



2/4/2004

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LRB093 14116 AMC 46871 a

1 AMENDMENT TO SENATE BILL 2108

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

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

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

8 (Section scheduled to be repealed on January 1, 2014)

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

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

12 (a) "Certified Public Accountant" means any person who has
13 been issued and holds a current, registered, and 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

1 authorization to practice under the provisions of this Act.

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

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

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

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

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

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

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

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

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

28 (c) (Blank).

29 (d) (Blank).

30 (e) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to be appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (225 ILCS 450/16.1 new)

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

4 Sec. 16.1. Expiration and renewal of certificates.

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

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

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

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

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

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

23 Sec. 20.01. Grounds for discipline.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (b) (Blank).

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

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

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

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

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

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

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

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

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

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

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

26 Sec. 20.01. Grounds for discipline; license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) (Blank).

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

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

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

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

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

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

1 conditions set forth in the final order.

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

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

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

25 (225 ILCS 450/20.02 new)

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

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

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

33 (1) Attempting to procure a CPA certificate or

1 license to practice public accounting by bribery or
2 fraudulent misrepresentation.

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

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

19 (4) Making or filing a report or record that the
20 individual 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 CPA's professional capacity.

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

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

1 (7) A finding by the Board that a certificate holder
2 has not complied with a provision of any lawful order
3 issued by the Board.

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

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

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

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

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

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

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

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

1 (225 ILCS 450/20.1) (from Ch. 111, par. 5522)

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

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

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

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

28 The report of findings of fact, conclusions of law and
29 recommendations of the Committee shall be the basis for the
30 Department's disciplinary action. If the Director disagrees in
31 any regard with the report, he may issue an order in
32 contravention of the report. The Director shall provide a
33 written explanation to the Committee of any deviations from
34 their report, and shall specify with particularity the reasons

1 of that action in the final order. The finding is not
2 admissible in evidence against the person in a criminal
3 prosecution brought for the violation of this Act, but the
4 hearing and findings are not a bar to a criminal prosecution
5 brought for the violation of this Act.

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

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

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

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

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

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

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

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

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