TITLE 10. OKLAHOMA ACCOUNTANCY BOARD

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CHAPTER 1. ADMINISTRATIVE OPERATIONS

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[Authority: 59 O.S., Section 15.5]
[Source: Codified 12-2-91]

10:1-1-1. Purpose

(a) The Oklahoma Accountancy Act, found in Title 59 of the Oklahoma Statutes, beginning at Section 15.1 has been adopted by the Oklahoma Legislature for the purposes of protecting the public and to prevent the public from being mislead as to competency and ability to provide professional accounting services of an individual or firm offering such services. The Oklahoma Accountancy Board has been created for the purpose of implementing the laws and policies established by the Legislature.

(b) In order to implement policies established by the Legislature regarding the practice of public accounting in Oklahoma and for the administration of the provisions of the Oklahoma Accountancy Act the rules of this Chapter have been adopted by the Board.

10:1-1-2. Definitions

In addition to the terms defined in the Oklahoma Accountancy Act, the following words or terms shall be applied when implementing that Act and, when used in Title 10 shall have the following meaning, unless the context clearly indicates otherwise:

"Person" means an entity or an individual.

10:1-1-3. Board and staff

The Board consists of seven (7) members who shall meet at least quarterly or more often as the business of the Board demands. The Board employs a full time staff to perform the administrative functions of the agency. The Board is a state agency and is therefore subject to Oklahoma laws regulating the procedures which must be followed by state agencies.

10:1-1-4. Responsibilities of the Board [REVOKED]

10:1-1-4.1. Board office

The Board maintains an office in Oklahoma City, Oklahoma. The Board office is open five (5) days a week, Monday through Friday, from 8:00 A.M. until 5:00 P.M. The Board office is closed on Saturday and Sunday and state legal holidays as set out in Section 82.1 of Title 25 of the Oklahoma Statutes.

10:1-1-5. Open meetings [REVOKED]

10:1-1-6. Procedures regarding inquiries to Board

Inquiries regarding persons who have been granted or denied a certificate, license, or permit, procedures to obtain a license, certificate, or permit, complaints, suggestions, and general inquiries concerning the Oklahoma Accountancy Act and the rules implementing that Act may be made by calling or writing to the Board at the Board office. Members of the staff respond to questions where appropriate. In the event the inquiry concerns policy, and the Board has not previously made a policy determination applicable to that inquiry, the Board will respond or direct the response to be given by a staff member.

10:1-1-6.1. Furnishing of copies

(a) Except as specifically exempted as a confidential record, official records of the Oklahoma Accountancy Board are subject to the Oklahoma Open Records Act, Sections 24A.1 through 24A.20 of Title 51 of the Oklahoma Statutes.

(b) Copies of official records which are available to the public may be obtained from the Board office during regular business hours upon payment of a fee to cover the cost of providing copies of the requested records.

10:1-1-7. Compliance by registrants required [REVOKED]

10:1-1-7.1. Recording Board member attendance

The Executive Director shall keep an attendance record for each Board member. The Board shall take action on each absence of a Board member to determine if it is unavoidable. The minutes of a Board meeting shall reflect the members absent, and the action by the Board on each absence.

10:1-1-7.2. Authorization to represent position of the Board

Upon a majority vote, the Board may authorize one (1) or more of its members or

members of the staff to speak for the Board regarding Board policies. Only a Board member or staff members so authorized may speak for the Board. Such authorization, the subject matter, and the vote shall be entered in the minutes.

10:1-1-7.3. Use of Board seal

The seal of the Board shall be used on certificates, licenses, orders of the Board, and any other documents requiring certification by the Board or the signature of one (1) or more members of the Board. The seal shall not be required for correspondence, memoranda, or other similar types of written documents.

10:1-1-8. Promulgation, amendment or repeal of rules

(a) The Board may propose changes to the permanent rules of the Oklahoma Accountancy Board at any time as provided in the Oklahoma Administrative Procedures Act.

(b) Any interested person may petition the Board requesting the promulgation, amendment, or repeal of a rule.

(1) Such requests shall be: in writing; signed by the person submitting the request; state the rule to be reviewed or new rule proposed; and state the reasons in support of the request.

(2) The request shall be submitted to the Board at its office.

(3) The Board may consider the proposal at its next meeting. It may defer action pending the acquisition of additional information, conduct an investigation, or hold a hearing on the proposal.

(4) The Board shall advise the petitioner of any meeting at which the proposal is to be considered and the final action taken, by the Board, on the proposal.

10:1-1-9. Declaratory rulings

(a) An individual may file a request with the Board for a declaratory ruling with respect to the application or enforcement of a rule or statute.

(1) The request shall be in writing and signed by the individual seeking the ruling.

(2) The request shall state the rule or statute involved.

(3) The request shall contain a concise statement of fact for which the ruling is sought.

(b) The Board may consider the request at the next meeting. In the event the question has been resolved prior to a ruling, the individual filing the request shall be notified of the applicable ruling.

(c) The Board may defer action pending an investigation or hearing.

(d) The Board shall issue a written ruling or provide a written explanation to the individual filing the request as to why a ruling will not be issued.

(e) Unless otherwise specifically stated in the ruling, a ruling issued by the Board pursuant to the provisions of this Section shall constitute a precedent for the purpose of subsequent rulings on the same question until revoked or overruled by either the Board or a court of competent jurisdiction.

(f) Board rulings shall be indexed by the number of the statute or rule which the ruling interprets and shall be available for inspection by members of the public at the

Board office.

10:1-1-10. Confidentiality

(a) Confidential information obtained by the Board, as set forth in Section 15.6A of the Oklahoma Accountancy Act shall be unavailable to the general public.

(b) An affected individual or entity who wishes to allow the inspection of the confidential information of that individual or entity by that individual's or entity's designated representative, or the public at large shall sign a release for such information in such form as prescribed and furnished by the Board. Such confidential information shall be made readily available during the normal business hours of the Board.

(c) Minutes of all meetings, public hearings, and other records shall be maintained by the Board as a permanent record subject to public inspection during regular business hours.

(d) All final written orders of the Board shall be maintained in such manner as to be available for public inspection. Such orders shall be available by reference to the name of the individual or entity to which the order is directed.

CHAPTER 10. RULES OF GENERAL APPLICATION [REVOKED]

CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY

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[Authority: 59 O.S., Section 15.5]
[Source: Codified 7-1-93]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

10:15-1-1. Purpose

10:15-1-2. Definitions

10:15-1-1. Purpose

(a) The Oklahoma Accountancy Act, found in Title 59 of the Oklahoma Statutes, beginning at Section 15.1 has been adopted by the Oklahoma Legislature for the purposes of protecting the public and to prevent the public from being misled as to competency and ability to provide professional accounting services of an individual or firm offering such services. The Oklahoma Accountancy Board has been created for the purpose of implementing the laws and policies established by the Legislature.

(b) In order to implement the policy established by the Legislature regarding the practice of public accounting in Oklahoma and for the administration of the provisions of the Oklahoma Accountancy Act the rules of this Chapter have been adopted by the Board.

(c) These rules, including the Rules of Professional Conduct, are applicable to candidates for certificates or licenses.

10:15-1-2. Definitions

In addition to the terms defined in the Oklahoma Accountancy Act, the following words or terms shall be applied when implementing that Act and, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise:

"Accounting information system (AIS)" means a subsystem of the management information system within an organization. The accounting information system collects and records financial and related information used to support management decision making and to meet both internal and external financial reporting requirements. An AIS system includes, but is not limited to, the accounting for transactions cycles such as revenues and receivables, purchases and payables, payroll, inventory, cash receipts and cash disbursements, and related data based systems.

"Act" means the Oklahoma Accountancy Act, Oklahoma Statutes, Title 59, §§ 15.1 through 15.38, dealing with the practice of public accountancy in Oklahoma**.**

"Active" when used to refer to the status of a registrant, describes an individual who possesses a certificate or license and who has not otherwise been granted "retired" or "inactive" status.

"Advanced" means the learning activity level most useful for individuals with mastery of the particular topic. This level focuses on the development of in-depth knowledge, a variety of skills, or a broader range of applications. Advanced level programs are often appropriate for seasoned professionals within organizations; however, they may also be beneficial for other professionals with specialized knowledge in a subject area.

"Basic" means the learning activity level most beneficial to registrants new to a skill or an attribute. These individuals are often at the staff or entry level in organizations, although such programs may also benefit a seasoned professional with limited exposure to the area.

"Close relative" means a non-dependent child, stepchild, brother, sister, grandparent, parent, parent-in-law, and their respective spouses of a registrant. Close

relatives of the registrant do not include the brothers and sisters of the spouse of the registrant.

"Code" means Title 10 of the Oklahoma Administrative Code.

"Compensation" means the receipt of any remuneration of any kind for public accounting services, including but not limited to salary, wages, bonuses or receipt of any tangible or intangible thing of value.

"Continuing Professional Education" means an integral part of the lifelong learning required to provide competent service to the public. The set of activities that enables registrants to maintain and improve their professional competence.

"CPE" means continuing professional education.

"CPE credit" means fifty minutes of participation in a group, independent study or self-study program. One-half CPE credit increments (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.

"CPE program sponsor" means the individual or organization responsible for setting learning objectives, developing the program materials to achieve such objectives, offering a program to participants, and maintaining the documentation required by these standards. The term CPE program sponsor may include associations of CPAs or PAs, whether formal or informal, as well as employers who offer in-house programs.

"Domicile" means an individual's place of residence.

"Engagement team" means auditors who are required to exercise significant judgment in the audit process and would include positions where the auditor was the person in charge of the fieldwork up through partner on the engagement.

"Evaluative feedback" means specific response to incorrect answers to questions in self-study programs. Unique feedback must be provided for each incorrect response, as each one is likely to be wrong for differing reasons.

"Examining Authority" means the agency, board or other entity, of the District of Columbia, or any state or territory of the United States, entrusted with the responsibility for the governance, discipline, registration, examination and award of certificates, licenses or conditional credits for certified public accountants or public accountants and the practice of public accountancy in said jurisdictions.

"Generally accepted accounting principles" means the same as "Statement on Auditing Standards No. 69, The Meaning of Present Fairly in Conformity With Generally Accepted Accounting Principles in the Independent Auditor's Report" adopted in 1992, and issued by the American Institute of Certified Public Accountants and subsequent amendments.

"Generally accepted auditing standards" means those standards which are used to measure the quality of the performance of auditing procedures and the objectives to be obtained by their use. Statements on Auditing Standards issued by the American Institute of Certified Public Accountants, Standards for Audit of Government Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States, Standards of the Public Company Accounting Oversight Board (PCAOB) and other pronouncements having similar generally recognized authority, are considered to be interpretations of generally accepted auditing standards, and departures from such pronouncements, where they are applicable, must be justified by those who do not follow them.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants either in a classroom or conference setting or by using the Internet.

"Immediate family members" means the registrant's, or his/her spouse's, lineal and collateral heirs.

"Inactive" used to refer to the status of a registrant who is exempt from complying with the CPE requirements as provided in Subchapter 10:15-30-8(1)(B),(C),(D), and (E). However, inactive status does not preclude volunteer services for which the inactive registrant receives no direct or indirect compensation so long as the inactive registrant does not sign any documents related to such services as a CPA or PA.

"Independent study" means an educational process designed to permit a participant to learn a given subject under a learning contract with a CPE program sponsor.

"Instructional methods" means delivery strategies such as case studies, computer-assisted learning, lectures, group participation, programmed instruction, teleconferencing, use of audiovisual aids, or work groups employed in group, self-study, or independent study programs.

"Intermediate" means learning activity level that builds on a basic program, most appropriate for registrants with detailed knowledge in an area. Such persons are often at a mid-level within the organization, with operational and/or supervisory responsibilities.

"Internet-based programs" means a learning activity, through a group program or a self-study program, that is designed to permit a participant to learn the given subject matter via the Internet. To qualify as either a group or self-study program, the Internet learning activity must meet the respective standards.

"Learning activity" means an educational endeavor that maintains or improves professional competence.

"Learning contract" means a written contract signed by an independent study participant and a qualified CPE program sponsor prior to the commencement of the independent study that:

(A) Specifies the nature of the independent study program and the time frame over which it is to be completed, not to exceed 15 weeks.

(B) Specifies that the output must be in the form of a written report that will be reviewed by the CPE program sponsor or a qualified person selected by the CPE program sponsor.

(C) Outlines the maximum CPE credit that will be awarded for the independent study program, but limits credit to actual time spent.

"Learning objectives" means specifications on what participants should accomplish in a learning activity. Learning objectives are useful to program developers in deciding appropriate instructional methods and allocating time to various subjects.

"Learning plans" means structured processes that help registrants guide their professional development. They are dynamic instruments used to evaluate and document learning and professional competence development. This may be reviewed regularly and modified, as registrants' professional competence needs change. Plans include:

(A) A self-assessment of the gap between current and needed knowledge, skills, and abilities;

(B) A set of learning objectives arising from this assessment; and

(C) Learning activities to be undertaken to fulfill the learning plan.

"Licensee" means an individual designated as a CPA, PA, or equivalent designation in another state.

"Management information system (MIS)" means a computer or manual system, or a group of systems, within an organization that is responsible for collecting and processing data to ensure that all levels of management have the information needed to plan, organize, and control the operations of the organization and to meet both internal and external reporting requirements.

"NASBA" means National Association of State Boards of Accountancy.

"New CPAs and PAs" refers to individuals who are initially certified or licensed in Oklahoma as the result of successfully completing the examination, including those individuals certified or licensed as the result of transferring all credits earned on an examination from another jurisdiction.

"Office" means a building, room, or series of rooms which are owned, leased, or rented by an individual or firm for the purpose of holding out or carrying out the practice of public accounting.

"Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, sole proprietorship, an association, two or more persons having a joint or common interest, an employer of CPAs or PAs, or any other legal or commercial entity.

"Other compensation" means compensation, including remuneration based on a percentage of the amounts involved received by a registrant who is engaged in the practice of public accounting for other than the performance of professional services or for the sale or referral of products or services of third parties.

"Other professional standards" means those standards as defined by Statements on Management Advisory Services, Statements on Responsibilities in Tax Practice, Statements on Standards for Accounting and Review Services and Statements of Quality Control Standards, where applicable, issued by the American Institute of Certified Public Accountants.

"Overview" means learning activity level that provides a general review of a subject area from a broad perspective. These programs may be appropriate for professionals at all organizational levels.

"Period of professional engagement" means the period during which professional services are provided, with such period starting when the registrant begins to perform professional services requiring independence and ending with the notification of the termination of that professional relationship by the registrant or by the client.

"Personal development" means a field of study that covers such skills as communications, managing the group process, dealing effectively with others, interviewing, counseling, and career planning.

"Pilot test" means sampling of at least three independent individuals representative of the intended participants to measure the average completion time to determine the recommended CPE credit for self-study programs.

"Professional competence" means having requisite knowledge, skills, and

abilities to provide quality services as defined by the technical and ethical standards of the profession. The expertise needed to undertake professional responsibilities and to serve the public interest.

"Program of learning" means a collection of learning activities that are designed and intended as continuing education and that comply with these standards.

"Reinforcement feedback" means specific responses to correct answers to questions in self-study programs. Such feedback restates why the answer selected was correct.

"Related individual" includes spouses, and dependent persons, whether or not related for all purposes of complying with the Rules of Professional Conduct, provided that the independence of the registrant and the firm of the registrant will not normally be impaired solely because of employment of a spouse or dependent person by a client if the employment is in a position that does not allow "significant influence" over the operating, financial, or accounting policies of the client. In the event such employment is in a position in which the activities of the related individual are audit-sensitive, even though not a position, of significant influence, the registrant should not participate in the engagement.

"Renewal permit" refers to a permit applied for prior to the expiration of the current permit.

"Retired" means a registrant who holds a certificate or license and verifies to the Board that the registrant is no longer practicing public accounting or employed. However, retired status does not preclude volunteer services for which the retired registrant receives no direct or indirect compensation so long as the retired registrant does not sign any documents related to such services as a CPA or PA.

"Rolling three-year period" means that the registrant is required to have completed 120 hours of CPE in any three-calendar-year period beginning January 1, 2006 and going forward.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs use a pilot test to measure the average completion time from which the recommended CPE credit is determined.

"Sole Proprietorship" means an unincorporated business enterprise which is owned entirely by one (1) certificate or license holder.

"State" means the District of Columbia, any state, or territory of the United States.

"Update" means learning activity level that provides a general review of new developments. This level is for participants with a background in the subject area who desire to keep current.

SUBCHAPTER 3. REQUIREMENTS TO PRACTICE PUBLIC ACCOUNTANCY

Section

10:15-3-1. Who may practice public accountancy
10:15-3-2. Certificate as a certified public accountant
10:15-3-3. License as a public accountant
10:15-3-4. Permits to practice

10:15-3-5. Exceptions [NEW]

10:15-3-1. Who may practice public accountancy

Except for qualified individuals practicing under substantial equivalency, public accounting may be practiced in this state only by a registrant which holds a valid permit to practice issued by the Board. Registrants may not practice public accounting through an entity which does not hold a valid permit except under the provisions of 10:15-39-8(a)(2). The Board grants certificates, licenses, or permits to practice to applicants on condition that the registrants comply with the provisions of the Oklahoma Accountancy Act and the rules adopted for the implementation of that Act.

10:15-3-2. Certificate as a certified public accountant

A certificate may be issued to a qualified applicant only after:

(1) The examination has been satisfactorily completed;

(2) Evidence, by means established in 10:15-37-11(e), is obtained that the applicant is of good moral character;

(3) Effective with all initial examination candidates for the November 2003 examination, documentation must be provided that the certification applicant has a total of Eighteen hundred (1,800) hours of part time or full time work experience in accounting as defined in Title 59, Section 15.9.D. of the Act. Work experience must have been obtained within the four (4) years immediately prior to filing the application for certification. This requirement may be satisfied through work experience in government, industry, academia, or public practice. Acceptable work experience includes accounting, attest, tax, and related services. Approved documentation of experience must be provided on a form prescribed by the Board. If the work experience is denied, the applicant may file a written request with the Board for a review of the denial. The applicant shall have the burden of demonstrating to the Board that the requirements under this section have been met. Any evidence submitted by the applicant shall be in documentary form, and

(4) Evidence of successful completion of the AICPA ethics examination or its equivalent as determined by the Board.

10:15-3-3. License as a public accountant

A license may be issued to a qualified applicant only after:

(1) The examination has been satisfactorily completed;

(2) Evidence, by means established in 10:15-37-11(e), is obtained that the applicant is of good moral character;

(3) Effective with all initial examination candidates for the November 2003 examination, documentation must be provided that the licensure applicant has a total of Eighteen hundred (1,800) hours of part time or full time work experience in accounting as defined in Title 59, Section 15.9.D. of the Act. Work experience must have been obtained within the four (4) years immediately prior to filing the application for certification. This requirement may be satisfied through work experience in government, industry, academia, or public practice. Acceptable work experience includes accounting, attest, tax, and related services. Approved documentation of experience must be provided on a form prescribed by the

Board. If the work experience is denied, the applicant may file a written request with the Board for a review of the denial. The applicant shall have the burden of demonstrating to the Board that the requirements under this section have been met. Any evidence submitted by the applicant shall be in documentary form, and

(4) Evidence of successful completion of the AICPA ethics examination or its equivalent as determined by the Board.

10:15-3-4. Permits to practice

In addition to a license or certificate, any registrant practicing public accounting or providing expert witness testimony in any Oklahoma or Federal Court located in Oklahoma shall be required to have a valid permit.

10:15-3-5. Exceptions

(a) An exception to requiring a permit would apply to an Oklahoma CPA or PA who is testifying in his or her capacity as an employee of other than a public accounting firm.

(b) Expert witness testimony from a certified public accountant or public accountant who is credentialed in another jurisdiction other than Oklahoma does not require the individual to obtain an Oklahoma CPA certificate or PA license provided the CPA or PA clearly states to the Court that an Oklahoma CPA certificate, PA license or permit to practice public accounting is not held and the individual identifies the jurisdiction(s) in which the CPA or PA is credentialed.

SUBCHAPTER 5. EXAMINATION PROCEDURES [REVOKED]

Section

10:15-5-1. Eligibility to take examination [REVOKED]
10:15-5-2. Schedule of examinations [REVOKED]
10:15-5-3. Notice of examinations [REVOKED]
10:15-5-4. Restrictions [REVOKED]
10:15-5-5. Prohibited acts regarding the examination process [REVOKED]

10:15-5-1. Eligibility to take examination [REVOKED]

10:15-5-2. Schedule of examinations [REVOKED]

10:15-5-3. Notice of examinations [REVOKED]

10:15-5-4. Restrictions [REVOKED]

10:15-5-5. Prohibited acts regarding the examination process [REVOKED]

SUBCHAPTER 7. APPLICATION TO TAKE AN EXAMINATION [REVOKED]

Section

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10:15-7-3. Candidate for reexamination [REVOKED]
10:15-7-4. Evaluation of application [REVOKED]
10:15-7-5. Denial of application [REVOKED]
10:15-7-6. Board review of denied applications [REVOKED]
10:15-7-7. Payment of fee [REVOKED]

10:15-7-1. Requirements for filing applications [REVOKED]

10:15-7-2. Educational requirements [REVOKED]

10:15-7-3. Candidate for reexamination [REVOKED]

10:15-7-4. Evaluation of application [REVOKED]

10:15-7-5. Denial of application [REVOKED]

10:15-7-6. Board review of denied applications [REVOKED]

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SUBCHAPTER 9. EXAMINATION CONTENT [REVOKED]

Section

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10:15-9-2. Content of examinations [REVOKED]

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Section

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10:15-11-5. Inteligibility for reexamination [REVOKED]
10:15-11-6. Notification of grade [REVOKED]
10:15-11-7. Procedures to request review of the grading process [REVOKED]

10:15-11-8. Appeal [REVOKED]
10:15-11-9. Destruction of papers [REVOKED]

10:15-11-1. Grading service [REVOKED]

10:15-11-2. Grade requirements [REVOKED]

10:15-11-3. Successful completion of examination until May 1, 1994 [REVOKED]

10:15-11-4. Successful completion of examination [REVOKED]

10:15-11-5. Inteligibility for reexamination [REVOKED]

10:15-11-6. Notification of grade [REVOKED]

10:15-11-7. Procedures to request review of the grading process [REVOKED]

10:15-11-8. Appeal [REVOKED]

10:15-11-9. Destruction of papers [REVOKED]

SUBCHAPTER 13. CONDITIONAL CREDIT ON EXAMINATION [REVOKED]

Section

10:15-13-1. Conditional credit for candidates for certificates [REVOKED]
10:15-13-2. Conditional credit for candidates for licenses [REVOKED]
10:15-13-3. Conversion of conditional credit beginning May 1, 1994 [REVOKED]
10:15-13-4. Requests for extension of time [REVOKED]

10:15-13-1. Conditional credit for candidates for certificates [REVOKED]

10:15-13-2. Conditional credit for candidates for licenses [REVOKED]

10:15-13-3. Conversion of conditional credit beginning May 1, 1994 [REVOKED]

10:15-13-4. Requests for extension of time [REVOKED]

SUBCHAPTER 15. TRANSFER OF EXAMINATION CREDITS [REVOKED]

Section

10:15-15-1. Application for transfer of credits [REVOKED]
10:15-15-2. Requirements to qualify for transfer of credits [REVOKED]

10:15-15-1. Application for transfer of credits [REVOKED]

10:15-15-2. Requirements to qualify for transfer of credits [REVOKED]

SUBCHAPTER 17. PROCEDURES UPON FAILURE TO APPLY FOR OR TAKE EXAMINATION [REVOKED]

Section

10:15-17-1. Processing fee to retake examination [REVOKED]
10:15-17-2. Failure to apply to take succeeding examinations [REVOKED]
10:15-17-3. Reestablishment of eligibility [REVOKED]

10:15-17-1. Processing fee to retake examination [REVOKED]

10:15-17-2. Failure to apply to take succeeding examinations [REVOKED]

10:15-17-3. Reestablishment of eligibility [REVOKED]

SUBCHAPTER 18. COMPUTER-BASED EXAMINATION

Section

10:15-18-1. Applications for examination
10:15-18-2. Time and place of examination
10:15-18-3. Retake and granting of credit requirements
10:15-18-4. Educational requirements
10:15-18-5. Evaluation of application
10:15-18-6. Denial of application
10:15-18-7. Board review of denied applications
10:15-18-8. Content of examinations
10:15-18-9. Notification of grade
10:15-18-10. Procedures to request review of the grading process
10:15-18-11. Requests for extension of time
10:15-18-12. Application for transfer of credits
10:15-18-13. Requirements to qualify for transfer of credits
10:15-18-14. Failure to apply to take succeeding examinations

10:15-18-1. Applications for examination

(a) An application for qualification on a form prescribed by the Board, will not be considered filed until the application and all required examination fees, as provided by §15.8 of the Act and supporting documents, including photographs and official transcripts as proof that the applicant has satisfied the education requirement, are received by the Board.

(b) A candidate's application for examination will not be considered filed until the form prescribed by the Board and the application fee as provided by §15.10A of the Act, are received by the Board.

(c) Failure of a candidate to furnish all information requested by the Board within the time frame set by the Board shall be grounds for denying such candidate admission to the examination.

(d) Any candidate who gives false information to the Board in order to be eligible to

take the examination shall be subject to disciplinary action by the Board.

10:15-18-2. Time and place of examination

Eligible candidates shall be notified of the Notice to Schedule (NTS) as issued by the National Association of State Boards of Accountancy (NASBA). The candidate shall independently contact the test center operator to schedule the time and place for the examination at a test site approved by the Board within a six month period from the date the NTS is issued.

10:15-18-3. Retake and granting of credit requirements

(a) A grade of seventy-five (75) in each required test section shall be the minimum passing grade for purposes of granting credit.

(b) A candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for eighteen months from the date the candidate took that test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections.

(1) A CPA candidate must pass all four test sections of the AICPA Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken. In the event all four test sections of the AICPA Uniform CPA Examination are not passed within the rolling eighteen-month period, credit for any test section(s) passed outside the eighteen-month period will expire and that/those test section(s) must be retaken.

(2) A PA candidate must pass the Financial Accounting and Reporting (FAR), Auditing and Attestation (AUD), and Regulation (REG) sections of the AICPA Uniform CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken. In the event all three test sections of the PA Examination are not passed within the rolling eighteen-month period, credit for any test section(s) passed outside the eighteen-month period will expire and that/those test section(s) must be retaken.

(3) A candidate cannot retake a failed test section(s) in the same examination window. An examination window refers to a three-month period in which a candidate has an opportunity to take the CPA/PA examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus, a candidate will be able to test two out of the three months within an examination window.

(c) A candidate shall be deemed to have passed the CPA examination once the candidate holds at the same time valid credit for passing each of the four test sections of the examination within the rolling eighteen month period. For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

(d) A candidate shall be deemed to have passed the PA examination once the candidate holds at the same time valid credit for passing each of the three test sections of the examination within the rolling eighteen month period. For purposes of this

section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

10:15-18-4. Educational requirements

(a) A qualification applicant shall show, to the satisfaction of the Board, that the applicant has graduated from an accredited two-year or four-year college or university.

(1) As to an applicant whose college credits are reflected in quarter hours, each quarter hour of credit shall be considered as two-thirds (2/3) of one (1) semester hour when determining semester hour credits necessary to qualify for examination or transfer of credits.

(2) When determining eligibility based on educational qualifications, the Board shall consider only educational credit reflected on official transcripts, from an accredited two-year or four-year college or university.

(3) The Board may accept as temporary consideration, an official letter signed and sealed by the registrar's office of any two-year or four-year college or university attesting to the completion of educational qualifications of any qualification applicant, provided that official transcripts be submitted to the Board prior to any score release.

(4) The specific requirement that each applicant shall have completed at least one (1) course in auditing may only be satisfied with an auditing or assurance course taken for credit from an accredited two-year or four-year college or university.

(b) When determining eligibility of a qualification applicant, the Board shall not consider any combination of education and experience.

(c) The Board will also consider a qualification applicant who has graduated from a college or university located outside the United States if an educational evaluation performed by a national credential evaluation service, as approved by the Board, certifies in writing that the applicant's course of study and degree are equivalent to the requirements set forth in Section 15.8 of the Act.

(d) On and after July 1, 2003, one hundred fifty (150) semester hours or its equivalent of collegiate education is required to qualify for any examination as set forth in Section 15.8.C. of the Oklahoma Accountancy Act. Any MIS or AIS course, or derivative thereof, as defined in Code 10:15-1-2, used by the applicant to qualify must have a substantial relationship, either direct or indirect, to the accounting profession. However, only AIS courses will qualify for the core accounting courses as required in Section 15-8.C.

(e) Any candidate who has qualified to take the examination on the basis of education prior to July 1, 2003, as provided in Section 15.8.B, is not subject to subparagraph (d) of this subsection.

10:15-18-5. Evaluation of application

Evaluation of qualifications and approval of applications to take an examination or for transfer of credits shall be performed by the Executive Director, or his/her designee, subject to the limitations set forth in Subchapter 10:15-37-11.

10:15-18-6. Denial of application

(a) Any qualification applicant or candidate who has not met the applicable qualifications and/or whose application has been denied shall be notified in writing. The written notice shall include the reason(s) for the denial.

(b) If an application is denied, the qualification applicant or candidate may file a written request with the Board for a review of the denial. The qualification applicant or candidate shall have the burden of demonstrating to the Board that the qualifications required by the Oklahoma Accountancy Act and the rules implementing the Act have been met. Any evidence submitted by the qualification applicant or candidate shall be in documentary form.

10:15-18-7. Board review of denied applications

(a) The Board shall consider all requests for review of denied applications.

(b) The issues considered for review shall include, but not be limited to, the statutory eligibility requirements and rules upon which the denial of the application was based.

(c) The qualification applicant or candidate who has requested the review shall be notified in writing of the Board's decision. If the denial is sustained by the Board, the written notice shall include the reason(s) for sustaining the denial.

(d) If the denial of the application is sustained, and the qualification applicant or candidate is not satisfied with the decision of the Board, the qualification applicant or candidate may request in writing a public hearing before the Board. Such request shall be granted only if the qualification applicant or candidate can provide additional information to the Board which was not previously available to the Board at the time of the initial evaluation or review. Any additional evidence shall be in documentary form. If any additional evidence is to be presented by oral testimony, a written synopsis of that oral evidence shall accompany the request for a public hearing.

(e) If the Board grants a public hearing to the qualification applicant or candidate, the hearing may be held in conjunction with the next regular meeting of the Board or at a special meeting of the Board.

10:15-18-8. Content of examinations

The examination for certification as a certified public accountant shall be the AICPA Uniform Certified Public Accountant Examination. The examination for licensing as a public accountant shall be parts of the AICPA Uniform Certified Public Accountant Examination.

10:15-18-9. Notification of grade

Each candidate shall be advised of the grade earned in each test section for which the candidate was examined. The names of candidates who have been granted credit for all test sections of the CPA and PA examination will be made public after the grades have been certified in accordance with Board policy.

10:15-18-10. Procedures to request review of the grading process

(a) A candidate may request a review or appeal of his or her nonpassing examination with the appropriate review or appeal organization.

(b) The cost of the review or appeal shall be paid by the candidate.

10:15-18-11. Requests for extension of time

(a) A candidate may apply for an extension of the time limits set by this Subchapter if the candidate is called to active military service or becomes incapacitated as a result of illness or injury.

(b) The candidate shall file a written request with the Board for an extension after receiving the call to active military service and shall furnish a copy of the orders to active military service or furnish written evidence of incapacitation or injury.

(c) Within sixty (60) calendar days after the candidate is discharged from active military service, the candidate shall furnish the Board with copies of the discharge orders. The candidate shall then be required to take one (1) test section for which the candidate is eligible within the next six (6) months following the candidate's discharge from military service or rehabilitation from illness or injury.

10:15-18-12. Application for transfer of credits

(a) An individual who has taken the AICPA Uniform Certified Public Accountant Examination in any jurisdiction may apply to the Board for the transfer of credits granted.

(b) The application shall be in such form as the Board prescribes.

(c) The applicant shall submit written verification of the valid credits from the examining authority responsible for administering the examination at which such credits were earned.

(d) The applicant shall meet all other eligibility requirements established to take the examination in Oklahoma at the time of filing the application.

10:15-18-13. Requirements to qualify for transfer of credits

(a) Upon the filing of an application to transfer credits on the AICPA Uniform Certified Public Accountant Examination, the Board shall accept and transfer such credits, if, at the time the application to transfer credits is filed with the Board, the applicant has met the following requirements:

(1) The credits were earned by the applicant while taking an examination administered by the examining authority responsible for conducting such examinations pursuant to the laws of any jurisdiction.

(2) The applicant was examined and passed all subjects of the AICPA Uniform Certified Public Accountant Examination in the same manner as required for Oklahoma candidates.

(3) All credits were earned pursuant to Rule 10:15-18-3 immediately preceding the date the application to transfer credits is filed with the Board.

(b) In the case of an applicant for examination who has met all eligibility requirements and seeks to transfer credits, the acceptance of such credits by the Board shall result in the applicant being approved to take the examination in the subjects for which no credit was transferred.

(c) In the case of an applicant for a certificate who has met all requirements as provided in §15.9 and seeks to transfer the four (4) credits, the acceptance of such credits by the Board shall result in the issuance of a certificate to the applicant.

(d) In the case of an applicant for a license who has met all requirements as

provided in §15.9 and seeks to transfer the three (3) credits, the acceptance of such credits by the Board shall result in the issuance of a license to the applicant.

10:15-18-14. Failure to apply to take succeeding examinations

If a candidate fails to sit for a test section for eighteen (18) months after approval, or fails to sit for one (1) test section for an eighteen (18) month period, that individual shall no longer be considered a candidate and must reapply as an applicant. The individual shall meet the current qualification requirements in effect to reapply.

SUBCHAPTER 19. PROCTORING OF CANDIDATES TAKING EXAMINATIONS [REVOKED]

Section

10:15-19-1. Request for Board proctoring service [REVOKED]
10:15-19-2. Payment of fee [REVOKED]
10:15-19-3. Limitations and restrictions on proctored examinations [REVOKED]
10:15-19-4. Oklahoma candidates taking examination in other states [REVOKED]

10:15-19-1. Request for Board proctoring service [REVOKED]

10:15-19-2. Payment of fee [REVOKED]

10:15-19-3. Limitations and restrictions on proctored examinations [REVOKED]

10:15-19-4. Oklahoma candidates taking examination in other states [REVOKED]

SUBCHAPTER 20. INTERNET PRACTICE REQUIREMENTS

Section

10:15-20-1 Requirements regarding practice or solicitation of an engagement via electronic means

10:15-20-1 Requirements regarding practice or solicitation of an engagement via electronic means

(a) An individual offering or rendering professional accounting services to Oklahoma clients from a Website or any electronic means shall disclose, via any such Website or any electronic means, the individual's principal jurisdiction of licensure, license number and an address as a means for regulators and the public to contact the individual regarding complaints, questions or regulatory compliance.

(b) A firm offering or rendering professional accounting services to Oklahoma clients from a Website or any electronic means shall provide on the Website's homepage or electronic medium, a name, an address, and the principal jurisdiction of licensure as a means for regulators and the public to contact a responsible licensee in charge at the firm regarding complaints, questions, or regulatory compliance.

SUBCHAPTER 21. RECIPROCITY

Section

10:15-21-1. Application for certificate or license
10:15-21-2. Basis for reciprocal certificate or license [REVOKED]
10:15-21-3. Evaluation of qualifications
10:15-21-4. Denial of application
10:15-21-5. Review of applications by Board
10:15-21-6. Payment of fee
10:15-21-7. International reciprocity

10:15-21-1. Application for certificate or license

An applicant seeking to obtain an Oklahoma reciprocal certificate or license, who holds a valid certificate or license pursuant to the laws of another jurisdiction shall provide the Board with:

(1) written proof of test scores received on all examinations from the examining jurisdiction;

(2) written information that the applicant met or currently meets all Oklahoma requirements for eligibility as provided by statute, §15.13, Title 59, Oklahoma Statutes and these rules;

(3) a current certificate of good standing from the jurisdiction who issued the certificate or license upon which the reciprocal certificate or license is based;

(4) written proof of having met all Oklahoma continuing professional educational requirements for those applicants seeking a permit to practice public accounting; and

(5) Evidence of successful completion of the AICPA ethics examination or its equivalent as determined by the Board.

(6) An applicant shall file for a reciprocal certificate or license within one hundred twenty (120) days of engaging in the practice of public accounting in Oklahoma.

10:15-21-2. Basis for reciprocal certificate or license [REVOKED]

10:15-21-3. Evaluation of qualifications

Evaluation and approval or denial of the application for a reciprocal certificate or license shall be performed by the Executive Director.

10:15-21-4. Denial of application

(a) Any applicant who has not met the applicable qualifications and whose application has been denied shall be notified in writing. The written notice shall include the reason(s) for the denial of the application for reciprocity.

(b) If an application is denied, the applicant may file a written request with the Board for a review of the denial. The applicant shall have the burden of demonstrating to the Board that the qualifications required by the Oklahoma Accountancy Act and by the rules implementing that Act have been met. Any evidence submitted by the applicant with the written request shall be in documentary form.

10:15-21-5. Review of applications by Board

(a) The Board shall consider all requests for review of denied applications for reciprocity.

(b) The issues considered for review shall include but not be limited to, the statutory eligibility requirements and rules upon which the denial of the application was based.

(c) The applicant who has requested the review shall be notified in writing of the decision by the Board. If the denial is sustained by the Board, the written notice shall include the reason(s) for sustaining the denial.

(d) If the denial of an application is sustained, and the applicant is not satisfied with the decision of the Board, an applicant may request, in writing, a public hearing before the Board. Such request shall be granted only if the applicant can provide additional information to the Board which was not previously available to either the Executive Director or the Board at the time of the initial evaluation or review. Any additional evidence shall be in documentary form. If any additional evidence is to be presented by oral testimony, a written synopsis of that oral evidence shall accompany the request for a public hearing.

(e) If the Board grants a public hearing to the applicant, the hearing may be held in conjunction with the next regular meeting of the Board or at a special meeting of the Board.

10:15-21-6. Payment of fee

Each application for a reciprocal certificate or license shall be accompanied by all applicable fees.

10:15-21-7. International reciprocity

In addition to the requirements found in Rule 10:15-21-1, the Board may rely on the International Qualifications Appraisal Board for evaluation of foreign credential equivalency for a foreign reciprocal certificate. Such foreign applicant shall report any investigations undertaken, or sanctions imposed, by a foreign credentialing body against the applicant's foreign credential. Suspension or revocation of, or refusal to renew, the applicant's foreign accounting credential by the foreign credentialing body, or conviction of a felony or any crime involving dishonesty or fraud under the laws of a foreign country may be evidence of conduct reflecting adversely upon the foreign reciprocal certificate holder's fitness to retain the certificate and may be a basis for Board action. The Board shall notify the appropriate foreign credentialing authorities of any sanctions imposed against the foreign reciprocal certificate holder. The Board may participate in joint investigations with foreign credentialing bodies and rely on evidence supplied by such bodies in disciplinary hearings.

SUBCHAPTER 22. SUBSTANTIAL EQUIVALENCY

Section

10:15-22-1. Notification
10:15-22-2. Sole proprietorship firm permit [NEW]

10:15-22-1. Notification

(a) A qualified individual seeking practice privileges in this state pursuant to Section 15.12A of the Oklahoma Accountancy Act shall comply with the notice requirement as follows:

(1) Notice may be given electronically or in writing on forms prescribed by the Board;

(2) Notice is immediately due and shall be received by the Board within thirty (30) days after the individual knowingly avails him/herself of the laws of this State by:

(A) Accepting an engagement or an assignment to render professional services in this State, or

(B) Offering to render professional services through direct solicitation or marketing targeted to persons in this state.

(3) In lieu of the procedure set out in paragraph (a)(2), at anytime prior to entering this State, an individual, directly or through the individual's firm, may be included in a master notice to all participating substantially equivalent jurisdictions including the Board by giving notice to the NASBA National Qualification Appraisal Service or other comparable service designated by the Board; and, provided the firm accepts responsibility for each individual's compliance with the accountancy laws and rules of this State for as long as the individual is included in the firm's master notice, keeps the master notice reasonably current and renews the notice annually. In any event, the individual seeking practice privileges is responsible for complying with the requirement that the notification required under this Section has been made.

(4) Staff will inform the individual if he/she must withdraw based on findings. Withdrawal must be immediate. Individuals may appeal, and practice in this State may continue during the appeal process.

(b) Notice shall be renewed annually on the anniversary date of the original notice for so long as the individual intends to use Substantial Equivalency privileges in this State.

(c) Notice shall be amended within thirty (30) days after the individual changes his/her principal place of business or within 30 days after the certificate or license has been denied, revoked, or suspended in any jurisdiction.

(d) A non-resident individual shall not be deemed to have entered this State for purposes of the Section and notice is not required under this Section if the individual's contact with this State is limited to any of the following activities:

(1) teaching either a college or continuing professional education course,

(2) delivering a lecture,

(3) moderating a panel discussion,

(4) rendering professional services to the individual's employer or to persons employed by the individual's employer, including affiliated, parent, or subsidiary entities, provided such services are not rendered for the employer's clients.

(e) No notice shall be required for a certificate or license holder of a jurisdiction that does not require notice by an Oklahoma certificate or license holder entering that jurisdiction to practice public accounting.

10:15-22-2. Sole proprietorship firm permit

A qualified non-resident sole proprietorship seeking practice privileges in this state to perform attest services shall be required to register the firm and obtain a permit to practice public accounting within thirty (30) days after the firm knowingly avails itself of the laws of this state by accepting an attest engagement.

SUBCHAPTER 23. REGISTRATION

Section

10:15-23-1. Registration of individuals
10:15-23-2. Registration of firms

10:15-23-1. Registration of individuals

(a) On or before July 31, all individuals shall register biennially as provided in Section 15.14 of the Oklahoma Accountancy Act and shall file a registration statement with the Board on a form prescribed by the Board.

(b) All registration statements shall be accompanied by a registration fee.

(1) In the case of a registrant who has reached the age of sixty-five (65), the registration fee shall be reduced, as provided in Subchapter 27.

(2) In the case of a registrant who is disabled beyond gainful employment, as provided in Section 15.14 of the Oklahoma Accountancy Act, the registration fee may be waived for the period of disability.

(3) All requests for a reduction or waiver of the registration fee shall be addressed to the Board, in writing.

(4) The Board shall use its discretion in determining the conditions required for retirement or disability.

(c) In addition to the regular registration fee paid by an individual, there shall be a fee for registering after July 31 but within twelve (12) months after the lapse date of the certificate or license.

(d) In addition to the regular registration fee paid by an individual, there shall be a fee for registering later than twelve (12) months following the lapse date of the certificate or license.

(e) Evaluation of qualifications and approval of registrations filed by individuals shall be performed by the Executive Director, subject to the review and supervision of the Board.

(f) Denial of individual registrations shall be by the Board.

(g) During the period when a certificate or license is suspended by the Board, the suspended registrant shall be required to file annually with the Board an informational report on a form prescribed by the Board. No fee shall be required with such filing.

(h) Biennial filings mailed to the Board office by United States postal service with a postmark on or before July 31 shall be deemed timely filed.

10:15-23-2. Registration of firms

(a) On or before May 31 of each year all firms of certified public accountants and all firms of public accountants qualified to register shall file a registration statement with the Board on a form prescribed by the Board.

(b) The registration statement filed on behalf of a firm of certified public accountants

shall be made by a partner or shareholder.
(c) The statement filed on behalf of a firm of public accountants shall be made by a partner or shareholder.
(d) Evaluation of qualifications and approval of registrations filed by firms shall be performed by the Executive Director, subject to the review and supervision of the Board.
(e) Denial of firm registrations shall be by the Board.
(f) Except for sole proprietorships, all registration statements filed on behalf of a firm shall be accompanied by an annual registration fee and the applicable permit fee for the firm, as provided in Subchapter 27.
(g) Firm filings mailed to the Board office by United States postal service with a postmark on or before May 31 shall be deemed timely filed.

SUBCHAPTER 24. RETURN OF CERTIFICATE OR LICENSE

Section
10:15-24-1. Voluntary surrender of certificate or license
10:15-24-2. Deceased registrants

10:15-24-1. Voluntary surrender of certificate or license

(a) Upon voluntary surrender of a certificate or license, the registrant shall not be required to return the certificate or license into the custody of the Board if:

(1) The registrant has retired from all types of employment regardless of the registrant's age; and

(2) The Board's records indicate that no enforcement actions have been taken against the registrant within the last ten (10) years.

(b) If the registrant has not retired from all types of employment but no longer wishes to hold an Oklahoma certificate or license, a request for the return of the certificate or license shall be made.

10:15-24-2. Deceased registrants

Upon notification that the registrant is deceased, no request for the return of the certificate or license shall be made.

SUBCHAPTER 25. PERMITS

Section
10:15-25-1. Term of permit
10:15-25-2. Date of issue
10:15-25-3. Individual permit
10:15-25-4. Firm permits
10:15-25-5. Transitional period for individuals entering and re-entering public practice

10:15-25-1. Term of permit

Each permit shall have a maximum term of one (1) year.

10:15-25-2. Date of issue

(a) Permits renewed on a timely basis shall bear a date of issue of July 1 for

individuals and June 1 for firms except sole proprietorships. All other permits, except for b and c below, shall bear a date of issue based on the date the acceptable application for a permit is received in the Board office.

(b) When the Board has granted an extension in accordance with 10:15-30-8(3), the date of issuance will be determined on a case by case basis.

(c) If an application for a permit which has been returned to the holder for correction or completion of information is returned to the Board in acceptable form within thirty (30) calendar days of the first denial, the permit shall bear the date on which the permit application was first received in the office of the Board. Failure to resubmit an acceptable application within the thirty-day period shall cause the permit to be dated with the date the acceptable application is received in the Board office.

10:15-25-3. Individual permit

(a) An individual permit shall have a maximum term of one (1) year and shall expire on June 30 following the date of issuance.

(b) Any registrant engaged in the practice of public accounting, regardless of whether such services are rendered for compensation, must have a permit, except for a licensed attorney providing tax services who does not display the certificate or license and does not have any reference thereto on professional stationery, business cards, or printed or electronic format. However, for purposes of this section, an individual may not be considered to be in the practice of public accounting if the individual performs an incidental amount of non-compensated services for immediate family members. An individual who meets the definition of retired or inactive status as defined in the Code or the Act is not considered to be in the practice of public accounting. In order to obtain a permit, an individual must have a valid certificate or license, be properly registered, pay all applicable fees, and comply with the continuing education requirements.

(c) Each partner, shareholder, owner, member and certified or licensed employee of a firm located outside this state shall be required to hold a valid permit or to notify the Board of his/her intent to practice public accountancy in this State in accordance with the Substantial Equivalency provision in order to serve clients in this State unless such service is incidental to other responsibilities in the firm or involves the internal review procedures of the firm.

(d) The application for renewal of a permit shall be filed with the Board on a form prescribed by the Board prior to the expiration of the permit currently held and no later than June 30.

(e) At the time the application for a permit is filed, the registrant shall attest to compliance with the continuing education requirement for the applicable compliance period as specified by the Board.

(f) An application for a permit may be filed at any time during the year by a registrant who is entering or reentering the practice of public accounting. Such registrant shall attest to compliance with the applicable continuing education requirement.

(g) The fees to obtain a permit to practice shall accompany the application. The fees for the renewal of permits are set forth in Subchapter 27.

10:15-25-4. Firm permits

(a) Each firm permit shall have a maximum term of one (1) year and shall expire on May 31 following the date of issuance.
(b) The application for renewal of a permit shall be filed with the Board on a form prescribed by the Board prior to the expiration of the permit currently held and no later than May 31.
(c) Each firm applying for a permit to practice as a certified public accountant firm or as a public accountant firm shall submit a written affidavit signed by an owner, partner, member or shareholder demonstrating compliance with the requirements set out in Section 15.15A of the Oklahoma Accountancy Act and attesting that each partner, shareholder, owner, member and certified or licensed employee of the firm serving Oklahoma clients holds a valid individual permit or has notified the Board of his/her intent to practice public accountancy in this State in accordance with the Substantial Equivalency provision.
(d) A firm is required to hold a valid permit if that firm is serving Oklahoma clients from outside this state unless such service is incidental to other responsibilities in the firm or involves the internal review procedures of the firm.
(e) Each firm that serves Oklahoma clients shall be required to hold a permit and pay the applicable fee.

10:15-25-5. Transitional period for individuals entering and re-entering public practice

(a) A registrant who immediately gives written notice to the Board upon changing to public accounting status from nonpublic status may be granted a period of sixty (60) days from the date the registrant begins the practice of public accounting in which to complete the continuing education credit required for issuance of the permit. Such courses shall comply with the criteria set forth in Subchapter 30. The procedure for administering the code is as follows:

(1) The registrant shall furnish a letter if self employed or from the employer, if employed, attesting to the beginning date of the registrant's self employment or employment, and shall furnish a list of courses in which the registrant has enrolled during the 60-day period. The list should include course title, name of sponsor, CPE credits to be awarded, and approximate date course is to be completed.

(2) Upon receipt of the written notification, the Executive Director shall review the request for sufficiency of information and shall ascertain whether the registrant is to be granted the transitional CPE compliance period.

(3) The registrant shall be notified by letter within five (5) working days whether the transitional period has been granted. Such letter shall grant permission for the registrant to practice public accounting, without penalty, for the sixty (60) day transitional period or shall state the specific reason why the transitional period was not granted. A copy of the letter notifying the registrant that the transitional period was not granted will also be mailed to the registrant's employer, if employed.

(b) If a registrant is unable to qualify for the permit within the sixty (60) days provided for herein, the registrant may apply in writing one time to the Board for an additional thirty (30) day period in which to qualify for the permit. The procedure for doing so is as

follows:

(1) The written petition shall set forth the reason(s) for the registrant's inability to satisfy the CPE requirement within the sixty (60) days previously granted. The petition shall set forth the precise manner in which the registrant will satisfy the requirement for the issuance of a permit if the additional thirty (30) days is granted.

(2) Upon receipt of the petition from the self employed registrant or the employer, the Executive Director shall decide whether the registrant is to be granted the additional thirty (30) days in which to comply.

(3) If granted, the thirty (30) day period shall commence following the last day of the sixty (60) day period. The registrant and the employer, if applicable, shall be notified by the Board within five (5) working days following the Board's receipt of the employer's petition.

(4) If the additional thirty (30) day period is denied, the registrant and the employer, if applicable, will be informed in writing of the specific reason(s) for the denial within five (5) working days following receipt of the petition.

(5) Upon denial of the additional thirty (30) day period, the registrant and the employer, if applicable, will be notified in writing that the registrant must cease practicing public accounting until such time as the registrant has been issued the permit.

(c) Approval by the Board of such request(s) shall authorize the registrant to practice public accounting during the time period(s) referred to in this Subchapter.

SUBCHAPTER 27. FEES

Section

10:15-27-1. Initial application to take CPA examination [REVOKED]
10:15-27-2. Initial application to take PA examination [REVOKED]
10:15-27-3. Reexamination [REVOKED]
10:15-27-3.1. Qualification and examination fees
10:15-27-4. Examination processing fee [REVOKED]
10:15-27-5. Transfer of credits
10:15-27-6. Out of state candidates [REVOKED]
10:15-27-7. Reciprocal application [REVOKED]
10:15-27-7.1. Substantial equivalence
10:15-27-7.2. Reciprocal application
10:15-27-8. Registration
10:15-27-9. Permit
10:15-27-10. Reinstatement
10:15-27-11. Duplicate certificate or license
10:15-27-12. Copies
10:15-27-13. Portal convenience fee [REVOKED]
10:15-27-14. Peer review fee

10:15-27-1. Initial application to take CPA examination [REVOKED]

10:15-27-2. Initial application to take PA examination [REVOKED]

10:15-27-3. Reexamination [REVOKED]

10:15-27-3.1. Qualification and examination fees

Qualification applicants and candidates shall, for each application filed with the Board, pay a Fifty-Dollar ($50.00) fee and shall be responsible for all fees charged by the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy (NASBA), and test delivery service provider which are payable to NASBA prior to scheduling the examination.

10:15-27-4. Examination processing fee [REVOKED]

10:15-27-5. Transfer of credits

The application fee required with an application to transfer credits shall be One Hundred Twenty Dollars ($120.00).

10:15-27-6. Out of state candidates [REVOKED]

10:15-27-7. Reciprocal application [REVOKED]

10:15-27-7.1. Substantial equivalence

(a) Each application from an individual to enter Oklahoma under the substantial equivalency provisions from a substantially equivalent state shall be accompanied by a fee equal to the amount charged by that state to an Oklahoma licensee for the equivalent privilege to practice in that state.

(b) Each application from an individual to enter Oklahoma under the substantial equivalency provisions from a non-substantially equivalent state shall be accompanied by a fee equal to the amount of the Oklahoma annual registration and permit fees.

10:15-27-7.2. Reciprocal application

Each reciprocal application shall be accompanied by an administrative fee of One Hundred Twenty Dollars ($120.00).

10:15-27-8. Registration

(a) The registration fee for an individual shall be Fifty Dollars ($50.00) per year.

(1) In addition to the regular registration fee there shall be a fee for registering after July 31, but within twelve (12) months after the lapse date of the certificate or license, of One Hundred Dollars ($100.00).

(2) In addition to the regular registration fee, there shall be a fee for registering later than twelve (12) months following the lapse date of the certificate or license, of Two Hundred Dollars ($200.00).

(b) An individual who has reached the age of sixty-five (65) shall pay a registration fee of Twenty-five Dollars ($25.00) per year. In addition to the regular registration fee there shall be a fee for registering after July 31, but within twelve (12) months after the lapse date of the certificate or license, of Fifty Dollars ($50.00).

(c) The registration fee for a firm, except a sole proprietorship, of certified public accountants or public accountants shall be Fifty Dollars ($50.00) per year.

10:15-27-9. Permit

(a) Before June 30 of each year the permit fee to renew an individual permit shall be One Hundred Dollars ($100.00).

(b) The fee for an individual permit which is not a renewal permit shall be One Hundred Dollars ($100.00).

(c) A fee of One Hundred Dollars ($100.00) shall be paid at the time a firm, except a sole proprietorship, which provides public accounting services to Oklahoma clients applies for a permit.

10:15-27-10. Reinstatement

The application fee required with an application for reinstatement shall be One Hundred Dollars ($100.00).

10:15-27-11. Duplicate certificate or license

There shall be a fee of One Hundred Fifty Dollars ($150.00) for a duplicate certificate or license except for changes of name or the physical destruction or mutilation of a certificate, for which the fee shall be Ten Dollars ($10.00).

10:15-27-12. Copies

(a) There shall be a charge of Twenty-Five Cents ($.25) per page for copies of records of the Board, except that a single copy of a final order from an administrative hearing or a consent order may be furnished at no charge in response to a request from a member of the public.

(b) In the event a request for copies is for a commercial purpose or would cause disruption of the performance of the regular duties of the Board or Board staff, there shall be an additional charge computed and assessed based on the cost of personnel necessary to accomplish the copying request.

10:15-27-13. Portal convenience fee [REVOKED]

10:15-27-14. Peer review fee

There shall be a peer review fee of One Hundred Dollars ($100.00) for every modified, pass with deficiency, adverse, fail, or report which requires follow up filed with the Board.

SUBCHAPTER 29. CONTINUING PROFESSIONAL EDUCATION [REVOKED]

Section

10:15-29-1. Continuing professional education compliance period [REVOKED]
10:15-29-1.1. Burden of proof [REVOKED]
10:15-29-2. CPE transition provisions for renewal of permit [REVOKED]
10:15-29-3. CPE compliance period for new CPAs and PAs [REVOKED]
10:15-29-4. Required CPE for issuance of a permit [REVOKED]

10:15-29-5. Reciprocity [REVOKED]
10:15-29-6. Reporting and documentation by registrants [REVOKED]
10:15-29-7. Qualifying subjects [REVOKED]
10:15-29-8. Verification [REVOKED]
10:15-29-9. Penalties for noncompliance with the CPE requirement [REVOKED]
10:15-29-10. Exceptions [REVOKED]

10:15-29-1. Continuing professional education compliance period [REVOKED]

10:15-29-1.1. Burden of proof [REVOKED]

10:15-29-2. CPE transition provisions for renewal of permit [REVOKED]

10:15-29-3. CPE compliance period for new CPAs and PAs [REVOKED]

10:15-29-4. Required CPE for issuance of a permit [REVOKED]

10:15-29-5. Reciprocity [REVOKED]

10:15-29-6. Reporting and documentation by registrants [REVOKED]

10:15-29-7. Qualifying subjects [REVOKED]

10:15-29-8. Verification [REVOKED]

10:15-29-9. Penalties for noncompliance with the CPE requirement [REVOKED]

10:15-29-10. Exceptions [REVOKED]

SUBCHAPTER 30. CONTINUING PROFESSIONAL EDUCATION

Section

10:15-30-1. Burden of proof
10:15-30-2. Required CPE for issuance of an original permit
10:15-30-3. Required CPE for issuance of a lapsed permit
10:15-30-4. Required CPE for renewal of a permit
10:15-30-5. Reporting and documentation by certificate and license holders
10:15-30-6. Verification of CPE credit
10:15-30-7. Penalties to certificate and license holders for noncompliance with the CPE requirement
10:15-30-8. Exceptions to CPE reporting requirements
10:15-30-9. Re-entering active status

10:15-30-1. Burden of proof

The burden of proof rests solely upon certificate and license holders to demonstrate to the satisfaction of the Board, in accordance with the Oklahoma

Accountancy Act, that all continuing education courses reported meet all the requirements as to content and subject matter related to the profession as provided in subchapter 32 of this Code.

10:15-30-2. Required CPE for issuance of an original permit

Certificate and license holders applying for their first permit to practice public accounting must report a minimum of forty (40) hours of CPE~~,~~ earned within the previous calendar year or within 365 days immediately preceding the date of the application and shall also provide evidence of the successful completion of the AICPA Ethics Examination or its equivalent as determined by the Board before a permit will be issued. If the ethics examination course is to be counted toward the CPE required for the permit, it must have been completed during the same period as the remaining CPE reported to obtain the permit. Any ethics course meeting the requirements for issuance of an original permit:

(1) must be one course which has been recommended for at least eight (8) hours of CPE credit by the course provider; and

(2) must have been passed with a score of 90% or above.

10:15-30-3. Required CPE for issuance of a lapsed permit

Certificate and license holders previously holding a permit to practice public accounting must report a minimum of forty (40) hours of CPE earned within the previous calendar year or within 365 days immediately preceding the date of the application and shall also provide evidence of the successful completion of the AICPA Ethics Examination or its equivalent as determined by the Board before a permit will be issued. If the ethics examination course is to be counted toward the CPE required for the permit, it must have been completed during the same period as the remaining CPE reported to obtain the permit. Any ethics course meeting the requirements for the renewal of a lapsed permit:

(1) must be one course which has been recommended for at least eight (8) hours of CPE credit by the course provider; and

(2) must have been passed with a score of 90% or above.

10:15-30-4. Required CPE for renewal of a permit

Certificate and license holders renewing their current permit to practice public accounting must comply with the provisions of 10:15-30-5.

10:15-30-5. Reporting and documentation by certificate and license holders

(a) Certificate and license holders not otherwise exempt must complete one hundred twenty (120) hours of qualifying CPE within a rolling three (3) calendar year period. A certificate or license holder's three (3) year period begins January 1 in the year the certificate or license holder was required to earn CPE. A minimum of twenty (20) hours of acceptable CPE, shall be completed each calendar year. Effective January 1, 2009, four hours of professional ethics must be completed within each rolling three (3) calendar year period. CPE shall be reported annually by July 31 on a form prescribed by the Board.

(b) The professional ethics requirement as mandated in this section may be met by

courses from other licensed professional disciplines that relate directly to the practice of public accounting, such as law or securities and may be met by courses on ethical codes in jurisdictions other than Oklahoma.

(c) Each certificate and license holder required to report CPE shall certify, in a format prescribed by the Board, information regarding the CPE hours claimed for credit for the calendar year.

(d) CPE hours claimed for credit may be claimed only for the compliance period in which the course was completed and credit granted.

(e) Each letter or certificate of completion shall include the date of completion of the seminar or course as evidenced by:

(1) Date the in-attendance course was completed;

(2) Date a self-study course was completed and evidenced by the date of certified mailing or date of facsimile transmission to the program sponsor;

(3) Date an internet self-study course is transmitted to the program sponsor.

(f) At the time of completing each course, or within sixty (60) days thereafter, the certificate or license holder shall obtain a letter or certificate attesting to completion of the course from the sponsor of the course. Such letters or certificates shall be retained for a period of five (5) years after the end of the compliance period in which the program is completed and shall include the specific information set forth in the Board's CPE Standards.

(g) Participants in structured CPE programs shall also retain descriptive material for five (5) years which reflects the content of a course in the event the participant is requested by the Board to substantiate the course content.

(h) If a certificate or license holder's main area of employment is industry and the certificate or license holder holds a permit to practice, at least seventy-two (72) hours of the one hundred twenty (120) hour requirement within a three (3) year period of the qualifying CPE completed by the certificate or license holder shall be in subjects related to the practice of public accounting and shall earn a minimum of eight (8) hours in the areas of taxation, accounting or assurance per calendar year.

10:15-30-6. Verification of CPE credit

(a) The Board may periodically conduct verification of the CPE credit reported by certificate and license holders.

(b) Such verification shall be conducted by requesting the certificate or license holder to submit to the Board the documentation and evidence required to be retained by the certificate or license holder.

(c) If a CPE course is not accepted for credit, the certificate or license holder will be notified and the Board may grant a period of time for the certificate or license holder to correct the deficiency.

(d) In order to determine compliance with the CPE standards, the Board may inspect the records of CPE program sponsors and CPE program developers.

(e) Certificate and license holders shall automatically be included in the subsequent verification of CPE in any of the following instances:

(1) If the certificate or license holder failed to satisfactorily comply with CPE requirements as determined by the Board;

(2) if a certificate or license holder has been the subject of an enforcement

action by the Board during the preceding credit verification.

(f) Registrants are required to substantiate credit reported to the Board, regardless of whether the registrant continues to be required to hold a permit.

(g) Current valid credit may be substituted for disallowed credit if offered to the Board by the registrant within sixty (60) days, or a number of days as determined by the Board, following notification of a credit deficiency.

(h) Before enforcement action is taken as the result of a CPE audit deficiency, the Board will issue a second request for documents and allow sixty (60) days, or a number of days as determined by the Board, for compliance with the request.

10:15-30-7. Penalties to certificate and license holders for noncompliance with the CPE requirement

Failure by a certificate or license holder to document CPE credits shall constitute a cause for disciplinary action pursuant to the provisions of the Oklahoma Accountancy Act.

10:15-30-8. Exceptions to CPE reporting requirements

All certificate and license holders must comply with CPE reporting requirements unless exempted below.

(1) The Board exempts from the requirements of CPE the following classifications:

(A) Retired certificate or license holders who are no longer employed or practicing public accounting;

(B) Certificate or license holders who are on active military service;

(C) Disabled certificate or license holders who are no longer employed or practicing public accounting due to medical circumstances;

(D) Certificate or license holders who are (A) not employed due to circumstances other than retirement, military service or disability or (B) certificate or license holders employed but not performing any services associated with accounting work. For purposes of this section, the term "associated with accounting work" shall include but is not limited to the following:

(i) working or supervising work performed in the areas of financial accounting and reporting; tax compliance, planning or advice; management advisory services; accounting information systems; treasury, finance or audit or preparing personal financial statements or investment plans; or

(ii) representing to the public, including an employer, that the registrant is a CPA or PA in connection with the performance or sale of any services or products involving accounting work, including such designation on a business card, letterhead, promotional brochure, advertisement, office, website or any electronic media.

(E) Other good cause as determined by the Board on an individual basis.

(2) The Board will consider granting an exemption from the CPE requirement

on a case-by-case basis if:

(A) a registrant completes and forwards to the Board a sworn affidavit indicating that the registrant will not be associated with accounting work during the period for which the exemption is requested. A registrant who has been granted this exemption and who re-enters the work force shall be required to comply with 10:15-30-9; and

(B) a registrant forwards to the Board a sworn affidavit from the employer or organization indicating no association with accounting work. The affidavit shall include, as a minimum, a brief description of the duties performed, job title, and verification by the registrant's immediate supervisor that there is no reliance on the registrant's expertise as a CPA or PA.

(3) Unless otherwise exempted for good cause on a case by case basis.

(4) A certificate or license holder exempt from the requirement of CPE by reason of retirement or inactive status must indicate "retired" or "inactive" if they use their "CPA" or "PA" designation in any manner.

10:15-30-9. Re-Entering Active Status

An inactive status registrant upon return to active status must comply with CPE requirements as follows:

(1) The three (3)-year CPE cycle of a registrant returning to active status shall begin January 1 of the year in which the registrant returns to active status. Forty (40) hours of the CPE credit reported to meet the requirements to return to active status will be counted toward the three (3)-year CPE cycle for the calendar year in which it is earned if the credit is earned:

(A) within the calendar year the registrant returns to active status, or

(B) within one year of the date the registrant returns to active status.

(2) For each calendar year in which the registrant claimed an exemption or failed to report CPE pursuant to the CPE requirement, the registrant must complete forty (40) hours of CPE.

(3) The maximum number of CPE hours required to return to active status shall be one hundred twenty (120) hours, including at least four (4) hours of professional ethics.

(4) If the number of CPE hours required to return to active status is fewer than one hundred twenty (120), two (2) hours of professional ethics must be included.

(5) The registrant may claim any CPE hours earned while on inactive status during the preceding three (3)-year period.

(6) A registrant who immediately gives written notice to the Board upon changing to active status may be granted the following time periods in which to complete the CPE required by this section:

(A) Sixty (60) days from the date of the return to active status for registrants needing forty (40) or fewer hours of CPE; and

(B) One year from the date of the return to active status for any additional CPE above the (40) hours described in (A) above.

(7) A registrant must document, on a form prescribed by the Board, all qualified CPE required by this rule.

(8) At its discretion, the Board may modify the requirements of this rule for good cause on a case by case basis.

SUBCHAPTER 31. STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION [REVOKED]

Section

10:15-31-1. General standards for structured CPE [REVOKED]
10:15-31-2. Standards for structured CPE program development [REVOKED]
10:15-31-3. Standards for structured CPE program presentation [REVOKED]
10:15-31-4. Standards for structured CPE program measurement [REVOKED]
10:15-31-5. Standards for structured CPE program reporting by participant [REVOKED]
10:15-31-6. Documentation and record-keeping standards for CPE sponsors [REVOKED]

10:15-31-1. General standards for structured CPE [REVOKED]

10:15-31-2. Standards for structured CPE program development [REVOKED]

10:15-31-3. Standards for structured CPE program presentation [REVOKED]

10:15-31-4. Standards for structured CPE program measurement [REVOKED]

10:15-31-5. Standards for structured CPE program reporting by participant [REVOKED]

10:15-31-6. Documentation and record-keeping standards for CPE sponsors [REVOKED]

SUBCHAPTER 32. STANDARDS FOR CONTINUING PROFESSIONAL EDUCATION (CPE) PROGRAMS

Section

10:15-32-1. Standards for certificate and license holders
10:15-32-2. Standards for CPE program sponsors
10:15-32-3. Standards for CPE program development
10:15-32-4. Standards for CPE program presentation
10:15-32-5. Standards for CPE program measurement
10:15-32-6. Standards for CPE program reporting

10:15-32-1. Standards for certificate and license holders

(a) All certificate and license holders should participate in learning activities that maintain and/or improve their professional competence.

(1) Selection of learning activities should be a thoughtful, reflective process addressing the individual registrant's current and future professional plans,

current knowledge and skills level, and desired or needed additional competence to meet future opportunities and/or professional responsibilities.

(2) Registrants' fields of employment do not limit the need for CPE. Those performing professional services need to have a broad range of knowledge, skills, and abilities. Thus, the concept of professional competence should be interpreted broadly. Accordingly, acceptable continuing education encompasses programs contributing to the development and maintenance of both technical and non-technical professional skills.

(3) Acceptable subjects include accounting, assurance/auditing, consulting services, specialized knowledge and applications, management, taxation, and ethics. Other subjects, including personal development, may also be acceptable if they maintain and/or improve the registrant's professional competence.

(4) To help guide their professional development, registrants may find it useful to develop a learning plan. The learning plan can be used to evaluate learning and professional competence development. It should be reviewed periodically and modified as professional competence needs change.

(b) Certificate and license holders should comply with all applicable CPE requirements and should claim CPE credit only for CPE programs when the CPE program sponsors have complied with the Standards for CPE Program Presentation and Standards for CPE Program Reporting.

(1) Certificate and license holders are responsible for compliance with all applicable CPE requirements, rules, and regulations of state licensing bodies, other governmental entities, membership associations, and other professional organizations or bodies. They should contact each appropriate entity to which they report to determine its specific requirements or any exceptions it may have to the standards presented herein.

(2) Periodically, registrants participate in learning activities which do not comply with all applicable CPE requirements, for example specialized industry programs offered through industry sponsors. If registrants propose to claim credit for such learning activities, they should retain all relevant information regarding the program to provide documentation to state licensing bodies and/or all other professional organizations or bodies that the learning activity is equivalent to one which meets all these Standards.

(c) Registrants are responsible for accurate reporting of the appropriate number of CPE credits earned and should retain appropriate documentation of their participation in learning activities, including:

(1) name and contact information of CPE program sponsor;

(2) title and description of content;

(3) date(s) of program; and

(4) number of CPE credits, all of which should be included in documentation provided by the CPE program sponsor.

(d) To protect the public interest, regulators require CPAs and PAs to document maintenance and enhancement of professional competence through periodic reporting of CPE. For convenience, measurement is expressed in CPE credits. However, the objective of CPE must always be maintenance/enhancement of professional competence, not attainment of credits. Compliance with regulatory and other

requirements mandates that registrants keep documentation of their participation in activities designed to maintain and/or improve professional competence. In the absence of legal or other requirements, a reasonable policy is to retain documentation for a minimum of five years from the end of the year in which the learning activities were completed.

(e) Participants must document their claims of CPE credit. Examples of acceptable evidence of completion include:

(1) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor;

(2) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination;

(3) For instruction credit, a certificate or other verification supplied by the CPE program sponsor;

(4) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received;

(5) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college; and

(6) For published articles, books, or CPE programs, (1) a copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or contributor, (2) a statement from the writer on a form prescribed by the Board supporting the number of CPE hours claimed, and (3) the name and contact information of the independent reviewer(s) or publisher.

(f) Individuals who complete sponsored learning activities that maintain or improve their professional competence should claim the CPE credits recommended by CPE program sponsors.

(g) Registrants may participate in a variety of sponsored learning activities, such as workshops, seminars and conferences, self-study courses, Internet-based programs, and independent study. While CPE program sponsors determine credits, CPAs should claim credit only for activities through which they maintained or improved their professional competence. CPAs who participate in only part of a program should claim CPE credit only for the portion they attended or completed.

(h) Registrants may engage in independent study under the direction of a CPE program sponsor who has met the applicable standards for CPE program sponsors when the subject matter and level of study maintain or improve their professional competence.

(i) Independent study is an educational process designed to permit a participant to learn a given subject under the guidance of a CPE program sponsor one-on-one. Participants in an independent study program should:

(1) Enter into a written learning contract with a CPE program sponsor who must comply with the applicable standards for CPE program sponsors.

(2) Accept the written recommendation of the CPE program sponsor as to the number of credits to be earned upon successful completion of the proposed learning activities. CPE credits will be awarded only if:

(A) All the requirements of the independent study as outlined in the learning contract are met;

(B) The CPE program sponsor reviews and signs the participant's report;

(C) The CPE program sponsor reports to the participant the actual credits earned; and

(D) The CPE program sponsor provides the participant with contact information.

(3) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.

(4) Complete the program of independent study in 15 weeks or less.

(j) The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.

10:15-32-2. Standards for CPE Program Sponsors

(a) CPE program sponsors are responsible for compliance with all applicable standards and other CPE requirements.

(b) CPE program sponsors may have to meet specific CPE requirements of state licensing bodies, other governmental entities, membership associations, and/or other professional organizations or bodies. Professional guidance for CPE program sponsors is available from the AICPA and NASBA; state-specific guidance is available from the state boards of accountancy. CPE program sponsors should contact the appropriate entity to determine requirements.

(c) Self-study courses considered for CPE credit must be:

(1) offered by sponsors registered with NASBA's National Registry of CPE Sponsors; or

(2) courses offered by the AICPA or other such organizations as determined by the Board.

10:15-32-3. Standards for CPE Program Development

(a) Sponsored learning activities must be based on relevant learning objectives and outcomes that clearly articulate the knowledge, skills, and abilities that can be achieved by participants in the learning activities. Learning activities provided by CPE program sponsors for the benefit of CPAs should specify the level, content, and learning objectives so that potential participants can determine if the learning activities are appropriate to their professional competence development needs. Levels include, for example, basic, intermediate, advanced, update, and overview.

(b) CPE program sponsors should develop and execute learning activities in a manner consistent with the prerequisite education, experience, and/or advance preparation of participants. To the extent it is possible to do so, CPE program sponsors should make every attempt to equate program content and level with the backgrounds of intended participants. All programs must clearly identify prerequisite education, experience, and/or advance preparation, if any, in precise language so that potential participants can readily ascertain whether they qualify for the program.

(c) CPE program sponsors must use activities, materials, and delivery systems that are current, technically accurate, and effectively designed. CPE program sponsors must

be qualified in the subject matter.

(1) To best facilitate the learning process, sponsored programs and materials must be prepared, presented and updated timely. Learning activities must be developed by individuals or teams having expertise in the subject matter. Expertise may be demonstrated through practical experience or education.

(2) CPE program sponsors must review the course materials periodically to assure that they are accurate and consistent with currently accepted standards relating to the program's subject matter.

(d) CPE program sponsors of group and self-study programs must ensure learning activities are reviewed by qualified persons other than those who developed them to assure that the program is technically accurate and current and addresses the stated learning objectives. These reviews must occur before the first presentation of these materials and again after each significant revision of the CPE programs. Individuals or teams qualified in the subject matter must review programs. When it is impractical to review certain programs in advance, such as lectures given only once, greater reliance should be placed on the recognized professional competence of the instructors or presenters. Using independent reviewing organizations familiar with these standards may enhance quality assurance.

(e) CPE program sponsors of independent study learning activities must be qualified in the subject matter. A CPE program sponsor of independent study learning activities must have expertise in the specific subject area related to the independent study. The CPE program sponsor must also:

(1) Review, evaluate, approve and sign the proposed independent study learning contract, including agreeing in advance on the number of credits to be recommended upon successful completion.

(2) Review and sign the written report developed by the participant in independent study.

(3) Retain the necessary documentation to satisfy regulatory requirements as to the content, inputs, and outcomes of the independent study.

(f) Self-study programs must employ learning methodologies that clearly define learning objectives, guide the participant through the learning process, and provide evidence of a participant's satisfactory completion of the program.

(1) To guide participants through a learning process, CPE program sponsors of self-study programs must elicit participant responses to test for understanding of the material, offer evaluative feedback to incorrect responses, and provide reinforcement feedback to correct responses. To provide evidence of satisfactory completion of the course, CPE program sponsors of self-study programs must require participants to successfully complete a final examination with a minimum-passing grade of at least 70 percent before issuing CPE credit for the course. Examinations may contain questions of varying format, (for example, multiple-choice, essay and simulations.) If objective type questions are used, at least five questions per CPE credit must be included on the final examination. For example, the final examination for a five-credit course must include at least 25 questions.

(2) Self-study programs must be based on materials specifically developed for instructional use. Self-study programs requiring only the reading of general

professional literature, IRS publications, or reference manuals followed by a test will not be acceptable. However, the use of the publications and reference materials in self-study programs as supplements to the instructional materials could qualify if the self-study program complies with each of the CPE standards.

10:15-32-4. Standards for CPE Program Presentation

(a) CPE program sponsors must provide descriptive materials that enable registrants to assess the appropriateness of learning activities. To accomplish this, CPE program sponsors must inform participants in advance of learning objectives, prerequisites, program level, program content, advance preparation, instructional delivery methods, recommended CPE credit, and course registration requirements.

(1) For potential participants to effectively plan their CPE, the program sponsor should disclose the significant features of the program in advance (e.g., through the use of brochures, Internet notices, invitations, direct mail, or other announcements). When CPE programs are offered in conjunction with non-educational activities, or when several CPE programs are offered concurrently, participants should receive an appropriate schedule of events indicating those components that are recommended for CPE credit. The CPE program sponsor's registration policies and procedures should be formalized, published, and made available to participants.

(2) CPE program sponsors should distribute program materials timely and encourage participants to complete any advance preparation requirements. All programs should clearly identify prerequisite education, experience, and/or advance preparation requirements, if any, in the descriptive materials. Prerequisites should be written in precise language so that potential participants can readily ascertain whether they qualify for the program.

(b) CPE program sponsors must ensure instructors are qualified with respect to both program content and instructional methods used.

(1) Instructors are key ingredients in the learning process for any group program. Therefore, it is imperative that CPE program sponsors exercise great care in selecting qualified instructors for all group programs. Qualified instructors are those who are capable, through training, education, or experience of communicating effectively and providing an environment conducive to learning. They should be competent and current in the subject matter, skilled in the use of the appropriate instructional methods and technology, and prepared in advance.

(2) CPE program sponsors should evaluate the instructor's performance at the conclusion of each program to determine the instructor's suitability to serve in the future.

(c) CPE program sponsors must employ an effective means for evaluating learning activity quality with respect to content and presentation, as well as provide a mechanism for participants to assess whether learning objectives were met.

(1) The objectives of evaluation are to assess participant satisfaction with specific programs and to increase subsequent program effectiveness. Evaluations, whether written or electronic, should be solicited from participants and instructors for each program session, including self-study, to determine, among other things, whether:

(A) Stated learning objectives were met;
(B) If applicable, prerequisite requirements were appropriate;
(C) Program materials were accurate;
(D) Program materials were relevant and contributed to the achievement of the learning objectives;
(E) Time allotted to the learning activity was appropriate;
(F) If applicable, individual instructors were effective;
(G) Facilities and/or technological equipment was appropriate;
(H) Handout or advance preparation materials were satisfactory; or
(I) Audio and video materials were effective.

(2) CPE program sponsors should periodically review evaluation results to assess program effectiveness and should inform developers and instructors of evaluation results.

(d) CPE program sponsors must ensure instructional methods employed are appropriate for the learning activities. Learning activities should be presented in a manner consistent with the descriptive and technical materials provided.

(1) CPE program sponsors should evaluate the instructional methods employed for the learning activities to determine if the delivery is appropriate and effective. Integral aspects in the learning environment that should be carefully monitored include the number of participants and the facilities and technologies employed in the delivery of the learning activity.

(2) CPE program sponsors are expected to present learning activities that comply with course descriptions and objectives. Appropriate supplemental materials may also be used.

10:15-32-5. Standards for CPE program measurement

(a) Sponsored learning activities are measured by program length, with one 50-minute period equal to one CPE credit. One-half CPE credit increments (equal to 25 minutes) are permitted after the first credit has been earned in a given learning activity.

(1) For learning activities in which individual segments are less than 50 minutes, the sum of the segments should be considered one total program. For example, five 30-minute presentations would equal 150 minutes and should be counted as three CPE credits. When the total minutes of a sponsored learning activity are greater than 50, but not equally divisible by 50, the CPE credits granted should be rounded down to the nearest one-half credit. Thus, learning activities with segments totaling 140 minutes should be granted two and one-half CPE credits.

(2) While it is the participant's responsibility to report the appropriate number of credits earned, CPE program sponsors must monitor group learning activities to assign the correct number of CPE credits.

(3) For university or college credit courses that meet these CPE Standards, each unit of college credit shall equal the following CPE credits:

(A) Semester System 15 credits; and
(B) Quarter System 10 credits;

(4) For university or college non-credit courses that meet these CPE standards, CPE credits shall be awarded only for the actual classroom time spent

in the non-credit course.

(5) Credit is not granted to participants for preparation time.

(6) Only the portions of committee or staff meetings that are designed as programs of learning and comply with these standards qualify for CPE credit.

(b) CPE credit for self-study learning activities must be based on a pilot test of the average completion time. A sample of intended professional participants should be selected to test program materials in an environment and manner similar to that in which the program is to be presented. The sample group of at least three individuals must be independent of the program development group and possess the appropriate level of knowledge before taking the program. The sample does not have to ensure statistical validity. CPE credits should be recommended based on the average completion time for the sample. If substantive changes are subsequently made to program materials further pilot tests of the revised program materials should be conducted to affirm or amend, as appropriate, the average completion time. Self-study courses considered for CPE credit must be:

(1) offered by sponsors registered with NASBA's National Registry of CPE Sponsors; or

(2) courses offered by the AICPA or other such organizations as determined by the Board.

(c) Instructors or discussion leaders of learning activities should receive CPE credit for both their preparation and presentation time to the extent the activities maintain or improve their professional competence and meet the requirements of these CPE standards.

(1) Instructors, discussion leaders, or speakers who present a learning activity for the first time should receive CPE credit for actual preparation time up to two times the number of CPE credits to which participants would be entitled, in addition to the time for presentation.

(2) Instructors of university or college courses can claim a maximum of fifteen (15) CPE credits per college credit hour taught to the extent the preparation required for the course maintains or improves their professional competence.

(3) For repeat presentations, CPE credit as provided in 10:15-32-5(d)(1) and (2) can be claimed only if it can be demonstrated that the learning activity content was substantially changed and such change required significant additional study or research.

(d) Writers of published articles, books, or CPE programs should receive CPE credit for their research and writing time to the extent it maintains or improves their professional competence. CPE credit from this activity shall be limited to 10 CPE credits per calendar year and will be determined by the Board on a case by case basis. Writing articles, books, or CPE programs for publication is a structured activity that involves a process of learning. CPE credits should be claimed only upon publication.

(e) CPE credits recommended by a CPE program sponsor of independent study must not exceed the time the participant devoted to complete the learning activities specified in the learning contract. The credits to be recommended by an independent study CPE program sponsor should be agreed upon in advance and should be equated to the effort expended to improve professional competence. The credits cannot exceed the time devoted to the learning activities and may be less than the actual time involved.

10:15-32-6. Standards for CPE Program Reporting

(a) CPE program sponsors must provide program participants with documentation of their participation, which includes the following:

(1) CPE program sponsor name and contact information;
(2) Participant's name;
(3) Course title;
(4) Course field of study;
(5) Date offered or completed;
(6) Type of instructional/delivery method used;
(7) Amount of CPE credit recommended; and
(8) Verification by CPE program sponsor representative.

(b) CPE program sponsors should provide participants with documentation to support their claims of CPE credit. Acceptable evidence of completion includes:

(1) For group and independent study programs, a certificate or other verification supplied by the CPE program sponsor;
(2) For self-study programs, a certificate supplied by the CPE program sponsor after satisfactory completion of an examination;
(3) For instruction credit, a certificate or other verification supplied by the CPE program sponsor;
(4) For a university or college course that is successfully completed for credit, a record or transcript of the grade the participant received;
(5) For university or college non-credit courses, a certificate of attendance issued by a representative of the university or college; and
(6) For published articles, books, or CPE programs,
(A) A copy of the publication (or in the case of a CPE program, course development documentation) that names the writer as author or contributor; and
(B) A statement from the writer on a form prescribed by the Board supporting the number of CPE hours claimed.

(c) CPE program sponsors must retain adequate documentation for five years to support their compliance with these standards and the reports that may be required of participants.

(1) Evidence of compliance with responsibilities set forth under these Standards which is to be retained by CPE program sponsors includes, but is not limited to:
(A) Records of participation;
(B) Dates and locations;
(C) Instructor names and credentials;
(D) Number of CPE credits earned by participants; and
(E) Results of program evaluations.
(2) Information to be retained by developers includes copies of program materials, evidence that the program materials were developed and reviewed by qualified parties, and a record of how CPE credits were determined.
(3) For CPE program sponsors offering self-study programs, appropriate pilot test records must be retained regarding the following:
(A) When the pilot test was conducted;

(B) The intended participant population;
(C) How the sample was determined;
(D) Names and profiles of sample participants; and
(E) A summary of participants' actual completion time.

SUBCHAPTER 33. PEER REVIEW

Section

10:15-33-1. Establishment of peer review program
10:15-33-2. Special definitions
10:15-33-3. Standards for peer reviews and sponsoring organizations
10:15-33-3.1. Standards for peer reviewers [REVOKED]
10:15-33-4. Enrollment and participation
10:15-33-5. Effect of successive modified/adverse reports
10:15-33-6. Reporting to the board
10:15-33-7. Peer review committee

10:15-33-1. Establishment of peer review program

(a) Pursuant to the Oklahoma Accountancy Act, §15.30, the Board establishes a peer review program to monitor firms' compliance with applicable accounting and auditing standards adopted by generally recognized standard-setting bodies. The program shall emphasize education, including appropriate remedial procedures, which may be recommended or required when financial statement reports do not comply with professional standards. In the event a firm does not comply with established professional standards, or a firm's professional work is so inadequate as to warrant disciplinary action, the Board shall take appropriate action to protect the public interest.

(b) This subchapter shall not require any firm to become a member of any sponsoring organization.

10:15-33-2. Special definitions

The following words and terms used in this subchapter shall have the following meanings, unless the context clearly indicates otherwise.

"**Adverse report**" means there are significant deficiencies in the design of the firm's system of quality control, pervasive instances of noncompliance with the system as a whole, or both, resulting in several material failures to adhere to professional standards on engagements.

"**Deficiency"** means one or more findings that the peer reviewer has concluded that due to the nature, causes, pattern, or pervasiveness, including the relative importance of the finding to the reviewed firm's system of quality control taken as a whole, could create a situation in which the firm would not have reasonable assurance of performing and/or reporting in conformity with applicable professional standards in one or more important respects. It is not a significant deficiency if the peer reviewer has concluded that except for the deficiency or deficiencies, the reviewed firm has reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects.

"**Deficient report**" means any report which is adverse, modified, pass with

deficiencies, or fail.

"**Fail**" on a system review (audit is highest level of service) means there are significant deficiencies in the design of the firm's system of quality control, pervasive instances of noncompliance with the system as a whole, or both, resulting in several material failures to adhere to professional standards on engagements. Fail on an engagement review means the engagements submitted for review were not performed and/or reported in conformity with applicable professional standards in all material respects.

"**Modified report**" means the design of the firm's system of quality control created a condition in which the firm did not have reasonable assurance of complying with professional standards or that the firm's degree of compliance with its quality control policies and procedures did not provide it with reasonable assurance of complying with professional standards. A report modified due to scope limitations specifically related to compilations would not be considered modified for the purposes pursuant to these rules.

"**Pass**" on a system review means the reviewed firm's system of quality control has been designed to meet the requirements of the quality control standards for an accounting and auditing practice and the system was being complied with during the peer review year to provide the firm with reasonable assurance of complying with professional standards in all material respects. Pass on an engagement review means nothing came to the reviewer's attention that the engagements submitted for review were not performed and reported in conformity with applicable professional standards in all material respects.

"**Pass with deficiencies**" on a system review means the design of the firm's system of quality control created a condition in which the firm did not have reasonable assurance of complying with professional standards or that the firm's degree of compliance with its quality control policies and procedures did not provide it with reasonable assurance of complying with professional standards in all material respects with the exception of a certain deficiency or deficiencies that are described in the report. A pass with deficiencies report issued due to scope limitations specifically related to compilations would not be considered deficient for the purposes pursuant to these rules. Pass with deficiencies on an engagement review means that nothing came to the attention of the reviewer that caused him/her to believe on the engagements submitted for review that the firm did not comply with professional standards except for the deficiencies that are described in the report.

"**Peer review due date**" must be a date within six (6) months after the peer review year end, plus any extensions granted by the sponsoring organization or the Board.

"**Peer review year end**" means the year end as determined by the firm and its reviewer.

"**Performance of services**" is deemed to start when an engagement letter is signed or agreement reached.

"**Review program**" means the peer review conducted under the peer review program.

"**Review year**" means the peer review covers a one-year (twelve-month) period.

Engagements selected for peer review normally would have periods ending during the year under peer review.

"**Significant deficiency**" means one or more deficiencies that the peer reviewer has concluded results from a condition in the reviewed firm's system of quality control or compliance with it such that the reviewed firm's system of quality control taken as a whole does not provide the reviewed firm with reasonable assurance of performing and/or reporting in conformity with applicable professional standards in all material respects.

"**Sponsoring organization**" means an individual or entity that meets the standards specified by the Board for administering the peer review. The Board shall periodically publish a list of sponsoring organizations, which have been approved by the Board.

"**Unmodified report**" means the reviewed firm's system of quality control has been designed to meet the requirements of the quality control standards for an accounting and auditing practice and the system was being complied with during the peer review year to provide the firm with reasonable assurance of complying with professional standards.

10:15-33-3. Standards for peer reviews and sponsoring organizations

(a) The Board adopts "Standards for Performing and Reporting on Peer Reviews" promulgated by the American Institute of Certified Public Accountants, as its minimum standards for peer review of registrants. The Board may approve standards promulgated by other qualifying sponsoring organizations.

(b) Qualified sponsoring organizations shall be any organization approved by the Board.

10:15-33-3.1 Standards for peer reviewers [REVOKED]

10:15-33-4. Enrollment and participation

(a) Participation in the program is required of each firm holding a permit from the Board that performs any services which require a peer review as provided in Section 15.30 of the Oklahoma Accountancy Act.

(b) Firm enrollment is required as follows:

(1) An existing firm required to participate under subsection (a) shall enroll in the peer review program of an approved sponsoring organization within one (1) year from the performance of services that require a peer review. The firm shall adopt the peer review due date assigned by the sponsoring organization, and must notify the Board of the date within thirty (30) days of its assignment. In addition, the firm shall schedule and begin an additional peer review within three (3) years of the previous peer review due date, or earlier as may be required by the sponsoring organization. It is the responsibility of the firm to anticipate its needs for peer review services in sufficient time to enable the reviewer to complete the peer review by the assigned review due date.

(2) An existing firm that subsequently begins providing services as set forth in subsection (a) shall notify the Board of the change in status within thirty (30)

days and provide the Board with enrollment information within twelve (12) months of the date the services were first provided and have a peer review within eighteen (18) months of the year end of the engagement performed. This provision shall also apply to any new firm that provides the services set forth in subsection (a).

(c) In the event that a firm is merged, otherwise combined, dissolved, or separated, the sponsoring organization shall determine which firm is considered the succeeding firm. Any dispute of the sponsoring organization's determination shall be resolved by the Board. The succeeding firm shall retain its peer review status and the peer review due date.

(d) Any firm having a permit revoked, suspended, surrendered, or cancelled~~,~~ that held a permit from the Board at the time it provided any service requiring a peer review must enroll in a Board approved peer review program as provided in subsection 10:15-33-4(a) or submit a peer review report as provided in subsection 10:15-33-6(a).

(e) The Board will accept extensions granted by the sponsoring organization to complete a peer review, provided the Board is notified by the firm within thirty (30) days of the date that an extension is granted.

(f) A firm that has been rejected by a sponsoring organization for whatever reason shall notify the Board of:

(1) Name of sponsoring organization rejecting the enrollment;

(2) Reasons for the rejection;

(3) Name of subsequently selected sponsoring organization.

(g) A firm choosing to change to another sponsoring organization may do so only once a final acceptance letter has been issued indicating that all outstanding corrective actions have been completed and outstanding fees paid.

10:15-33-5. Effect of consecutive deficient reports

(a) Effective for peer reviews commencing on or before December 31, 2008, a firm, including a succeeding firm, which receives two (2) consecutive modified reports and/or one (1) adverse report, may be required by the Board or its designee to have a pre-issuance review or team captain revisit within eighteen (18) months from the year end of the firm's last peer review.

(b) If the pre-issuance review or team captain revisit required by subsection (a) above results in continued oversight:

(1) The firm may complete any review and audit engagement for which field work has already begun only if, prior to issuance of any report, the engagement is reviewed and approved by a third party reviewer acceptable to the Board or its designee.

(2) The firm shall be referred to the Vice Chair of the Board for enforcement investigation.

(3) A firm may petition the Board for a waiver from the provisions of this rule subsection (b).

(c) Effective for peer reviews commencing on or after January 1, 2009, a firm, including a succeeding firm which receives two (2) consecutive pass with deficiencies reports and/or one (1) fail report, may be required by the Board or its designee to have an accelerated peer review within eighteen (18) months from the year end of the firm's

last peer review.

(d) If the accelerated review required by subsection (a) or (c) above results in a deficient report:

(1) The firm may complete any service requiring a peer review for which field work has already begun only if:

(A) Prior to issuance of any report, the engagement is reviewed and approved by a third party reviewer acceptable to the Board or its designee; and

(B) The engagement is completed within ninety (90) days of the acceptance of the peer review report, and letter of response (when applicable) by the sponsoring organization;

(2) The firm shall be referred to the Vice Chair of the Board for enforcement investigation.

(3) A firm may petition the Board for a waiver from the provisions of this rule subsection (d).

10:15-33-6. Reporting to the board

(a) Through December 31, 2008, any report or document required to be submitted under this subsection shall be filed with the Board, including by electronic means, within thirty (30) days of receipt from the sponsoring organization. Such report shall contain:

(1) A copy of the report and the final letter of acceptance from the sponsoring organization, if such report is unmodified with or without comments; or

(2) A copy of the report, letter of comments, letter of response, the signed agreement to the conditional letter of acceptance, and final letter of acceptance when corrective actions are complete if the report is modified in any respect or adverse; and

(3) A copy of the Public Company Accounting Oversight Board (PCAOB) report, if applicable.

(b) Effective January 1, 2009, any report or document required to be submitted under this subsection shall be filed with the Board, including by electronic means, within thirty (30) days of receipt from the sponsoring organization. Such report shall contain:

(1) A copy of the report and the final letter of acceptance from the sponsoring organization, if such report is pass; or

(2) A copy of the report, letter of response, the signed agreement to the conditional letter of acceptance, and final letter of acceptance when corrective actions are complete if the report is pass with deficiencies or fail.

(c) Any document submitted to the Board under this subsection is confidential pursuant to the Act.

10:15-33-7. Peer review oversight committee

(a) The Board shall appoint a Peer Review Oversight Committee for the purpose of:

(1) Monitoring sponsoring organizations to provide reasonable assurance that peer reviews are being conducted and reported on in accordance with peer review minimum standards;

(2) Reviewing the policies and procedures of sponsoring organization applicants as to their conformity with the peer review minimum standards; and

(3) Reporting to the Board on the conclusions and recommendations reached as a result of performing functions in paragraphs (A) and (B) of this subsection.

(b) The Peer Review Oversight Committee shall consist of three (3) members nominated by the Chair and approved by the Board, none of whom is a current member of the Board. Initial appointment of the three (3) committee members shall be as follows: one (1) member appointed for three (3) years; one (1) member appointed for two (2) years; and one member appointed for one (1) year. Subsequent committee members shall serve three (3) year terms. Compensation, if any, of Peer Review Oversight Committee members shall be set by the Board, not to exceed One Hundred Fifty Dollars ($150.00) per hour. Each member of the Peer Review Oversight Committee must be active in the practice of public accounting at a supervisory level or above in the accounting or auditing function while serving on the committee or any employee involved at a supervisory level or above in an audit function of a state or local government. The member or member's firm must be enrolled in an approved practice/monitoring program and have received an unmodified or pass report on its most recently completed peer review. A majority of the committee members must satisfy the qualifications required of system peer review team captains as established and reported in the AICPA Standards for Performing and Reporting on Peer Reviews.

(1) No more than one Peer Review Oversight Committee member may be from the same firm.

(2) A Peer Review Oversight Committee member may not concurrently serve as a member of the AICPA's or any state's CPA society ethics or peer review committee.

(3) A Peer Review Oversight Committee member may not participate in any discussion or have any vote with respect to a reviewed firm when the committee member lacks independence or has a conflict of interest. The Board may appoint alternate committee member(s) to serve in these situations.

(c) Information concerning a specific firm or reviewer obtained by the Peer Review Oversight Committee during oversight activities shall be confidential, and the firm's or reviewer's identity shall not be reported to the Board. Reports submitted to the Board will not contain information concerning specific registrants, firms or reviewers.

(d) As determined by the Board, the Peer Review Oversight Committee shall make periodic recommendations to the Board, but not less than annually, as to the continuing qualifications of each sponsoring organization as an approved sponsoring organization.

(e) The Peer Review Oversight Committee may:

(1) When necessary in reviewing reports on peer reviews, prescribe actions designed to assure correction of the deficiencies in the reviewed firm's system of quality control policies and procedures and provide such results to the Board;

(2) Monitor the prescribed remedial and corrective actions to determine compliance by the reviewed firm;

(3) Establish and perform procedures for ensuring that reviews are performed and reported on in accordance with the AICPA Standards for Performing and Reporting on Peer Reviews or other standards as approved by the Board and the rules promulgated herein by the Board;

(4) Establish a report acceptance process, which facilitates the exchange of viewpoints among committee members and sponsoring organization; and

(5) Communicate to the governing body of the sponsoring organization on a recurring basis:

(A) Problems experienced by the enrolled registrants in their systems of quality control as noted in the peer reviews conducted by the sponsoring organization;

(B) Problems experienced in the implementation of the peer review program; and

(C) A summary of the historical results of the peer review program.

(f) Committee members shall become disqualified to serve on Peer Review Oversight Committee if any of the provisions that qualify the committee member no longer exist or by majority vote of the Board.

SUBCHAPTER 35. REINSTATEMENT

Section

10:15-35-1. Application for reinstatement
10:15-35-2. Evaluation of applications for reinstatement
10:15-35-3. Reinstatement of reciprocal certificate or license [REVOKED]
10:15-35-4. Hearing on application for reinstatement
10:15-35-5. Duplicate certificate or license

10:15-35-1. Application for reinstatement

(a) Upon application on a form prescribed by the Board an individual may request reinstatement of a canceled, suspended, or revoked certificate or license.

(b) The applicant shall be of good moral character.

(c) In addition to the application fee the applicant shall pay the required registration fees and permit fee, if applicable, as well as all costs and fines assessed by the Board which remain unpaid at the date the application is filed.

(d) Individuals applying for the reinstatement of a certificate or license must meet the requirements to return to active status in 10:15-30-9 if they will be providing any services associated with accounting work.

(e) Individuals applying for the reinstatement of a certificate or license must show evidence of successful completion of the AICPA ethics examination or its equivalent as determined by the Board.

10:15-35-2. Evaluation of applications for reinstatement

(a) Evaluation and approval of applications for reinstatement shall be performed by the Executive Director.

(b) Denial of applications failing to meet all applicable requirements for reinstatement shall be by the Board.

10:15-35-3. Reinstatement of reciprocal certificate or license [REVOKED]

10:15-35-4. Hearing on application for reinstatement

Upon request by the applicant or any other person, a public hearing may be scheduled before the Board regarding the reinstatement of a certificate or license.

10:15-35-5. Duplicate certificate or license

A duplicate certificate or license will be issued upon payment of the appropriate fee, as provided by Code 10:15-27-11.

SUBCHAPTER 37. ENFORCEMENT PROCEDURES

Section

10:15-37-1. Enforcement committee
10:15-37-2. Investigation committee
10:15-37-3. Special prosecutors
10:15-37-4. Individual investigator
10:15-37-5. Filing of formal complaint
10:15-37-6. Formal proceedings
10:15-37-7. Discipline for violations by candidates
10:15-37-8. Violations by individuals who do not hold a certificate or license
10:15-37-9. Violations by certificate or license holders and candidates
10:15-37-10. Investigation costs
10:15-37-11. Felony convictions and pleas

10:15-37-1. Enforcement committee

(a) When a signed, written complaint or information from a published source comes to the Board, an individual member of the Board, the Executive Director, or to any member of the Board staff concerning alleged violations of the Oklahoma Accountancy Act or the rules of the Oklahoma Accountancy Board, the information shall be forwarded to the Enforcement Committee. The Enforcement Committee is comprised of the Vice Chairman and one (1) other member of the Board who is not an officer of the Board appointed by the Chairman to receive such information. The Vice Chairman of the Board shall serve as Chairman of the Enforcement Committee.

(b) The member(s) of the Board receiving the information may make appropriate inquiry to verify the information received. Upon completion of the preliminary inquiry, the Board member(s) may take one (1) or more of the following actions:

(1) Terminate the investigation because it appears there has been no violation of the law or rules or there is insufficient evidence to support any allegation of a violation.

(2) Attempt an informal resolution of the allegations of violations contained in the information received.

(3) Refer the matter to the Investigation Committee.

(4) Refer the matter to an individual investigator to obtain additional information.

(5) Refer the information to a special prosecutor, or legal counsel for further action.

(6) Hold the file in abeyance pending receipt of information as a product of an investigation or hearing by another state or federal agency.

10:15-37-2. Investigation committee

(a) The Board may appoint an Investigation Committee to conduct investigations of allegations of violations of the Oklahoma Accountancy Act or the rules of the Oklahoma Accountancy Board.

(b) The Investigation Committee shall consist of not less than three (3) nor more than nine (9) members who shall serve at the pleasure of the Board.

(1) Only individuals who are holders of permits shall be eligible to serve on the Investigation Committee.

(2) The members of the Investigation Committee shall elect one (1) of their members as Chairman who shall conduct the meetings of the Committee, administer its activities, and perform such other duties as are assigned by the Board.

(c) It shall be the duty of the Investigation Committee upon a request from the Enforcement Committee to investigate to determine whether there exists probable cause to believe that misconduct has occurred which justifies the institution of formal proceedings. The investigation shall be conducted in a timely manner.

(d) The Investigation Committee shall report to the Enforcement Committee the result of any investigation promptly upon its conclusion. Such report shall contain a summary of the evidence considered by the Committee including any material provided by the accused, the conclusions of fact and law of the Committee, and the recommendation of the Committee with respect to institution of formal proceedings.

(e) Before a final report adverse to the accused is made, the Investigation Committee may notify the accused in writing of the allegations and allow the accused not less than ten (10) calendar days to reply in writing.

(1) The accused shall not be entitled to a hearing before the Investigation Committee as a matter of right.

(2) The accused may submit written material for consideration by the Investigation Committee which shall be included in the final report to the Enforcement Committee.

10:15-37-3. Special prosecutors

(a) The Board may employ lawyers licensed to practice law in Oklahoma to serve as Special Prosecutors in formal proceedings before the Board.

(b) An individual serving as Special Prosecutor shall not serve as legal counsel to the Board in the same formal proceeding.

(c) The Special Prosecutor may perform such other duties as are assigned by the Board.

10:15-37-4. Individual investigator

(a) The Enforcement Committee may assign an allegation of a violation to an individual investigator employed by the Board on a part time or full time basis.

(b) An investigator may make use of the Investigation Committee but shall be in full charge of any investigation assigned by the Enforcement Committee, subject to the direction of the Board.

10:15-37-5. Filing of formal complaint

(a) All formal complaints shall be filed by the Enforcement Committee only with the

agreement of the Special Prosecutor.
(b) The Enforcement Committee and the Special Prosecutor must concur. In the event they do not, the Vice Chairman will prepare a report for the Board and the Board will determine future action.
(c) The formal complaint shall be signed by the Special Prosecutor or the Vice Chairman.
(d) The formal complaint shall include a concise statement of the allegations and particular sections of the Oklahoma Accountancy Act and the rules implementing that Act which are involved.

10:15-37-6. Formal proceedings
(a) The Chairman shall set a time and place for the hearing of the formal complaint, provided that such hearing shall be set not less than twenty (20) days from service of the complaint and notice of the proceeding to the accused at the last known address in the official records of the Board.
(b) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of one (1) or more members of the Board.
(c) The accused shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise of any material notices, including any staff memoranda or data to be relied on by the Board and the accused shall be afforded an opportunity to contest the material so noticed. The experience, technical competence, and specialized knowledge of the members of the Board may be utilized in the evaluation of the evidence.
(d) Oral proceedings or any part thereof shall be transcribed upon request of any party. All costs of such transcription shall be paid by the requesting party.
(e) Hearings will be conducted by one (1) of the following methods, as determined by the Board:
(1) By the Board;
(2) By any member of the Board or a designee of the Board acting as a hearing examiner or Administrative Law Judge; or
(3) By an attorney licensed to practice law in this state appointed by the Board to act as a hearing examiner or Administrative Law Judge.
(f) The standard of proof in all hearings shall be clear and convincing evidence.
(g) All orders, whether proposed or final, shall be issued within ninety (90) calendar days of the hearing. Final orders shall state their effective date.
(h) The Board shall consider past disciplinary action taken against any accused found guilty in any present proceeding. Such past conduct shall not be evidence of guilt in the present proceeding but will be considered only in determining appropriate sanctions to be imposed by the Board in the present proceeding.
(i) Unless precluded by law, the accused may waive any right granted in the law and proceed by stipulation, agreed settlement, consent order, or default. No provision of this section shall be construed as prohibiting the Board from suspending, or holding in abeyance, any formal proceeding pending the outcome of informal negotiation or informally agreed upon terms.
(j) Any individual who has filed a complaint may be notified of the final disposition of

the matter.

(k) The hearing record of any formal proceeding shall be open to the public.

(l) The notice and hearing procedures required for individual proceedings as set forth in the Oklahoma Administrative Procedures Act shall be followed by the Board.

10:15-37-7. Discipline for violations by candidates

(a) A candidate who is alleged to have violated the Oklahoma Accountancy Act, the rules implementing that Act, or who subverts or attempts to subvert the examination process shall be subject to disciplinary action by the Board. Upon the determination that the candidate is guilty of the allegations, the Board may impose one (1) or more of the following disciplinary measures on the candidate:

(1) Withhold the candidate's grades on the examination;

(2) Declare the candidate's scores on the examination invalid;

(3) Disqualify the candidate from holding a certificate or license permanently or for a specified period of time; or

(4) Impose other authorized penalties.

(b) Results of hearings for applicants or candidates will not be published in the Board's newsletter.

10:15-37-8. Violations by individuals who do not hold a certificate or license

(a) In the event the investigation of an allegation against an individual who is not a holder of a certificate or license concludes that the accused is in violation of the Oklahoma Accountancy Act and action should be taken to stop the violation, the Board may delegate to the Vice Chairman or the Executive Director, or the Board's designate, acting for the Board, who shall be authorized to:

(1) Send written notice of the accusation, supporting documentation and a copy of the Complaint and Notice of Hearing, to be held not later than sixty (60) days following such notice, to the accused by certified mail, restricted delivery, return receipt requested. Notice may also be given by personal service upon the person of the accused in a manner authorized by the statutes of the State of Oklahoma for service of process in a civil proceeding;

(2) Provide the accused with a copy of the Oklahoma Accountancy Act along with its notification of the accusation and Complaint and Notice of Hearing.

(b) The Board, at a full and formal hearing, shall make a final determination of the accusations against the accused and issue such permanent cease and desist order, fine, penalty or other action as authorized by these Rules and the Oklahoma Accountancy Act.

10:15-37-9. Violations by certificate or license holders and candidates

(a) In the event the investigation of an allegation against a certificate or license holder or a candidate concludes that the accused is in violation of the Oklahoma Accountancy Act or the rules of the Oklahoma Accountancy Board, the Board shall take any action authorized by law, or these rules, to protect the public from the unauthorized or illegal action of the certificate or license holder.

(b) All proceedings and related procedures shall be conducted in accordance with the provisions of the Oklahoma Administrative Procedures Act.

10:15-37-10. Investigation costs

(a) Members of the Investigation Committee, investigators, and Special Prosecutors may be compensated at a rate established by the Board on a case by case basis.

(b) Members of the Investigation Committee, investigators and Special Prosecutors shall submit claims for payment in the same manner as other vendors doing business with the Board.

(c) Members of the Investigation Committee, investigators, and Special Prosecutors shall also be reimbursed for necessary expenses incurred in the performance of their duties upon submission of receipts.

10:15-37-11. Felony convictions and pleas

(a) The provisions of this section shall be applicable, except where indicated, to applicants for the examination, examination candidates, applicants for certificates and licenses, and registrants.

(b) When an applicant has been convicted of or plead guilty or *nolo contendere* to a felony, the applicant shall be required to furnish to the Board documentation of the charges and the final judgment of the Court in the form of certified documents from the Court file. Failure by an applicant for the examination to furnish adequate documentation no later than sixty (60) days prior to the commencement of the examination applied for shall result in denial of the application.

(c) Failure of any applicant to cooperate with an investigation conducted by the Board shall result in denial of the application.

(d) The Enforcement Committee shall review all documents pertaining to the applicant's conviction or plea and may further require that an investigation be conducted in accordance with Subchapter 37 of the Oklahoma Administrative Code.

(e) The Board may obtain from the Oklahoma State Bureau of Investigation or other sources a criminal record check of any applicant.

(f) The Enforcement Committee shall make a preliminary determination of whether the applicant satisfies the requirement of good moral character as set forth in Sections 15.8 and 15.9 of the Act. The Enforcement Committee shall consider, but not be limited to, the nature of the felony conviction or plea and the time period which has elapsed since the offense was committed or judgement was entered.

(g) When, in the opinion of the Enforcement Committee, public protection requires conditional approval of an applicant, the Enforcement Committee may negotiate a consent order with the applicant. The consent order shall set forth the terms and conditions proposed by the Enforcement Committee for approving the application. All consent orders must be either approved or disapproved by the Board.

(h) If the Enforcement Committee is unable to negotiate a consent order with an applicant, or if the Board does not approve the consent order, a hearing may be held to determine whether the application may be approved and to determine conditions for such approval which may be imposed by the Board as a result of the hearing.

(i) A list of all applicants having criminal histories, with information describing each felony conviction or plea and the penalty imposed for each, shall be presented to the Vice Chair. Board approval must be granted, or a hearing, as ordered by the Board, must be held in conjunction with each application presented to the Board.

(j) Individual registrants who have a felony conviction or plea are subject to the provisions of the Act and the enforcement procedures set forth in this Subchapter.

SUBCHAPTER 39. RULES OF PROFESSIONAL CONDUCT

Section

10:15-39-1. Application
10:15-39-2. Special definitions [REVOKED]
10:15-39-3. Independence [REVOKED]
10:15-39-4. Integrity and objectivity [REVOKED]
10:15-39-5. Disclosure of other compensation and financial interest in transactions [REVOKED]
10:15-39-6. Competence and technical standards [REVOKED]
10:15-39-7. Responsibilities to clients [REVOKED]
10:15-39-8. Other responsibilities and practices
10:15-39-9. Professional misconduct

10:15-39-1. Application

(a) To the extent not contradicted by rule herein, a registrant shall conform in fact and in appearance to the AICPA Code of Professional Conduct.

(b) To protect the public interest, the Rules of Professional Conduct are based on the premise that the public and the business community rely on sound financial reporting and on professional competence. This premise is inherent in the authorized use of the titles certified public accountant and public accountant, which imposes on persons registered with the Board certain obligations to the public and to others. These obligations which the Rules of Professional Conduct are intended to enforce, include: the obligation to maintain independence and objectivity of thought and action, to strive continuously to improve professional skills, to observe, where applicable, generally accepted accounting principles, governmental auditing standards, standards as set by the Public Company Accounting Oversight Board, and generally accepted auditing standards, to promote sound and informative financial reporting, to hold the affairs of clients or employers in confidence, to uphold the standards of the public accounting profession, and to maintain high standards of personal conduct in all matters affecting fitness to practice public accounting.

(c) Acceptance by a registrant of a certificate or license involves a duty to abide by the Rules of Professional Conduct.

(d) The Rules of Professional Conduct are intended to have application to all kinds of professional services performed in the practice of accounting, including, but not limited to, assurance, attest, auditing, accounting, review and compilation services, tax services, management advisory services and personal financial and investment planning, and intended to apply as well to all certificate and license holders, whether or not engaged in the practice of public accounting, except where the wording of one of the Rules of Professional Conduct clearly indicates that the applicability is more limited.

(e) A registrant who is engaged in the practice of public accounting outside the United States is not subject to discipline by the Board for departing, with respect to such foreign practice, from any of the Rules of Professional Conduct, so long as the conduct

is in accordance with the Rules of Professional Conduct applicable to the practice of public accounting in the country in which the registrant is practicing. If the name of a registrant is associated with financial statements in such manner as to imply that the registrant is acting as an independent CPA or PA under circumstances which would entitle the reader to assume that United States practices are followed, the registrant will be expected to comply with auditing standards and accounting principles generally accepted in the United States of America, and other professional standards applicable to the services provided.

(f) In interpreting and enforcing these rules, the Board may give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by the boards of other jurisdictions, appropriately authorized ethics committees of professional organizations and other federal and state agencies.

10:15-39-2. Special definitions [REVOKED]

10:15-39-3. Independence [REVOKED]

10:15-39-4. Integrity and objectivity [REVOKED]

10:15-39-5. Disclosure of other compensation and financial interest in transactions [REVOKED]

10:15-39-6. Competence and technical standards [REVOKED]

10:15-39-7. Responsibilities to clients [REVOKED]

10:15-39-8. Other responsibilities and practices

(a) **Firm names.**

(1) No registrant shall engage in the practice of public accounting using a professional or firm name or designation that is misleading about the legal form of the firm, or about the individuals who are partners, officers, shareholders, or members of the firm, or about any other matter, provided, however, that names of one (1) or more former owners may be included in the name of a firm or its successor.

(2) A registrant who is a sole proprietor, and not incorporated, who is engaged in the practice of public accounting, shall be allowed to use and employ the designation "d/b/a" with a business name provided the sole proprietor's name is included in the name of the business. No registrant shall use a misleading business name.

(b) A registrant shall respond in writing to any communications from the Board requesting a response, within thirty (30) days of the mailing of such communication by registered or certified mail, to the last address of the registrant known to the Board.

10:15-39-9. Professional misconduct

It is professional misconduct for a CPA, PA or a firm to:

(1) violate or attempt to violate the Oklahoma Accountancy Act or the rules

implementing that Act, knowingly assist or induce another to do so, or do so through the act of another; or

(2) commit a criminal act that reflects adversely on the CPA's or PA's integrity, trustworthiness or fitness to practice as a CPA or PA; or

(3) commit any act that reflects adversely on the CPA's or PA's fitness to practice public accounting.

(4) engage in conduct involving dishonesty, fraud, deceit, misrepresentation or omission of a known material fact; or

(5) engage in a pattern of repeated offenses, even ones of minor significance including an indifference to the Oklahoma Accountancy Act or the rules implementing that Act; or

(6) state or imply an ability to influence improperly a government agency or official; or

(7) receive a censure, suspension, cancellation, revocation, by a state or federal agency concerning the right of the registrant to practice before a state or federal agency, whether by a hearing, consent agreement, court order, or other administrative proceedings.

SUBCHAPTER 41. CHILD SUPPORT STATUTE

Section

10:15-41-1. Enforcement

10:15-41-1. Enforcement

The Board shall comply with the district courts of this state in implementing the provisions of Title 43, Section 139.1, of the Oklahoma Statutes.

SUBCHAPTER 43. AUDITS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

Section

10:15-43-1. Registration
10:15-43-2. Evaluation of registrations
10:15-43-3. Notification
10:15-43-4. Denial of registration
10:15-43-5. Board review of denied registrations
10:15-43-6. Renewal requirements

10:15-43-1. Registration

Pursuant to Title 74 Oklahoma Statutes Section 212A(B), all registrants, prior to entering into contracts to perform an audit of a governmental entity, must register, on a form prescribed by the Board which attests to the registrant's compliance with Government Auditing Standards.

10:15-43-2. Evaluation of registrations

Evaluation of qualifications and approval of registrations shall be performed by

the Board or its designee.

10:15-43-3. Notification

Each registrant will be notified of the approval or denial of such registration.

10:15-43-4. Denial of registration

(a) Any registrant whose registration has been denied shall be notified in writing. The written notice shall include the reason(s) for the denial.

(b) If a registration is denied, the registrant may file a written request with the Board for a review of the denial. The registrant shall have the burden of demonstrating to the Board that the qualifications to perform audits in accordance with Government Auditing Standards have been met. Any evidence submitted by the registrant shall be in documentary form.

10:15-43-5. Board review of denied registrations

(a) The Board shall consider all requests for review of denied registrations.

(b) The issues considered for review shall include, but not be limited to, the eligibility requirements and standards upon which the denial of the registration was based.

(c) The registrant who has requested the review shall be notified in writing of the Board's decision. If the denial is sustained by the Board, the written notice shall include the reason(s) for sustaining the denial.

(d) If the denial of the registration is sustained, and the registrant is not satisfied with the decision of the Board, the registrant may request in writing a public hearing before the Board. Such request shall be granted only if the registrant can provide additional information to the Board which was not previously available to the Board at the time of the initial evaluation or review. Any additional evidence shall be in documentary form. If any additional evidence is to be presented by oral testimony, a written synopsis of that oral evidence shall accompany the request for a public hearing.

(e) If the Board grants a public hearing to the registrant, the hearing may be held in conjunction with the next regular meeting of the Board or at a special meeting of the Board.

10:15-43-6. Renewal requirements

All registrants who have registered under the provisions of this subchapter shall renew their registration, on a form prescribed by the Board, on or before December 31 of each year.

10:15-43-7. Disqualification

At any time the firm’s registration or permit to practice public accounting in Oklahoma is revoked, cancelled, dissolved or suspended, the firm’s registration under this subchapter shall be disqualified and the firm’s name shall be automatically removed from the list of Registrants Performing Governmental Audits in Accordance with Government Auditing Standards.

10:15-43-8. Reinstatement

After disqualification, reinstatement shall only be granted upon the filing of the

form prescribed by the Board and proof of the firm’s qualification.