

BOARD MEETING AGENDA

Date, Time: Friday, January 28, 2022 – Board Meeting – 9:00 a.m.

Location: Microsoft Teams Meeting **Notices:** Public Rules Hearing

Chair Introductions

PUBLIC RULE- MAKING HEARING

1.	Public Rule-Making Hearing Script
2.	Rules Under Consideration a. WAC 4-30-028 What rules govern the proceedings before the board?
3.	Written Stakeholder Comments
	BOARD MEETING AGENDA
4.	Rules Review a. Board's deliberation on proposed rules considered at the public rule-making hearing. See listing above under Public Rule-Making Hearing – Item 2 b. Semi-annual Rules Development Agenda
5.	Minutes – October 29, 2021, Annual Board Meeting
6.	Delegations of Authority – Annual Review a. DA-001 Investigations, Subpoenas, Charges, Emergency Action, and Settlement Negotiations
7.	Chair's Report
8.	NASBA Update
9.	AICPA/Board Rules Clarification

The Board of Accountancy schedules all public meetings at barrier free sites. Persons who need special assistance, such as enlarged type materials, please contact the Board's Americans with Disabilities Act contact person:

Kirsten Donovan, Washington State Board of Accountancy PO Box 9131, Olympia, WA 98507-9131

Phone: 360-664-9191 Email: Kirsten.donovan@acb.wa.gov

7-1-1 or 1-800-833-6388 (TTY) - 1-800-833-6385 (Telebraille) (TTY and Telebraille service nationwide by Washington Relay www.washingtonrelay.com)

10. Legal Counsel's Report

11. Con	nmittee/Task Force Reports
	Executive Committee – Rajib Doogar, Public Member, Chair
	Peer Review Oversight Committee – Jacqueline Meucci, CPA, Chair
c.	Request Oversight Committee – Thomas Sawatzki, CPA, Chair
d.	
12. Exec	cutive Director's Report34-36
a.	Board Items
b.	Legislation
c.	Budget Status
d.	CPE Tracker
13. Enfo	orcement Report
a.	Quarterly Enforcement and Resolved Complaint Reports
14. Exec	cutive and/or Closed Sessions with Legal Counsel
	clic Input - The public has an opportunity to address its concerns and the Board has an ortunity to ask questions of the public. Individual speakers will be provided 10 minutes in

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WASHINGTON STATE BOARD OF ACCOUNTANCY BOARD MEETING – JANUARY 28, 2022 SUMMARY

Date and Time: Friday, January 28, 2022 - 9:00 a.m.

Location: Microsoft Teams Meeting

Notices: Public Rules Hearing

Chair's Opening Announcements:

The purpose of the Board meeting is for the Board to accomplish its business. After the Board completes its discussion of an agenda item, if appropriate, I will ask if anyone in the audience wishes to comment. As a reminder, individuals attending the meeting may participate only after recognition by the Chair. If you plan to address the Board on other matters during the public input section of the agenda, please advise the Board Chair now, and your name will be added to the public input roster.

January 28, 2022 - 9:00 a.m. - PUBLIC RULE-MAKING HEARING

Rules Hearing - At 9:00 a.m. the Board will hold its scheduled rules hearing to obtain public input on the proposed changes to one Board rule. Individuals wishing to comment must advise the Board Chair now, and your name will be added to the rule-making public input roster.

- 1. Public Rule-Making Hearing Outline The script the Chair will use as a guide during the hearing is at *pages 8-9* of the meeting materials.
- 2. Rules Under Consideration -

WAC 4-30-028 What rules govern the proceedings before the board?

See *pages 10-12* for the CR-102, Proposed Rule Making Notice.

Page 13 contains the filing for the proposed changes to the rule. The changes reformat the title, add a RCW reference, remove an outdated section, and add a Board decision to which this rule applies so that the process is more efficient.

The Executive Director will provide a summary of the proposed changes to the rule during the rules hearing.

3. Written Stakeholder Comments – None were received by the time the Board meeting packet was posted to the website. If any are received by the written comment deadline of January 26, 2022, they will be provided during the Rules Hearing.

January 28, 2022 - BOARD MEETING

4. Rules Review

a. Board deliberation on the proposed rule considered at the public rule-making hearing.

WAC 4-30-028 What rules govern the proceedings before the board? – *Pages* 10-13

The Executive Director is prepared to summarize the proposed changes to the rule and answer any questions for the Board during deliberation.

Does the Board wish to:

- Adopt the rule as proposed; or
- Adopt the rule with minor changes that do not change the general subject matter of the proposed rule; or
- Amend the rule proposal and set another rules hearing date; or
- Withdraw the rule proposal?

Effective date: If the Board decides to adopt the rule, the Board must determine the effective date. Rules generally become effective 31 days after filing. The Executive Director recommends making the rule effective 31 days after filing.

Does the Board wish to make the rule effective:

- 31 days after filing; or
- Another date?
- b. Semi-annual Rules Development Agenda January through June 2022

Pages 14-16 contain the Semi-Annual Rules development agenda filed with the Office of the Code Reviser.

The agenda is informational for the public, and the noted dates of anticipated activity are estimates.

5. Minutes – October 29, 2021

Board staff presents the draft minutes of the October 29, 2021, Annual Board meeting on *Pages 17-25* for the Board's consideration.

Does the Board approve the minutes as drafted?

Does the Board authorize the use of their electronic signatures on file for the signing of the approved meeting minutes?

6. Delegations of Authority – Annual Review

Pages 26-32 contain the 2021 delegations for review. Staff reviewed and proposes no revisions to delegations for 2022 other than date and signature of the Board Chair.

a. DA-001 Investigations, Subpoenas, Charges, Emergency Action, and Settlement Negotiations – *Pages 26-27*

Does the Board wish to revise, retain, or revoke this delegation?

b. DA-002 Request Oversight and Appeal of Denials – Pages 28-29

Does the Board wish to revise, retain, or revoke this delegation?

c. DA-003 Quality Assurance Oversight – Pages 30-31

Does the Board wish to revise, retain, or revoke this delegation?

d. DA-004 CR-101 Filing – Page 32

Does the Board wish to revise, retain, or revoke this delegation?

Does the Board Chair authorize the use of his electronic signature on file for the signing of the Delegations of Authority?

7. Chair's Report

8. NASBA Update

The Executive Director will provide a report on NASBA activities.

9. AICPA/Board Rules Clarification

The Executive Director will report.

10. Legal Counsel's Report

The Board's legal counsel requests the agenda for regular Board meetings contain a placeholder item allowing for legal counsel to report on any current issues related to the Board's activities and/or Washington State law such as: the Administrative Procedures Act, Open Public Meetings Act, Public Disclosure requirements, etc.

11. Committee/Task Force Reports

a. Executive – Chair: Rajib Doogar, Public Member; Vice Chair: Brooke Stegmeier, CPA; Secretary: Jacqueline Meucci, CPA

Rajib will give a verbal report.

b. Peer Review Oversight Committee – Chair: Jacqueline Meucci, CPA; Members: Mark Hugh, CPA; Brooke Stegmeier, CPA

Mark will give a verbal report.

c. Request Oversight Committee – Chair: Thomas P. Sawatzki, CPA; Members: Brian R. Thomas, CPA; Brooke Stegmeier, CPA

Page 33 contains a report on the 4th quarter approvals and denials from the committee.

Tom will give a verbal report.

d. Scholarship Oversight Committee – Chair: Kate Dixon, Public Member; Members: Brian R. Thomas, CPA; Jacqueline Meucci, CPA

Kate will give a verbal report.

12. Executive Director's Report

Pages 34-36 contain the Executive Director's Report.

- a. Board Items
- b. Legislation
- c. Budget Status
- d. CPE Tracker

13. Enforcement Report

Taylor Shahon, CPA, Lead Investigator, will provide a verbal report on investigations.

a. Quarterly Enforcement and Resolved Complaint Reports

Pages 37-38 contain the Quarterly Enforcement Report for October 1, 2021 through December 21, 2021 and the Resolved Complaint Report for periods January 2021 to December 2021 and January 2020 to December 2020.

14. Executive and/or Closed Session with Legal Counsel

The Board's legal counsel requests the agenda for regular Board meetings contain a placeholder item identifying that the Board and legal counsel may enter into executive or closed session when determined appropriate.

15. Public Input

Board meeting time has been set aside to ensure the public has an opportunity to address its concerns, and the Board has an opportunity to ask questions of the public. Individual speakers will be provided 10 minutes each.

WASHINGTON STATE BOARD OF ACCOUNTANCY RULES HEARING OUTLINE JANUARY 28, 2022

Presiding officer read or paraphrase BOLD type entries

Italics are explanatory notes to presiding officer

Opening state	ement:
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The Board of Accountancy	rules hearing is now in session.	The date is Friday, January 28,
2022. The time is	My name is Rajib Doogar. I	am the Chair of the Board of
Accountancy.		

Copies of the rule proposals are available in the Board packet materials online at www.acb.wa.gov. If you would like to testify, please let me know now, and your participation at this hearing will be added to the Rules Hearing attendance roster.

Have Board Members, legal counsel, and staff in attendance introduce themselves.

Explain hearing sequence and ground rules as follows:

The hearing will be conducted as follows:

- 1. I will identify the rules presented for testimony and present a brief statement for each proposal.
- 2. I will use the attendance roster to invite testimony on the proposal. When you give testimony, please:
 - State your name and organization if you speak for a group
 - Limit your testimony to the rule proposal currently before the Board
 - After you testify, please remain available for questions, and
 - If you are testifying from text, please provide a copy by email to Kirsten Donovan, Board Clerk at kirsten.donovan@acb.wa.gov.

Testimony is limited to 10 minutes for each speaker.

3. When the testimony is complete the hearing will be closed. The Board will consider the proposed rule changes at its Board meeting later today.

The rule proposals concern:

• WAC 4-30-028 What rules govern the proceedings before the board?

Dave Trujillo, Executive Director, will present a brief statement for the proposal.

Dave presents the statement.

The rule proposal has been identified. We will now move to the testimony.

1. TESTIMONY FROM ATTENDANCE ROSTER

Ask for testimony from the audience according to the order on the attendance roster. After testimony is complete you will invite questions from the Board members.

Will (name of individual) please present testimony?

When the testimony is complete you may ask questions of the individual.

2. OTHER TESTIMONY

After all persons on the attendance roster have testified, ask if others wish to testify. Is there anyone who wishes to testify that has not had the opportunity?

3. CLOSING STATEMENT:

Thank you for your testimony.

The Board will deliberate on the oral and written testimony and the proposed rules later today
during its Board meeting. The Board's decision regarding the proposed rules will be posted to
the Board's rule making section of the website and reflected in the meeting minutes. Thank you
all for your participation. The time is, and this hearing is now closed.

PROPOSED RULE MAKING



CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED

DATE: November 04, 2021

TIME: 2:17 PM

WSR 21-23-013

Agency: Board of Accountancy						
☑ Original Notice						
☐ Supplemental Notice to WSR						
☐ Continuance of W	SR					
	ment of Inq	uiry was filed as WSR 21-17-048	; or			
☐ Expedited Rule Ma	kingProp	osed notice was filed as WSR	; or			
□ Proposal is exemp	t under RC	W 34.05.310(4) or 34.05.330(1); or	•			
□ Proposal is exemp						
Title of rule and other before the board?	r identifying	g information: (describe subject) V	VAC 4-30-028 What rules govern the proceedings			
Hearing location(s):						
Date:	Time:	Location: (be specific)	Comment:			
January 28, 2022	9:00 A.M.	Microsoft Teams Meeting				
January 28, 2022 9:00 A.M. Microsoft Teams Meeting The link to join the meeting will be available on the Board's website approximately 2 weeks before the hearing date at: https://acb.wa.gov/next-board-meeting. A phone number will be provided as well in case you are unable to attend online.						
		ary 28, 2022 (Note: This is NOT th	e effective date)			
Submit written comm						
Name: Kirsten Donova	n, Rules Co	ordinator				
Address: P.O. Box 91						
Olympia, W./ Email: Kirsten.donovar		OV				
Fax: 360-664-9190	i & acb.wa.y	ov .				
Other:						
By (date) <u>January 26, 2022</u>						
Assistance for perso		abilities:				
Contact Kirsten Donov Phone: 360-664-9191 Fax: 360-664-9190 TTY: 771	an, Rules C	oordinator				
Email: Kirsten.donova	n@acb.wa.(gov				
Other:						
By (date) <u>January 26, 2022</u>						

Accountancy prop	ooses amending WAC 4-30	ed effects, including any changes in existing -028 to reformat the title, add a RCW reference, applies so that the process is more efficient.	
Reasons suppor	ting proposal: See purpos	ses above	
Statutory author	ity for adoption: RCW 18.	04.055	
Statute being im	plemented: RCW 18.04.05	55	
Is rule necessary	v because of a:		
Federal La			□ Yes ⊠ No
	w: ourt Decision?		□ Yes ⊠ No
State Cour			□ Yes ⊠ No
If yes, CITATION			
Agency commer matters:	nts or recommendations, i	if any, as to statutory language, implementati	on, enforcement, and fiscal
Name of propon	ent: (person or organizatior	n) Board of Accountancy	□ Private□ Public☑ Governmental
Name of agency	personnel responsible fo	or:	
	. Name	Office Location	Phone
Drafting:	David Trujillo, CPA	711 Capitol Way S Suite 400 Olympia, WA 98501	(360) 664-9268
Implementation:	David Trujillo, CPA	711 Capitol Way S Suite 400 Olympia, WA 98501	(360) 664-9268
Enforcement:	David Trujillo, CPA	711 Capitol Way S Suite 400	(360) 664-9268
Is a school distri	ict fiscal impact statemen	Olympia, WA 98501 t required under RCW 28A.305.135?	☐ Yes ⊠ No
Name: Address Phone: Fax: TTY: Email: Other:	s:	ol district fiscal impact statement by contacting:	
	analysis required under F		
-	eliminary cost-benefit analy	sis may be obtained by contacting:	
Name:			
Address	S.:		
Phone: Fax:			
ι αλ.			

	TTY:					
	Email: Other:					
	☑ No: Please explain: The Board of Accountancy is not a listed agency in RCW 34.05.328(5)(a)(i).					
Regulator	ry Fairness Act Cost Considerations for a Small	Busine	ess Economic Impact Statement:			
	proposal, or portions of the proposal, may be exemp 0.85 RCW). Please check the box for any applicable					
adopted so regulation adopted. Citation ar	nd description:	or regul n, and d	ations. Please cite the specific federal statute or lescribe the consequences to the state if the rule is not			
	tle proposal, or portions of the proposal, is exempt by RCW 34.05.313 before filing the notice of this prop					
☐ This ru	lle proposal, or portions of the proposal, is exempt u					
	y a referendum.	ndor D	CW 10.05.035(2). Check all that apply			
	rile proposal, or portions of the proposal, is exempt u					
	RCW 34.05.310 (4)(b) (Internal government operations)		RCW 34.05.310 (4)(e) (Dictated by statute)			
	RCW 34.05.310 (4)(c)	П	RCW 34.05.310 (4)(f)			
	(Incorporation by reference)	_	(Set or adjust fees)			
	RCW 34.05.310 (4)(d)		RCW 34.05.310 (4)(g)			
	(Correct or clarify language)	_	((i) Relating to agency hearings; or (ii) process			
	, , , ,		requirements for applying to an agency for a license			
☐ This ru	ıle proposal, or portions of the proposal, is exempt ι	nder R	or permit)			
	tle proposal, or portions of the proposal, is exempt upon of exemptions, if necessary:	nder R	or permit)			
			or permit) CW			
Explanatio	on of exemptions, if necessary: COMPLETE THIS SECTION OF	NLY IF	or permit) CW			
Explanation	COMPLETE THIS SECTION Of osed rule is not exempt , does it impose more-than-	NLY IF	or permit) CW NO EXEMPTION APPLIES costs (as defined by RCW 19.85.020(2)) on businesses?			
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WAC 4-30-028 ((What rules govern the)) Rules governing the formal adjudicative proceedings and the brief adjudicative proceedings before the board((?)). Except where they are inconsistent with the rules in this chapter and subject to additional rules that the board may adopt from time to time, ((practice and procedure)) adjudicative proceedings in and before the board are governed by the Administrative Procedure Act, chapter 34.05 RCW, and the uniform procedural rules codified in the Washington Administrative Code, chapter 10-08 WAC.

For certain types of decisions, the board has adopted an appeal process authorized by RCW 34.05.482 through 34.05.494 which is called a brief adjudicative proceeding. Decisions to which this appeal process will be applied are:

- (1) ((Staff)) Denials of initial individual license applications, renewals, or applications for reinstatement;
- (2) ((Staff)) <u>Denials</u> of CPA-Inactive certificate renewals or applications for reinstatement;
 - (3) ((Staff denials of practice privilege reinstatements;
- (4) Staff)) Denials of initial resident nonlicensee firm owner registration applications, renewals, or applications or requests for reinstatement;
- $((\frac{5) \text{ Staff}}{2}))$ <u>(4)</u> Denials of initial firm license applications, renewals, and amendments;
 - (((6) Staff)) (5) Denials of exam applications; ((and
- (7)) (6) A proposed suspension as a result of a determination by a lending agency of nonpayment or default on a federally or state-quaranteed student loan or service conditional scholarship; and
 - (7) Lifts of stays of suspension from a board order.

To appeal a decision you must submit your request for a brief adjudicative proceeding, in writing, to the board within ((thirty)) 30 days after the decision by board staff is posted in the U.S. mail. The board chair or the board vice chair, if the board chair is unavailable, will appoint one member of the board as the presiding officer for brief adjudicative proceedings. The presiding officer renders a decision either upholding or overturning the denial. This decision, called an order, will be provided to you at the last address you furnished to the board.

If you are dissatisfied with the order in the brief adjudicative proceeding, you may appeal to the board's vice chair, or designee. This appeal process is called an administrative review. Your appeal must be received by the board, orally or in writing, within ((twenty-one)) 21 days after the brief adjudicative proceedings order is posted in the U.S. mail. The vice chair, or designee, considers your appeal and either upholds or overturns the brief adjudicative proceeding order. The vice chair's, or designee's, decision, also called an order, will be provided to you at the last address you furnished to the board.

[1] OTS-3469.1

OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED

DATE: November 04, 2021

TIME: 9:42 AM

WSR 21-23-008

Semi-Annual Rules Development Agenda January 2022 through June 2022

The Washington State Board of Accountancy's semi-annual, rules development agenda follows for publication in the Washington State register under RCW 34.05.314.

This agenda is for information purposes, and the noted dates of anticipated activity are estimates. Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact:

David Trujillo, CPA, Executive Director PO Box 9131, Olympia, WA 98507-9131

Phone: (360) 664-9268; Email: Dave.Trujillo@acb.wa.gov

WAC Citation	Subject Matter	Anticipated Activity Dates		
			Proposed (CR-	
		Preproposal	102) or Expedited	Permanent
		(CR-101)	(CR-105)	(CR-103)
WAC 4-30-010	Definitions	April 2022	May 2022	August 2022
WAC 4-30-020	What are the authority for and the purpose of the board's rules?	April 2022	May 2022	August 2022
WAC 4-30-028	What rules govern the proceedings before the board?	April 2022	May 2022	August 2022
WAC 4-30-030	What are the requirements for communicating with the board and staff?	April 2022	May 2022	August 2022
WAC 4-30-032	Do I need to notify the board if I change my address?	April 2022	May 2022	August 2022
WAC 4-30-034	Must I respond to inquiries from the board?	April 2022	May 2022	August 2022
WAC 4-30-036	What enforcement activities must be reported to the board?	April 2022	May 2022	August 2022
WAC 4-30-038	Fees	April 2022	May 2022	August 2022
WAC 4-30-040	What are the requirements concerning integrity and objectivity?	April 2022	May 2022	August 2022
WAC 4-30-042	When is independence required?	April 2022	May 2022	August 2022

TT 1 C 1 20 011	TT 11	1 2022	116 2022	1
WAC 4-30-044	What restrictions govern	April 2022	May 2022	August 2022
	commissions, referral, and			
W. G. 1.00.016	contingent fees?		3.6 2022	4 2022
WAC 4-30-046	What are the requirements	April 2022	May 2022	August 2022
*****	concerning competence?			
WAC 4-30-048	Compliance is required	April 2022	May 2022	August 2022
	with which rules,			
	regulations and			
*****	professional standards?		1	
WAC 4-30-050	Records and clients	April 2022	May 2022	August 2022
777.4 67.4 60.0 67.4	confidential information.		1	
WAC 4-30-051	Client records.	April 2022	May 2022	August 2022
WAC 4-30-052	What acts are considered	April 2022	May 2022	August 2022
	discreditable?			
WAC 4-30-054	What are the limitations on	April 2022	May 2022	August 2022
	advertising and other forms			
	of solicitation?			
WAC 4-30-056	What are the limitations	April 2022	May 2022	August 2022
	regarding individual and			
	firm names?			
WAC 4-30-058	Does the board authorize	April 2022	May 2022	August 2022
	the use of any other titles			
	or designations?			
WAC 4-30-082	How does a CPA-Inactive	April 2022	May 2022	August 2022
	certificate holder apply for			
	licensure?			
WAC 4-30-088	What is the effect on a	April 2022	May 2022	August 2022
	Washington individual			
	licensee or CPA-inactive			
	certificateholder in the			
	armed forces, reserves, or			
	National Guard if the			
	individual receives orders			
	to deploy for active			
	military duty?			
WAC 4-30-094	How do I renew my	April 2022	May 2022	August 2022
	individual license, CPA-			
	inactive certificate, or			
	registration as a resident			
	nonlicensee firm owner?			
WAC 4-30-104	How do I renew a	April 2022	May 2022	August 2022
	Washington CPA-Inactive			
	certificate and/or license			
	granted through foreign			
	reciprocity?			
WAC 4-30-120	I am a CPA-Inactive	April 2022	May 2022	August 2022
	certificate holder-Prior to			
	July 1, 2001, I held a			
	license-How do I apply to			

	return to my previous April			
	2022status as a licensee?			
WAC 4-30-122	If I retire my license or	April 2022	May 2022	August 2022
	CPA-Inactive certificate,			
	how do I apply to renew			
	my license or CPA-			
	Inactive certificate out of			
	retirement?			
WAC 4-30-124	How do I reinstate a lapsed	April 2022	May 2022	August 2022
	license, CPA-inactive			
	certificate, or registration			
	as a resident nonlicensee			
	firm owner?			
WAC 4-30-126	How do I reinstate a	April 2022	May 2022	August 2022
	revoked or suspended			
	license, CPA-inactive			
	certificate, or registration			
	as a resident nonlicensee			
	firm owner?			
WAC 4-30-134	Continuing professional	April 2022	May 2022	August 2022
	education (CPE)			
	requirements.			
WAC 4-30-136	Reporting continuing	April 2022	May 2022	August 2022
	professional education			
	(CPE) to the board.			
WAC 4-30-142	What are the bases for the	April 2022	May 2022	August 2022
	board to impose discipline?			

David Trujillo, CPA Executive Director

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WASHINGTON STATE BOARD OF ACCOUNTANCY

Unapproved Draft - Minutes of an Annual Meeting of the Board - Unapproved Draft

Time and Place of Meeting

9:05 a.m. – 12:41 p.m. Friday, October 29, 2021

Microsoft Teams Meeting

Attendance

Board Members

Rajib Doogar, Vice Chair, Public Member

Jacqueline Meucci, CPA, Secretary, Board Member

Mark Hugh, CPA, CPA, Board Member Brian R. Thomas, CPA, Board Member

Kate Dixon, Public Member

Thomas P. Sawatzki, CPA, Board Member Brooke Stegmeier, CPA, Board Member

Staff and Advisors

David Trujillo, CPA, Executive Director

Bruce Turcott, Assistant Attorney General, Board Advisor

Jennifer Sciba, Deputy Director

Taylor Shahon, CPA, Lead Investigator

Kirsten Donovan, Board Clerk

Isaac Ross. Communications Consultant

Board Member Resignations

The Vice Chair announced that Board Members, Joel Cambern, Chair, Public Member, and Carol Morgan, CPA, resigned from the Board effective September 30, 2021. The Vice Chair, Executive Director, and others thanked them for their service to the Board, the public, and the CPA profession.

The Board is working with the Governor's Office to get the vacancies filled as quickly as possible.

Member

New Board Staff The Executive Director reported that all Board staff was in attendance for the meeting. He introduced and welcomed new staff member, Isaac Ross, Communications Consultant, to the Board.

Public Rule-**Making Hearing** The Board held a public rule-making hearing from 9:14 a.m. to 9:23 a.m. The Board Vice Chair presided. The Board proposed to amend:

WAC 4-30-062 Applying to take the CPA examination.

The proposed changes align the Board Rule with the National Association of State Boards of Accountancy (NASBA).

The Executive Director presented a brief statement on the rule.

The Deputy Director advised that an additional minor change not in the draft is proposed. Removing "you took the exam section and not the date that" from section (5)(b)(iii) will change the date an exam section is considered passed from the date of the section is taken to the date the grade is released.

The Board felt that this change would help exam candidates by providing additional time and making planning for taking future exam sections easier.

The Board did not receive any written comments regarding the proposed rule changes.

No public input was received during the hearing.

Call to Order

Board Vice Chair, Rajib Doogar, called the annual meeting of the Board to order at 9:23 a m

Rules Review

Board Deliberation on Proposed Rule Considered at the Public Rule-making Hearing

WAC 4-30-062 Applying to take the CPA examination.

The Board voted unanimously to adopt the rule with the minor change that does not change the general subject matter of the proposed rule.

The Board voted for an implementation date 31 days after filing.

Discussion on Potential Revision to Rule

 WAC 4-30-028 What rules govern the proceedings before the board?

The Executive Director led the discussion on the proposed changes which will clarify how the Board enforces the sanctions contained in Board Orders.

The Board felt that the updated draft was clearer than the proposed draft from the July Board meeting.

The Board directed staff to file the CR-102 as written for this proposal and schedule a public rule-making hearing in conjunction with the Board's January meeting.

Minutes – July 30, 2021 Board Meeting

The Board approved the minutes of the July 30, 2021, Board meeting as presented.

Vice Chair's Report

<u>Election of 2022 Officers</u> – The Executive Director presented the following slate of officers to serve during 2022:

- Chair Rajib Doogar, Public Member
- Vice Chair Brooke Stegmeier, CPA
- Secretary Jacqueline Meucci, CPA

No other nominations were made. The Board cast a unanimous vote for the slate of officers presented.

The newly elected officers will assume their duties on January 1, 2022.

<u>2022 Board Meeting Schedule</u> – The Board established the following schedule for the 2022 Board meetings:

- January 28, 2022 Virtual Meeting
- April 29, 2022 Virtual Meeting
- July 29, 2022 Virtual Meeting
- October 28, 2022 Virtual Meeting

The meetings will be moved to in-person meeting locations if it becomes safe to do so.

Committee Appointments for 2022

The Board made the following committee appointments for 2022:

Peer Review Oversight Committee (PROC)

Chair:

Jackie Meucci, CPA

Members:

Mark Hugh, CPA

Brooke Stegmeier, CPA

Non-Board Volunteers:

Robert Loe, CPA

Laura Lindal, CPA

Request Oversight Committee (ROC)

Chair:

Tom Sawatzki, CPA

Members:

Brian Thomas, CPA

Brooke Stegmeier, CPA

Scholarship Oversight Committee (SOC)

Chair:

Kate Dixon, Public Member

Members:

Brian Thomas, CPA Jackie Meucci, CPA

CPA Exam Remote Proctoring Task Force was disbanded.

NASBA Update

Colleen Conrad, CPA, Executive Vice President and Chief Operating Officer, NASBA, updated the Board on the following NASBA activities:

- COVID Update Testing centers have reopened with a mask requirement
- Remote Testing Initiative Update The urgency has dissipated since testing centers have reopened; pilot testing has been put on hold
- CPA Evolution Update
 - Trends in the Profession Technology driven
 - New Exam Model What the Exam might look like
 - Core (3 required sections): Accounting, and Audit, and Tax
 - Technology (1 section of applicant's choice required): Business Analysis and Reporting (BAR), or Information Systems and Controls (ISC), or Tax Compliance and Planning (TCP)
 - Meetings with Boards of Accountancy to encourage uniformity and logistics of change-over
 - January 2024 expected launch date for new Exam
 - Model curriculum for accounting programs
 - Uniform Accountancy Act Model Rule changes and State Board Rule changes
- CPA Pipeline the number of Exam sections being taken has decreased over the past few years
- 2022 NASBA conference schedule

Tom Sawatzki asked about NASBA's sexual harassment and discrimination policy when complaints are received from Exam candidates. Colleen explained NASBA's Candidate Care section for Exam applicants to report issues with test centers. She advised on the investigation process and stated new controls and policies have recently been implemented.

The Executive Director thanked Colleen for taking the time to present to the Board.

Attorney General of Washington Formal Opinion

Attorney General of Washington Formal Opinion, AGO 2021 No. 5

The Executive Director deferred to Mark Hugh to provide a summary of the opinion, as the request for opinion predates his time as the Executive Director.

Mark Hugh provided the background for the request for opinion. A complaint against a State Auditor Office employee performing his duties was dismissed by the Board. Board Policy 2020-2 was created following the dismissal, and an Attorney General formal opinion was requested.

The Attorney General formal opinion was released, which agrees with the Board's interpretation of the RCW.

Board Policy – 2020-2 Public Officials and Public Employees

The Executive Director presented a draft of the proposed changes and led the discussion on the revision. The proposed revision adds a reference to Attorney General Opinion (AGO) 2021 No. 5.

The Board voted unanimously to amend the policy with the proposed revision and three additional revisions. The additional revisions are:

- Change "may" to "does" in the phrase "the Board may not have the authority"
- Change "adopted it from" to "modeled it upon" in the phrase "it is in Washington law because the legislature adopted it from the Uniform Accountancy Act."
- Remove the sentence, "Currently 26 states, including Washington, have adopted similar exceptions."

Legal Counsel's Report

Bruce Turcott, the Board's legal counsel, had nothing to report.

Executive Director's Report

The Executive Director referred to his written report and drew specific attention to the following items:

Recognition of Board Member

The Executive Director congratulated Brooke Stegmeier for receiving the Washington State Society of CPA's 2021 Outstanding Volunteer Leader Award. Other Board Members congratulated Brooke on her achievement.

Budget Status Report

The Executive Director noted that there are several typographical errors in the Budget Status section of his written report. Specifically, the second sentence in the second bullet should read "... This brings our fund balance to \$2,909,927 down from our 2021 fiscal year close of \$2,994,465. ..."

Non-Compliance with Laws and Regulations (NOCLAR)

- NOCLAR interpretation getting closer to being re-issued
- Staff is reviewing the Board Rules for possible revisions

Peer Review

- This program is currently administered by the Washington Society of CPAs (WSCPA) for the Board
- The WSCPA is researching what the program might look like if another state were to administer the program for the Board

Continuing Professional Education (CPE)

- CPE Tracker will be required for all renewals starting with the 2022 renewals
- 100% CPE compliance is the goal

Residency of Board Licensees

- Washington State Board of Accountancy Residency of Licensees chart was included in the Board meeting materials
 - As of October 2021, 60% of licensees are Washington residents, while the remaining 40% are residents of other states or countries
 - The chart indicates that the Washington CPA license is worldwide

Brian Thomas asked how the percentage of WA licensed CPAs from other countries compares to those of other states' licensees from other countries. Staff will see if that data is available through NASBA.

Executive Committee

The Board Vice Chair reported that the committee members met by Teams meeting and discussed the meeting agenda.

Peer Review Oversight Committee (PROC)

Jackie Meucci presented the 2021 Quality Assurance Review (QAR) Results report.

Request Oversight Committee (ROC)

Tom Sawatzki reported on the 3rd quarter 2021 approval and denials from the committee:

Approved Firm Names:

Vankat Accounting Services

Thrive CPA, PLLC

Lower Columbia CPAs & Company, PLLC

Capstone CPA

Unswerving Consulting, P.C.

Immaterial Consulting
REGAL TAX USA PLLC
Emerald City Accounting
CPA Compilation Services

<u>Professional/Educational Organization - Recognition Requests</u>

During the 3rd quarter 2021, the Board received no requests for recognition as an educational organization for purposes of obtaining list requests.

Scholarship Oversight Committee (SOC)

Brian Thomas presented the Projected Fund Balance – Washington State Certified Public Accounting Scholarship Program – for the Year Ending September 30, 2022.

CPA Exam Remote Proctoring Task Force

An update was provided earlier in the meeting by Colleen Conrad, CPA, during the NASBA report.

The task force was disbanded, as remote proctoring is on hold for now.

Enforcement Report

Enforcement Reports

Taylor Shahon, CPA, Lead Investigator, presented:

- Quarterly Enforcement Report for July 1, 2021 through September 30, 2021
- Resolved Complaint Report for periods October 2020 through September 2021 and October 2019 through September 2021

Taylor reported on the following enforcement activities:

- Last quarter was quiet Perhaps CPA communication has been better with clients, as that had been the bulk of recent complaints
- Updated complaint form which asks complainants to specify which law or rule was violated
- Board hearings have been scheduled in 2 cases with the potential of scheduling a third

Executive and/or Closed Sessions with Legal Counsel

No executive or closed sessions with legal counsel held.

Public Input

The Board received public input from Kenneth Smith, PhD., who expressed his dissatisfaction with Attorney General Formal Opinion, AGO 2021 No. 5. He provided the Board with a written document of his public comments which is available upon request to the Board.

Adjournment

The meeting adjourned at 12:41 p.m.

	Secretary
Vice Chair	
Member	•
Member	•
Member	
Member	
Member	
Member	•



Delegation of Authority

Number: DA-001

Title: Investigations, Subpoenas, Charges, Emergency Action,

and Settlement Negotiations

I, Joel Cambern, Chair of the Washington State Board of Accountancy ("Board"), acting under authorization by a Board vote, delegate to the Executive Director of the Board the authority to:

- (a) Investigate alleged violations of chapter 18.04 RCW, chapter 4-30 WAC, or chapter 34.05 RCW, to include issuing subpoenas to compel the attendance of witnesses and require the production of documents, administering oaths or affirmations to witnesses appearing before the Board, taking testimony, and requiring that documentary evidence be submitted.
- (b) Sign, issue, and withdraw Statements of Charges, which seek to suspend, revoke, reprimand, discipline, or impose a fine upon a certified public accountant licensee, a CPA-inactive certificate holder, a licensed CPA firm, a CPA Examination or license applicant, a nonlicensee firm owner, or an unlicensed individual or firm using the CPA title.
- (c) Sign, issue, and withdraw Statements of Intent to Deny, which refuse to issue, reinstate, or renew a certified public accountant license, a CPA-inactive certificate, a CPA firm license, or a nonlicensee firm owner registration.
- (d) Apply to the appropriate court for an order enjoining any acts or practices which constitute, or will constitute, a violation of chapter 18.04 RCW under RCW 18.04.360.
- (e) Issue an order staying the practice rights or use of the restricted title in situations requiring agency action due to an immediate danger to the public health, safety, or welfare. The order will initiate an emergency adjudicative proceeding under RCW 34.05.479.
- (f) Negotiate settlement proposals during investigations of alleged violations of chapter 18.04 RCW or chapter 4-30 WAC. Such proposals are subject to consulting Board member concurrence prior to submission to the Board for consideration.
- (g) Issue Remedial Resolutions and execute voluntary settlements including monetary terms in accordance with the guidelines in Board Policy 2004-1.

This delegation is made under the authority of RCW 18.04.045, 18.04.295, and 18.04.305.

DATED this 29th day of January 2021.

Joel Cambern, Public Member

Chair, Washington State Board of Accountancy



Delegation of Authority

Number: DA-002

Title: Request Oversight and Appeal of Denials

I, Joel Cambern, Chair of the State of Washington Board of Accountancy ("Board"), acting under authorization by a Board vote, delegate the following authority:

- 1. <u>Request Oversight Committee</u> To the Executive Director with concurrence of one member of the Request Oversight Committee to approve or deny:
 - a) **Firm Names** for compliance with the requirements of RCW 18.04.345 and chapter 4-30 WAC to ensure the Board that the firm name is not deceptive or misleading.
 - b) **Professional/Education Organizations Recognition Requests** for purposes of obtaining lists of individual CPA licensees, CPA-Inactive certificateholders, or nonlicensee firm owners under RCW 42.56.070(8) and chapter 4-30 WAC.
 - c) Late Fee Waiver Requests where individual hardship including, but not limited to, financial hardship, critical illness, or active military deployment is a factor under chapter 4-30 WAC.
 - d) **Domestic or foreign education credential evaluation services** applications for approval under chapter 4-30 WAC.
- 2. Appeal of Denials of Requests for Lists of Individuals To one member of the Request Oversight Committee not involved in the original review of the request under delegation 2(c) of this delegation, to review and uphold or overturn denials of requests for lists of individuals under RCW 42.56.520. This Request Oversight Committee member shall complete the review by the end of the second business day following the denial. The Committee member's decision is the final action the Board will take on the matter for purposes of judicial review.

The Executive Director will report all actions taken under this delegation of authority at each quarterly Board meeting to assist the Board in evaluating whether this delegation should be rescinded or modified.

This delegation is made under the authority of RCW 18.04.045 and 42.56.070(8).

DATED this 29th day of January 2021.

Joel Cambern, Public Member

Chair, Washington State Board of Accountancy



Delegation of Authority

Number: DA-003

Title: Quality Assurance Oversight

I, Joel Cambern, Chair of the State of Washington Board of Accountancy ("Board"), acting under authorization by a Board vote, delegate the following authority:

- 1. **Quality Assurance Oversight** To the Executive Director, with concurrence of one member of the Board's Peer Review Oversight Committee, to take those actions deemed appropriate under chapter 4-30 WAC for any CPA firm:
 - That has unresolved matters relating to the peer review process or that has not complied with, or acted in disregard of the peer review requirements; and
 - When issues with a peer review may warrant further action.

To implement this delegation, the Executive Director may execute Respondent Agreements, including one or any combination of the actions deemed appropriate after concurrence of one member of the Board's Peer Review Oversight Committee. These actions may include requiring the firm/practitioner to:

- Develop and implement quality control procedures to provide reasonable assurance that similar occurrences will not occur in the future.
- Engage a Board-approved licensee to conduct a Board-prescribed on-site field review of the firm's work product and practices to provide a more in-depth review of the practitioner's work, previously taken continuing professional education, library and other practice support tools, knowledge, abilities, and system of quality control.
- Submit all or specified categories of its compilation, audit, review, or other attest
 working papers and reports to a preapproved independent practitioner review prior to
 issuance.
- Obtain continuing education courses in specific areas.

Uncooperative CPA firms or CPA firms requiring more than one oversight will be subject to investigation and appropriate Board action.

This delegation does not include matters that require Board action such as acceptance of voluntary practice restriction.

2. **Review of Publicly Available Professional Work** – To the Executive Director to review publicly available professional work of licensees under RCW 18.04.045(8) and chapter 4-30 WAC.

The Executive Director will report all actions taken under this delegation of authority at each quarterly Board meeting to assist the Board in evaluating whether this delegation should be rescinded or modified.

This delegation is made under the authority of RCW 18.04.045.

DATED this 29th day of January 2021.

Joel Cambern, Public Member

Chair, Washington State Board of Accountancy



Delegation of Authority

Number: DA-004

Title: CR-101 Filing

I, Joel Cambern, Chair of the State of Washington Board of Accountancy ("Board"), acting under authorization by a Board vote, delegate to the Executive Director the authority to:

File CR-101s with the Office of the Code Reviser to begin the rule-making process for revisions of current rules and proposed new rules.

This delegation is made under the authority of RCW 18.04.045 and RCW 18.04.055.

DATED this 29th day of January 2021.

Joel Cambern, Public Member

Chair, Washington State Board of Accountancy

Request Review Committee Report January 2022

Tom Sawatzki, CPA, Chair

During the fourth quarter 2021, the Executive Director and a Consulting Board Member from the Request Review Committee took the following action:

Approved Firm Names:

Front Leaning Rest PLLC NW Unger CPA PLLC ALISA NA CPAS & ADVISORS CAPSTONE CERTIFIED PUBLIC ACCOUNTANTS LLC Hayes McColloch & Vickerman CPA Group PLLC

Professional/Educational Organization – Recognition Requests

The Board received one request for recognition as an educational organization or professional association for purposes of obtaining list requests.

Approved:

Blue Mountain Community Foundation

To: Board Members - Washington State Board of Accountancy

From: Dave Trujillo, CPA, Executive Director

Re: Executive Director's January Report

Date: January 14, 2022

Welcome all visitors and attendees to our January 2022, Board Meeting.

Board Items:

• We still have a CPA Board Member position vacant and a Public Board member position vacant. However, on January 7, 2022, I spoke with a representative of the Governor's Office and understand they are close to making selections. There were at least nine candidate packets in the process.

2022 Legislation:

- HB1648 Washington State Legislature
- SB5519 Washington State Legislature
- These companion bills remove old and confusing terms and more closely align our Public Accountancy Act with other CPA jurisdictions. They simplify regulation and ensure individual mobility of WA CPAs, as they conduct their work not only in WA but in other states too. They add a new inactive license status. Presently, a CPA license status can be active, lapsed which implies something negative, or retired which implies an end to a career. This new proposal adds a license status for those who are not yet ready to retire their license but acknowledge that they are no longer performing attestation services.
- As a reminder, the Board previously provided certificates to those who had passed the CPA exam, but did not have the experience to become fully licensed. These Certificate Holders could elect to remain in "non-fully" licensed status if they met minimal CPE requirements. However, they were prohibited from the practice of public accounting unless they became fully licensed. In June 2001 due to a statutory change our state no longer had this two-tier system. At that time, there were approximately 8,000+ individuals who held a Certificate and could use the then-created designation "CPA-Inactive Certificate Holder." These Certificate Holders were given a pathway that would allow them to remain as is (because there was no suspense date) or become fully licensed. Twenty years later, the term CPA-Inactive Certificate Holder still causes confusion, not only amongst this declining population of Certificate Holders, but for the public and other state boards. Today, the current number of individuals who are CPA-Inactive Certificate Holders is approximately 760. The proposed language would allow for them to activate their license by applying to the Board. Additionally, we receive many inquiries from

Washington CPAs who are not ready to retire but ask us to place their license in an inactive status. This option is not open to them. However, this proposed change will now bring this option to them.

- I'd like the Board to consider formally voting in support of both bills. The Board previously considered this concept as agency request legislation, and it was discussed at public meeting in October 2019 and then again in January 2020. The Board's Title Reform Task Force reviewed the statute and made revisions. The Board was supportive of this concept. However, through 2020 and into 2021, the Board was advised to hold agency request legislation unless it specifically dealt with pandemic response. Working with the Washington Society of CPAs (WSCPA) the draft language for the bill was finalized. The WSPCA became the lead in the legislative request.
- Fast forward to 2022, a legislative public hearing was conducted on January 10, at 1:30pm before the House Committee on Consumer Protection and Business. HB1648 is sponsored by Representative Vick, Representative Kirby, and Representative Dufault. Representative Kirby is the Chair of the committee:
 - o <u>House Consumer Protection & Business Committee TVW</u> for video of the hearing with HB1648 heard at 2:33 to 15:00
 - Executive action was taken on January 12, 2022. It was reported out of committee with a
 due pass recommendation with 7 Aye votes and 0 Nay votes
- A legislative public hearing was conducted on January 11, 2022, at 8:00am before the Senate Business, Financial Services & Trade Committee. SB5519 is sponsored by Senator Dozier, Senator Mullet, Senator Brown, Senator Gildon, Senator Rivers, Senator J. Wilson, and Senator L. Wilson. Senator Mullet is the Chair of the committee:
 - o <u>Senate Business, Financial Services & Trade Committee TVW</u> for video of the hearing with SB5519 heard at 3:12 to 12:29
 - Executive action was taken on January 13. 2022. It was reported out of committee with due pass recommendation with 7 Aye votes and 0 Nay votes

Budget Status:

- At the time of this report, we had financials through November 2021. The information in the reports shows that the agency is in excellent financial condition.
- Revenue through the first five months of this fiscal year, has been strong. The agency generated about \$342,000 in licensing revenue. During the same period three years ago, the agency generated just about \$258,000. This is an increase of \$84,000 or 33%. Expenses through the first five months have been somewhat less than expected but this is due to minimal travel costs.
- As of November 2021, the agency is projected to underspend its Biennium 2021-23 allotments by \$128,000 and will end the biennium with approximately \$3.1 million in its operating account. As a reminder, the beginning biennium 21-23 balance was about \$3.0 million.

CPE Tracker:

- The Board's CPE Tracker impacts all licensees, and we are in the first renewal cycle requiring its use. Board members and staff initially heard from licensees that the concept was problematic (putting it nicely). Much of the feedback softened once licensees used the tracking function and saw its potential. However, having said that, some users are frustrated with the fact that they have been tracking their own CPE for years. They suggest it would have been helpful had the Board devised a way to upload existing tracking methods instead of requiring data entry for each class. They offer that, depending on the number of classes that must be listed, listing courses individually can be very labor intensive as CPAs catch up for this renewal cycle. It is unknown at this time if Board staff will be able to accommodate such an upload request given the various methods and systems used by CPAs.
- As a licensee and a user of the system, I recommend each licensee enter CPE information into the Board's tracking function in real time and not just at the end of the license cycle. I have found the tracking function to be intuitive and easy to use.

End of Report

Board of Accountancy Washington State

Enforcement Report

Quarterly Report (Oct 01, 2021 through Dec 21, 2021)						
Complaint Workload						
	Received in Previous Period	Received in Report Period	Total			
Complaints Open	15	11	26			
Closed with No Action	(6)	(1)	(7)			
Closed with Action Taken	0	0	0			
Complaints at End of Period	9	9 10				
Details of Complaint Closures						
Closed Disposition	Administrative	Public Harm	Total			
No Action Taken	0	7	7			
Revocation, Suspension, Restriction	0	0	0			
Fines, costs, and other sanctions	0 0		0			
Remedial Resolution (Policy 2004-1)	0	0	0			
Total Closed	0	7	7			

Twelve-Month Lookback (Jan 01, 2021 through Dec 31, 2021)						
Complaint Workload						
	Received in Previous Period	Received in Report Period	Total			
Complaints Open	20	46	66			
Closed with No Action	(12)	(28)	(40)			
Closed with Action Taken	(5)	(1)	(6)			
Complaints at End of Period	3 17		20			
Details of Complaint Closures						
Closed Disposition	Administrative	Public Harm	Total			
No Action Taken	0	40	40			
Revocation, Suspension, Restriction	0	0	0			
Fines, costs, and other sanctions	0	5	5			
Remedial Resolution (Policy 2004-1)	0	0	0			
Total Closed	0	45	45			

Board of Accountancy Washington State

All complaints - resolved with and without discipline

	Jan 2021 to Dec 2021		Jan 2020 to Dec 2020	
	All	Action Only	All	Action Only
Public Harm				
Negligence - Attest related	3	0	4	3
Negligence, Disregard of standards	36	2	35	2
Use of Restricted Titles	2	1	7	2
Embezzlement, Theft, Breach of Fid. Duty	0	0	2	2
Breach of Confidentiality	0	0	0	0
Records Retention Causing Harm	5	3	5	0
<u>Subtotal</u>	46	6	53	9
Administrative				
Peer Review	0	0	3	1
CPE - Deficient 16 hours or less	0	0	0	0
CPE - Deficient 17 hours or more	0	0	1	0
CPE - Deficient eligible WA ethics	0	0	0	0
CPE - Failure to respond to CPE audit	0	0	3	0
<u>Subtotal</u>	0	0	7	1
Total	46	6	60	10

<u>Jul 01, 2021 through Sep 30, 2021</u>						
CBM Report						
	BAP	Action	No Action	Total		
Mark Hugh	1	0	3	4		
Rajib Doogar	0	0	1	1		
Joel Cambern	0	0	0	0		
Brian Thomas	1	0	2	3		
Jacqueline Meucci	0	0	1	1		
Kate Dixon	0	0	2	2		
Carol Morgan	0	0	2	2		
Thomas Sawatzki	0	0	1	1		
Brooke Stegmeier	1	0	2	3		
Total	3	0	14	17		