

1 AN ACT concerning accounting.

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

4 Section 5. The Illinois Public Accounting Act is amended by
5 changing Sections 0.03, 1, 2, 4, 16, 20.01, and 20.1 and adding
6 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8 (Section scheduled to be repealed on January 1, 2014)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 unrevoked
14 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
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, including
29 quality review, peer review, practice monitoring, quality
30 assurance, and similar programs undertaken voluntarily or in
31 response to membership requirements in a professional
32 organization, or as a prerequisite to the providing of

1 professional services under government requirements, or any
2 similar internal review or inspection that is required by
3 professional standards.

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

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

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

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

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

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

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

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

20 (c) (Blank).

21 (d) (Blank).

22 (e) (Blank).

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

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

35 (h) "Review committee" means any person or persons

1 conducting, reviewing, administering, or supervising a peer
2 review program.

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

4 (j) "Board" means the Board of Examiners established under
5 Section 2.

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

7 (225 ILCS 450/1) (from Ch. 111, par. 5501)

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

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

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

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

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

21 Sec. 1. Any person, eighteen years of age or older, who has
22 received from the Board 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. 92-457, eff. 7-1-04.)

30 (225 ILCS 450/2) (from Ch. 111, par. 5502)

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

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

33 Sec. 2. Examinations. The University shall appoint a Board

1 of Examiners that shall determine the qualifications of persons
2 applying for certificates and shall make rules for and conduct
3 examinations for determining the qualifications.

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

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

31 Information regarding educational requirements, the
32 application process, the examination, and fees shall be
33 available on the the Board's Internet web site as well as in
34 printed documents available from the Board's office.

35 The examination shall test the applicant's knowledge of
36 accounting, auditing, and other related subjects, if any, as

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

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 rule
21 to be appropriate.

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

23 Any application, document or other information filed by or
24 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 the
27 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 information.
30 Nothing herein shall prevent the Board from making public
31 announcement of the names of persons receiving certificates
32 under this Act.

33 The Board shall adopt all necessary and reasonable rules
34 and regulations for the effective administration of the
35 Sections of this Act for which it is charged with
36 administering. Without limiting the foregoing, the Board shall

1 adopt and prescribe rules and regulations for a fair and wholly
2 and impartial method of determining the qualifications of
3 applicants for examination and for a fair and wholly ~~and~~
4 impartial method of examination of persons under Section 2 and
5 may establish rules for subjects conditioned and for the
6 transfer of credits from other jurisdictions with respect to
7 subjects passed.

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

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

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

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

1 be eligible for appointment to one additional 3-year term.
2 Where the expiration of any member's term shall result in less
3 than 11 members then serving on the Board, the member shall
4 continue to serve until his or her successor is appointed and
5 has qualified. The Governor may terminate the term of any
6 member of the Board at any time for cause.

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

15 Information regarding educational requirements, the
16 application process, the examination, and fees shall be
17 available on the Board's Internet web site as well as in
18 printed documents available from the Board's office.

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

33 The Board may in certain cases waive or defer any of the
34 requirements of this Section regarding the circumstances in
35 which the various Sections of the examination must be passed
36 upon a showing that, by reasons of circumstances beyond the

1 applicant's control, the applicant was unable to meet the
2 requirement.

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

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

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

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

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

30 (225 ILCS 450/4) (from Ch. 111, par. 5505)

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

32 Sec. 4. The provisions of this Act shall not be construed
33 to invalidate any certificates as certified public accountants
34 issued by the University under "An Act to regulate the
35 profession of public accountants", approved May 15, 1903, as

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

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

9 (225 ILCS 450/16) (from Ch. 111, par. 5517)

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

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

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

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

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

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

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

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

31 The Department shall establish by rule a means for the
32 verification of completion of the continuing education
33 required by this Section. This verification may be accomplished
34 through audits of records maintained by registrants; by
35 requiring the filing of continuing education certificates with
36 the Department; or by other means established by the

1 Department.

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

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

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

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

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

12 (b) Every application for renewal of a license by any
13 person who has been licensed under this Act for 3 years or more
14 shall be accompanied or supported by any evidence the Board
15 shall prescribe, in satisfaction of completing, each 3 years,
16 not less than 120 hours of qualifying continuing professional
17 education programs. Of the 120 hours, not less than 4 hours
18 shall be courses covering the subject of professional ethics.

19 Applications for renewal by any person who has been licensed
20 less than 3 years shall be accompanied or supported by evidence
21 of completion of 20 hours of qualifying continuing professional
22 education programs for each full 6 months since the date of
23 licensure or last renewal. Qualifying continuing education
24 programs include those given by continuing education sponsors
25 registered with the Board, those given by the American
26 Institute of CPAs, the Illinois CPA Foundation, and programs
27 given by sponsors approved by national accrediting
28 organizations approved by the Board. All continuing education
29 sponsors applying to the Board for registration shall be
30 required to submit an initial nonrefundable application fee set
31 by Board rule. Each registered continuing education sponsor
32 shall be required to pay an annual renewal fee set by Board
33 rule. Publicly supported colleges, universities, and
34 governmental agencies located in Illinois are exempt from
35 payment of any fees required for continuing education sponsor

1 registration. Failure by a continuing education sponsor to pay
2 the fees prescribed in this Act, or to comply with the rules
3 and regulations established by the Board under this Section
4 regarding requirements for continuing education courses or
5 sponsors, shall constitute grounds for revocation or denial of
6 renewal of the sponsor's registration. All other courses or
7 programs may qualify upon presentation by the licensee of
8 evidence satisfactory to the Board that the course or program
9 meets all Board rules for qualifying education programs.

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

31 The Board shall establish by rule a means for the
32 verification of completion of the continuing education
33 required by this Section. This verification may be accomplished
34 through audits of records maintained by registrants; by
35 requiring the filing of continuing education certificates with
36 the Board; or by other means established by the Board.

1 The Board may establish, by rule, guidelines for acceptance
2 of continuing education on behalf of licensed certified public
3 accountants taking continuing education courses in other
4 jurisdictions.

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

6 (225 ILCS 450/16.1 new)

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

8 Sec. 16.1. Expiration and renewal of certificates.

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

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

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

24 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

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

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

27 Sec. 20.01. Grounds for discipline.

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

1 of practice, or require a licensee to undergo a peer review
2 program, for any 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, territory, or country. No disciplinary
10 action shall be taken in Illinois if the action taken in
11 another jurisdiction was based upon failure to meet the
12 continuing professional education requirements of that
13 jurisdiction and the applicable Illinois continuing
14 professional education requirements are met.

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

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

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

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

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

35 (9) Practicing on a revoked, suspended, or inactive
36 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
35 tax Act administered by the Illinois Department of Revenue
36 or any successor agency or the Internal Revenue Service or

1 any successor agency.

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

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

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

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

14 (b) (Blank).

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

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

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

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

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

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

32 (e) The Department shall deny any application for a license
33 or renewal, without hearing, to any person who has defaulted on
34 an educational loan guaranteed by the Illinois Student
35 Assistance Commission; however, the Department may issue a
36 license or renewal if the person in default has established a

1 satisfactory repayment record as determined by the Illinois
2 Student Assistance Commission.

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

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

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

22 Sec. 20.01. Grounds for discipline; license.

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

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

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

35 (3) Having a license to practice public accounting

1 revoked, suspended, or otherwise acted against, including
2 the denial of licensure, by the licensing authority of
3 another state, the District of Columbia, or any United
4 States territory. No disciplinary action shall be taken in
5 Illinois if the action taken in another jurisdiction was
6 based upon failure to meet the continuing professional
7 education requirements of that jurisdiction and the
8 applicable Illinois continuing professional education
9 requirements are met.

10 (4) Being convicted or found guilty, regardless of
11 adjudication, of a crime in any jurisdiction which directly
12 relates to the practice of public accounting or the ability
13 to practice public accounting.

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

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

26 (7) Proof that the licensee is guilty of fraud or
27 deceit, or of gross negligence, incompetency, or
28 misconduct, in the practice of public accounting.

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

30 (9) Practicing on a revoked, suspended, or inactive
31 license.

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

34 (11) Conviction of any crime under the laws of the
35 United States or any state or territory of the United
36 States that is a felony or misdemeanor and has dishonesty

1 as an essential element, or of any crime that is directly
2 related to the practice of the profession.

3 (12) Making any misrepresentation for the purpose of
4 obtaining a license, or material misstatement in
5 furnishing information to the Board.

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

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

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

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

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

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

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

33 (20) Practicing or attempting to practice under a name
34 other than the full name as shown on the license or any
35 other legally authorized name.

36 (21) A finding by the Board that a licensee has not

1 complied with a provision of any lawful order issued by the
2 Board.

3 (22) Making a false statement to the Board regarding
4 compliance with continuing professional education
5 requirements.

6 (23) Failing to make a substantive response to a
7 request for information by the Board within 30 days of the
8 request.

9 (b) (Blank).

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

14 (1) the extent to which public confidence in the public
15 accounting profession was, might have been, or may be
16 injured;

17 (2) the degree of trust and dependence among the
18 involved parties;

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

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

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

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

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

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

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

12 (225 ILCS 450/20.02 new)

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

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

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

20 (1) Attempting to procure a CPA certificate or
21 license to practice public accounting by bribery or
22 fraudulent misrepresentation.

23 (2) Having a CPA certificate or license to practice
24 public accounting revoked, suspended, or otherwise acted
25 against by the licensing authority of another state, or the
26 District of Columbia, or any United States territory. No
27 disciplinary action shall be taken in Illinois if the
28 action taken in another jurisdiction was based upon failure
29 to pay a license renewal fee or failure to meet the
30 experience or continuing professional education
31 requirements of that jurisdiction.

32 (3) Being convicted or found guilty, regardless of
33 adjudication, of a crime under the laws of the United
34 States or any state or territory of the United States, that
35 is a felony or misdemeanor and that directly relates to the

1 practice of accounting or the ability to practice
2 accounting, including but not limited to any felony or
3 misdemeanor that has dishonesty as an essential element.

4 (4) Making or filing a report or record that the
5 individual knows to be false, willfully failing to file a
6 report or record required by State or federal law,
7 willfully impeding or obstructing the filing, or inducing
8 another person to impede or obstruct the filing. The
9 reports or records shall include only those that are signed
10 in the CPA's professional capacity.

11 (5) Proof that the certificate holder or applicant
12 has, in his or her professional practice, engaged in fraud,
13 deceit, gross negligence, incompetence, misconduct, or
14 dishonorable, unethical, or unprofessional conduct of a
15 character likely to deceive, defraud, or harm the public or
16 violating the rules of professional conduct adopted by the
17 Board.

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

20 (7) A finding by the Board that a certificate holder
21 has not complied with a provision of any lawful order
22 issued by the Board.

23 (8) Failing to make a substantive response to a
24 request for information by the Board within 60 days of the
25 request.

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

29 (1) the extent to which public confidence in the
30 public accounting profession was, might have been, or may
31 be injured;

32 (2) the degree of trust and dependence among the
33 involved parties;

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

36 (4) the intent or mental state of the person charged

1 at the time of the acts or omissions.

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

5 (d) The determination by a court that a certificate holder
6 is subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code will result in the automatic suspension of his or her
9 certificate. The certificate holder shall be responsible for
10 notifying the Board of the determination by the court that the
11 licensee is subject to involuntary admission or judicial
12 admission as provided in the Mental Health and Developmental
13 Disabilities Code. The certificate holder shall also notify the
14 Board upon discharge so that a determination may be made under
15 item (17) of subsection (a) of Section 20.01 whether the
16 certificate holder may resume practice.

17 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

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

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

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

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

1 report of its finding of facts, conclusions of law and
2 recommendations. The report shall contain a finding whether or
3 not the accused person violated this Act or failed to comply
4 with the conditions required in this Act. The Committee shall
5 specify the nature of the violation or failure to comply, and
6 make its recommendations to the Director.

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

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

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

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

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

1 the Board shall issue a written order setting forth its finding
2 of facts, conclusions of law, and penalties to be imposed. The
3 order shall contain a finding whether or not the accused person
4 violated this Act or failed to comply with the conditions
5 required in this Act.

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.