, 2 326.060, 326.100, 326.110, 326.120, 326.121, 326.125, 326.130, 326.131, 326.133, 326.134, 3 326.151, 326.160, 326.170, 326.180, 326.190, 326.200, 326.210 and 326.230, RSMo 2000, are 4 repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 326.003, 5 326.006, 326.009, 326.014, 326.015, 326.018, 326.023, 326.024, 326.027, 326.031, 326.033, 6 326.036, 326.039, 326.042, 326.045, 326.048, 326.051, 326.054, 326.057, 326.061, 326.063, 7 326.066, 326.069, 326.072, 326.078, 326.081, 326.084, 326.087 and 326.091, to read as follows:

**326.003. This chapter may be cited as the "Missouri Accountancy Act".**

**326.006. It is the policy of this state, and the purpose of this chapter, to promote the 2 reliability of information that is used for guidance in financial transactions or for 3 accounting for or assessing the financial status or performance of commercial, 4 noncommercial and governmental enterprises. The protection of the public interest 5 requires that persons professing special competence in accountancy or offering assurance 6 as to the reliability or fairness of presentation of such information shall have demonstrated 7 their qualifications to do so, and that persons who have not demonstrated and maintained**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 such qualifications not be permitted to represent themselves as having such special  
9 competence or to offer such assurance; that the conduct of persons licensed as having  
10 special competence in accountancy be regulated in all aspects of their professional work;  
11 that a public authority competent to prescribe and assess the qualifications and to regulate  
12 the conduct of licensees be established; and that the use of titles that have a capacity or  
13 tendency to deceive the public as to the status or competence of the persons using such  
14 titles be prohibited.

326.009. When used in this chapter, the following terms have the meanings  
2 indicated:

3 (1) "AICPA", the American Institute of Certified Public Accountants;

4 (2) "AICPA/NASBA Uniform Accountancy Act", the model bill developed jointly  
5 by the AICPA and the National Association of State Boards of Accountancy;

6 (3) "Attest", providing the following financial statement services:

7 (a) Any audit or other engagement to be performed in accordance with the  
8 Statements on Auditing Standards (SAS);

9 (b) Any examination of prospective financial information to be performed in  
10 accordance with the Statements on Standards for Attestation Engagements (SSAE). The  
11 statements on standards specified in this definition shall be adopted by reference by the  
12 board pursuant to rulemaking and shall be those developed for general application the  
13 AICPA or other recognized national accountancy organization as prescribed by board  
14 rule;

15 (4) "Board", the Missouri board of accountancy established pursuant to section  
16 326.014 or its predecessor pursuant to prior law;

17 (5) "Certificate", a certificate as a "certified public accountant" issued pursuant  
18 to section 326.018 or corresponding provisions of prior law, or a corresponding certificate  
19 as a certified public accountant issued after examination pursuant to the law of any other  
20 state;

21 (6) "Client", a person or entity that agrees with a licensee or licensee's employer  
22 to receive any professional service;

23 (7) "Compilation", providing a service to be performed in accordance with  
24 Statements on Standards for Accounting and Review Services (SSARS) that is presenting  
25 in the form of financial statements information that is the representation of management  
26 (owners) without undertaking to express any assurance on the statements;

27 (8) "CPA firm", a sole proprietorship, a corporation, a partnership or any other  
28 form of organization issued a permit pursuant to section 326.023;

29 (9) "License", a certificate issued pursuant to section 326.018, a permit issued

- 30 pursuant to section 326.023 or a registration pursuant to section 326.024; or, in each case,  
31 a certificate or permit issued pursuant to corresponding provisions of prior law;
- 32 (10) "Licensee", the holder of a license as defined in this section;
- 33 (11) "Manager", a manager of a limited liability company;
- 34 (12) "Member", a member of a limited liability company;
- 35 (13) "NASBA", the National Association of State Boards of Accountancy;
- 36 (14) "Peer review", a study, appraisal or review of one or more aspects of the  
37 professional work of a certificate holder or certified public accountant firm that performs  
38 attest, review or compilation services, by a person or persons who hold certificates and who  
39 are not affiliated with the certificate holder or certified public accountant firm being  
40 reviewed;
- 41 (15) "Permit", a permit to practice as a certified public accountant firm issued  
42 pursuant to section 326.023 or corresponding provisions of prior law or pursuant to  
43 corresponding provisions of the laws of other states;
- 44 (16) "Professional", arising out of or related to the specialized knowledge or skills  
45 associated with certified public accountants;
- 46 (17) "Report", when used with reference to financial statements, means an opinion,  
47 report, or other form of language that states or implies assurance as to the reliability of any  
48 financial statements and that also includes or is accompanied by any statement or  
49 implication that the person or firm issuing it has special knowledge or competence in  
50 accounting or auditing. Such a statement or implication of special knowledge or  
51 competence may arise from use by the issuer of the report of names or titles indicating that  
52 the person or firm is an accountant or auditor, or from the language of the report itself.  
53 The term "report" includes any form of language which disclaims an opinion when such  
54 form of language is conventionally understood to imply any positive assurance as to the  
55 reliability of the financial statements referred to or special competence on the part of the  
56 person or firm issuing such language or both; and it includes any other form of language  
57 that is conventionally understood to imply such assurance or such special knowledge or  
58 competence or both;
- 59 (18) "Review", providing a service to be performed in accordance with Statements  
60 on Standards for Accounting and Review Services (SSARS) that is performing inquiry and  
61 analytical procedures that provide the accountant with a reasonable basis for expressing  
62 limited assurance that there are no material modifications that should be made to the  
63 statements in order for them to be in conformity with generally accepted accounting  
64 principles or if applicable, with another comprehensive basis of accounting;
- 65 (19) "State", any state of the United States, the District of Columbia, Puerto Rico,

66 the U.S. Virgin Islands and Guam; except that "this state" means the state of Missouri;  
67 (20) "Substantial equivalency", a determination by the board of accountancy or  
68 its designee that the education, examination and experience requirements contained in the  
69 statutes and administrative rules of another jurisdiction are comparable to or exceed the  
70 education, examination and experience requirements contained in this chapter or that an  
71 individual certified public accountant's education, examination and experience  
72 qualifications are comparable to or exceed the education, examination and experience  
73 requirements contained in this chapter;

74 (21) "Transmittal", any transmission of information in any form, including but not  
75 limited to any and all documents, records, minutes, computer files, disks or information.

326.014. 1. The "Missouri State Board of Accountancy" shall consist of seven  
2 members, one of whom shall be a voting public member, appointed by the governor, with  
3 the advice and consent of the senate, and shall have the functions, powers and duties  
4 prescribed in this chapter.

5 2. Each member of the board, except the public member, shall be the holder of a  
6 certificate as a certified public accountant, issued pursuant to the laws of this state, and  
7 shall at the time of his or her appointment be a citizen of the United States and a resident  
8 of this state for a period of at least one year, and have practiced continuously as and under  
9 the designation of a certified public accountant, or as a public accountant, for a period of  
10 at least five years immediately preceding his or her appointment. The public member shall  
11 be at the time of his or her appointment a citizen of the United States; a resident of this  
12 state for a period of one year and a registered voter; a person who is not and never was a  
13 member of any profession licensed or regulated pursuant to this chapter or the spouse of  
14 such person; and a person who does not have and never has had a material, financial  
15 interest in either the providing of the professional services regulated by this chapter, or an  
16 activity or organization directly related to any profession licensed or regulated pursuant  
17 to this chapter. The president of the Missouri Society for Certified Public Accountants in  
18 office at the time shall, at least ninety days prior to the expiration of the term of a board  
19 member, other than the public member, or as soon as feasible after a vacancy on the board  
20 otherwise occurs, submit to the director of the division of professional registration a list of  
21 five certified public accountants qualified and willing to fill the vacancy in question, with  
22 the request and recommendation that the governor appoint one of the five persons so listed,  
23 and with the list so submitted, the president of the Missouri Society for Certified Public  
24 Accountants shall include in his or her letter of transmittal a description of the method by  
25 which the names were chosen by that association. All members, including public members,  
26 shall be chosen from lists submitted by the director of the division of professional

27 registration. The duties of the public member shall not include the determination of the  
28 technical requirements to be met for licensure or whether any person meets such technical  
29 requirements or of the technical competence or technical judgment of a licensee or a  
30 candidate for licensure.

31       3. The term of office of each member appointed shall be five years. Vacancies shall  
32 be filled by the governor for the unexpired term. Every member shall, however, hold office  
33 until his or her successor is appointed and qualified. No member whose term shall have  
34 expired, or been terminated for any reason, shall be eligible for reappointment until the  
35 lapse of one year. Appointment to fill an unexpired term shall not be considered as a  
36 complete term.

37       4. Every member appointed by the governor shall be issued a commission or  
38 certificate of appointment; and every appointee, before entering upon the member's duties,  
39 shall take the oath of office required by the constitution of all officers under the authority  
40 of this state.

41       5. Any member of the board may be removed by the governor for misconduct,  
42 incompetency or neglect of duty; provided, the member shall first be given an opportunity  
43 to be heard in his or her own behalf.

      326.015. 1. The Missouri state board of accountancy shall have power to adopt and  
2 use a seal; to make and amend all rules deemed necessary for the proper administration  
3 of this chapter; conduct examinations; to administer oaths and hear testimony regarding  
4 complaints, investigations and disciplinary actions or in pursuing settlement; to require,  
5 by summons or subpoena, the attendance and testimony of witnesses, and the production  
6 of books, papers and documents with respect to such testimony regarding complaints,  
7 investigations and disciplinary actions or in pursuing settlement; and to do and perform  
8 all other acts and things herein committed to their charge and administration, or incidental  
9 thereto.

10       2. The board shall maintain its office in Jefferson City, Missouri.

      326.018. 1. The board hereby created shall annually elect one of its members as  
2 president, another as vice president, another as secretary, and another as treasurer. It  
3 shall make an annual report to the governor. It shall file and preserve all written  
4 applications, petitions, complaints, charges or requests made or presented to it, and all  
5 affidavits and other verified documents; and shall cause to be kept accurate records and  
6 minutes of its proceedings. A copy of any entry in the register, or of any records or  
7 minutes of the board, certified by the president or secretary of the board under its seal,  
8 shall constitute and be received in evidence with like effect as the original. The board may  
9 employ legal counsel and such board personnel as defined in subdivision (4) of subsection

10 16 of section 620.010, RSMo, and incur such travel and other expense, as, in its judgment,  
11 shall be necessary for the effectual administration of this law.

12 2. The board may also appoint a continuing education committee of not less than  
13 five members consisting of certified public accountants of this state holding a live permit  
14 who need not be members of the board. This committee shall:

15 (1) Evaluate continuing education programs to determine if they meet continuing  
16 education regulations adopted by the board;

17 (2) Consider applications for exceptions to continuing education regulations  
18 adopted pursuant to the provisions of section 326.024; and

19 (3) Consider such other matters regarding continuing education as may be assigned  
20 to it by the board.

326.023. 1. The board may by rule prescribe the dates and places for holding  
2 regular meetings; as well as regulate the call, notice and holding of special meetings. Three  
3 members of the board shall constitute a quorum at any regular meeting; and at any special  
4 meeting of which due notice has been given.

5 2. Examination of applicants shall be held at least once in each year at such times  
6 and places as the board shall determine. Notice of the time and place for holding any such  
7 examination shall be published at least once, not less than sixty days before the date of  
8 examination, in a newspaper published and circulating in St. Louis, a newspaper published  
9 and circulating in Kansas City, and in such other newspapers, and in such other manner,  
10 as shall, in the opinion of the board, be necessary to notify those desirous of applying for  
11 examination. The board may require, by general rule or special order, any or all  
12 applicants to appear in person before the board, and to answer questions regarding their  
13 qualifications; and may, in its discretion, require evidence in support of the statements of  
14 the applicant.

15 3. Each member of the board shall receive as compensation an amount set by the  
16 board not to exceed seventy dollars for each day devoted to the affairs of the board, and  
17 shall be entitled to reimbursement of the member's expenses necessarily incurred in the  
18 discharge of the member's official duties. All claims for compensation and expenses shall  
19 be presented and allowed in open meetings of the board. No compensation or expenses of  
20 members of the board, its officers or employees shall be charged against the general funds  
21 of the state, but shall be paid out of the state board of accountancy fund.

326.024. 1. The board shall prescribe rules and regulations consistent with the  
2 provisions of this chapter; provided, however, nothing herein contained shall be construed  
3 as conferring upon the board the authority to issue rules or regulations on any subject  
4 affecting the practice of public accountancy by a person previously licensed as a certified

5 public accountant unless specifically authorized by the general assembly. Such rules and  
6 regulations may include:

7 (1) Rules of procedure for governing the conduct of matters before the board;

8 (2) Rules of professional conduct for establishing and maintaining high standards  
9 of competence and integrity in the profession of public accountancy;

10 (3) Regulations governing educational requirements for issuance of the certificate  
11 of "certified public accountant" and prescribing further educational requirements, known  
12 as "requirements of continuing education", to be met from time to time by the holders of  
13 such certificates and by the holders of public accountant certificates, in order to maintain  
14 their professional knowledge and competence, as a condition to continuing in the practice  
15 of public accountancy;

16 (4) Regulations governing corporations practicing public accounting, including but  
17 not limited to rules concerning their style, name, title, and affiliation with any other  
18 organization; and establishing reasonable standards with respect to professional liability  
19 insurance and unimpaired capital, and prescribing joint and several liability for torts  
20 relating to professional services for shareholders of any such corporation failing to comply  
21 with such standards;

22 (5) Regulations governing peer review committee accreditation and requirements  
23 for registration of an office and issuance of permits;

24 (6) Regulations prohibiting competitive bidding which is declared to be contrary  
25 to the public interest for professional engagement of certified public accountants or public  
26 accountants which regulations are not in conflict with other provisions of law;

27 (7) Any and all other rules and regulations authorized or referenced in this chapter.

28 2. No rule or portion of a rule promulgated pursuant to the authority of this  
29 chapter shall become effective unless it has been promulgated pursuant to the provisions  
30 of chapter 536, RSMo.

31 3. In promulgating rules and regulations in respect to the requirements of  
32 continuing education as authorized by the provisions of subdivision (3) of subsection 1 of  
33 this section, the board:

34 (1) May, among other things, use and rely upon guidelines and pronouncements of  
35 recognized educational and professional associations;

36 (2) May prescribe for content, duration and organization of courses;

37 (3) Shall take into account the accessibility to applicants of such continuing  
38 education as the board may require, and any impediments to the interstate practice of  
39 public accountancy which may result from differences in such requirements in states;

40 (4) May provide for relaxation or suspension of such requirements for instances of

41 individual hardship;

42 (5) Shall not, in establishing requirements for continuing education, require in  
43 excess of one hundred twenty hours of continuing education in any three-year period, not  
44 more than one-third of which shall be required in any one year, and such requirements of  
45 continuing education must be susceptible of being fulfilled in programs or courses  
46 reasonably available to certificate holders within the state.

47 4. The board may by rule require such reports concerning continuing education as  
48 it deems necessary from holders of certificates granted pursuant to the provisions of section  
49 326.031.

326.027. The board may, upon receipt of a complaint or other information  
2 suggesting violations of this chapter or of the rules of the board, conduct investigations to  
3 determine whether there is probable cause to institute proceedings pursuant to sections  
4 326.048 to 326.078 against any person or firm for such violation, but an investigation  
5 pursuant to this section shall not be a prerequisite to such proceedings in the event that a  
6 determination of probable cause can be made without investigation. In aid of such  
7 investigations, the board or the chairperson thereof may issue subpoenas to compel  
8 witnesses to testify or to produce evidence or both.

326.031. 1. The education requirement for a certificate, which must be met before  
2 an applicant is eligible to apply for the examination prescribed in subsection 2 of this  
3 section, shall be at least one hundred fifty semester hours of college education including a  
4 baccalaureate or higher degree conferred by a college or university acceptable to the  
5 board, the total educational program to include an accounting concentration or equivalent  
6 as determined by board rule to be appropriate.

7 2. The examination required to be passed as a condition for the granting of a  
8 certificate shall be held at least twice a year, and shall test the applicant's knowledge of the  
9 subjects of accounting and auditing, and such other related subjects as the board may  
10 specify by rule, including but not limited to business law and taxation. The time for  
11 holding such examination shall be determined by the board and may be changed from time  
12 to time. The board shall prescribe by rule the methods of applying for and conducting the  
13 examination, including methods for grading and determining a passing grade required of  
14 an applicant for a certificate; provided, however, that the board shall to the extent possible  
15 see to it that the examination itself, grading of the examination and the passing grades are  
16 uniform with those applicable in all other states. The board may make such use of all or  
17 any part of the Uniform Certified Public Accountant Examination and Advisory Grading  
18 Service of the American Institute of Certified Public Accountants and may contract with  
19 third parties to perform such administrative services with respect to the examination as it



20 deems appropriate to assist it in performing its duties.

21 3. The board may charge, or provide for a third party administering the  
22 examination to charge, each applicant a fee in an amount prescribed by the board by rule.

23 4. An applicant for initial issuance of a certificate pursuant to this section shall  
24 show that the applicant has had one year of experience. This experience shall include  
25 providing any type of service or advice involving the use of accounting, attest, compilation,  
26 management advisory, financial advisory, tax or consulting skills all of which was verified  
27 by a licensee, meeting requirements prescribed by the board by rule. This experience  
28 would be acceptable if it was gained through employment in government, industry,  
29 academia or public practice.

326.033. 1. The certificate of certified public accountant shall be granted by the  
2 board to any person:

3 (1) Who is a resident of this state or has a place of business in this state or, as an  
4 employee, is regularly employed in this state;

5 (2) Who has attained the age of twenty-one years;

6 (3) Who is of good moral character;

7 (4) Who either:

8 (a) Applied for the initial examination referred to in subdivision (5) of this  
9 subsection prior to June 30, 1999, and holds a baccalaureate degree conferred by an  
10 accredited college or university recognized by the board, with a concentration in  
11 accounting, or what the board determines to be substantially the equivalent of a  
12 concentration in accounting; or

13 (b) Applies for the initial examination referred to in subdivision (5) of this  
14 subsection on or after June 30, 1999, and has at least one hundred fifty semester hours of  
15 college education including a baccalaureate or higher degree conferred by an accredited  
16 college or university recognized by the board, the total educational program to include an  
17 accounting concentration or equivalent as determined by board rule to be appropriate; and

18 (5) Who shall have passed a written examination in accounting, auditing, and such  
19 other related subjects as the board shall determine to be appropriate.

20 2. The board shall by regulation prescribe the terms and conditions under which  
21 a candidate who passes the examination in one or more of the subjects indicated in  
22 subdivision (5) of subsection 1 of this section, may be reexamined in only the remaining  
23 subjects, with credit for the subjects previously passed. A candidate shall be entitled to any  
24 number of reexaminations pursuant to subdivision (5) of subsection 1 of this section. A  
25 candidate who fails to pass any section or sections of the examination may pay the fee and  
26 take such sections of the examination as the board by rule prescribes again at any regularly

27 scheduled examination.

28       **3. The board shall charge each candidate a fee, as prescribed in section 326.031.**  
29 **Fees for reexamination pursuant to subdivision (5) of subsection 1 of this section shall also**  
30 **be charged by the board as prescribed in section 326.031. The applicable fee shall be paid**  
31 **by the candidate at the time the candidate applies for examination or reexamination.**

32       **4. Any person who has received from the board a certificate as a certified public**  
33 **accountant issued pursuant to section 326.031, which is in full force and effect, shall be**  
34 **styled and known as a certified public accountant and may also use the abbreviation**  
35 **"CPA".**

36       **5. Persons who, on September 28, 1977, held certified public accountant certificates**  
37 **or public accountant certificates theretofore issued pursuant to the laws of this state shall**  
38 **not be required to obtain additional certificates pursuant to sections 326.031 to 326.039,**  
39 **but shall otherwise be subject to all provisions of this chapter; and such certificates**  
40 **theretofore issued shall, for all purposes, be considered certificates issued pursuant to**  
41 **sections 326.031 to 326.039 and subject to the provisions of this chapter.**

42       **6. Upon application, the board may issue a temporary certificate to an applicant**  
43 **pursuant to this subsection for a certificate as a certified public accountant who has made**  
44 **a prima facie showing that the applicant meets all of the requirements for such a certificate**  
45 **and possesses the experience required for issuance of a permit. The temporary permit and**  
46 **certificate shall be effective only until the board shall have had the opportunity to**  
47 **investigate the applicant's qualifications for licensure pursuant to subsection 1 of this**  
48 **section and to notify the applicant that the applicant's application for a certificate has been**  
49 **either granted or rejected. In no event shall such temporary certificate be in effect for**  
50 **more than twelve months after the date of issuance nor shall a temporary certificate be**  
51 **reissued to the same applicant. No fee shall be charged for such temporary certificate. The**  
52 **holder of a temporary certificate which has not expired, or been suspended or revoked,**  
53 **shall be deemed to be the holder of a certificate issued pursuant to this section until such**  
54 **temporary certificate expires, is terminated, or is suspended or revoked.**

55       **7. A candidate submitting an application for a certificate by examination who has**  
56 **met the educational requirements of subdivision (4) of subsection 1 of this section or who**  
57 **reasonably expects to meet the requirement within sixty days after the examination shall**  
58 **be eligible for examination pursuant to subdivision (5) of subsection 1 of this section if the**  
59 **candidate also meets the requirements of subdivisions (1), (2), and (3) of subsection 1 of this**  
60 **section. In the case of a candidate admitted to examination on the reasonable expectation**  
61 **that the candidate will meet the educational requirements within sixty days, no certificate**  
62 **shall be issued, nor credit for the examination or any part thereof given unless the**

63 educational requirement is in fact met within the sixty-day period.

2 326.036. 1. (1) An individual, whose principal place of business is not in this state,  
2 having a valid certificate or license as a certified public accountant from any state which  
3 the board or its designee as provided by rule has determined to be in substantial  
4 equivalence with the certified public accountant licensure requirements of the  
5 AICPA/NASBA Uniform Accountancy Act shall be presumed to have qualifications  
6 substantially equivalent to this state's requirements and shall have all the privileges of  
7 certificate holders and licensees of this state, provided such individuals shall notify the  
8 board of their intent to engage in the practice of accounting with a client within this state,  
9 whether in person, by electronic or technological means, or any other manner. The board  
10 may by rule require such individual to obtain a provisional permit.

11 (2) An individual, whose principal place of business is not in this state having a  
12 valid certificate or license as a certified public accountant from any state which the board  
13 or its designee had determined not to be in substantial equivalence with the certified public  
14 accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act shall  
15 be presumed to have qualifications substantially equivalent to this state's requirements and  
16 shall have all the privileges of certificate holders and licensees of this state if such  
17 individual's certified public accountant qualifications are substantially equivalent to the  
18 certified public accountant licensure requirements of the AICPA/NASBA Uniform  
19 Accountancy Act and such individuals shall notify the board of their intent to enter the  
20 state pursuant to this subdivision and shall obtain a provisional permit as prescribed by  
21 the board by rule.

22 (3) Any licensee of another state exercising the privilege afforded pursuant to this  
23 section hereby consents, as a condition of the grant of this privilege:

24 (a) To the personal and subject matter jurisdiction and disciplinary authority of  
25 the board;

26 (b) To comply with this chapter and the board's rules; and

27 (c) To the appointment of the state board which issued their license as their agent  
28 upon whom process may be served in any action or proceeding by this board against the  
29 licensee.

30 2. A licensee of this state offering or rendering services or using their certified  
31 public accountant title in another state shall be subject to disciplinary action in this state  
32 for an act committed in another state for which the licensee would be subject to discipline  
33 for an act committed in the other state. Notwithstanding subsection 1 of section 326.048,  
34 the board shall be required to investigate any complaint made by the board of accountancy  
35 of another state.

**326.039. 1. The board may grant or renew certificates to persons who make application and demonstrate:**

**(1) That their qualifications, including where applicable the qualifications prescribed by section 326.033, are in accordance with the following subsections of this section; or**

**(2) That they are eligible under the substantial equivalency standard set out in subdivision (2) of subsection 1 of section 326.036 which requires licensure for those certified public accountants that establish their principal place of business in another state. The holder of a certificate issued pursuant to this section may only provide attest services, as defined, in a certified public accounting firm that holds a permit issued pursuant to section 326.042.**

**2. Certificates shall be initially issued, and renewed, for periods of not more than three years but in any event shall expire on the renewal date following issuance or renewal. Applications for such certificates shall be made in such form, and in the case of applications for renewal, between such dates, as the board shall by rule specify.**

**3. With regard to applicants that do not qualify for reciprocity under the substantial equivalency standard set out in subdivision (2) of subsection 1 of section 326.036, the board may issue a certificate to a holder of a certificate, license or permit issued by another state upon a showing that:**

**(1) The applicant passed the examination required for issuance of the applicant's certificate with grades that would have been passing grades at the time in this state;**

**(2) The applicant had four years of experience outside of this state of the type described in subsection 4 of section 326.031 or meets equivalent requirements prescribed by the board by rule, after passing the examination upon which the applicant's certificate was based and within the ten years immediately preceding the application; and**

**(3) If the applicant's certificate, license or permit was issued more than four years prior to the application for issuance of an initial certificate pursuant to this section, that the applicant has fulfilled the requirements of continuing professional education that would have been applicable pursuant to subsection 6 of this section.**

**4. As an alternative to the requirements of subsection 3 of this section, a certificate holder licensed by another state who establishes their principal place of business in this state shall request the issuance of a certificate from the board prior to establishing such principal place of business. The board may issue a certificate to such person who obtains from the NASBA National Qualification Appraisal Service verification that such individual's certified public accountant qualifications are substantially equivalent to the certified public accountant licensure requirements of the AICPA/NASBA Uniform**

37 **Accountancy Act.**

38 **5. An application pursuant to this section may be made through the NASBA**  
39 **Qualification Appraisal Service.**

40 **6. For renewal of a certificate pursuant to this section, each licensee shall**  
41 **participate in a program of learning designed to maintain professional competency. Such**  
42 **program of learning must comply with rules adopted by the board. The board may by rule**  
43 **create an exception to this requirement for certificate holders who do not perform or offer**  
44 **to perform for the public one or more kinds of services involving the use of accounting or**  
45 **auditing skills, including issuance of reports on financial statements or of one or more**  
46 **kinds of management advisory, financial advisory or consulting services, or the**  
47 **preparation of tax returns or the furnishing of advice on tax matters. Licensees granted**  
48 **such an exception by the board must place the word "inactive" adjacent to their certified**  
49 **public accountant title on any business card, letterhead or any other document or device,**  
50 **with the exception of their certified public accountant certificate, on which their certified**  
51 **public accountant title appears.**

52 **7. The board shall charge a fee for each application for initial issuance or renewal**  
53 **of a certificate pursuant to this section in an amount prescribed by the board by rule.**

54 **8. Applicants for initial issuance or renewal of certificates pursuant to this section**  
55 **shall in their applications list all states in which they have applied for or hold certificates,**  
56 **licenses or permits and list any past denial, revocation or suspension or any discipline of**  
57 **a certificate, license or permit, and each holder of or applicant for a certificate pursuant**  
58 **to this section shall notify the board in writing, within thirty days after its occurrence, of**  
59 **any issuance, denial, revocation or suspension or any discipline of a certificate, license or**  
60 **permit by another state.**

61 **9. The board may issue a certificate to a holder of a substantially equivalent foreign**  
62 **designation, provided that:**

63 **(1) The foreign authority which granted the designation makes similar provisions**  
64 **to allow a person who holds a valid certificate issued by this state to obtain such foreign**  
65 **authority's comparable designation; and**

66 **(2) The foreign designation:**

67 **(a) Was duly issued by a foreign authority that regulates the practice of public**  
68 **accountancy and the foreign designation has not expired or been revoked or suspended;**

69 **(b) Entitles the holder to issue reports upon financial statements; and**

70 **(c) Was issued upon the basis of educational, examination and experience**  
71 **requirements established by the foreign authority or by law; and**

72 **(3) The applicant:**

73           (a) Received the designation based on educational and examination standards  
74 substantially equivalent to those in effect in this state at the time the foreign designation  
75 was granted;

76           (b) Completed an experience requirement, substantially equivalent to the  
77 requirement set out in subsection 4 of section 326.031, in the jurisdiction which granted the  
78 foreign designation or has completed four years of professional experience in this state; or  
79 meets equivalent requirements prescribed by the board by rule, within the ten years  
80 immediately preceding the application; and

81           (c) Passed a uniform qualifying examination in national standards and an  
82 examination on the laws, regulations and code of ethical conduct in effect in this state  
83 acceptable to the board.

84           10. An applicant pursuant to subsection 9 of this section shall in the application list  
85 all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a  
86 designation to practice public accountancy, and each holder of a certificate issued pursuant  
87 to this subsection shall notify the board in writing, within thirty days after its occurrence,  
88 of any issuance, denial, revocation, suspension or any discipline of a designation or  
89 commencement of a disciplinary or enforcement action by any jurisdiction.

90           11. The board has the sole authority to interpret the application of the provisions  
91 of subsections 9 and 10 of this section.

92           12. The board shall by rule require as a condition for renewal of a certificate  
93 pursuant to this section, by any certificate holder who performs review or compilation  
94 services for the public other than through a certified public accountant firm, that such  
95 individual undergo, no more frequently than once every three years, a peer review  
96 conducted in such manner as the board shall by rule specify, and such review shall include  
97 verification that such individual has met the competency requirements set out in  
98 professional standards for such services.

          326.042. 1. The board may grant or renew permits to practice as a certified public  
2 accounting firm to entities that make application and demonstrate their qualifications  
3 therefor in accordance with this section or to certified public accounting firms originally  
4 licensed in another state that establish an office in this state. A firm must hold a permit  
5 issued pursuant to this section in order to provide attest, review or compilation services or  
6 to use the title certified public accountant or certified public accounting firm.

7           2. Permits shall be initially issued and renewed for periods of not more than three  
8 years but in any event for a specific period as prescribed by board rule, following issuance  
9 or renewal. Applications for permits shall be made in such form, and in the case of  
10 applications for renewal, between such dates as the board may by rule specify.

11           **3. An applicant for initial issuance or renewal of a permit to practice pursuant to**  
12 **this section shall be required to show that:**

13           **(1) Notwithstanding any other provision of law, a simple majority of the ownership**  
14 **of the firm, in terms of financial interests and voting rights of all partners, officers,**  
15 **principals, shareholders, members or managers, belongs to holders of a certificate who are**  
16 **licensed in some state, and such partners, officers, principals, shareholders, members or**  
17 **managers, whose principal place of business is in this state, and who perform professional**  
18 **services in this state hold a valid certificate issued pursuant to section 326.031 or the**  
19 **corresponding provision of prior law. Although firms may include nonlicensee owners, the**  
20 **firm and its ownership must comply with rules promulgated by the board;**

21           **(2) Any certified public accounting firm may include non-licensee owners provided**  
22 **that:**

23           **(a) The firm designates a licensee of this state, who is responsible for the proper**  
24 **registration of the firm and identifies that individual to the board;**

25           **(b) All nonlicensee owners are active individual participants in the certified public**  
26 **accounting firm or affiliated entities;**

27           **(c) The firm complies with such other requirements as the board may impose by**  
28 **rule;**

29           **(3) Any individual licensee who is responsible for supervising attest, review or**  
30 **compilation services and signs or authorizes someone to sign the accountant's report on the**  
31 **financial statements on behalf of the firm shall meet the competency requirements set out**  
32 **in the professional standards for such services;**

33           **(4) Any individual licensee who signs or authorizes someone to sign the**  
34 **accountant's report on the financial statements on behalf of the firm shall meet the**  
35 **competency requirements of subdivision (3) of this subsection.**

36           **4. An applicant for initial issuance or renewal of a permit to practice pursuant to**  
37 **this section shall be required to register each office of the firm within this state with the**  
38 **board and to show that all attest, review and compilation services rendered in this state are**  
39 **under the charge of a person holding a valid certificate issued pursuant to section 326.033**  
40 **or the corresponding provision of prior law or some other state.**

41           **5. The board shall charge a fee for each application for initial issuance or renewal**  
42 **of a permit pursuant to this section in an amount prescribed by the board by rule.**

43           **6. No person holding a permit or firm holding a registration pursuant to this**  
44 **chapter shall use a professional or firm name or designation that is misleading to:**

45           **(1) The legal form of the firm;**

46           **(2) The persons who are partners, officers, members, managers or shareholders of**

47 the firm; or

48 (3) Any other matter.

49

50 The names of one or more former partners, members or shareholders may be included in  
51 the name of a firm or its successor unless the firm becomes a sole proprietorship because  
52 of the death or withdrawal of all other partners, officers, members or shareholders. The  
53 use of a fictitious name by a firm is permissible if the fictitious name is registered with the  
54 board and is not otherwise misleading. The name of a firm may not include the name of  
55 an individual who is neither a present nor a past partner, member or shareholder of the  
56 firm or its predecessor. The name of the firm may not include the name of an individual  
57 who is not a certified public accountant.

58 7. An applicant for initial issuance or renewal of permits pursuant to this section  
59 shall in their application list all states in which they have applied for or hold permits as  
60 certified public accounting firms and list any past denial, revocation, suspension or any  
61 discipline of a permit by any other state, and each holder of or applicant for a permit  
62 pursuant to this section shall notify the board in writing, within thirty days after its  
63 occurrence, of any change in the identities of partners, principals, officers, shareholders,  
64 members or managers whose principal place of business is in this state, any change in the  
65 number or location of offices within this state, any change in the identity of the persons in  
66 charge of such offices, and any issuance, denial, revocation, suspension or any discipline  
67 of a permit by any other state.

68 8. Firms which fall out of compliance with the provisions of this section due to  
69 changes in firm ownership or personnel, after receiving or renewing a permit, shall take  
70 corrective action to bring the firm back into compliance as quickly as possible. The board  
71 may grant a reasonable period of time for a firm to take such corrective action. Failure to  
72 bring the firm back into compliance within a reasonable period as defined by the board  
73 may result in the suspension or revocation of the firm permit.

74 9. The board shall by rule require, as a condition to the renewal of permits  
75 pursuant to this section, that applicants undergo, no more frequently than once every three  
76 years, peer reviews conducted in such manner as the board shall specify, and such review  
77 shall include a verification that individuals in the firm who are responsible for supervising  
78 attest, review and compilation services and sign or authorize someone to sign the  
79 accountant's report on the financial statements on behalf of the firm meet the competency  
80 requirements set out in the professional standards for such services, provided that any such  
81 rule:

82 (1) Shall include reasonable provision for compliance by an applicant showing that



83 it has, within the preceding three years, undergone a peer review that is a satisfactory  
84 equivalent to peer review generally required pursuant to this subsection;

85 (2) Shall require, with respect to peer reviews contemplated by subdivision (1) of  
86 this subsection, that they be subject to oversight by an oversight body established or  
87 sanctioned by board rule, which body shall periodically report to the board on the  
88 effectiveness of the review program under its charge, and provide to the board a listing of  
89 firms that have participated in a peer review program that is satisfactory to the board; and

90 (3) Shall require, with respect to peer reviews contemplated by subdivision (1) of  
91 this subsection, that the peer review processes be operated and documents maintained in  
92 a manner designed to preserve confidentiality, and that no third party, other than the  
93 oversight body, or the board with the licensee's consent, shall have access to documents  
94 furnished or generated in the course of the review.

326.045. 1. Only certificate holders may issue a report on financial statements of  
2 any person, firm, organization or governmental unit or offer to render or render any attest  
3 service. This restriction does not prohibit any act of a public official or public employee  
4 in the performance of that person's duties as such; nor prohibit the performance by any  
5 noncertificate holder of other services involving the use of accounting skills, including the  
6 preparation of tax returns, management advisory services, and the preparation of non-  
7 attest financial statements. Noncertificate holders may prepare financial statements and  
8 issue nonattest transmittals or information thereon which do not purport to be in  
9 compliance with the Statements on Standards for Accounting and Review Services  
10 (SSARS).

11 2. Licensees performing attest, review or compilation services must provide those  
12 services in accordance with professional standards.

13 3. Only persons holding a valid certificate shall use or assume the title certified  
14 public accountant, or the abbreviation CPA or any other title, designation, words, letters,  
15 abbreviation, sign, card or device tending to indicate that such person is a certified public  
16 accountant. Nothing in this section shall prohibit:

17 (1) A person who holds a certificate as a certified public accountant, then in full  
18 force and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who  
19 does not engage in the practice of public accounting, auditing, bookkeeping or any similar  
20 occupation, from using the title certified public accountant or abbreviation CPA;

21 (2) A person who holds a certificate as a certified public accountant, then in force  
22 and effect, issued pursuant to the laws of this state prior to August 28, 2001, and who is  
23 regularly employed by, or is a director or officer of, a corporation, partnership, association  
24 or business trust, in his or her capacity as such, from signing, delivering or issuing any

25 financial, accounting or related statement, or report thereon relating to such corporation,  
26 partnership, association or business trust provided such capacity is so designated thereon,  
27 and provided in the signature line the title CPA or certified public accountant is not  
28 designated thereon.

29 4. No firm shall provide attest services or assume or use the title certified public  
30 accountants, or the abbreviation CPAs, or any other title, designation, words, letters,  
31 abbreviation, sign, card or device tending to indicate that such firm is a certified public  
32 accounting firm unless:

33 (1) The firm holds a valid permit issued pursuant to section 326.042; and

34 (2) Ownership of the firm is in accord with section 326.042 and rules promulgated  
35 by the board.

36 5. Only persons holding a valid certificate or permit issued pursuant to section  
37 326.033 or 326.042 shall assume or use the title certified accountant, chartered accountant,  
38 enrolled accountant, licensed accountant, registered accountant, accredited accountant or  
39 any other title or designation likely to be confused with the titles certified public  
40 accountant or public accountant, or use any of the abbreviations CA, LA, RA, AA or  
41 similar abbreviation likely to be confused with the abbreviation CPA or PA. The title  
42 enrolled agent or EA shall only be used by individuals so designated by the Internal  
43 Revenue Service. The title accredited business accountant or ABA shall not be prohibited.

44 6. (1) Nonlicensees may not use language in any statement relating to the financial  
45 affairs of a person or entity which is conventionally used by licensees in reports on  
46 financial statements. Nonlicensees may use the following safe harbor language:

47 (a) For compilations: "I (We) have prepared the accompanying (financial  
48 statements) of (name of entity) as of (time period) for the (period) then ended. This  
49 presentation is limited to preparing in the form of financial statement information that is  
50 the representation of management (owners). I (We) have not audited or reviewed the  
51 accompanying financial statements and accordingly do not express an opinion or any other  
52 form of assurance on them.";

53 (b) For reviews: "I (We) reviewed the accompanying (financial statements) of  
54 (name of entity) as of (time period) for the (period) then ended. These financial statements  
55 (information) are (is) the responsibility of the company's management. I (We) have not  
56 audited or reviewed the accompanying financial statements and accordingly do not express  
57 an opinion or any other form of assurance on them.".

58 (2) Only persons or firms holding a valid certificate or permit issued pursuant to  
59 section 326.033 or 326.042 shall assume or use any title or designation that includes the  
60 words accountant or accounting, in connection with any other language, including the

61 language of a report, that implies that such person or firm holds such a certificate, permit  
62 or registration or has special competence as an accountant or auditor, provided, however,  
63 that this subsection does not prohibit any officer, partner, principal, member, manager or  
64 employee of any firm or organization from affixing that person's own signature to any  
65 statement in reference to the financial affairs of such firm or organization with any  
66 wording designating the position, title or office that the person holds therein nor prohibit  
67 any act of a public official or employee in the performance of the person's duties as such.

68       7. No person holding a certificate or registration or firm holding a permit pursuant  
69 to sections 326.033 to 326.042 shall use a professional or firm name or designation that is  
70 misleading about the legal form of the firm, or about the persons who are partners,  
71 principals, officers, members, managers or shareholders of the firm, or about any other  
72 matter, provided, however, that names of one or more former partners, members,  
73 managers or shareholders may be included in the name of a firm or its successor.

74       8. None of the foregoing provisions of this section shall have any application to a  
75 person or firm holding a certification, designation, degree or license granted in a foreign  
76 country entitling the holder thereof to engage in the practice of public accountancy or its  
77 equivalent in such country, whose activities in this state are limited to the provision of  
78 professional services to persons or firms who are residents of, governments of, or business  
79 entities of the country in which the person holds such entitlement, who performs no attest,  
80 review or compilation services and who issues no reports with respect to the financial  
81 statements of any other persons, firms or governmental units in this state, and who does  
82 not use in this state any title or designation other than the one under which the person  
83 practices in such country, followed by a translation of such title or designation into the  
84 English language, if it is in a different language, and by the name of such country.

85       9. No holder of a certificate issued pursuant to section 326.033 or issued pursuant  
86 to prior law shall perform attest or review services through any business firm that does not  
87 hold a valid permit issued pursuant to section 326.042.

88       10. No individual certificate holder shall issue a report in standard form upon a  
89 compilation of financial information through any form of business that does not hold a  
90 valid permit issued pursuant to section 326.042 unless the report discloses the name of the  
91 business through which the individual is issuing the report, and the individual:

92       (1) Signs the compilation report identifying the individual as a certified public  
93 accountant;

94       (2) Meets the competency requirement provided in applicable standards; and

95       (3) Undergoes no less frequently than once every three years, a peer review  
96 conducted in such manner as the board shall by rule specify, and such review shall include

97 verification that such individual has met the competency requirements set out in  
98 professional standards for such services.

99       **11. Nothing herein shall prohibit a practicing attorney or firm of attorneys from**  
100 **preparing or presenting records or documents customarily prepared by an attorney or**  
101 **firm of attorneys in connection with the attorney's professional work in the practice of law.**

102       **12. Nothing herein shall prohibit any trustee, executor, administrator, referee or**  
103 **commissioner from signing and certifying financial reports incident to his or her duties in**  
104 **such capacity.**

105       **13. Nothing herein shall prohibit any director or officer of a corporation, partner**  
106 **or a partnership, sole proprietor of a business enterprise, member of a joint venture,**  
107 **member of a committee appointed by stockholders, creditors or courts, or an employee of**  
108 **any of the foregoing, in his or her capacity as such, from signing, delivering or issuing any**  
109 **financial, accounting or related statement, or report thereon, relating to such corporation,**  
110 **partnership, business enterprise, joint venture or committee, provided such capacity is so**  
111 **designated on such statement or report.**

112       **14. (1) A licensee shall not for a commission recommend or refer to a client any**  
113 **product or service, or for a commission recommend or refer any product or service to be**  
114 **supplied by a client, or receive a commission, when the licensee also performs for that**  
115 **client:**

116       **(a) An audit or review of a financial statement; or**

117       **(b) A compilation of a financial statement when the licensee expects, or reasonably**  
118 **might expect, that a third party will use the financial statement and the licensee's**  
119 **compilation report does not disclose a lack of independence; or**

120       **(c) An examination of prospective financial information.**

121

122 **This prohibition applies during the period in which the licensee is engaged to perform any**  
123 **of the services listed above and the period covered by any historical financial statements**  
124 **involved in such listed services.**

125       **(2) A licensee who is not prohibited by this section from performing services for or**  
126 **receiving a commission and who is paid or expects to be paid a commission shall disclose**  
127 **that fact to any person or entity to whom the licensee recommends or refers a product or**  
128 **service to which the commission relates.**

129       **(3) Any licensee who accepts a referral fee for recommending or referring any**  
130 **service of a licensee to any person or entity or who pays a referral fee to obtain a client**  
131 **shall disclose such acceptance or payment to the client.**

132       **15. (1) A licensee shall not:**

133 (a) Perform for a contingent fee any professional services for, or receive such a fee  
134 from, a client for whom the licensee or the licensee's firm performs:

135 a. An audit or review of a financial statement; or

136 b. A compilation of a financial statement when the licensee expects, or reasonably  
137 might expect, that a third party will use the financial statement and the licensee's  
138 compilation report does not disclose a lack of independence; or

139 c. An examination of prospective financial information; or

140 (b) Prepare an original or amended tax return or claim for a tax refund for a  
141 contingent fee for any client.

142 (2) The prohibition in subdivision (1) of this subsection applies during the period  
143 in which the licensee is engaged to perform any of those services and the period covered  
144 by any historical financial statements involved in any such services.

145 (3) A contingent fee is a fee established for the performance of any service pursuant  
146 to an arrangement in which no fee will be charged unless a specified finding or result is  
147 attained, or in which the amount of the fee is otherwise dependent upon the finding or  
148 result of such service. Solely for purposes of this section, fees are not regarded as being  
149 contingent if fixed by courts or other public authorities, or, in tax matters, if determined  
150 based on the results of judicial proceedings or the findings of governmental agencies. A  
151 licensee's fees may vary depending, for example, on the complexity of services rendered.

326.048. 1. In order to assure a free flow of information for peer review pursuant  
2 to sections 326.039 and 326.042, or proceedings before the board pursuant to section  
3 326.069, all complaint files, investigation files, and all other investigation reports and other  
4 investigative information in the possession of the board or peer review committee or firm,  
5 acting pursuant to the authority of section 326.039, 326.042 or 326.069, or its employees or  
6 agents, which relate to such hearings or review shall be privileged and confidential, and  
7 shall not be subject to discovery, subpoena, or other means of legal compulsion for their  
8 release to any person, other than the certificate holder and the board or peer review  
9 committee or firm or their employees and agents involved in such proceedings, or be  
10 admissible in evidence in any judicial or administrative proceeding, other than the  
11 proceeding for which such material was prepared or assembled. A final written decision  
12 and finding of fact of the board, pursuant to section 326.069, shall be a public record.

13 2. A person shall not be civilly liable as a result of his or her acts, omissions or  
14 decisions in good faith as a member of the board, a peer review committee or firm, or as  
15 an employee or agent thereof, in connection with such person's duties.

16 3. A person shall not be civilly liable as a result of filing a report or complaint with  
17 the board or a peer review committee, or for the disclosure to the board or a peer review

18 committee or its agents or employees, whether or not pursuant to a subpoena, of records,  
19 documents, testimony or other forms of information which constitute privileged matter in  
20 connection with proceedings of a peer review committee, or other board proceedings  
21 pursuant to section 326.069. However, such immunity from civil liability shall not apply  
22 if such act is done with malice.

326.051. 1. Upon application by the board, and the necessary burden having been  
2 met, a court of general jurisdiction may grant an injunction, restraining order or other  
3 order as may be appropriate to enjoin a person from:

4 (1) Offering to engage or engaging in the performance of any acts or practices for  
5 which a certificate of registration or authority, permit or license is required upon a  
6 showing that such acts or practices were performed or offered to be performed without a  
7 certificate of registration or authority, permit or license; or

8 (2) Engaging in any practice or business authorized by a certificate of registration  
9 or authority, permit or license issued pursuant to this chapter upon a showing that the  
10 holder presents a substantial probability of serious danger to the health, safety or welfare  
11 of any resident of this state or client of the licensee.

12 2. Any such action shall be commenced either in the county in which such conduct  
13 occurred or in the county in which the defendant resides.

14 3. Any action brought pursuant to this section shall be in addition to and not in lieu  
15 of any penalty provided by this chapter and may be brought concurrently with other  
16 actions to enforce this chapter.

326.054. Whenever, by reason of an investigation pursuant to section 326.048 or  
2 otherwise, the board has reason to believe that any person or firm has engaged in acts or  
3 practices that constitute a violation of section 326.033 or 326.042, the board may bring its  
4 information to the attention of the attorney general of any state, or other appropriate law  
5 enforcement officer, who may cause appropriate criminal or civil proceedings to be  
6 brought thereon.

326.057. In any action brought pursuant to section 326.033, 326.042, 326.051 or  
2 326.061, evidence of the commission of a single act prohibited by this chapter shall be  
3 sufficient to justify a penalty, injunction, restraining order or conviction, respectively,  
4 without evidence of a general course of conduct.

326.061. Any person who violates any provision of section 326.033 or 326.042 shall  
2 be guilty of a class A misdemeanor. Whenever the board has reason to believe that any  
3 person is liable to punishment pursuant to this section it may certify the facts to the  
4 attorney general of this state or bring other appropriate proceedings.

326.063. At all proceedings for the enforcement of these or any other provisions of

2 this chapter the board shall, as it deems necessary, select, in its discretion, either (1) the  
3 attorney general or one of his or her assistants designated by him or her or (2) other legal  
4 counsel to appear and represent the board at each stage of such proceeding or trial until  
5 its conclusion.

326.066. The display or uttering by a person of a card, sign, advertisement or other  
2 printed, engraved or written instrument or device bearing a person's name in conjunction  
3 with the words certified public accountant or any abbreviation thereof, or public  
4 accountant or any abbreviation thereof, shall be prima facie evidence in any action brought  
5 pursuant to section 326.061 that the person whose name is so displayed, caused or procured  
6 the display or uttering of such card, sign, advertisement or other printed, engraved or  
7 written instrument or device and that such person is holding himself or herself out to be  
8 a certified public accountant or a public accountant holding a permit to practice pursuant  
9 to section 326.033. In any such action evidence of the commission of a single act prohibited  
10 by this chapter shall be sufficient to justify an injunction or a conviction without evidence  
11 of a general course of conduct.

326.069. 1. The board may refuse to issue any certificate of registration or  
2 authority, permit or license required pursuant to this chapter for one or any combination  
3 of causes stated in subsection 2 of this section. The board shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of the applicant's right  
5 to file a complaint with the administrative hearing commission as provided by chapter 621,  
6 RSMo.

2. The board may cause a complaint to be filed with the administrative hearing  
8 commission as provided by chapter 621, RSMo, against any holder of any certificate of  
9 registration or authority, permit or license required by this chapter or any person who has  
10 failed to renew or has surrendered the person's certificate of registration or authority,  
11 permit or license for any one or any combination of the following causes:

12 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic  
13 beverage to an extent that such use impairs a person's ability to perform the work of any  
14 profession licensed or regulated by this chapter;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of  
16 guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the  
17 United States, for any offense reasonably related to the qualifications, functions or duties  
18 of any profession licensed or regulated pursuant to this chapter, for any offense an  
19 essential element of which is fraud, dishonesty or an act of violence, or for any offense  
20 involving moral turpitude, whether or not sentence is imposed;

21 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate

22 of registration or authority, permit or license issued pursuant to this chapter or in  
23 obtaining permission to take any examination given or required pursuant to this chapter;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other  
25 compensation by fraud, deception or misrepresentation;

26 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or  
27 dishonesty in the performance of the functions or duties of any profession licensed or  
28 regulated by this chapter;

29 (6) Violation of, or assisting or enabling any person to violate, any provision of this  
30 chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

31 (7) Impersonation of any person holding a certificate of registration or authority,  
32 permit or license or allowing any person to use his or her certificate of registration or  
33 authority, permit, license or diploma from any school;

34 (8) Revocation, suspension, restriction, modification, limitation, reprimand,  
35 warning, censure, probation or other final disciplinary action against the holder of or  
36 applicant for a license or other right to practice any profession regulated by this chapter  
37 by another state, territory, federal agency or country, whether or not voluntarily agreed  
38 to by the licensee or applicant, including but not limited to the denial of licensure,  
39 surrender of the license, allowing the license to expire, or lapse, or discontinuing or limiting  
40 the practice of accounting while subject to an investigation or while actually under  
41 investigation by any licensing authority, branch of the armed forces of the United States  
42 of America, insurance company, court, agency of the state or federal government, or  
43 employer;

44 (9) A person is finally adjudged insane or incompetent by a court of competent  
45 jurisdiction;

46 (10) Assisting or enabling any person to practice or offer to practice any profession  
47 licensed or regulated by this chapter who is not registered and currently eligible to practice  
48 pursuant to this chapter;

49 (11) Issuance of a certificate of registration or authority, permit or license based  
50 upon a material mistake of fact;

51 (12) Failure to display a valid certificate or license if so required by this chapter or  
52 any rule promulgated pursuant to this chapter;

53 (13) Violation of any professional trust or confidence;

54 (14) Use of any advertisement or solicitation which is false, misleading or deceptive  
55 to the general public or persons to whom the advertisement or solicitation is primarily  
56 directed;

57 (15) Violation of professional standards or rules of professional conduct applicable



58 to the accountancy profession as prescribed by the AICPA;

59 (16) Failure of any applicant or licensee, other than the licensee subject to the  
60 investigation, to cooperate with the board during any investigation;

61 (17) Failure to comply with any subpoena or subpoena duces tecum from the board  
62 or any order of the board;

63 (18) Failure to maintain documentation evidencing compliance with the board's  
64 continuing professional education requirements;

65 (19) Failure, on the part of a holder of a certificate or permit pursuant to section  
66 326.033 or 326.042, to maintain compliance with the requirements for issuance or renewal  
67 of such certificate, permit or registration or to report changes to the board pursuant to  
68 section 326.033 or 326.042;

69 (20) Performance of any fraudulent act while holding a certificate or permit or  
70 privilege issued pursuant to this chapter or prior law;

71 (21) Making any false or misleading statement or verification in support of an  
72 application for a certificate, registration or permit filed by another.

73 3. Proceedings pursuant to this section shall be conducted in accordance with the  
74 provisions of chapter 621, RSMo. Upon a finding that the grounds, provided in subsection  
75 2 of this section, for disciplinary action are met, the board may, singly or in combination,  
76 assess an administrative fine not to exceed two thousand five hundred dollars per violation,  
77 censure or place on probation on such terms and conditions as the board deems  
78 appropriate for a period not to exceed five years, or may suspend, for a period not to  
79 exceed three years, or revoke the certificate or permit. In any order of revocation, the  
80 board may provide that the person may not apply for a new certificate for a maximum of  
81 three years and one day following the date of the order of revocation. All stay orders shall  
82 toll this time period. In lieu of or in addition to any remedy specifically provided in  
83 subsection 1 of this section, the board may require of a licensee:

84 (1) A peer review conducted in such fashion as the board may specify; or

85 (2) Satisfactory completion of such continuing professional education programs as  
86 the board may specify; or

87 (3) Both.

88 4. Before restoring to good standing a certificate or permit issued pursuant to this  
89 chapter which has been in a revoked or suspended state for any cause for more than two  
90 years, the board may require the applicant to attend such continuing professional  
91 education courses as the board may direct.

92 5. In any investigation, hearing, peer review or other proceeding to determine a  
93 licensee's or applicant's fitness to practice, any record relating to any client of the licensee

94 or applicant shall be discoverable by the board and admissible into evidence, regardless  
95 of any statutory or common law privilege which such licensee, applicant, record custodian  
96 or client might otherwise invoke. In addition, no such licensee, applicant or record  
97 custodian may withhold records or testimony bearing upon a licensee's or applicant's  
98 fitness to practice on the ground of privilege between such licensee, applicant or record  
99 custodian and a client.

326.072. After notice and hearings as provided in chapter 621, RSMo, the board  
2 may revoke the registration and permit to practice of a CPA firm if it does not have all the  
3 qualifications prescribed by section 326.042. After notice and hearings as provided in  
4 chapter 621, RSMo, the board may revoke or suspend the registration of a partnership or  
5 corporation or may revoke or suspend its permit pursuant to section 326.042 to practice  
6 or may censure the holder of any such permit for any of the causes enumerated in section  
7 326.069.

326.078. Upon application in writing and after hearing pursuant to notice, the  
2 board may issue a new certificate to a certified public accountant whose certificate shall  
3 have been revoked, or may permit the reregistration of anyone whose registration has been  
4 revoked or may reissue or modify the suspension of any permit to practice public  
5 accounting which has been revoked or suspended.

326.081. 1. Every application for the granting of a certified public accountant  
2 certificate shall be made on a form furnished to the applicant, contain a statement that it  
3 is made under oath or affirmation and that its representations are true and correct to the  
4 best knowledge and belief of the person signing same, subject to the penalties of making  
5 a false affidavit or declaration, and be accompanied by an examination fee for each subject  
6 upon which the person is to be examined. For each subsequent sitting, the applicant shall  
7 pay a fee, as determined by the board, for each subject upon which the applicant is to be  
8 examined. For the issuance of each certified public accountant certificate, the grantee shall  
9 pay a certificate fee.

10 2. A fee shall be charged for the issuance of each certificate whether the holder is  
11 in practice as an individual, or as a partner or firm member or as an employee of a  
12 corporation, firm, partnership or other business entity. A fee shall be charged for the  
13 issuance of each permit to practice accountancy issued to any registered corporation, firm,  
14 partnership or other business entity and any provisional or temporary permits or  
15 certificates issued by the board. All fees payable pursuant to the provisions of this chapter  
16 shall be collected by the division of professional registration, who shall transmit them to  
17 the department of revenue for deposit in the state treasury to the credit of a fund to be  
18 known as the "State Board of Accountancy Fund".

19           **3. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money**  
20 **in this fund shall not be transferred and placed to the credit of general revenue until the**  
21 **amount in the fund at the end of the biennium exceeds two times the amount of the**  
22 **appropriation from the board's funds for the preceding fiscal year or, if the board requires**  
23 **by rule permit renewal less frequently than yearly, then three times the appropriation from**  
24 **the board's funds for the preceding fiscal year. The amount, if any, in the fund which shall**  
25 **lapse is that amount in the fund which exceeds the appropriate multiple of the**  
26 **appropriations from the board's funds for the preceding fiscal year.**

27           **4. In any proceeding in which a remedy provided by subsection 1 or 2 of this**  
28 **section is imposed, the board may also require the respondent licensee to pay the costs of**  
29 **the proceeding if the board is a prevailing party or in settlement. The moneys shall be**  
30 **placed in the state treasury to the credit of the "Missouri State Board of Accountancy**  
31 **Investigation Fund", which is hereby created, to be used solely for investigations as**  
32 **provided in this chapter. Such moneys shall not be considered in calculating amounts to**  
33 **be transferred to general revenue as provided in subsection 3 of this section. Such fund**  
34 **shall be used solely for board investigations.**

35           **5. The board shall set the amount of the fees which this chapter authorizes and**  
36 **requires by rules and regulations promulgated pursuant to section 536.021, RSMo. The**  
37 **fees shall be set at a level to produce revenue which shall not substantially exceed the cost**  
38 **and expense of administering this chapter.**

**326.084. Except by permission of the client for whom a licensee performs services**  
2 **or the heirs, successors or personal representatives of such client, a licensee pursuant to**  
3 **this chapter shall not voluntarily disclose information communicated to the licensee by the**  
4 **client relating to and in connection with services rendered to the client by the licensee.**  
5 **Such information shall be deemed confidential, provided, however, that nothing herein**  
6 **shall be construed as prohibiting the disclosure of information required to be disclosed by**  
7 **the standards of the public accounting profession in reporting on the examination of**  
8 **financial statements or as prohibiting disclosures in court proceedings, in investigations**  
9 **or proceedings pursuant to section 326.048, in ethical investigations conducted by private**  
10 **professional organizations, or in the course of peer reviews, or to other persons active in**  
11 **the organization performing services for that client on a need to know basis or to persons**  
12 **in the entity who need this information for the sole purpose of assuring quality control.**

**326.087. 1. Subject to the provisions of section 326.084, all statements, records,**  
2 **schedules, working papers and memoranda made by a licensee or a partner, shareholder,**  
3 **officer, director, member, manager or employee of a licensee, incident to, or in the course**  
4 **of, rendering services to a client while a licensee except the reports submitted by the**

5 licensee to the client and except for records that are part of the client's records, shall be  
6 and remain the property of the licensee in the absence of an express agreement between the  
7 licensee and the client to the contrary. No such statement, record, schedule, working paper  
8 or memorandum shall be sold, transferred or bequeathed, without the consent of the client  
9 or the client's personal representative or assignee, to anyone other than one or more  
10 surviving partners, stockholders, members or new partners, new stockholders or new  
11 members of the licensee, or any combined or merged firm or successor in interest to the  
12 licensee. Nothing in this section should be construed as prohibiting any temporary transfer  
13 of work papers or other material necessary in the course of carrying out peer reviews or  
14 as otherwise interfering with the disclosure of information pursuant to section 326.084.

15       **2. A licensee shall furnish to a client or former client, upon request and reasonable**  
16 **notice:**

17           **(1) A copy of the licensee's working papers, to the extent that such working papers**  
18 **include records that would ordinarily constitute part of the client's records and are not**  
19 **otherwise available to the client; and**

20           **(2) Any accounting or other records belonging to, or obtained from or on behalf of,**  
21 **the client that the licensee removed from the client's premises or received for the client's**  
22 **account; the licensee may make and retain copies of such documents of the client when they**  
23 **form the basis for work done by the licensee.**

24       **3. Nothing in this section shall require a licensee to keep any workpaper beyond the**  
25 **period prescribed in any other applicable statute, nor shall it prohibit a licensee from**  
26 **charging a reasonable fee for furnishing the requested materials.**

**326.091. Application by a person or a firm not a resident of this state shall**  
2 **constitute and authorize appointment of the Missouri secretary of state as the applicant's**  
3 **agent upon whom process may be served in any action or proceeding against the applicant**  
4 **arising out of any transaction or operation connected with or incidental to services**  
5 **performed within this state.**

      [326.011. 1. As used in sections 326.011 to 326.230, the following words  
2 mean:

3           (1) "Attestation", the opinion of a certified public accountant or public  
4 accountant as to the reliability or fairness of information which is used for guidance  
5 in financial transactions or for accounting for or assessing the status or performance  
6 of commercial and noncommercial enterprises, whether public or private, following  
7 the completion of an audit, in accordance with generally accepted accounting and  
8 auditing standards;

9           (2) "Board", the Missouri state board of accountancy;

10           (3) "Live permit", a permit issued pursuant to section 326.210 which has not  
11 expired or been revoked or suspended;

12 (4) "State", the term "state" when used herein includes any state, territory or  
13 insular possession of the United States or the District of Columbia.

14 2. Masculine terms when used herein shall also include the feminine.]

[326.012. Nothing contained in sections 326.011 to 326.230 shall prohibit:

2 (1) A certified public accountant of another state, or any accountant who  
3 holds a certificate, degree or license in a foreign country, constituting a recognized  
4 qualification for the practice of public accountancy in such country, from temporarily  
5 practicing in this state on professional business incident to his regular practice  
6 outside this state; except that, such temporary practice shall be conducted in  
7 conformity with the laws of Missouri and the regulations and rules of professional  
8 conduct promulgated by the board;

9 (2) Any person from signing, delivering or issuing financial, accounting or  
10 related statements or reports thereon prepared by him, or under his supervision, if he  
11 in no way indicates, or implies, that he is attesting to such statements or reports; or  
12 from preparation of tax returns and schedules relative thereto and representation  
13 before appropriate governmental agencies with respect to the tax returns, including  
14 the preparation of any schedules required for the representation before such agencies;

15 (3) Any person not a certified public accountant or public accountant from  
16 serving as an employee of, or an assistant to, a certified public accountant or public  
17 accountant or partnership or corporation composed of certified public accountants or  
18 public accountants holding a permit to practice issued under section 326.210;  
19 provided that such employee or assistant shall not issue any accounting or financial  
20 statement over his name;

21 (4) Any trustee, executor, administrator, referee or commissioner from  
22 signing and certifying financial reports incident to his duties in such capacity;

23 (5) Any attorney at law, or partnership of attorneys at law, or professional  
24 corporation of attorneys at law from signing a financial, accounting or related  
25 statement, or report thereon, prepared by him, or them, as an incident to the practice  
26 of law;

27 (6) A person who holds a certificate as a certified public accountant, then in  
28 full force and effect, issued under the laws of this or any other state or foreign  
29 country, and who does not engage in the practice of public accounting, auditing,  
30 bookkeeping or any similar occupation, from using the title "certified public  
31 accountant" or abbreviation "C.P.A.", or in the case of a foreign accountant, the title  
32 under which he is generally known in his country;

33 (7) Any director or officer of a corporation, partner of a partnership, sole  
34 proprietor of a business enterprise, member of a joint venture, member of a  
35 committee appointed by stockholders, creditors or the courts, or an employee of any  
36 of the foregoing, in his capacity as such, from signing, delivering or issuing any  
37 financial, accounting or related statement, or report thereon, relating to such  
38 corporation, partnership, business enterprise, joint venture or committee, provided  
39 such capacity is so designated on such statement or report;

40 (8) A person who holds a certificate as a certified public accountant, then in

41 force and effect, issued under the laws of this or any other state or foreign country  
42 and who is regularly employed by, or is a director or officer of, a corporation,  
43 partnership, association, or business trust, in his capacity as such, from signing,  
44 delivering or issuing any financial, accounting or related statement, or report thereon  
45 relating to such corporation, partnership, association, or business trust provided such  
46 capacity is so designated thereon, and provided in the signature line the title "C.P.A.",  
47 or "certified public accountant" is not designated thereon.]

2 [326.021. 1. No person shall assume or use the title or designation "certified  
3 public accountant" or the abbreviation "C.P.A." or any other title, designation, words,  
4 letters, abbreviation, sign, card or device tending to indicate that such person is a  
5 certified public accountant, unless such person has received a certificate as a certified  
6 public accountant under section 326.060, holds a live permit issued under section  
7 326.210, and all of such person's offices in this state for the practice of public  
8 accounting are maintained and registered as required under section 326.055;  
9 provided, however, that a foreign accountant who holds a live permit issued under  
10 section 326.210 may use the title under which he is generally known in his country,  
11 followed by the name of the country from which he received his certificate, license  
12 or degree.

13 2. No partnership or corporation shall assume or use the title or designation  
14 "certified public accountant" or the abbreviation "C.P.A." or any other title,  
15 designation, words, letters, abbreviation, sign, card or device tending to indicate that  
16 such partnership or corporation is composed of certified public accountants unless  
17 such partnership or corporation is registered as a partnership or corporation of  
18 certified public accountants under section 326.040 or 326.050, holds a live permit  
19 issued under section 326.210, and all offices of such partnership or corporation in  
20 this state for the practice of public accounting are maintained and registered as  
21 required under section 326.055.

22 3. No person shall assume or use the title or designation "public accountant"  
23 or any other title, designation, words, letters, abbreviation, sign, card or device  
24 tending to indicate that such person is a public accountant, unless such person has  
25 received a certificate as a certified public accountant under section 326.060 and holds  
26 a live permit issued under section 326.210, and all of such person's offices in this  
27 state for the practice of public accounting are maintained and registered as required  
28 under section 326.055; provided, however, persons who, on September 28, 1977,  
29 held public accountant certificates theretofore issued under the laws of this state and  
30 who shall hold a live permit shall not be prohibited from using such title or  
31 designation.

32 4. No partnership or corporation shall assume or use the title or designation  
33 "public accountant" or any other title, designation, words, letters, abbreviation, sign,  
34 card or device tending to indicate that such partnership or corporation is composed  
35 of public accountants, unless such partnership or corporation is registered as a  
36 partnership or corporation of public accountants or certified public accountants under  
section 326.040 or 326.050 and holds a live permit issued under section 326.210, and

all offices of such partnership or corporation in this state for the practice of public accounting are maintained and registered as required under section 326.055.

5. No person, partnership or corporation shall assume or use the title or designation "certified accountant", or "public accountant", or any other title or designation likely to be confused with "certified public accountant" or "public accountant", or the abbreviations "C.P.A." or "P.A." or similar abbreviations likely to be confused with "C.P.A." or "P.A."; except any one who holds a live permit issued under section 326.210 and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 326.055 and provided further that a foreign accountant who holds a live permit issued under section 326.210 and all of whose offices in this state for the practice of public accounting are maintained and registered as required under section 326.055, may use the title under which he is generally known in his country, followed by the name of the country from which he received his certificate, license or degree.

6. No person shall sign or affix his name or any trade or assumed name used by him in his profession or business with any wording indicating that he is a certified public accountant or public accountant, or with any wording indicating that he has expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless he holds a live permit issued under section 326.210 and all of his offices in this state for the practice of public accounting are maintained and registered under section 326.055; provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or report in reference to the affairs of said organization with any wording designating the position, title or office which he holds in said organization; nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.

7. No person shall sign or affix a partnership or corporate name with any wording indicating that it is a partnership or corporation composed of certified public accountants, public accountants or persons having expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, unless the partnership or corporation holds a live permit issued under section 326.210 and all of its offices in this state for the practice of public accounting are maintained and registered as required under section 326.055.

8. No person or partnership or corporation not holding a live permit issued under section 326.210 shall hold himself or itself out to the public as a "certified public accountant" or "public accountant" by use of any such words on any sign, card,

letterhead or in any advertisement or directory, without indicating thereon or therein, prominently displayed, that such person, partnership or corporation does not hold such a permit; provided, that this subsection shall not prohibit any officer, employee, partner or principal of any organization from describing himself by the position, title or office he holds in such organization; nor shall this subsection prohibit any act of public official or public employee in the performance of his duties as such.

9. No person shall assume or use the title or designation "certified public accountant" or "public accountant" in conjunction with names indicating or implying that there is a partnership or corporation, or in conjunction with the designation "and company", "and Co." or "and associates" or a similar designation if, in any such case, there is in fact no bona fide partnership or corporation registered under section 326.040 or 326.050; provided that a sole proprietor or partnership lawfully using such title or designation in conjunction with such names or designation on September 28, 1977, may continue to do so if he or it otherwise complies with the provisions of sections 326.011 to 326.230.]

[326.022. 1. Upon application by the board, and the necessary burden having been met, a court of general jurisdiction may grant an injunction, restraining order or other order as may be appropriate to enjoin a person from:

(1) Offering to engage or engaging in the performance of any acts or practices for which a certificate of registration or authority, permit or license is required upon a showing that such acts or practices were performed or offered to be performed without a certificate of registration or authority, permit or license; or

(2) Engaging in any practice or business authorized by a certificate of registration or authority, permit or license issued pursuant to this chapter upon a showing that the holder presents a substantial probability of serious danger to the health, safety or welfare of any resident of this state or client of the licensee.

2. Any such action shall be commenced either in the county in which such conduct occurred or in the county in which the defendant resides.

3. Any action brought under this section shall be in addition to and not in lieu of any penalty provided by this chapter and may be brought concurrently with other actions to enforce this chapter.]

[326.040. 1. The board shall authorize the registration, as certified public accountants, of firms and partnerships, provided it be shown to the board that:

(1) Each member or partner of the firm or partnership, resident, or engaged in the practice of public accountancy in the United States is in good standing as a certified public accountant in one or more states; and

(2) Either:

(a) Each resident or local member or partner is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state; or

(b) If there be no resident or local member or partner, each resident or local manager is the holder of a valid certificate and live permit as a certified public accountant issued under the laws of this state.



13           2. After the registration of a firm or partnership with the board, and the  
14     obtention of a permit, and not otherwise, the firm or partnership shall be entitled to  
15     use the designation "certified public accountant" in connection with the firm or  
16     partnership name. When firms or partnerships so registered shall secure permits, the  
17     name of the firm or partnership shall be listed in the register, together with the names  
18     of the members and managers thereof, who are local or resident in this state, with the  
19     designation "C.P.A." after each name; and the names of nonresident members who  
20     hold valid certificates issued under the laws of this state may also be listed.

21           3. The board shall authorize the registration, as public accountants, of firms  
22     or partnerships, and issue to them permits to practice as such; provided, the resident  
23     or local partner or partners, or, if there be no resident or local partner, the resident or  
24     local manager or managers hold a valid certificate and live permit as a public  
25     accountant or as a certified public accountant issued under the laws of this state.  
26     After the registration of the firm or partnership with the board, and the obtention of  
27     a permit, and not otherwise, the firm shall be entitled to use the designation "public  
28     accountant" in connection with the firm or partnership name. When firms or  
29     partnerships so registered secure permits, the name of the firm or partnership shall  
30     be listed in the register, together with the names of the partners or managers thereof,  
31     local or resident in this state, with the appropriate title or initials representing their  
32     respective capacities under this chapter. The names of nonresident partners who hold  
33     valid certificates issued under the laws of this state may also be listed.

34           4. The term "local", as used herein, is intended to denote persons engaged in  
35     practicing public accountancy in this state, who spend all or the greater part of their  
36     time during business hours in this state, but reside in another state.]

          [326.050. 1. No corporation, whether organized under the laws of this, or  
2     any other state, shall be entitled to registration as a certified public accountant, except  
3     a corporation formed pursuant to the professional corporation law of Missouri, or  
4     pursuant to the laws of another jurisdiction authorized to practice accounting in such  
5     jurisdiction and qualified to do business in this state under the professional  
6     corporation law of this state, and which conforms to such corporate practice rules as  
7     the board may promulgate, provided further that the president or other managing  
8     officer is the holder of a valid certificate and live permit as a certified public  
9     accountant in this state.

10           2. The board is authorized to register corporations as public accountants, and  
11     to issue to them permits to practice as such, provided, that such corporations on  
12     September 28, 1977, were legally organized under the laws of this state, and are  
13     entitled under their articles of incorporation and in accordance with the laws of this  
14     state, to practice public accountancy, within the meaning of sections 326.011 to  
15     326.230; and provided further, that the president or other managing officer is the  
16     holder of a valid certificate as a certified public accountant or as a public accountant,  
17     and an unexpired permit to practice as such.

18           3. A corporation referred to in subsection 2 of this section, when duly  
19     registered and holding a valid and effective permit, may use the designation "public

accountants" in connection with its corporate name and a corporation registered pursuant to subsection 1 of this section may use the designation "certified public accountant"; provided, however, that whenever the corporate name is used with one of such designation, save in directory listings, the names of the president, secretary and manager of its public accounting department shall also be stated or signed.

4. It is further provided that agricultural nonprofit associations which, on the twenty-third day of November, 1943, were engaged in rendering accounting services to members of their association, to other agricultural or farmers' associations, or to agricultural cooperative associations, shall be registered by the board as a public accountant, under the provisions of sections 326.011 to 326.230, and issued a permit to practice as such; provided, however, such registration and permit shall not authorize such associations to render accounting services to others than its members, other agricultural or farmers' associations, and agricultural cooperative associations.]

[326.055. 1. Each office established and maintained in this state for the practice of public accounting in this state by a certified public accountant or partnership or corporation of certified public accountants, or by a public accountant or a partnership or corporation of public accountants shall be registered under sections 326.011 to 326.230 with the board but no fee shall be charged for such registration. Each such office shall be under the direct supervision of a resident manager who may be either a principal shareholder or a staff employee holding a certificate as a certified public accountant under section 326.060 and a live permit under section 326.210.

2. As a condition of registering an office under this section the board may, after November 30, 1982, and after a hearing with the licensee in accordance with section 326.132, for those licensees who have issued reports on financial statements, during the preceding five-year period, which the board has determined to have been substandard, require such licensee applying for registration, to submit to a review and evaluation of the system of quality control (peer review) of the accounting and auditing practice of the licensee. Such reviews shall be made by committees or other certified public accountant firms nominated by the Missouri Society of Certified Public Accountants and accredited by the board in accordance with regulations promulgated by the board. The board shall accept peer review reports filed with federal regulatory agencies, other state boards or professional associations to meet such review requirement if the report on such review conforms to board regulations. However, an addendum to such peer review reports may be required by the board to include any Missouri office of a multistate firm which has issued financial reports or financial statements described in this section.]

[326.060. 1. The certificate of "certified public accountant" shall be granted by the board to any person:

- (1) Who is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state;
- (2) Who has attained the age of twenty-one years;
- (3) Who is of good moral character;

7 (4) Who either:

8 (a) Applies for the initial examination referred to in subdivision (5) of this  
9 subsection prior to June 30, 1999, and holds a baccalaureate degree conferred by an  
10 accredited college or university recognized by the board, with a concentration in  
11 accounting, or what the board determines to be substantially the equivalent of a  
12 concentration in accounting; or

13 (b) Applies for the initial examination referred to in subdivision (5) of this  
14 subsection on or after June 30, 1999, and has at least one hundred fifty semester  
15 hours of college education including a baccalaureate or higher degree conferred by  
16 an accredited college or university recognized by the board, the total educational  
17 program to include an accounting concentration or equivalent as determined by board  
18 rule to be appropriate; and

19 (5) Who shall have passed a written examination in accounting, auditing, and  
20 such other related subjects as the board shall determine to be appropriate.

21 2. The board shall by regulation prescribe the terms and conditions, which  
22 shall be substantially the same as any established in subsection 3 of this section,  
23 under which credit will be granted to a candidate for the candidate's satisfactory  
24 completion of a written examination in any one or more of the subjects specified in  
25 subdivision (5) of subsection 1 of this section, given by the licensing authority in any  
26 other state; provided that when the candidate took such examination in such other  
27 state the candidate was not a resident in this state, had no place of business in this  
28 state, or, as an employee, was not regularly employed in this state. Such regulations  
29 shall include such requirements as the board shall determine to be appropriate in  
30 order that any examination approved as a basis for any such credit shall, in the  
31 judgment of the board, be at least as thorough as the most recent examination given  
32 by the board at the time of the granting of such credit.

33 3. The board shall by regulation prescribe the terms and conditions under  
34 which a candidate who passes the examination in one or more of the subjects  
35 indicated in subdivision (5) of subsection 1 of this section, may be reexamined in  
36 only the remaining subjects, with credit for the subjects previously passed. A  
37 candidate shall be entitled to any number of reexaminations pursuant to subdivision  
38 (5) of subsection 1 of this section. A candidate who fails to pass any section or  
39 sections of the examination may pay the fee and take such sections of the  
40 examination as the board by rule prescribes again at any regularly scheduled  
41 examination.

42 4. The board shall charge each candidate a fee, as prescribed in section  
43 326.200. Fees for reexamination pursuant to subdivision (5) of subsection 1 of this  
44 section shall also be charged by the board as prescribed in section 326.200. The  
45 applicable fee shall be paid by the candidate at the time the candidate applies for  
46 examination or reexamination.

47 5. Any person who has received from the board a certificate as a certified  
48 public accountant and who holds a permit issued pursuant to section 326.210, which  
49 is in full force and effect, shall be styled and known as a "certified public accountant"

and may also use the abbreviation "C.P.A.". Any certified public accountant may also be known as a "public accountant".

6. Persons who, on September 28, 1977, held certified public accountant certificates or public accountant certificates theretofore issued pursuant to the laws of this state shall not be required to obtain additional certificates pursuant to sections 326.011 to 326.230, but shall otherwise be subject to all provisions of sections 326.011 to 326.230; and such certificates theretofore issued shall, for all purposes, be considered certificates issued pursuant to sections 326.011 to 326.230 and subject to the provisions of sections 326.011 to 326.230.

7. The board shall waive the examination pursuant to subdivision (5) of subsection 1 of this section, and shall issue a certificate as a "certified public accountant" to any person paying a fee equal to the total examination fee as provided in section 326.200 and possessing the qualifications specified in subdivisions (1), (2), and (3) of subsection 1 of this section and what the board determines to be substantially the equivalent of the applicable qualifications pursuant to subdivision (4) of subsection 1 of this section who is either the holder of a:

(1) Certificate as a certified public accountant, then in full force and effect, issued under the laws of any state; or

(2) Designation in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect; provided that:

(a) The foreign authority which granted the designation makes similar provisions to allow a person who holds a valid certificate and permit to practice issued by this state to obtain such foreign authority's comparable designation and the foreign designation:

a. Was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

b. Entitles the holder to issue reports upon financial statements; and

c. Was issued upon the basis of educational and examination requirements established by the foreign authority or by law; and

(b) The applicant:

a. Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted; and

b. Passed a uniform qualifying examination in national standards acceptable to the board;

(3) An applicant pursuant to subdivision (1) or (2) of this subsection shall, in the application, list all jurisdictions, foreign and domestic, in which the applicant has applied for, or holds a designation to practice public accounting, and each holder of a certificate issued pursuant to this subsection shall notify the board in writing, within thirty days after its occurrence, of any issuance, denial, revocation or suspension of a designation or commencement of a disciplinary or enforcement

93 action by any jurisdiction.

94 8. Upon application, the board shall issue a temporary permit and certificate  
95 to an applicant pursuant to this subsection for a certificate as a certified public  
96 accountant who has made a prima facie showing that the applicant meets all of the  
97 requirements for such a certificate and possesses the experience required for issuance  
98 of a permit. The temporary permit and certificate shall be effective only until the  
99 board shall have had the opportunity to investigate the applicant's qualifications for  
100 licensure pursuant to subsection 1 of this section and to notify the applicant that the  
101 applicant's application for a certificate and permit has been either granted or rejected.  
102 In no event shall such temporary certificate and temporary permit be in effect for  
103 more than twelve months after the date of issuance nor shall a temporary certificate  
104 or temporary permit be reissued to the same applicant. No fee shall be charged for  
105 such temporary certificate or temporary permit. The holder of a temporary certificate  
106 and temporary permit which has not expired, or been suspended or revoked, shall be  
107 deemed to be the holder of a certificate issued pursuant to this section and the holder  
108 of a permit issued pursuant to section 326.210 until such temporary certificate and  
109 temporary permit expires, is terminated, or is suspended or revoked.

110 9. A candidate submitting an application for a certificate by examination who  
111 has met the educational requirements of subdivision (4) of subsection 1 of this  
112 section or who reasonably expects to meet the requirement within sixty days after the  
113 examination shall be eligible for examination pursuant to subdivision (5) of  
114 subsection 1 of this section if the candidate also meets the requirements of  
115 subdivisions (1), (2), and (3) of subsection 1 of this section. In the case of a  
116 candidate admitted to examination on the reasonable expectation that the candidate  
117 will meet the educational requirements within sixty days, no certificate shall be  
118 issued, nor credit for the examination or any part thereof given unless the educational  
119 requirement is in fact met within the sixty-day period.]

2 [326.100. All statements, records, schedules and memoranda, commonly  
3 known as working papers, made by a certified public accountant or a public  
4 accountant, or by an employee of either, incident to or in the course of professional  
5 service to clients, except reports delivered to a client, shall be and remain the  
6 property of such certified public accountant or public accountant, in the absence of  
a written agreement between the accountant and the client to the contrary.]

2 [326.110. 1. The board shall prescribe rules and regulations consistent with  
3 the provisions of sections 326.011 to 326.230; provided, however, nothing herein  
4 contained shall be construed as conferring upon the board the authority to issue rules  
5 or regulations on any subject affecting the practice of public accountancy by a person  
6 previously licensed as a certified public accountant unless specifically authorized by  
the general assembly. Such rules and regulations may include:

- 7 (1) Rules of procedure for governing the conduct of matters before the board;  
8 (2) Rules of professional conduct for establishing and maintaining high  
9 standards of competence and integrity in the profession of public accountancy;  
10 (3) Regulations governing educational requirements for issuance of the

certificate of "certified public accountant" and prescribing further educational requirements, known as "requirements of continuing education", to be met from time to time by the holders of such certificates and by the holders of public accountant certificates, in order to maintain their professional knowledge and competence, as a condition to continuing in the practice of public accountancy;

(4) Regulations governing corporations practicing public accounting, including but not limited to rules concerning their style, name, title, and affiliation with any other organization; and establishing reasonable standards with respect to professional liability insurance and unimpaired capital, and prescribing joint and several liability for torts relating to professional services for shareholders of any such corporation failing to comply with such standards;

(5) Regulations governing peer review committee accreditation and requirements for registration of an office and issuance of permits;

(6) Regulations prohibiting competitive bidding which is declared to be contrary to the public interest for professional engagement of certified public accountants or public accountants which regulations are not in conflict with other provisions of law.

2. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

3. In promulgating rules and regulations in respect to the requirements of continuing education as authorized by the provisions of subdivision (3) of subsection 1 of this section, the board:

(1) May, among other things, use and rely upon guidelines and pronouncements of recognized educational and professional associations;

(2) May prescribe for content, duration and organization of courses;

(3) Shall take into account the accessibility to applicants of such continuing education as the board may require, and any impediments to the interstate practice of public accountancy which may result from differences in such requirements in states;

(4) May provide for relaxation or suspension of such requirements for instances of individual hardship;

(5) Shall not, in establishing requirements for continuing education, require in excess of one hundred twenty hours of continuing education in any three-year period, not more than one-third of which shall be required in any one year, and such requirements of continuing education must be susceptible of being fulfilled in programs or courses reasonably available to certificate holders within the state.

4. The board may by rule require such reports concerning continuing education as it deems necessary from holders of permits granted under the provisions of section 326.210.]

[326.120. Any person who violates any provision of section 326.021 shall be guilty of a class A misdemeanor. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts to the

4 attorney general of this state or bring other appropriate proceedings.]

2 [326.121. The display or uttering by a person of a card, sign, advertisement  
3 or other printed, engraved or written instrument or device bearing a person's name  
4 in conjunction with the words "certified public accountant" or any abbreviation  
5 thereof, or "public accountant" or any abbreviation thereof, shall be prima facie  
6 evidence in any action brought under section 326.022 or section 326.120 that the  
7 person whose name is so displayed, caused or procured the display or uttering of such  
8 card, sign, advertisement or other printed, engraved or written instrument or device  
9 and that such person is holding himself out to be a certified public accountant or a  
10 public accountant holding a permit to practice under section 326.210. In any such  
11 action evidence of the commission of a single act prohibited by sections 326.011 to  
12 326.230 shall be sufficient to justify an injunction or a conviction without evidence  
of a general course of conduct.]

2 [326.125. At all proceedings for the enforcement of these or any other  
3 provisions of this chapter the board shall, as it deems necessary, select, in its  
4 discretion, either (1) the attorney general or one of his assistants designated by him  
5 or (2) other legal counsel to appear and represent the board at each stage of such  
proceeding or trial until its conclusion.]

2 [326.130. 1. The board may refuse to issue any certificate of registration or  
3 authority, permit or license required pursuant to this chapter for one or any  
4 combination of causes stated in subsection 2 of this section. The board shall notify  
5 the applicant in writing of the reasons for the refusal and shall advise the applicant  
6 of the applicant's right to file a complaint with the administrative hearing commission  
as provided by chapter 621, RSMo.

7 2. The board may cause a complaint to be filed with the administrative  
8 hearing commission as provided by chapter 621, RSMo, against any holder of any  
9 certificate of registration or authority, permit or license required by this chapter or  
10 any person who has failed to renew or has surrendered the person's certificate of  
11 registration or authority, permit or license for any one or any combination of the  
12 following causes:

13 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or  
14 alcoholic beverage to an extent that such use impairs a person's ability to perform the  
15 work of any profession licensed or regulated by this chapter;

16 (2) The person has been finally adjudicated and found guilty, or entered a  
17 plea of guilty or nolo contendere, in a criminal prosecution under the laws of any  
18 state or of the United States, for any offense reasonably related to the qualifications,  
19 functions or duties of any profession licensed or regulated pursuant to this chapter,  
20 for any offense an essential element of which is fraud, dishonesty or an act of  
21 violence, or for any offense involving moral turpitude, whether or not sentence is  
22 imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any  
24 certificate of registration or authority, permit or license issued pursuant to this  
25 chapter or in obtaining permission to take any examination given or required

pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice pursuant to this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.]

[326.131. After notice and hearings as provided in chapter 621, RSMo, the board shall revoke the registration and permit to practice of a partnership or corporation if at any time it does not have all the qualifications prescribed by sections 326.040 and 326.050. After notice and hearings as provided in chapter 621, RSMo, the board may revoke or suspend the registration of a partnership or corporation or may revoke or suspend its permit under section 326.210 to practice or may censure the holder of any such permit for any of the causes enumerated in section 326.130.]

[326.133. Upon application in writing and after hearing pursuant to notice,



2 the board may issue a new certificate to a certified public accountant whose  
3 certificate shall have been revoked, or may permit the reregistration of anyone whose  
4 registration has been revoked or may reissue or modify the suspension of any permit  
5 to practice public accounting which has been revoked or suspended.]

2 [326.134. 1. In order to assure a free flow of information for peer review  
3 pursuant to section 326.055, or proceedings before the board pursuant to section  
4 326.132, all complaint files, investigation files, and all other investigation reports and  
5 other investigative information in the possession of the board or peer review  
6 committee or firm, acting under the authority of section 326.055 or 326.132, or its  
7 employees or agents, which relate to such hearings or review shall be privileged and  
8 confidential, and shall not be subject to discovery, subpoena, or other means of legal  
9 compulsion for their release to any person, other than the permit or certificate holder  
10 and the board or peer review committee or firm or their employees and agents  
11 involved in such proceedings, or be admissible in evidence in any judicial or  
12 administrative proceeding, other than the proceeding for which such material was  
13 prepared or assembled. A final written decision and finding of fact of the board,  
14 pursuant to section 326.132, shall be a public record.

15 2. A person shall not be civilly liable as a result of his or her acts, omissions,  
16 or decisions in good faith as a member of the board, a peer review committee or firm,  
17 or as an employee or agent thereof, in connection with such person's duties.

18 3. A person shall not be civilly liable as a result of filing a report or  
19 complaint with the board or a peer review committee, or for the disclosure to the  
20 board or a peer review committee or its agents or employees, whether or not pursuant  
21 to a subpoena, of records, documents, testimony or other forms of information which  
22 constitute privileged matter in connection with proceedings of a peer review  
23 committee, or other board proceedings pursuant to section 326.132. However, such  
immunity from civil liability shall not apply if such act is done with malice.]

2 [326.151. A certified public accountant or a public accountant shall not be  
3 examined by judicial process or proceedings without the consent of his client as to  
4 any communication made by the client to him in person or through the media of  
5 books of account and financial records, or his advice, reports or working papers given  
6 or made thereon in the course of professional employment, nor shall a secretary,  
7 stenographer, clerk or assistant of a certified public accountant, or a public  
8 accountant, be examined, without the consent of the client concerned, concerning any  
9 fact the knowledge of which he has acquired in his capacity. This privilege shall  
10 exist in all cases except when material to the defense of an action against an  
accountant.]

2 [326.160. 1. The "Missouri State Board of Accountancy" shall consist of  
3 seven members, one of whom shall be a voting public member, appointed by the  
4 governor, by and with the advice and consent of the senate, and shall have the  
5 functions, powers and duties prescribed in this chapter.

6 2. Each member of the board, except the public member, shall be the holder  
of a certificate as a certified public accountant, issued pursuant to and pursuant to the

7 laws of this state, and shall at the time of his or her appointment be a citizen of the  
8 United States and a resident of this state for a period of at least one year, and have  
9 practiced continuously as and under the designation of a certified public accountant,  
10 or as a public accountant, for a period of at least five years immediately preceding his  
11 or her appointment. The public member shall be at the time of his or her  
12 appointment a citizen of the United States; a resident of this state for a period of one  
13 year and a registered voter; a person who is not and never was a member of any  
14 profession licensed or regulated pursuant to this chapter or the spouse of such person;  
15 and a person who does not have and never has had a material, financial interest in  
16 either the providing of the professional services regulated by this chapter, or an  
17 activity or organization directly related to any profession licensed or regulated  
18 pursuant to this chapter. The president of the Missouri Society for Certified Public  
19 Accountants in office at the time shall, at least ninety days prior to the expiration of  
20 the term of a board member, other than the public member, or as soon as feasible  
21 after a vacancy on the board otherwise occurs, submit to the director of the division  
22 of professional registration a list of five certified public accountants qualified and  
23 willing to fill the vacancy in question, with the request and recommendation that the  
24 governor appoint one of the five persons so listed, and with the list so submitted, the  
25 president of the Missouri Society for Certified Public Accountants shall include in  
26 his or her letter of transmittal a description of the method by which the names were  
27 chosen by that association. All members, including public members, shall be chosen  
28 from lists submitted by the director of the division of professional registration. The  
29 duties of the public member shall not include the determination of the technical  
30 requirements to be met for licensure or whether any person meets such technical  
31 requirements or of the technical competence or technical judgment of a licensee or  
32 a candidate for licensure.

33 3. The term of office of each member appointed shall be five years.  
34 Vacancies shall be filled by the governor for the unexpired term. Every member  
35 shall, however, hold office until his or her successor is appointed and qualified. No  
36 member whose term shall have expired, or been terminated for any reason, shall be  
37 eligible for reappointment until the lapse of one year. Appointment to fill an  
38 unexpired term shall not be considered as a complete term.

39 4. To every member appointed by the governor there shall be issued a  
40 commission or certificate of appointment; and every appointee, before entering upon  
41 the member's duties, shall take the oath of office required by the constitution of all  
42 officers under the authority of this state.

43 5. Any member of the board may be removed by the governor for  
44 misconduct, incompetency or neglect of duty; provided, the member shall first be  
45 given an opportunity to be heard in his or her own behalf.]

[326.170. 1. The Missouri state board of accountancy shall have power to  
2 adopt and use a seal; to make and amend all rules deemed necessary for the proper  
3 administration of this chapter; conduct examinations; to administer oaths and hear  
4 testimony regarding disciplinary actions as provided by section 621.110, RSMo, or

5 preparatory to the filing of a complaint pursuant to section 621.045, RSMo; to  
6 require, by summons or subpoena, the attendance and testimony of witnesses, and the  
7 production of books, papers and documents with respect to such testimony; and to  
8 do and perform all other acts and things herein committed to their charge and  
9 administration, or incidental thereto.

10 2. Said board shall maintain its office in Jefferson City, Missouri.]

[326.180. 1. The board hereby created shall annually elect one of its  
2 members as president, another as vice president, another as secretary, and another as  
3 treasurer. It shall make an annual report to the governor. It shall file and preserve  
4 all written applications, petitions, complaints, charges or requests made or presented  
5 to it, and all affidavits and other verified documents; and shall cause to be kept  
6 accurate records and minutes of its proceedings. A copy of any entry in the register,  
7 or of any records or minutes of the board, certified by the president or secretary of the  
8 board under its seal, shall constitute and be received in evidence with like effect as  
9 the original. The board may employ legal counsel and such board personnel as  
10 defined in subdivision (4) of subsection 16 of section 620.010, RSMo, and incur such  
11 travel and other expense, as, in its judgment, shall be necessary for the effectual  
12 administration of this law.

13 2. The board may also appoint a continuing education committee of not less  
14 than five members consisting of certified public accountants of this state holding a  
15 live permit who need not be members of the board. This committee shall:

16 (1) Evaluate continuing education programs to determine if they meet  
17 continuing education regulations adopted by the board;

18 (2) Consider applications for exceptions to continuing education regulations  
19 adopted pursuant to the provisions of section 326.110; and

20 (3) Consider such other matters regarding continuing education as may be  
21 assigned to it by the board.]

[326.190. 1. The board may by rule prescribe the dates and places for  
2 holding regular meetings; as well as regulate the call, notice and holding of special  
3 meetings. Three members of the board shall constitute a quorum at any regular  
4 meeting; and at any special meeting of which due notice has been given.

5 2. Examination of applicants shall be held at least once in each year at such  
6 times and places as the board shall determine. Notice of the time and place for  
7 holding any such examination shall be published at least once, not less than sixty  
8 days before the date of examination, in a newspaper published and circulating in St.  
9 Louis, a newspaper published and circulating in Kansas City, and in such other  
10 newspapers, and in such other manner, as shall, in the opinion of the board, be  
11 necessary to notify those desirous of applying for examination. The board may  
12 require, by general rule or special order, any or all applicants to appear in person  
13 before the board, and to answer questions touching their qualifications; and may, in  
14 its discretion, require evidence in support of the statements of the applicant.]

[326.200. 1. Every application for the granting of a certified public  
2 accountant certificate, or of a public accountant registration certificate, shall be made

3 on a form furnished to the applicant, contain a statement that it is made under oath  
4 or affirmation and that its representations are true and correct to the best knowledge  
5 and belief of the person signing same, subject to the penalties of making a false  
6 affidavit or declaration, and be accompanied by an examination fee for each subject  
7 upon which the person is to be examined. For each subsequent sitting, the applicant  
8 shall pay a fee, as determined by the board, for each subject upon which the applicant  
9 is to be examined, not to exceed the original examination fee. For the issue of each  
10 certified public accountant certificate, the grantee shall pay a certificate fee.

11 2. An individual permit fee shall be charged for the issuance of each permit  
12 to practice public accountancy issued to any holder of a certified public accountant  
13 certificate or of a public accountant certificate whether the holder is in practice as an  
14 individual, or as a partner or firm member or as an employee of a corporation, firm  
15 or partnership, and a corporate permit fee shall be charged for the issuance of each  
16 permit to practice accountancy issued to any registered corporation. All fees payable  
17 pursuant to the provisions of this chapter shall be collected by the division of  
18 professional registration, who shall transmit them to the department of revenue for  
19 deposit in the state treasury to the credit of a fund to be known as the "State Board  
20 of Accountancy Fund".

21 3. The provisions of section 33.080, RSMo, to the contrary notwithstanding,  
22 money in this fund shall not be transferred and placed to the credit of general revenue  
23 until the amount in the fund at the end of the biennium exceeds two times the amount  
24 of the appropriation from the board's funds for the preceding fiscal year or, if the  
25 board requires by rule permit renewal less frequently than yearly, then three times the  
26 appropriation from the board's funds for the preceding fiscal year. The amount, if  
27 any, in the fund which shall lapse is that amount in the fund which exceeds the  
28 appropriate multiple of the appropriations from the board's funds for the preceding  
29 fiscal year.

30 4. Each member of the board shall receive as compensation an amount set  
31 by the board not to exceed fifty dollars for each day devoted to the affairs of the  
32 board, and shall be entitled to reimbursement of the member's expenses necessarily  
33 incurred in the discharge of the member's official duties. All claims for  
34 compensation and expenses shall be presented and allowed in open meetings of the  
35 board. No compensation or expenses of members of the board, its officers or  
36 employees shall be charged against the general funds of the state, but shall be paid  
37 out of the state board of accountancy fund.

38 5. The board shall set the amount of the fees which this chapter authorizes  
39 and requires by rules and regulations promulgated pursuant to section 536.021,  
40 RSMo. The fees shall be set at a level to produce revenue which shall not  
41 substantially exceed the cost and expense of administering this chapter.]

2 [326.210. 1. Permits to engage in the practice of public accounting in this  
3 state shall be issued by the board, upon payment of the fee as prescribed pursuant to  
4 section 326.200, to holders of the certificates of certified public accountants issued  
pursuant to section 326.060, and to holders of public accountant certificates, who

5 shall have furnished evidence satisfactory to the board of compliance with the  
6 requirements of subsection 2 of this section, and to firms, partnerships and  
7 corporations registered pursuant to section 326.040 or 326.050. All permits shall  
8 expire on the permit renewal date and may be renewed for each licensing period upon  
9 payment of the renewal fee as prescribed pursuant to section 326.200. A permit  
10 holder whose permit has expired and who has not renewed the person's permit within  
11 two months of the permit renewal date may renew the person's permit upon payment  
12 of the permit fee together with a delinquent fee. No permit shall be renewed more  
13 than two years after expiration. Permits to engage in the practice of public  
14 accounting shall not be issued to the holder of a certificate issued by this state  
15 pursuant to section 326.060 until such person shall have had:

16 (1) Two years' experience acceptable to the board in the practice of public  
17 accounting under the supervision of a certified public accountant holding a certificate  
18 and live permit from this or another state, which experience shall include, but not be  
19 limited to, two years' experience in the practice of public accounting under the  
20 supervision of the state auditor who is a certified public accountant holding a  
21 certificate and live permit from this or another state; or

22 (2) At least two years of satisfactory experience acceptable to the board as  
23 a certified public accountant in the legal practice of public accounting in another state  
24 while holding a live permit to practice from the other state; or

25 (3) Four years' experience acceptable to the board in the practice of  
26 governmental accounting, budgeting or auditing, including auditing of tax returns,  
27 as an employee of the state of Missouri, a political subdivision of this state, or the  
28 United States government, under the supervision of a certified public accountant  
29 acceptable to the board holding a certificate and live permit from this or another state,  
30 who is the head of the department, division or unit in which such person is employed.  
31 Only one year of public accounting experience shall be required of an internal  
32 revenue agent who has been issued a certificate by this state pursuant to section  
33 326.060 and who has had at least four years' experience as an employee of the federal  
34 government as an internal revenue agent in the Internal Revenue Service, of which  
35 at least two years is certified by a district director of Internal Revenue Service as  
36 having been of field agent experience at the journeyman level, grade GS-512-11 or  
37 above, as specified in the United States Civil Service Commission's qualification  
38 standard as of December 1, 1975; or

39 (4) Four years' experience acceptable to the board in the practice of  
40 accounting for a corporation, partnership or other business entity, other than a  
41 governmental entity described in subdivision (3) of this subsection, under the  
42 supervision of a certified public accountant, acceptable to the board, holding a  
43 certificate and live permit from this or another state and who is head of the  
44 department, division or unit in which such person is employed; or

45 (5) Experience substantially equivalent to the experience requirement of this  
46 state as the holder of a certificate, license or degree in a foreign country constituting  
47 a recognized qualification for the practice of public accounting in such country.

48                   2. After the expiration of the three-year period immediately following the  
49 effective date of board regulations establishing requirements of continuing education,  
50 every application for renewal of an annual permit to practice by any person who has  
51 held a certificate as a certified public accountant for three years or more shall be  
52 accompanied or supported by such evidence, as the board shall prescribe, of  
53 satisfaction of such requirements during the last three years preceding the application.  
54 Failure by an applicant for renewal of an annual permit to furnish such evidence shall  
55 constitute grounds for revocation, suspension or refusal to renew such permit in a  
56 proceeding pursuant to section 326.130, unless the board, in its discretion, shall  
57 determine such failure to have been due to reasonable cause or excusable neglect.  
58 The board, in its discretion, may renew an annual permit to practice despite failure  
59 to furnish evidence of satisfaction of requirements of continuing education upon  
60 condition that the applicant follow a particular program or schedule of continuing  
61 education.

62                   3. The attestation or opinion concerning the presentation of financial or other  
63 quantitative data shall be restricted to those holding a live permit pursuant to this  
64 section.

65                   4. Refusal by the resident manager of an office, registered pursuant to section  
66 326.055, to submit such office to peer review, if required by the board, shall  
67 constitute grounds for revocation, suspension or refusal to renew the manager's  
68 permit in a proceeding pursuant to section 326.130.]

2                   [326.230. If any provision of sections 326.011 to 326.230 or the application  
3 thereof to anyone or to any circumstances is held invalid, the remainder of those  
4 sections and the application of such provision to others or other circumstances shall  
not be affected thereby.]