

1 AN ACT concerning accounting.

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

4 Section 5. The Illinois Public Accounting Act is amended
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8 (Section scheduled to be repealed on January 1, 2014)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
13 has been issued and holds a current, registered, and
14 unrevoked certificate as a certified public accountant from
15 the 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
25 authorization to practice under the provisions of this Act.

26 (g) "Peer review program" means a study, appraisal, or
27 review of one or more aspects of the professional work of a
28 person or firm certified or licensed under this Act,
29 including quality review, peer review, practice monitoring,
30 quality assurance, and similar programs undertaken
31 voluntarily or in response to membership requirements in a

1 professional organization, or as a prerequisite to the
2 providing of professional services under government
3 requirements, or any similar internal review or inspection
4 that is required by professional standards.

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

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

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

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

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

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

15 (a) "Certified Public Accountant" means any person who
16 has been issued and holds a current, registered, and
17 unrevoked certificate as a certified public accountant from
18 the Board of Examiners.

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

21 (c) (Blank).

22 (d) (Blank).

23 (e) (Blank).

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

26 (g) "Peer review program" means a study, appraisal, or
27 review of one or more aspects of the professional work of a
28 person or firm certified or licensed under this Act,
29 including quality review, peer review, practice monitoring,
30 quality assurance, and similar programs undertaken
31 voluntarily or in response to membership requirements in a
32 professional organization, or as a prerequisite to the
33 providing of professional services under government
34 requirements, or any similar internal review or inspection

1 that is required by professional standards.

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

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

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

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

9 (225 ILCS 450/1) (from Ch. 111, par. 5501)

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

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

12 Sec. 1. Any person, eighteen years of age or older, who
13 has received from the University of Illinois, hereinafter
14 called the University, a certificate of his qualifications as
15 hereinafter provided and who holds a current, registered, and
16 unrevoked certificate, shall be styled and known as a
17 "Certified Public Accountant," and no other person shall
18 assume such title or use the abbreviation "C.P.A." or any
19 words or letters to indicate that the person using the same
20 is a certified public accountant.

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

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

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

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

32 (225 ILCS 450/2) (from Ch. 111, par. 5502)

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

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

3 Sec. 2. Examinations. The University shall appoint a
4 Board of Examiners that shall determine the qualifications of
5 persons applying for certificates and shall make rules for
6 and conduct examinations for determining the qualifications.

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

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

1 The time and place of holding the examinations shall be
2 determined by the Board and shall be duly advertised by the
3 Board.

4 The examination shall test the applicant's knowledge of
5 accounting, auditing, and other related subjects, if any, as
6 the Board may deem advisable. A candidate must be examined
7 in all subjects except that a candidate who has passed in 2
8 or more subjects and who attained a minimum grade in each
9 subject failed as may be established by Board regulations
10 shall have the right to be re-examined in the remaining
11 subjects at one or more of the next 6 succeeding
12 examinations.

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

19 Applicants may also be required to pass an examination on
20 the rules of professional conduct, as determined by Board
21 rule to be appropriate.

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

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

33 The Board shall adopt all necessary and reasonable rules
34 and regulations for the effective administration of the

1 Sections of this Act for which it is charged with
2 administering. Without limiting the foregoing, the Board
3 shall adopt and prescribe rules and regulations for a fair
4 and wholly and impartial method of determining the
5 qualifications of applicants for examination and for a fair
6 and wholly and impartial method of examination of persons
7 under Section 2 and may establish rules for subjects
8 conditioned and for the transfer of credits from other
9 jurisdictions with respect to subjects passed.

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

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

12 Sec. 2. Examinations. The Governor shall appoint a Board
13 of Examiners that shall determine the qualifications of
14 persons applying for certificates and shall make rules for
15 and conduct examinations for determining the qualifications.
16 The Board shall consist of not less than 9 nor more than 11
17 examiners, as determined by Board rule, including 2 public
18 members. The remainder shall be certified public accountants
19 in this State who have been residents of this State for at
20 least 5 years immediately preceding their appointment, except
21 that one shall be either a certified public accountant of the
22 grade herein described or an attorney licensed and residing
23 in this State and one shall be a certified public accountant
24 who is an active or retired educator residing in this State.
25 The term of office of each examiner shall be 3 years, except
26 that upon the enactment of this amendatory Act of the 92nd
27 General Assembly, those members currently serving on the
28 Board shall continue to serve the duration of their terms,
29 one additional examiner shall be appointed for a term of one
30 year, one additional examiner for a term of 2 years. As the
31 term of each examiner expires, the appointment shall be
32 filled for a term of 3 years from the date of expiration.
33 Any Board member who has served as a member for 6 consecutive
34 years shall not be eligible for reappointment until 2 years

1 after the end of the term in which the sixth consecutive year
2 of service occurred, except that members of the Board serving
3 on the effective date of this Section shall be eligible for
4 appointment to one additional 3-year term. Where the
5 expiration of any member's term shall result in less than 9
6 ~~11~~ members then serving on the Board, the member shall
7 continue to serve until his or her successor is appointed and
8 has qualified. The Governor may terminate the term of any
9 member of the Board at any time for cause.

10 Within 120 days after the end of each State fiscal year,
11 the Board shall make an annual report of its activities for
12 the preceding fiscal year to the Governor, the General
13 Assembly, and the public. This report shall set forth, at a
14 minimum, the number of complaints received, the number of
15 investigations undertaken, the number of cases in which
16 discipline was imposed, and a complete operating and
17 financial statement covering its operations during the year.

18 The time and place of holding the examinations shall be
19 determined by the Board and shall be duly advertised by the
20 Board.

21 The examination shall test the applicant's knowledge of
22 accounting, auditing, and other related subjects, if any, as
23 the Board may deem advisable. A candidate must be examined
24 in all subjects except that a candidate who has passed in 2
25 or more subjects and who attained a minimum grade in each
26 subject failed as may be established by Board regulations
27 shall have the right to be re-examined in the remaining
28 subjects at one or more of the next 6 succeeding
29 examinations.

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

1 requirement.

2 On and after July 1, 2004, applicants shall may also be
3 required to pass an examination on the rules of professional
4 conduct, as determined by Board rule to be appropriate,
5 before they may be awarded a certificate as a certified
6 public accountant.

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

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

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

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

29 (225 ILCS 450/4) (from Ch. 111, par. 5505)

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

31 Sec. 4. The provisions of this Act shall not be
32 construed to invalidate any certificates as certified public
33 accountants issued by the University under "An Act to

1 regulate the profession of public accountants", approved May
2 15, 1903, as amended, or any certificates as Certified Public
3 Accountants issued by the University under Section 4 of "An
4 Act to regulate the practice of public accounting and to
5 repeal certain acts therein named", approved July 22, 1943,
6 as amended, which certificates shall be valid and in force as
7 though issued under the provisions of this Act, unless
8 suspended or revoked under the provisions of Section 20.02 of
9 this Act.

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

11 (225 ILCS 450/16) (from Ch. 111, par. 5517)

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

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

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

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

18 (b) Every application for renewal of a license by any
19 person who has been licensed under this Act for 3 years or
20 more shall be accompanied or supported by any evidence the
21 Department shall prescribe, in satisfaction of completing,
22 each 3 years, not less than 120 hours of continuing
23 professional education programs in subjects given by
24 continuing education sponsors registered by the Department
25 upon recommendation of the Committee. All continuing
26 education sponsors applying to the Department for
27 registration shall be required to submit an initial
28 nonrefundable application fee set by Department rule. Each
29 registered continuing education sponsor shall be required to
30 pay an annual renewal fee set by Department rule. Publicly
31 supported colleges, universities, and governmental agencies
32 located in Illinois are exempt from payment of any fees
33 required for continuing education sponsor registration.

1 Failure by a continuing education sponsor to be licensed or
2 pay the fees prescribed in this Act, or to comply with the
3 rules and regulations established by the Department under
4 this Section regarding requirements for continuing education
5 courses or sponsors, shall constitute grounds for revocation
6 or denial of renewal of the sponsor's registration.

7 Notwithstanding the preceding paragraph, the Department
8 may accept courses and sponsors approved by other states, by
9 the American Institute of Certified Public Accountants, by
10 other state CPA societies, or by national accrediting
11 organizations such as the National Association of State
12 Boards of Accountancy; provided, however, that the sponsor
13 must register with the Department and pay the required fee if
14 its courses are presented in the State of Illinois.

15 Failure by an applicant for renewal of a license as a
16 public accountant to furnish the evidence shall constitute
17 grounds for disciplinary action, unless the Department in its
18 discretion shall determine the failure to have been due to
19 reasonable cause. The Department, in its discretion, may
20 renew a license despite failure to furnish evidence of
21 satisfaction of requirements of continuing education upon
22 condition that the applicant follow a particular program or
23 schedule of continuing education. In issuing rules,
24 regulations, and individual orders in respect of requirements
25 of continuing education, the Department in its discretion
26 may, among other things, use and rely upon guidelines and
27 pronouncements of recognized educational and professional
28 associations; may prescribe rules for content, duration, and
29 organization of courses; shall take into account the
30 accessibility to applicants of continuing education as it may
31 require, and any impediments to interstate practice of public
32 accounting that may result from differences in requirements
33 in other states; and may provide for relaxation or suspension
34 of requirements in regard to applicants who certify that they

1 do not intend to engage in the practice of public accounting,
2 and for instances of individual hardship.

3 The Department shall establish by rule a means for the
4 verification of completion of the continuing education
5 required by this Section. This verification may be
6 accomplished through audits of records maintained by
7 registrants; by requiring the filing of continuing education
8 certificates with the Department; or by other means
9 established by the Department.

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

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

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

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

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

20 (b) Every application for renewal of a license by any
21 person who has been licensed under this Act for 3 years or
22 more shall be accompanied or supported by any evidence the
23 Board shall prescribe, in satisfaction of completing, each 3
24 years, not less than 120 hours of qualifying continuing
25 professional education programs. Of the 120 hours, not less
26 than 4 hours shall be courses covering the subject of
27 professional ethics. Applications for renewal by any person
28 who has been licensed less than 3 years shall be accompanied
29 or supported by evidence of completion of 20 hours of
30 qualifying continuing professional education programs for
31 each full 6 months since the date of licensure or last
32 renewal. Qualifying continuing education programs include
33 those given by continuing education sponsors registered with
34 the Board, those given by the American Institute of CPAs, the

1 Illinois CPA Foundation, and programs given by sponsors
2 approved by national accrediting organizations approved by
3 the Board. All continuing education sponsors applying to the
4 Board for registration shall be required to submit an initial
5 nonrefundable application fee set by Board rule. Each
6 registered continuing education sponsor shall be required to
7 pay an annual renewal fee set by Board rule. Publicly
8 supported colleges, universities, and governmental agencies
9 located in Illinois are exempt from payment of any fees
10 required for continuing education sponsor registration.
11 Failure by a continuing education sponsor to pay the fees
12 prescribed in this Act, or to comply with the rules and
13 regulations established by the Board under this Section
14 regarding requirements for continuing education courses or
15 sponsors, shall constitute grounds for revocation or denial
16 of renewal of the sponsor's registration. All other courses
17 or programs may qualify upon presentation by the licensee of
18 evidence satisfactory to the Board that the course or program
19 meets all Board rules for qualifying education programs.

20 Failure by an applicant for renewal of a license to
21 furnish the evidence shall constitute grounds for
22 disciplinary action, unless the Board in its discretion shall
23 determine the failure to have been due to reasonable cause.
24 The Board, in its discretion, may renew a license despite
25 failure to furnish evidence of satisfaction of requirements
26 of continuing education upon condition that the applicant
27 follow a particular program or schedule of continuing
28 education. In issuing rules, regulations, and individual
29 orders in respect of requirements of continuing education,
30 the Board in its discretion may, among other things, use and
31 rely upon guidelines and pronouncements of recognized
32 educational and professional associations; may prescribe
33 rules for content, duration, and organization of courses;
34 shall take into account the accessibility to applicants of

1 continuing education as it may require, and any impediments
 2 to interstate practice of public accounting that may result
 3 from differences in requirements in other states; and may
 4 provide for relaxation or suspension of requirements in
 5 regard to applicants who certify that they do not intend to
 6 engage in the practice of public accounting, and for
 7 instances of individual hardship.

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

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

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

20 (225 ILCS 450/16.1 new)

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

22 Sec. 16.1. Expiration and renewal of certificates.

23 (a) Each holder of a CPA certificate issued under this
 24 Act or under "An Act to regulate the profession of public
 25 accountants", approved May 15, 1903, as amended, or under "An
 26 Act to regulate the practice of public accounting and to
 27 repeal certain acts therein named", approved July 22, 1943,
 28 as amended, shall register and reregister his or her name,
 29 address, and such other information with the Board at such
 30 times as the Board may by rule require.

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

33 (c) Failure by the holder of a CPA certificate to

1 register or reregister as required by this Section shall
 2 constitute grounds for disciplinary action under Section
 3 20.02, unless the Board in its discretion shall determine the
 4 failure to have been due to reasonable cause.

5 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)
 6 (Section scheduled to be repealed on January 1, 2014)
 7 (Text of Section before amendment by P.A. 92-457)
 8 Sec. 20.01. Grounds for discipline.

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

- 18 (1) Violation of any provision of this Act.
- 19 (2) Attempting to procure a license to practice
 20 public accounting by bribery or fraudulent
 21 misrepresentations.
- 22 (3) Having a license to practice public accounting
 23 revoked, suspended, or otherwise acted against, including
 24 the denial of licensure, by the licensing authority of
 25 another state, territory, or country. No disciplinary
 26 action shall be taken in Illinois if the action taken in
 27 another jurisdiction was based upon failure to meet the
 28 continuing professional education requirements of that
 29 jurisdiction and the applicable Illinois continuing
 30 professional education requirements are met.
- 31 (4) Being convicted or found guilty, regardless of
 32 adjudication, of a crime in any jurisdiction which
 33 directly relates to the practice of public accounting or

1 the ability to practice public accounting.

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

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

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

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

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

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

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

27 (12) Making any misrepresentation for the purpose
28 of obtaining a license, or material misstatement in
29 furnishing information to the Department.

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

33 (14) Engaging in dishonorable, unethical, or
34 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public and violating the rules of
2 professional conduct adopted by the Department.

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

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

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

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

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

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

28 (21) A finding by the Department that a licensee
29 has not complied with a provision of any lawful order
30 issued by the Department.

31 (22) Making a false statement to the Department
32 regarding compliance with continuing professional
33 education requirements.

34 (23) Failing to make a substantive response to a

1 request for information by the Department within 30 days
2 of the request.

3 (b) (Blank).

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

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

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

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

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

17 (d) The Department shall reissue the license upon
18 certification by the Committee that the disciplined licensee
19 has complied with all of the terms and conditions set forth
20 in the final order.

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

28 (f) The determination by a court that a licensee is
29 subject to involuntary admission or judicial admission as
30 provided in the Mental Health and Developmental Disabilities
31 Code will result in the automatic suspension of his or her
32 license. The suspension will end upon a finding by a court
33 that the licensee is no longer subject to involuntary
34 admission or judicial admission, the issuance of an order so

1 finding and discharging the patient, and the recommendation
2 of the Committee to the Director that the licensee be allowed
3 to resume professional practice.

4 (Source: P.A. 90-655, eff. 7-30-98; revised 3-7-02.)

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

6 Sec. 20.01. Grounds for discipline; license.

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

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

17 (2) Attempting to procure a license to practice
18 public accounting by bribery or fraudulent
19 misrepresentations.

20 (3) Having a license to practice public accounting
21 revoked, suspended, or otherwise acted against, including
22 the denial of licensure, by the licensing authority of
23 another state, the District of Columbia, or any United
24 States territory. No disciplinary action shall be taken
25 in Illinois if the action taken in another jurisdiction
26 was based upon failure to meet the continuing
27 professional education requirements of that jurisdiction
28 and the applicable Illinois continuing professional
29 education requirements are met.

30 (4) Being convicted or found guilty, regardless of
31 adjudication, of a crime in any jurisdiction which
32 directly relates to the practice of public accounting or
33 the ability to practice public accounting.

34 (5) Making or filing a report or record which the

1 registrant knows to be false, willfully failing to file a
2 report or record required by state or federal law,
3 willfully impeding or obstructing the filing, or inducing
4 another person to impede or obstruct the filing. The
5 reports or records shall include only those that are
6 signed in the capacity of a licensed certified public
7 accountant.

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

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

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

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

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

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

26 (12) Making any misrepresentation for the purpose
27 of obtaining a license, or material misstatement in
28 furnishing information to the Board.

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

32 (14) Engaging in dishonorable, unethical, or
33 unprofessional conduct of a character likely to deceive,
34 defraud, or harm the public and violating the rules of

1 professional conduct adopted by the Board.

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

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

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

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

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

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

27 (21) A finding by the Board that a licensee has not
28 complied with a provision of any lawful order issued by
29 the Board.

30 (22) Making a false statement to the Board
31 regarding compliance with continuing professional
32 education requirements.

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

1 the request.

2 (b) (Blank).

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

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

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

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

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

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

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

26 (f) The determination by a court that a licensee is
27 subject to involuntary admission or judicial admission as
28 provided in the Mental Health and Developmental Disabilities
29 Code will result in the automatic suspension of his or her
30 license. The suspension will end upon a finding by a court
31 that the licensee is no longer subject to involuntary
32 admission or judicial admission and the issuance of an order
33 so finding and discharging the patient.

34 (Source: P.A. 92-457, eff. 7-1-04; revised 3-7-02.)

1 (225 ILCS 450/20.02 new)

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

3 Sec. 20.02. Grounds for discipline of certificate
4 holder.

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

10 (1) Attempting to procure a CPA certificate or
11 license to practice public accounting by bribery or
12 fraudulent misrepresentation.

13 (2) Having a CPA certificate or license to practice
14 public accounting revoked, suspended, or otherwise acted
15 against by the licensing authority of another state, or
16 the District of Columbia, or any United States territory.
17 No disciplinary action shall be taken in Illinois if the
18 action taken in another jurisdiction was based upon
19 failure to pay a license renewal fee or failure to meet
20 the experience or continuing professional education
21 requirements of that jurisdiction.

22 (3) Being convicted or found guilty, regardless of
23 adjudication, of a crime under the laws of the United
24 States or any state or territory of the United States,
25 that is a felony or misdemeanor and that directly relates
26 to the practice of accounting or the ability to practice
27 accounting, including but not limited to any felony or
28 misdemeanor that has dishonesty as an essential element.

29 (4) Making or filing a report or record that the
30 individual knows to be false, willfully failing to file a
31 report or record required by State or federal law,
32 willfully impeding or obstructing the filing, or inducing
33 another person to impede or obstruct the filing. The
34 reports or records shall include only those that are

1 signed in the CPA's professional capacity.

2 (5) Proof that the certificate holder or applicant
3 has, in his or her professional practice, engaged in
4 fraud, deceit, gross negligence, incompetence,
5 misconduct, or dishonorable, unethical, or unprofessional
6 conduct of a character likely to deceive, defraud, or
7 harm the public or violating the rules of professional
8 conduct adopted by the Board.

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

11 (7) A finding by the Board that a certificate
12 holder has not complied with a provision of any lawful
13 order issued by the Board.

14 (8) Failing to make a substantive response to a
15 request for information by the Board within 60 days of
16 the request.

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

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

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

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

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

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

32 (d) The determination by a court that a certificate
33 holder is subject to involuntary admission or judicial
34 admission as provided in the Mental Health and Developmental

1 Disabilities Code will result in the automatic suspension of
2 his or her certificate. The suspension will end upon a
3 finding by a court that the certificate holder is no longer
4 subject to involuntary admission or judicial admission, and
5 the issuance of an order so finding and discharging the
6 patient.

7 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

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

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

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

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

1 conditions required in this Act. The Committee shall specify
2 the nature of the violation or failure to comply, and make
3 its recommendations to the Director.

4 The report of findings of fact, conclusions of law and
5 recommendations of the Committee shall be the basis for the
6 Department's disciplinary action. If the Director disagrees
7 in any regard with the report, he may issue an order in
8 contravention of the report. The Director shall provide a
9 written explanation to the Committee of any deviations from
10 their report, and shall specify with particularity the
11 reasons of that action in the final order. The finding is
12 not admissible in evidence against the person in a criminal
13 prosecution brought for the violation of this Act, but the
14 hearing and findings are not a bar to a criminal prosecution
15 brought for the violation of this Act.

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

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

18 Sec. 20.1. Investigations; notice; hearing. The Board
19 may, upon its own motion, and shall, upon the verified
20 complaint in writing of any person setting forth facts which,
21 if proved, would constitute grounds for disciplinary action
22 as set forth in Section 20.01 or 20.02, investigate the
23 actions of any person or entity. The Board may refer
24 complaints and investigations to a disciplinary body of the
25 accounting profession for technical assistance. The results
26 of an investigation and recommendations of the disciplinary
27 body may be considered by the Board, but shall not be
28 considered determinative and the Board shall not in any way
29 be obligated to take any action or be bound by the results of
30 the accounting profession's disciplinary proceedings. The
31 Board, before taking disciplinary action, shall afford the
32 concerned party or parties an opportunity to request a
33 hearing and if so requested shall set a time and place for a
34 hearing of the complaint. The Board shall notify the

1 applicant or the licensed person or entity of any charges
2 made and the date and place of the hearing of those charges
3 by mailing notice thereof to that person or entity by
4 registered or certified mail to the place last specified by
5 the accused person or entity in the last notification to the
6 Board, at least 30 days prior to the date set for the hearing
7 or by serving a written notice by delivery of the notice to
8 the accused person or entity at least 15 days prior to the
9 date set for the hearing, and shall direct the applicant or
10 licensee to file a written answer to the Board under oath
11 within 20 days after the service of the notice and inform the
12 applicant or licensee that failure to file an answer will
13 result in default being taken against the applicant or
14 licensee and that the license or certificate may be
15 suspended, revoked, placed on probationary status, or other
16 disciplinary action may be taken, including limiting the
17 scope, nature or extent of practice, as the Board may deem
18 proper. In case the person fails to file an answer after
19 receiving notice, his or her license or certificate may, in
20 the discretion of the Board, be suspended, revoked, or placed
21 on probationary status, or the Board may take whatever
22 disciplinary action deemed proper, including limiting the
23 scope, nature, or extent of the person's practice or the
24 imposition of a fine, without a hearing, if the act or acts
25 charged constitute sufficient grounds for such action under
26 this Act. The Board shall afford the accused person or entity
27 an opportunity to be heard in person or by counsel at the
28 hearing. The files of the Board relating to the investigation
29 of possible instances of professional misconduct or any other
30 ground for discipline shall be confidential and shall not be
31 subject to disclosure at the request of any person, except
32 (i) upon the order of a court in a pending action or
33 proceeding and (ii) that exculpatory and sentence mitigating
34 evidence in the file of an accused or a person who is the

1 subject of an investigation shall be disclosed by the Board
2 to such person. Following the conclusion of the hearing the
3 Board shall issue a written order setting forth its finding
4 of facts, conclusions of law, and penalties to be imposed.
5 The order shall contain a finding whether or not the accused
6 person violated this Act or failed to comply with the
7 conditions required in this Act.

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

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

13 Section 95. No acceleration or delay. Where this Act
14 makes changes in a statute that is represented in this Act by
15 text that is not yet or no longer in effect (for example, a
16 Section represented by multiple versions), the use of that
17 text does not accelerate or delay the taking effect of (i)
18 the changes made by this Act or (ii) provisions derived from
19 any other Public Act.

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

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

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Statutes amended in order of appearance

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