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1 AMENDMENT TO SENATE BILL 2108

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2108 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Accounting Act is amended  
5 by changing Sections 0.03, 1, 2, 4, 16, 20.01, and 20.1 and  
6 adding Sections 16.1 and 20.02 as follows:

7 (225 ILCS 450/0.03) (from Ch. 111, par. 5500.03)

8 (Section scheduled to be repealed on January 1, 2014)

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

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

12 (a) "Certified Public Accountant" means any person who has  
13 been issued and holds a current, registered, and  
14 unrevoked certificate as a certified public accountant from the  
15 University of Illinois.

16 (b) "Public Accountant" means any person licensed under  
17 this Act.

18 (c) "Department" means the Department of Professional  
19 Regulation.

20 (d) "Director" means the Director of Professional  
21 Regulation.

22 (e) "Committee" means the Illinois Public Accountants  
23 Registration Committee appointed by the Director.

24 (f) "License", "licensee" and "licensure" refers to the

1 authorization to practice under the provisions of this Act.

2 (g) "Peer review program" means a study, appraisal, or  
3 review of one or more aspects of the professional work of a  
4 person or firm certified or licensed under this Act, including  
5 quality review, peer review, practice monitoring, quality  
6 assurance, and similar programs undertaken voluntarily or in  
7 response to membership requirements in a professional  
8 organization, or as a prerequisite to the providing of  
9 professional services under government requirements, or any  
10 similar internal review or inspection that is required by  
11 professional standards.

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

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

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

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

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

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

22 (a) "Certified Public Accountant" means any person who has  
23 been issued and holds a current, registered, and  
24 unrevoked certificate as a certified public accountant from the  
25 Board of Examiners.

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

28 (c) (Blank).

29 (d) (Blank).

30 (e) (Blank).

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

33 (g) "Peer review program" means a study, appraisal, or

1 review of one or more aspects of the professional work of a  
2 person or firm certified or licensed under this Act, including  
3 quality review, peer review, practice monitoring, quality  
4 assurance, and similar programs undertaken voluntarily or in  
5 response to membership requirements in a professional  
6 organization, or as a prerequisite to the providing of  
7 professional services under government requirements, or any  
8 similar internal review or inspection that is required by  
9 professional standards.

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

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

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

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

17 (225 ILCS 450/1) (from Ch. 111, par. 5501)

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

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

20 Sec. 1. Any person, eighteen years of age or older, who has  
21 received from the University of Illinois, hereinafter called  
22 the University, a certificate of his qualifications as  
23 hereinafter provided and who holds a current, registered, and  
24 unrevoked certificate, shall be styled and known as a  
25 "Certified Public Accountant," and no other person shall assume  
26 such title or use the abbreviation "C. P. A." or any words or  
27 letters to indicate that the person using the same is a  
28 certified public accountant.

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

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

31 Sec. 1. Any person, eighteen years of age or older, who has  
32 received from the Board a certificate of his qualifications as

1 hereinafter provided and who holds a current, registered, and  
2 unrevoked certificate, shall be styled and known as a  
3 "Certified Public Accountant," and no other person shall assume  
4 such title or use the abbreviation "C.P.A." or any words or  
5 letters to indicate that the person using the same is a  
6 certified public accountant.

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

8 (225 ILCS 450/2) (from Ch. 111, par. 5502)

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

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

11 Sec. 2. Examinations. The University shall appoint a Board  
12 of Examiners that shall determine the qualifications of persons  
13 applying for certificates and shall make rules for and conduct  
14 examinations for determining the qualifications.

15 The Board shall consist of 9 examiners, at least 7 of whom  
16 shall be certified public accountants in this State who have  
17 been residents of this State for at least 5 years immediately  
18 preceding their appointment. One shall be either an accountant  
19 of the grade herein described or an attorney licensed and  
20 residing in this State and one shall be a certified public  
21 accountant who is an active or retired educator residing in  
22 this State. The term of office of each examiner shall be 3  
23 years, except that upon the enactment of this amendatory Act of  
24 1993, those members currently serving on the Board shall  
25 continue to serve the duration of their terms, one additional  
26 examiner shall be appointed for a term of one year, one  
27 additional examiner for a term of 2 years, and 2 additional  
28 examiners for a term of 3 years. As the term of each examiner  
29 expires, the appointment shall be filled for a term of 3 years  
30 from the date of expiration. Any Board member who has served as  
31 a member for 6 consecutive years shall not be eligible for  
32 reappointment until 2 years after the end of the term in which  
33 the sixth consecutive year of service occurred.

1       Within 120 days after the end of each State fiscal year,  
2 the Board shall make an annual report of its activities for the  
3 preceding fiscal year to the Governor, the General Assembly,  
4 and the public. This report shall set forth, at a minimum, the  
5 number of complaints received, the number of investigations  
6 undertaken, the number of cases in which discipline was  
7 imposed, and a complete operating and financial statement  
8 covering its operations during the year.

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

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

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

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

1 to be appropriate.

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

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

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

24 (Source: P.A. 88-36; 93-629, eff. 12-23-03.)

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

26 Sec. 2. Examinations. The Governor shall appoint a Board  
27 of Examiners that shall determine the qualifications of persons  
28 applying for certificates and shall make rules for and conduct  
29 examinations for determining the qualifications.

30 The Board shall consist of not less than 9 nor more than  
31 11 examiners, as determined by Board rule, including 2 public  
32 members. The remainder shall be certified public accountants in  
33 this State who have been residents of this State for at least 5

1 years immediately preceding their appointment, except that one  
2 shall be either a certified public accountant of the grade  
3 herein described or an attorney licensed and residing in this  
4 State and one shall be a certified public accountant who is an  
5 active or retired educator residing in this State. The term of  
6 office of each examiner shall be 3 years, except that upon the  
7 enactment of this amendatory Act of the 92nd General Assembly,  
8 those members currently serving on the Board shall continue to  
9 serve the duration of their terms, one additional examiner  
10 shall be appointed for a term of one year, one additional  
11 examiner for a term of 2 years, and any additional examiners  
12 for terms of 3 years. As the term of each examiner expires, the  
13 appointment shall be filled for a term of 3 years from the date  
14 of expiration. Any Board member who has served as a member for  
15 6 consecutive years shall not be eligible for reappointment  
16 until 2 years after the end of the term in which the sixth  
17 consecutive year of service occurred, except that members of  
18 the Board serving on the effective date of this Section shall  
19 be eligible for appointment to one additional 3-year term.  
20 Where the expiration of any member's term shall result in less  
21 than 11 members then serving on the Board, the member shall  
22 continue to serve until his or her successor is appointed and  
23 has qualified. The Governor may terminate the term of any  
24 member of the Board at any time for cause.

25 Within 120 days after the end of each State fiscal year,  
26 the Board shall make an annual report of its activities for the  
27 preceding fiscal year to the Governor, the General Assembly,  
28 and the public. This report shall set forth, at a minimum, the  
29 number of complaints received, the number of investigations  
30 undertaken, the number of cases in which discipline was  
31 imposed, and a complete operating and financial statement  
32 covering its operations during the year.

33 Information regarding educational requirements, the  
34 application process, the examination, and fees shall be

1 available on the Board's Internet web site as well as in  
2 printed documents available from the Board's office.

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

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

23 On and after July 1, 2004, applicants shall ~~Applicants~~  
24 ~~may~~ also be required to pass an examination on the rules of  
25 professional conduct, as determined by Board rule to be  
26 appropriate, before they may be awarded a certificate as a  
27 certified public accountant.

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

29 Any application, document or other information filed by or  
30 concerning an applicant and any examination grades of an  
31 applicant shall be deemed confidential and shall not be  
32 disclosed to anyone without the prior written permission of the  
33 applicant, except that it is hereby deemed in the public  
34 interest that the names and addresses only of all applicants



1 shall be a public record and be released as public information.  
2 Nothing herein shall prevent the Board from making public  
3 announcement of the names of persons receiving certificates  
4 under this Act.

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

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

16 (225 ILCS 450/4) (from Ch. 111, par. 5505)

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

18 Sec. 4. The provisions of this Act shall not be construed  
19 to invalidate any certificates as certified public accountants  
20 issued by the University under "An Act to regulate the  
21 profession of public accountants", approved May 15, 1903, as  
22 amended, or any certificates as Certified Public Accountants  
23 issued by the University under Section 4 of "An Act to regulate  
24 the practice of public accounting and to repeal certain acts  
25 therein named", approved July 22, 1943, as amended, which  
26 certificates shall be valid and in force as though issued under  
27 the provisions of this Act, unless suspended or revoked under  
28 the provisions of Section 20.02 of this Act.

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

30 (225 ILCS 450/16) (from Ch. 111, par. 5517)

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

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

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

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

5           (b) Every application for renewal of a license by any  
6 person who has been licensed under this Act for 3 years or more  
7 shall be accompanied or supported by any evidence the  
8 Department shall prescribe, in satisfaction of completing,  
9 each 3 years, not less than 120 hours of continuing  
10 professional education programs in subjects given by  
11 continuing education sponsors registered by the Department  
12 upon recommendation of the Committee. All continuing education  
13 sponsors applying to the Department for registration shall be  
14 required to submit an initial nonrefundable application fee set  
15 by Department rule. Each registered continuing education  
16 sponsor shall be required to pay an annual renewal fee set by  
17 Department rule. Publicly supported colleges, universities,  
18 and governmental agencies located in Illinois are exempt from  
19 payment of any fees required for continuing education sponsor  
20 registration. Failure by a continuing education sponsor to be  
21 licensed or pay the fees prescribed in this Act, or to comply  
22 with the rules and regulations established by the Department  
23 under this Section regarding requirements for continuing  
24 education courses or sponsors, shall constitute grounds for  
25 revocation or denial of renewal of the sponsor's registration.

26           Notwithstanding the preceding paragraph, the Department  
27 may accept courses and sponsors approved by other states, by  
28 the American Institute of Certified Public Accountants, by  
29 other state CPA societies, or by national accrediting  
30 organizations such as the National Association of State Boards  
31 of Accountancy; provided, however, that the sponsor must  
32 register with the Department and pay the required fee if its  
33 courses are presented in the State of Illinois.

34           Failure by an applicant for renewal of a license as a

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

21 The Department shall establish by rule a means for the  
22 verification of completion of the continuing education  
23 required by this Section. This verification may be accomplished  
24 through audits of records maintained by registrants; by  
25 requiring the filing of continuing education certificates with  
26 the Department; or by other means established by the  
27 Department.

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

32 (Source: P.A. 87-435; 87-546; 88-36.)

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

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

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

5           (b) Every application for renewal of a license by any  
6 person who has been licensed under this Act for 3 years or more  
7 shall be accompanied or supported by any evidence the Board  
8 shall prescribe, in satisfaction of completing, each 3 years,  
9 not less than 120 hours of qualifying continuing professional  
10 education programs. Of the 120 hours, not less than 4 hours  
11 shall be courses covering the subject of professional

12 ethics. Applications for renewal by any person who has been  
13 licensed less than 3 years shall be accompanied or supported by  
14 evidence of completion of 20 hours of qualifying continuing  
15 professional education programs for each full 6 months since  
16 the date of licensure or last renewal. Qualifying continuing  
17 education programs include those given by continuing education  
18 sponsors registered with the Board, those given by the American  
19 Institute of CPAs, the Illinois CPA Foundation, and programs  
20 given by sponsors approved by national accrediting  
21 organizations approved by the Board. All continuing education  
22 sponsors applying to the Board for registration shall be  
23 required to submit an initial nonrefundable application fee set  
24 by Board rule. Each registered continuing education sponsor  
25 shall be required to pay an annual renewal fee set by Board  
26 rule. Publicly supported colleges, universities, and  
27 governmental agencies located in Illinois are exempt from  
28 payment of any fees required for continuing education sponsor  
29 registration. Failure by a continuing education sponsor to pay  
30 the fees prescribed in this Act, or to comply with the rules  
31 and regulations established by the Board under this Section  
32 regarding requirements for continuing education courses or  
33 sponsors, shall constitute grounds for revocation or denial of  
34 renewal of the sponsor's registration. All other courses or

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

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

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

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

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

2 (225 ILCS 450/16.1 new)

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

4 Sec. 16.1. Expiration and renewal of certificates.

5 (a) Each holder of a CPA certificate issued under this Act  
6 or under "An Act to regulate the profession of public  
7 accountants", approved May 15, 1903, as amended, or under "An  
8 Act to regulate the practice of public accounting and to repeal  
9 certain acts therein named", approved July 22, 1943, as  
10 amended, shall register and reregister his or her name,  
11 address, and such other information with the Board at such  
12 times as the Board may by rule require.

13 (b) Every application for renewal of a certificate shall  
14 be accompanied by a nominal fee, as the Board may require.

15 (c) Failure by the holder of a CPA certificate to register  
16 or reregister as required by this Section shall constitute  
17 grounds for disciplinary action under Section 20.02, unless the  
18 Board in its discretion shall determine the failure to have  
19 been due to reasonable cause.

20 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

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

23 Sec. 20.01. Grounds for discipline.

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

- 1 (1) Violation of any provision of this Act.
- 2 (2) Attempting to procure a license to practice public  
3 accounting by bribery or fraudulent misrepresentations.
- 4 (3) Having a license to practice public accounting  
5 revoked, suspended, or otherwise acted against, including  
6 the denial of licensure, by the licensing authority of  
7 another state, territory, or country. No disciplinary  
8 action shall be taken in Illinois if the action taken in  
9 another jurisdiction was based upon failure to meet the  
10 continuing professional education requirements of that  
11 jurisdiction and the applicable Illinois continuing  
12 professional education requirements are met.
- 13 (4) Being convicted or found guilty, regardless of  
14 adjudication, of a crime in any jurisdiction which directly  
15 relates to the practice of public accounting or the ability  
16 to practice public accounting.
- 17 (5) Making or filing a report or record which the  
18 registrant knows to be false, willfully failing to file a  
19 report or record required by state or federal law,  
20 willfully impeding or obstructing the filing, or inducing  
21 another person to impede or obstruct the filing. The  
22 reports or records shall include only those that are signed  
23 in the capacity of a public accountant.
- 24 (6) Conviction in this or another State or the District  
25 of Columbia, or any United States Territory, of any crime  
26 that is punishable by one year or more in prison or  
27 conviction of a crime in a federal court that is punishable  
28 by one year or more in prison.
- 29 (7) Proof that the licensee is guilty of fraud or  
30 deceit, or of gross negligence, incompetency, or  
31 misconduct, in the practice of public accounting.
- 32 (8) Violation of any rule adopted under this Act.
- 33 (9) Practicing on a revoked, suspended, or inactive  
34 license.

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

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

8           (12) Making any misrepresentation for the purpose of  
9 obtaining a license, or material misstatement in  
10 furnishing information to the Department.

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

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

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

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

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

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

32           (19) Failure to file a return, or pay the tax, penalty  
33 or interest shown in a filed return, or to pay any final  
34 assessment of tax, penalty or interest, as required by any



1 tax Act administered by the Illinois Department of Revenue  
2 or any successor agency or the Internal Revenue Service or  
3 any successor agency.

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

7 (21) A finding by the Department that a licensee has  
8 not complied with a provision of any lawful order issued by  
9 the Department.

10 (22) Making a false statement to the Department  
11 regarding compliance with continuing professional  
12 education requirements.

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

16 (b) (Blank).

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

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

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

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

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

30 (d) The Department shall reissue the license upon  
31 certification by the Committee that the disciplined licensee  
32 has complied with all of the terms and conditions set forth in  
33 the final order.

34 (e) The Department shall deny any application for a license

1 or renewal, without hearing, to any person who has defaulted on  
2 an educational loan guaranteed by the Illinois Student  
3 Assistance Commission; however, the Department may issue a  
4 license or renewal if the person in default has established a  
5 satisfactory repayment record as determined by the Illinois  
6 Student Assistance Commission.

7 (f) The determination by a court that a licensee is subject  
8 to involuntary admission or judicial admission as provided in  
9 the Mental Health and Developmental Disabilities Code will  
10 result in the automatic suspension of his or her license. The  
11 licensee shall be responsible for notifying the Department of  
12 the determination by the court that the licensee is subject to  
13 involuntary admission or judicial admission as provided in the  
14 Mental Health and Developmental Disabilities Code. The  
15 licensee shall also notify the Department upon discharge so  
16 that a determination may be made under item (17) of subsection  
17 (a) whether the licensee may resume practice. ~~The suspension~~  
18 ~~will end upon a finding by a court that the licensee is no~~  
19 ~~longer subject to involuntary admission or judicial admission,~~  
20 ~~the issuance of an order so finding and discharging the~~  
21 ~~patient, and the recommendation of the Committee to the~~  
22 ~~Director that the licensee be allowed to resume professional~~  
23 ~~practice.~~

24 (Source: P.A. 90-655, eff. 7-30-98; 93-629, eff. 12-23-03.)

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

26 Sec. 20.01. Grounds for discipline; license.

27 (a) The Board may refuse to issue or renew, or may revoke,  
28 suspend, or reprimand any license or licensee, place a licensee  
29 on probation for a period of time subject to any conditions the  
30 Board may specify including requiring the licensee to attend  
31 continuing education courses or to work under the supervision  
32 of another licensee, impose a fine not to exceed \$5,000 for  
33 each violation, restrict the authorized scope of practice, or

1 require a licensee to undergo a peer review program, for any  
2 one or more of the following:

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

4 (2) Attempting to procure a license to practice public  
5 accounting by bribery or fraudulent misrepresentations.

6 (3) Having a license to practice public accounting  
7 revoked, suspended, or otherwise acted against, including  
8 the denial of licensure, by the licensing authority of  
9 another state, the District of Columbia, or any United  
10 States territory. No disciplinary action shall be taken in  
11 Illinois if the action taken in another jurisdiction was  
12 based upon failure to meet the continuing professional  
13 education requirements of that jurisdiction and the  
14 applicable Illinois continuing professional education  
15 requirements are met.

16 (4) Being convicted or found guilty, regardless of  
17 adjudication, of a crime in any jurisdiction which directly  
18 relates to the practice of public accounting or the ability  
19 to practice public accounting.

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

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

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

- 1 (8) Violation of any rule adopted under this Act.
- 2 (9) Practicing on a revoked, suspended, or inactive  
3 license.
- 4 (10) Suspension or revocation of the right to practice  
5 before any state or federal agency.
- 6 (11) Conviction of any crime under the laws of the  
7 United States or any state or territory of the United  
8 States that is a felony or misdemeanor and has dishonesty  
9 as an essential element, or of any crime that is directly  
10 related to the practice of the profession.
- 11 (12) Making any misrepresentation for the purpose of  
12 obtaining a license, or material misstatement in  
13 furnishing information to the Board.
- 14 (13) Aiding or assisting another person in violating  
15 any provision of this Act or rules promulgated hereunder.
- 16 (14) Engaging in dishonorable, unethical, or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud, or harm the public and violating the rules of  
19 professional conduct adopted by the Board.
- 20 (15) Habitual or excessive use or addiction to alcohol,  
21 narcotics, stimulants, or any other chemical agent or drug  
22 that results in the inability to practice with reasonable  
23 skill, judgment, or safety.
- 24 (16) Directly or indirectly giving to or receiving from  
25 any person, firm, corporation, partnership, or association  
26 any fee, commission, rebate, or other form of compensation  
27 for any professional service not actually rendered.
- 28 (17) Physical or mental disability, including  
29 deterioration through the aging process or loss of  
30 abilities and skills that results in the inability to  
31 practice the profession with reasonable judgment, skill or  
32 safety.
- 33 (18) Solicitation of professional services by using  
34 false or misleading advertising.

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

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

10 (21) A finding by the Board that a licensee has not  
11 complied with a provision of any lawful order issued by the  
12 Board.

13 (22) Making a false statement to the Board regarding  
14 compliance with continuing professional education  
15 requirements.

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

19 (b) (Blank).

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

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

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

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

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

33 (d) The Board shall reissue the license upon a showing that  
34 the disciplined licensee has complied with all of the terms and

1 conditions set forth in the final order.

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

9 (f) The determination by a court that a licensee is subject  
10 to involuntary admission or judicial admission as provided in  
11 the Mental Health and Developmental Disabilities Code will  
12 result in the automatic suspension of his or her license. The  
13 licensee shall be responsible for notifying the Board of the  
14 determination by the court that the licensee is subject to  
15 involuntary admission or judicial admission as provided in the  
16 Mental Health and Developmental Disabilities Code. The  
17 licensee shall also notify the Board upon discharge so that a  
18 determination may be made under item (17) of subsection (a)  
19 whether the licensee may resume practice. The suspension will  
20 end upon a finding by a court that the licensee is no longer  
21 subject to involuntary admission or judicial admission and the  
22 issuance of an order so finding and discharging the patient.  
23 (Source: P.A. 92-457, eff. 7-1-04; 93-629, eff. 12-23-03.)

24 (225 ILCS 450/20.02 new)

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

26 Sec. 20.02. Grounds for discipline of certificate holder.

27 (a) The Board may refuse to issue a certificate, may  
28 revoke or suspend any certificate, reprimand any certificate  
29 holder, place a certificate holder on probation for a period of  
30 time, or impose a fine not to exceed \$5,000 for each violation  
31 for any one or more of the following:

32 (1) Attempting to procure a CPA certificate or  
33 license to practice public accounting by bribery or

1 fraudulent misrepresentation.

2 (2) Having a CPA certificate or license to practice  
3 public accounting revoked, suspended, or otherwise acted  
4 against by the licensing authority of another state, or the  
5 District of Columbia, or any United States territory. No  
6 disciplinary action shall be taken in Illinois if the  
7 action taken in another jurisdiction was based upon failure  
8 to pay a license renewal fee or failure to meet the  
9 experience or continuing professional education  
10 requirements of that jurisdiction.

11 (3) Being convicted or found guilty, regardless of  
12 adjudication, of a crime under the laws of the United  
13 States or any state or territory of the United States, that  
14 is a felony or misdemeanor and that directly relates to the  
15 practice of accounting or the ability to practice  
16 accounting, including but not limited to any felony or  
17 misdemeanor that has dishonesty as an essential element.

18 (4) Making or filing a report or record that the  
19 individual knows to be false, willfully failing to file a  
20 report or record required by State or federal law,  
21 willfully impeding or obstructing the filing, or inducing  
22 another person to impede or obstruct the filing. The  
23 reports or records shall include only those that are signed  
24 in the CPA's professional capacity.

25 (5) Proof that the certificate holder or applicant  
26 has, in his or her professional practice, engaged in fraud,  
27 deceit, gross negligence, incompetence, misconduct, or  
28 dishonorable, unethical, or unprofessional conduct of a  
29 character likely to deceive, defraud, or harm the public or  
30 violating the rules of professional conduct adopted by the  
31 Board.

32 (6) Failing to register or reregister as required by  
33 Section 16.1 of this Act.

34 (7) A finding by the Board that a certificate holder

1       has not complied with a provision of any lawful order  
2       issued by the Board.

3       (8) Failing to make a substantive response to a  
4       request for information by the Board within 60 days of the  
5       request.

6       (b) In rendering an order, the Board shall take into  
7       consideration the facts and circumstances involving acts or  
8       omissions in subsection (a), including but not limited to:

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

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

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

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

18       (c) The Board shall reissue the certificate upon proof  
19       that the disciplined certificate holder has complied with all  
20       of the terms and conditions set forth in the final order.

21       (d) The determination by a court that a certificate holder  
22       is subject to involuntary admission or judicial admission as  
23       provided in the Mental Health and Developmental Disabilities  
24       Code will result in the automatic suspension of his or her  
25       certificate. The certificate holder shall be responsible for  
26       notifying the Board of the determination by the court that the  
27       licensee is subject to involuntary admission or judicial  
28       admission as provided in the Mental Health and Developmental  
29       Disabilities Code. The certificate holder shall also notify the  
30       Board upon discharge so that a determination may be made under  
31       item (17) of subsection (a) of Section 20.01 whether the  
32       certificate holder may resume practice.



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

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

3 Sec. 20.1. Investigations; notice; hearing. The Department  
4 may, upon its own motion, and shall, upon the verified  
5 complaint in writing of any person setting forth facts which,  
6 if proved, would constitute grounds for disciplinary action as  
7 set forth in Section 20.01 or 20.02, investigate the actions of  
8 any person. The Department may refer complaints and  
9 investigations to a disciplinary body of the accounting  
10 profession for technical assistance. The results of an  
11 investigation and recommendations of the disciplinary body may  
12 be considered by the Department, but shall not be considered  
13 determinative and the Department shall not in any way be  
14 obligated to take any action or be bound by the results of the  
15 accounting profession's disciplinary proceedings. The  
16 Department before taking disciplinary action, shall afford the  
17 concerned party or parties an opportunity to request a hearing  
18 and if so requested shall set a time and place for a hearing of  
19 the complaint. The Department shall notify the applicant or the  
20 licensed person or entity of any charges made and the date and  
21 place of the hearing of those charges by mailing notice thereof  
22 to that person or entity by registered or certified mail to the  
23 place last specified by the accused person or entity in the  
24 last notification to the Department, at least 30 days prior to  
25 the date set for the hearing or by serving a written notice by  
26 delivery of the notice to the accused person or entity at least  
27 15 days prior to the date set for the hearing, and shall direct  
28 the applicant or licensee to file a written answer to the Board  
29 under oath within 20 days after the service of the notice and  
30 inform the applicant or licensee that failure to file an answer  
31 will result in default being taken against the applicant or  
32 licensee and that the license or certificate may be suspended,  
33 revoked, placed on probationary status, or other disciplinary  
34 action may be taken, including limiting the scope, nature or

1 extent of practice, as the Director may deem proper. In case  
2 the person fails to file an answer after receiving notice, his  
3 or her license or certificate may, in the discretion of the  
4 Department, be suspended, revoked, or placed on probationary  
5 status, or the Department may take whatever disciplinary action  
6 deemed proper, including limiting the scope, nature, or extent  
7 of the person's practice or the imposition of a fine, without a  
8 hearing, if the act or acts charged constitute sufficient  
9 grounds for such action under this Act. The Department shall  
10 afford the accused person or entity an opportunity to be heard  
11 in person or by counsel at the hearing. The files of the Board  
12 relating to the investigation of possible instances of  
13 professional misconduct or any other ground for discipline 27  
14 shall be confidential and shall not be subject to disclosure at  
15 the request of any person, except (i) upon the order of a court  
16 in a pending action or proceeding and (ii) that exculpatory and  
17 sentence mitigating evidence in the file of an accused or a  
18 person who is the subject of an investigation shall be  
19 disclosed by the Board to such person. At the conclusion of the  
20 hearing the Committee shall present to the Director a written  
21 report of its finding of facts, conclusions of law and  
22 recommendations. The report shall contain a finding whether or  
23 not the accused person violated this Act or failed to comply  
24 with the conditions required in this Act. The Committee shall  
25 specify the nature of the violation or failure to comply, and  
26 make its recommendations to the Director.

27 The report of findings of fact, conclusions of law and  
28 recommendations of the Committee shall be the basis for the  
29 Department's disciplinary action. If the Director disagrees in  
30 any regard with the report, he may issue an order in  
31 contravention of the report. The Director shall provide a  
32 written explanation to the Committee of any deviations from  
33 their report, and shall specify with particularity the reasons  
34 of that action in the final order. The finding is not

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

5 (Source: P.A. 87-1031; 88-36.)

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

7 Sec. 20.1. Investigations; notice; hearing. The Board may,  
8 upon its own motion, and shall, upon the verified complaint in  
9 writing of any person setting forth facts which, if proved,  
10 would constitute grounds for disciplinary action as set forth  
11 in Section 20.01 or 20.02, investigate the actions of any  
12 person or entity. The Board may refer complaints and  
13 investigations to a disciplinary body of the accounting  
14 profession for technical assistance. The results of an  
15 investigation and recommendations of the disciplinary body may  
16 be considered by the Board, but shall not be considered  
17 determinative and the Board shall not in any way be obligated  
18 to take any action or be bound by the results of the accounting  
19 profession's disciplinary proceedings. The Board, before  
20 taking disciplinary action, shall afford the concerned party or  
21 parties an opportunity to request a hearing and if so requested  
22 shall set a time and place for a hearing of the complaint. The  
23 Board shall notify the applicant or the licensed person or  
24 entity of any charges made and the date and place of the  
25 hearing of those charges by mailing notice thereof to that  
26 person or entity by registered or certified mail to the place  
27 last specified by the accused person or entity in the last  
28 notification to the Board, at least 30 days prior to the date  
29 set for the hearing or by serving a written notice by delivery  
30 of the notice to the accused person or entity at least 15 days  
31 prior to the date set for the hearing, and shall direct the  
32 applicant or licensee to file a written answer to the Board  
33 under oath within 20 days after the service of the notice and

1 inform the applicant or licensee that failure to file an answer  
2 will result in default being taken against the applicant or  
3 licensee and that the license or certificate may be suspended,  
4 revoked, placed on probationary status, or other disciplinary  
5 action may be taken, including limiting the scope, nature or  
6 extent of practice, as the Board may deem proper. In case the  
7 person fails to file an answer after receiving notice, his or  
8 her license or certificate may, in the discretion of the Board,  
9 be suspended, revoked, or placed on probationary status, or the  
10 Board may take whatever disciplinary action deemed proper,  
11 including limiting the scope, nature, or extent of the person's  
12 practice or the imposition of a fine, without a hearing, if the  
13 act or acts charged constitute sufficient grounds for such  
14 action under this Act. The Board shall afford the accused  
15 person or entity an opportunity to be heard in person or by  
16 counsel at the hearing. The files of the Board relating to the  
17 investigation of possible instances of professional misconduct  
18 or any other ground for discipline 27 shall be confidential and  
19 shall not be subject to disclosure at the request of any  
20 person, except (i) upon the order of a court in a pending  
21 action or proceeding and (ii) that exculpatory and sentence  
22 mitigating evidence in the file of an accused or a person who  
23 is the subject of an investigation shall be disclosed by the  
24 Board to such person. Following the conclusion of the hearing  
25 the Board shall issue a written order setting forth its finding  
26 of facts, conclusions of law, and penalties to be imposed. The  
27 order shall contain a finding whether or not the accused person  
28 violated this Act or failed to comply with the conditions  
29 required in this Act.

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

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

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 97. Severability. The provisions of this Act are  
9 severable under Section 1.31 of the Statute on Statutes.

10          Section 99. Effective date. This Act takes effect upon  
11 becoming law.".