

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

THE AMERICAN INSTITUTE OF CERTIFIED  
PUBLIC ACCOUNTANTS,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Civil Action No. 09-2116 (RBW)

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

Pursuant to Local Civil Rules 7(h) and 56.1, Plaintiff, the American Institute of Certified Public Accountants (the "AICPA"), respectfully submits that no genuine dispute exists with respect to the following material facts:

1. Section 114 of the Fair and Accurate Credit Transactions Act of 2003 ("FACTA") directs Defendant, the Federal Trade Commission ("FTC"), and certain other agencies to "establish and maintain guidelines for use by each financial institution and each creditor regarding identity theft with respect to account holders at, or customers of, such entities, and update such guidelines as often as necessary." 15 U.S.C. § 1681m(e)(1)(A).

2. Section 114 of FACTA also directs the FTC and certain other agencies to "prescribe regulations requiring each financial institution and each creditor to establish reasonable policies and procedures for implementing" the aforementioned guidelines and "to identify possible risks to account holders or customers or to the safety and soundness of the institution or customers." 15 U.S.C. § 1681m(e)(1)(B).

3. FACTA incorporates by reference the definitions of “credit” and “creditor” set forth in the Equal Credit Opportunity Act (“ECOA”). 15 U.S.C. § 1681a(r)(5).

4. ECOA defines “credit” as “the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefor.” 15 U.S.C. § 1691a(d).

5. ECOA defines “creditor” as “any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.” 15 U.S.C. § 1691a(e).

6. On July 18, 2006, the FTC, the Office of the Comptroller of the Currency (“OCC”), the Board of Governors of the Federal Reserve System (“Board”), the Federal Deposit Insurance Corporation (“FDIC”), the Office of Thrift Supervision (“OTS”), and the National Credit Union Administration (“NCUA”) jointly issued a proposed rule to implement FACTA. *See Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003*, 71 Fed. Reg. 40,786 (July 18, 2006) (the “Proposed Red Flags Rule”).<sup>1</sup>

7. The Proposed Red Flags Rule did not identify certified public accountants engaged in the practice of public accountancy (“CPAs”) as being “creditor[s]” under FACTA or ECOA. *Id.*

8. On November 9, 2007, the FTC, the OCC, the Board, the FDIC, the OTS, and the NCUA jointly issued a final rule to implement FACTA. *See Identity Theft Red Flags and*

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<sup>1</sup> Local Civil Rule 56.1 provides that a statement of material facts as to which a party seeking summary judgment contends there is no genuine issue “shall include references to the parts of the record relied on to support the statement.” The FTC has not yet filed the administrative record in this matter. Thus, the AICPA cites herein the relevant portions of the administrative record as they are available to the public.

Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003, 72 Fed. Reg. 63,718 (Nov. 9, 2007) (the “Red Flags Rule”).

9. The Red Flags Rule mandates, *inter alia*, that “[e]ach financial institution or creditor that offers or maintains one or more covered accounts must develop and implement a written Identity Theft Prevention Program (Program) that is designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or any existing covered account.” 16 C.F.R. § 681.1(d)(1).<sup>2</sup>

10. The Red Flags Rule incorporates by reference the definition of “credit” set forth in ECOA. *See* 16 C.F.R. § 681.1(b)(4) (“*Credit* has the same meaning as in 15 U.S.C. 1681a(r)(5).”).

11. The Red Flags Rule also incorporates by reference the definition of “creditor” set forth in ECOA. *See* 16 C.F.R. § 681.1(b)(5) (“*Creditor* has the same meaning as in 15 U.S.C. 1681a(r)(5), and includes lenders such as banks, finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies.”).

12. The Red Flags Rule defines “covered account” as “[a]n account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account.” 16 C.F.R. § 681.1(b)(3)(i).

13. The Red Flags Rule also defines “covered account” to include “[a]ny other account that the financial institution or creditor offers or maintains for which there is a

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<sup>2</sup> The provision of the Red Flags Rule at issue in this case was originally codified at 16 C.F.R. § 681.2. *See* Red Flags Rule, 72 Fed. Reg. at 63,772. In May 2009, that provision was re-designated as 16 C.F.R. § 681.1. *See* Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003, 74 Fed. Reg. 22,639, 22,645 (May 14, 2009). References to the Code of Federal Regulations set forth above are to the current codification of the Red Flags Rule.

reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.” 16 C.F.R. § 681.1(b)(3)(ii).

14. The Red Flags Rule provides that “creditor[s]” under that Rule include “lenders such as banks, finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies.” 16 C.F.R. § 681.1(b)(5). However, the Red Flags Rule does not identify CPAs as being “creditor[s]” under that Rule, FACTA, or ECOA.

15. The Red Flags Rule had an effective date of January 1, 2008, and a “mandatory compliance date” of November 1, 2008. Red Flags Rule, 72 Fed. Reg. at 63,718.

16. In June 2008, the FTC issued a Business Alert, which identified persons and entities that the FTC believed were “creditor[s]” under FACTA and ECOA and, thus, were required to comply with the Red Flags Rule. FTC Business Alert, New ‘Red Flag’ Requirements for Financial Institutions and Creditors Will Help Fight Identity Theft (June 2008) (the “FTC’s June 2008 Business Alert”).<sup>3</sup>

17. The FTC’s June 2008 Business Alert stated:

**A creditor is any entity that regularly extends, renews, or continues credit; any entity that regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who is involved in the decision to extend, renew, or continue credit. Accepting credit cards as a form of payment does not in and of itself make an entity a creditor. Creditors include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors. Most creditors, except for those regulated by the Federal bank regulatory agencies and the NCUA, come under the jurisdiction of the FTC.**

*Id.* (emphasis in original).

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<sup>3</sup> Available at <http://www.ftc.gov/bcp/edu/pubs/business/alerts/alt050.pdf> (last visited Jan. 6, 2010).

18. The FTC's June 2008 Business Alert did not identify CPAs as being "creditor[s]" for the purposes of the Red Flags Rule.

19. On October 22, 2008, ten (10) days before the deadline for mandatory compliance with the Red Flags Rule, the FTC issued a press release announcing that it was suspending enforcement of the Red Flags Rule until May 1, 2009 in order to "give creditors and financial institutions additional time in which to develop and implement written identity theft prevention programs." Press Release, FTC Will Grant Six-Month Delay of Enforcement of 'Red Flags' Rule Requiring Creditors and Financial Institutions to Have Identity Theft Prevention Programs (Oct. 22, 2008).<sup>4</sup>

20. On October 22, 2008, the FTC also published on its Web site a two-page document entitled "FTC Enforcement Policy: Identity Theft Red Flags Rule, 16 CFR 681.2" (the "Enforcement Policy").<sup>5</sup>

21. Neither the FTC's October 22, 2008 press release nor the Enforcement Policy identifies CPAs as being "creditor[s]" for purposes of the Red Flags Rule.

22. On April 30, 2009, the FTC issued a press release announcing that it was delaying the enforcement of the Red Flags Rule until August 1, 2009. Press Release, FTC Will Grant Three-Month Delay of Enforcement of 'Red Flags' Rule Requiring Creditors and Financial Institutions to Adopt Identity Theft Prevention Programs (Apr. 30, 2009).<sup>6</sup>

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<sup>4</sup> Available at <http://www.ftc.gov/opa/2008/10/redflags.shtm> (last visited Jan. 6, 2010).

<sup>5</sup> Available at <http://www.ftc.gov/os/2008/10/081022idtheftredflagsrule.pdf> (last visited Jan. 6, 2010).

<sup>6</sup> Available at <http://www.ftc.gov/opa/2009/04/redflagsrule.shtm> (last visited Jan. 6, 2010).

23. On April 30, 2009, the FTC also published on its Web site a three (3) page document entitled “FTC Extended Enforcement Policy: Identity Theft Red Flags Rule, 16 C.F.R. 681.1” (the “Extended Enforcement Policy”).<sup>7</sup>

24. In its Extended Enforcement Policy, the FTC announced for the first time its position that “health care providers, attorneys and other professionals” are “creditors” under ECOA and, thus, are subject to the Red Flags Rule. In a footnote to its Extended Enforcement Policy, the FTC explained the basis for its position:

In FACTA, Congress imported the definition of creditor from the [ECOA]. . . . This definition covers all entities that regularly permit deferred payments for goods or services. The definition thus has a broad scope and may include entities that have not in the past considered themselves to be creditors. For example, creditors under the ECOA include professionals, such as lawyers or health care providers, who bill their clients after services are rendered. Similarly, a retailer or service provider that, on a regular basis, allows its customers to make purchases or obtain services and then bills them for payment at the end of each month would be a creditor under the ECOA.

Extended Enforcement Policy at 1 n.3.

25. On July 29, 2009, three (3) days before the deadline for mandatory compliance with the Red Flags Rule, the FTC issued a press release announcing that it was further delaying its enforcement of the Red Flags Rule until November 1, 2009. *See* Press Release, FTC Announces Expanded Business Education Campaign on ‘Red Flags’ Rule (July 29, 2009) (the “July 29 Press Release”).<sup>8</sup>

26. The FTC’s July 29, 2009 press release also referenced a recently released FTC publication entitled “The Red Flags Rule: Frequently Asked Questions” (the “FTC’s FAQs”), which stated, *inter alia*, the FTC’s position that:

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<sup>7</sup> Available at <http://www.ftc.gov/os/2009/04/P095406redflagsextendedenforcement.pdf> (last visited Jan. 6, 2010).

<sup>8</sup> Available at <http://www.ftc.gov/opa/2009/07/redflag.shtm> (last visited Jan. 6, 2010).

Under the [Red Flags] Rule, the definition of “creditor” is broad, and includes businesses or organizations that regularly provide goods or services first and allow customers to pay later. . . . Examples of groups that may fall within this definition are utilities, health care providers, lawyers, accountants, and other professionals, and telecommunications companies.

FTC, The Red Flags Rule: Frequently Asked Questions ¶ B.1 (footnote omitted).<sup>9</sup>

27. The FTC’s FAQs was the first publication in which the FTC expressly asserted that accountants, including the AICPA’s members, “may” qualify as “creditor[s]” under ECOA and, thus, may be subject to the Red Flags Rule.

28. On October 30, 2009, the FTC issued a press release announcing that, at the request of Congress, it was further delaying enforcement of its Red Flags Rule until June 1, 2010. *See* Press Release, FTC Extends Enforcement Deadline for Identity Theft Red Flags Rule (Oct. 30, 2009).<sup>10</sup>

29. Historically, the activities of CPAs have been the subject of state licensing, regulation and discipline. Indeed, beginning in the 1890’s in the State of New York, each of the fifty (50) states (and the territories of the United States) has created or designated regulatory bodies that are responsible for establishing state standards for the licensing of CPAs practicing in each state and, once licensed, a set of rules and regulations governing the practice within the state, as well as a regulatory scheme for disciplining CPAs who fail to adhere to the professional and ethical standards established in each state. Below is a list of the governing bodies in each state and territory responsible for licensing, regulating and disciplining CPAs within their respective jurisdictions, together with links to the current statutes and regulations governing CPAs in each state and territory:

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<sup>9</sup> Available at <http://www.ftc.gov/bcp/edu/microsites/redflagsrule/faqs.shtm> (last visited Jan. 6, 2010).

<sup>10</sup> Available at <http://www.ftc.gov/opa/2009/10/redflags.shtm> (last visited Jan. 6, 2010).

### **Alabama**

- State Regulatory Body: Alabama State Board of Public Accountancy
  - <http://www.asbpa.state.al.us/>
- Statutory and Regulatory Authority:
  - <http://www.asbpa.state.al.us/laws.htm>
  - <http://www.asbpa.state.al.us/rules-change5.htm>

### **Alaska**

- State Regulatory Body: Alaska State Board of Public Accountancy
  - <http://www.commerce.state.ak.us/occ/pcpa.cfm>
- Statutory and Regulatory Authority:
  - <http://www.dced.state.ak.us/occ/pcpa6.htm>

### **Arizona**

- State Regulatory Body: Arizona State Board of Accountancy
  - <http://www.azaccountancy.gov/>
- Statutory and Regulatory Authority:
  - <http://www.azaccountancy.gov/AboutUs/ArizonaRevisedStatutes.aspx>
  - <http://www.azaccountancy.gov/AboutUs/ArizonaAdministrativeCode.asp>

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### **Arkansas**

- State Regulatory Body: Arkansas State Board of Public Accountancy
  - <http://www.arkansas.gov/asbpa/>
- Statutory and Regulatory Authority:
  - <http://www.arkansas.gov/asbpa/laws.html>



- <http://www.arkansas.gov/asbpa/rules.html>

### **California**

- State Regulatory Body: California State Board of Accountancy
  - <http://www.dca.ca.gov/cba/index.shtml>
- Statutory and Regulatory Authority:
  - [http://www.dca.ca.gov/cba/laws\\_and\\_rules/accountancy\\_act.shtml](http://www.dca.ca.gov/cba/laws_and_rules/accountancy_act.shtml)
  - [http://www.dca.ca.gov/cba/laws\\_and\\_rules/regs.shtml](http://www.dca.ca.gov/cba/laws_and_rules/regs.shtml)

### **Colorado**

- State Regulatory Body: Colorado State Board of Accountancy
  - <http://www.dora.state.co.us/Accountants/>
- Statutory and Regulatory Authority:
  - <http://www.dora.state.co.us/Accountants/Statute.pdf>
  - <http://www.dora.state.co.us/Accountants/Rules.pdf>

### **Connecticut**

- State Regulatory Body: Connecticut State Board of Accountancy
  - <http://www.ct.gov/sboa/site/default.asp>
- Statutory and Regulatory Authority:
  - <http://www.cga.ct.gov/2009/pub/Chap389.htm?sboaNav=>
  - <http://www.ct.gov/sboa/cwp/view.asp?a=2184&Q=295724&sboaNav=>

### **Delaware**

- State Regulatory Body: Delaware State Board of Accountancy
  - <http://dpr.delaware.gov/boards/accountancy/index.shtml>
- Statutory and Regulatory Authority:

- <http://delcode.delaware.gov/title24/c001/index.shtml>
- <http://regulations.delaware.gov/AdminCode/title24/100.shtml>

### **District of Columbia**

- State Regulatory Body: District of Columbia Board of Accountancy
  - [http://app.dkra.dc.gov/information/build\\_pla/occupational/accountancy/index.shtm](http://app.dkra.dc.gov/information/build_pla/occupational/accountancy/index.shtm)
- Statutory and Regulatory Authority:
  - <http://www.asisvcs.com/publications/pdf/670918.pdf>

### **Florida**

- State Regulatory Body: Florida Board of Accountancy
  - <http://www.myfloridalicense.com/dbpr/cpa/index.html>
- Statutory and Regulatory Authority:
  - [http://www.flsenate.gov/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=Ch0473/titl0473.htm&StatuteYear=2009&Title=-%3E2009-%3EChapter%20473](http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0473/titl0473.htm&StatuteYear=2009&Title=-%3E2009-%3EChapter%20473)
  - <https://www.flrules.org/Gateway/Division.asp?DivID=280>

### **Georgia**

- State Regulatory Body: Georgia State Board of Accountancy
  - <http://sos.georgia.gov/plb/accountancy/>
- Statutory and Regulatory Authority:
  - [http://sos.georgia.gov/acrobat/PLB/laws/22\\_Accountancy\\_43-3.pdf](http://sos.georgia.gov/acrobat/PLB/laws/22_Accountancy_43-3.pdf)

- [http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=GEORGIA\\_STATE\\_BOARD\\_OF\\_ACCOUNTANCY%2Findex.html&d=1](http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=GEORGIA_STATE_BOARD_OF_ACCOUNTANCY%2Findex.html&d=1)

### **Guam**

- State Regulatory Body: Guam Board of Accountancy
  - <http://www.guamboa.org/>
- Statutory and Regulatory Authority:
  - <http://www.guamboa.org/policies/gbarules.htm>
  - [http://www.justice.gov.gu/CompilerofLaws/GAR/25GAR/25GAR001-2\\_4.pdf](http://www.justice.gov.gu/CompilerofLaws/GAR/25GAR/25GAR001-2_4.pdf)

### **Hawaii**

- State Regulatory Body: Professional and Vocational Licensing Division – Board of Public Accountancy
  - <http://hawaii.gov/dcca/pvl/boards/accountancy/>
- Statutory and Regulatory Authority:
  - [http://hawaii.gov/dcca/pvl/pvl/hrs/hrs\\_pvl\\_466.pdf](http://hawaii.gov/dcca/pvl/pvl/hrs/hrs_pvl_466.pdf)
  - [http://hawaii.gov/dcca/pvl/pvl/har/har\\_71-c.pdf](http://hawaii.gov/dcca/pvl/pvl/har/har_71-c.pdf)

### **Idaho**

- State Regulatory Body: Idaho State Board of Public Accountancy
  - <http://www.isba.idaho.gov/>
- Statutory and Regulatory Authority:
  - <http://www.legislature.idaho.gov/idstat/Title54/T54CH2.htm>
  - <http://adm.idaho.gov/adminrules/rules/idapa01/01index.htm>

### **Illinois**

- State Regulatory Body: Illinois Board of Examiners
  - <http://www.illinois-cpa-exam.com/>
- Statutory and Regulatory Authority:
  - <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1363&ChapAct=225%26nbsp%3BILCS%26nbsp%3B450%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Illinois+Public+Accounting+Act.&Print=True>
  - <http://www.illinois-cpa-exam.com/files/regulations.pdf>

### **Indiana**

- State Regulatory Body: Indiana Board of Accountancy
  - <http://www.in.gov/pla/accountancy.htm>
- Statutory and Regulatory Authority:
  - [http://www.in.gov/pla/files/IBA.2009\\_EDITION.pdf](http://www.in.gov/pla/files/IBA.2009_EDITION.pdf)

### **Iowa**

- State Regulatory Body: Iowa Accountancy Examining Board
  - <http://www.state.ia.us/government/com/prof/account/home.html>
- Statutory and Regulatory Authority:
  - <http://www.legis.state.ia.us/IACODE/2003/542/>
  - <http://www.legis.state.ia.us/aspx/ACODocs/DOCS/07-29-2009.193A.pdf>

### **Kansas**

- State Regulatory Body: Kansas Board of Accountancy
  - <http://www.ksboa.org/>

- Statutory and Regulatory Authority:
  - <http://www.ksboa.org/pdf/laws.pdf>
  - <http://www.ksboa.org/pdf/rulesandregs.pdf>

### **Kentucky**

- State Regulatory Body: Kentucky State Board of Accountancy
  - <http://cpa.ky.gov/>
- Statutory and Regulatory Authority:
  - <http://162.114.4.13/KRS/325-00/Chapter.htm>
  - <http://www.lrc.state.ky.us/kar/TITLE201.HTM>

### **Louisiana**

- State Regulatory Body: State Board of Certified Public Accountants
  - <http://www.cpaboard.state.la.us/>
- Statutory and Regulatory Authority:
  - <http://www.cpaboard.state.la.us/docs/LAAccountancyActAug2008.pdf>
  - [http://www.cpaboard.state.la.us/docs/Board\\_RULES022009.pdf](http://www.cpaboard.state.la.us/docs/Board_RULES022009.pdf)

### **Maine**

- State Regulatory Body: Maine Board of Accountancy
  - <http://www.maine.gov/pfr/professionallicensing/professions/accountants/index.htm>
- Statutory and Regulatory Authority:
  - <http://www.mainelegislature.org/legis/statutes/32/title32ch113sec0.html>
  - <http://www.maine.gov/sos/cec/rules/02/chaps02.htm#280>

## **Maryland**

- State Regulatory Body: Maryland State Board of Public Accountancy
  - <http://www.dllr.state.md.us/license/cpa/>
- Statutory and Regulatory Authority:
  - <http://www.michie.com/maryland/lpext.dll/mdcode/1564/15ab?fn=document-frame.htm&f=templates&2.0#>
  - [http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=09.24.\\*](http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=09.24.*)

## **Massachusetts**

- State Regulatory Body: Massachusetts Board of Public Accountancy
  - <http://www.mass.gov/?pageID=ocasubtopic&L=4&L0=Home&L1=Licenses&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Public+Accountancy&sid=Eoca>
- Statutory and Regulatory Authority:
  - <http://www.mass.gov/legis/laws/mgl/13/gl-13-toc.htm>
  - [http://www.mass.gov/?pageID=ocaterminal&L=6&L0=Home&L1=Licenses&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Public+Accountancy&L4=Statutes+and+Regulations&L5=Rules+and+Regulations+Governing+Public+Accountants+and+Firms&sid=Eoca&b=terminalcontent&f=dpl\\_boards\\_pa\\_cmr\\_252cmr100&csid=Eoca](http://www.mass.gov/?pageID=ocaterminal&L=6&L0=Home&L1=Licenses&L2=Division+of+Professional+Licensure+Boards&L3=Board+of+Public+Accountancy&L4=Statutes+and+Regulations&L5=Rules+and+Regulations+Governing+Public+Accountants+and+Firms&sid=Eoca&b=terminalcontent&f=dpl_boards_pa_cmr_252cmr100&csid=Eoca)

## **Michigan**

- State Regulatory Body: Michigan Board of Accountancy
  - [http://www.michigan.gov/dleg/0,1607,7-154-35299\\_35414\\_35451---,00.html](http://www.michigan.gov/dleg/0,1607,7-154-35299_35414_35451---,00.html)

- Statutory and Regulatory Authority:
  - [http://www.legislature.mi.gov/\(S\(rwjciwycxzain5552oz55f55\)\)/mileg.aspx?page=getObject&objectName=mcl-339-721](http://www.legislature.mi.gov/(S(rwjciwycxzain5552oz55f55))/mileg.aspx?page=getObject&objectName=mcl-339-721)
  - [http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin\\_Num=33805101&Dpt=LG&RngHigh=](http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=33805101&Dpt=LG&RngHigh=)

### **Minnesota**

- State Regulatory Body: Minnesota State Board of Accountancy
  - <http://www.boa.state.mn.us/Licensing/>
- Statutory and Regulatory Authority:
  - <https://www.revisor.mn.gov/statutes/?id=326A>
  - [http://www.boa.state.mn.us/Licensing/Data/Sites/1/Docs/Rulemaking/2008/AR3737\\_\(3\).pdf](http://www.boa.state.mn.us/Licensing/Data/Sites/1/Docs/Rulemaking/2008/AR3737_(3).pdf)

### **Mississippi**

- State Regulatory Body: Mississippi State Board of Public Accountancy
  - <http://www.msbpa.state.ms.us/>
- Statutory and Regulatory Authority:
  - <http://www.msbpa.state.ms.us/rules.html>

### **Missouri**

- State Regulatory Body: Missouri State Board of Accountancy
  - <http://pr.mo.gov/accountancy.asp>
- Statutory and Regulatory Authority:
  - <http://www.moga.mo.gov/statutes/c326.htm>
  - <http://www.sos.mo.gov/adrules/csr/current/20csr/20csr.asp#20-2010>

## Montana

- State Regulatory Body: Montana State Board of Public Accountants
  - [http://bsd.dli.mt.gov/dli/bsd/license/bsd\\_boards/pac\\_board/board\\_page.asp](http://bsd.dli.mt.gov/dli/bsd/license/bsd_boards/pac_board/board_page.asp)
- Statutory and Regulatory Authority:
  - <http://data.opi.state.mt.us/bills/mca/2/15/2-15-1756.htm>
  - [http://bsd.dli.mt.gov/dli/bsd/license/bsd\\_boards/pac\\_board/pdf/pac\\_rules.pdf](http://bsd.dli.mt.gov/dli/bsd/license/bsd_boards/pac_board/pdf/pac_rules.pdf)

## Nebraska

- State Regulatory Body: Nebraska State Board of Public Accountancy
  - <http://www.nbpa.ne.gov/>
- Statutory and Regulatory Authority:
  - <http://www.nbpa.ne.gov/pdf/PAA%20effective%20Jan%20%2031%202007.pdf>
  - [http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Board\\_of\\_Public\\_Accountancy/Title-288.pdf](http://www.sos.state.ne.us/rules-and-regs/regsearch/Rules/Board_of_Public_Accountancy/Title-288.pdf)

## Nevada

- State Regulatory Body: Nevada State Board of Accountancy
  - <http://www.nvaccountancy.com/>
- Statutory and Regulatory Authority:
  - <http://www.leg.state.nv.us/nrs/nrs-628.html>
  - <http://www.leg.state.nv.us/NAC/NAC-628.html>



### **New Hampshire**

- State Regulatory Body: New Hampshire Board of Accountancy
  - <http://www.nh.gov/accountancy/index.htm>
- Statutory and Regulatory Authority:
  - <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XXX-309-B.htm>
  - <http://www.nh.gov/accountancy/laws/documents/Ac100-50022.pdf>

### **New Jersey**

- State Regulatory Body: New Jersey State Board of Accountancy
  - <http://www.state.nj.us/oag/ca/accountancy/>
- Statutory and Regulatory Authority:
  - <http://www.state.nj.us/lps/ca/laws/accountancylaws.pdf>
  - <http://www.state.nj.us/lps/ca/laws/accountancyregs.pdf>

### **New Mexico**

- State Regulatory Body: New Mexico State Board of Public Accountancy
  - <http://www.rld.state.nm.us/accountancy/index.html>
- Statutory and Regulatory Authority:
  - [http://www.nmcpr.state.nm.us/nmac/\\_title16/T16C060.htm](http://www.nmcpr.state.nm.us/nmac/_title16/T16C060.htm)
  - <http://www.nmcpr.state.nm.us/nmac/cgi-bin/hse/homepagesearchengine.exe?url=http://www.nmcpr.state.nm.us/nmac/parts/title16/16.060.0001.htm;geturl;terms=accountancy>

### **New York**

- State Regulatory Body: New York State Board for Public Accountancy

- <http://www.op.nysed.gov/prof/cpa/>
- Statutory and Regulatory Authority:
  - <http://www.op.nysed.gov/prof/cpa/article149.htm#bd>
  - <http://www.op.nysed.gov/prof/cpa/part70.htm>

#### **North Carolina**

- State Regulatory Body: North Carolina State Board of Certified Public Accountant Examiners
  - <http://www.nccpaboard.gov/Clients/NCBOA/Public/Static/index.html>
- Statutory and Regulatory Authority:
  - <http://www.nccpaboard.gov/Clients/NCBOA/Public/Static/index.html>
  - <http://www.nccpaboard.gov/Clients/NCBOA/Public/Static/index.html>

#### **North Dakota**

- State Regulatory Body: North Dakota State Board of Accountancy
  - <http://www.nd.gov/ndsba/>
- Statutory and Regulatory Authority:
  - <http://www.nd.gov/ndsba/laws.htm#3>
  - <http://www.nd.gov/ndsba/rules.htm>

#### **Northern Mariana Islands**

- State Regulatory Body: The Commonwealth of the Northern Mariana Islands Board of Accountancy
  - <http://www.cnmiboa.org/>
- Statutory and Regulatory Authority:
  - [http://www.cnmilaw.org/pdf/public\\_laws/13/pl13-52.pdf](http://www.cnmilaw.org/pdf/public_laws/13/pl13-52.pdf)

- <http://www.cnmiboa.org/docs/regs.pdf>

### **Ohio**

- State Regulatory Body: Accountancy Board of Ohio
  - <http://acc.ohio.gov/>
- Statutory and Regulatory Authority:
  - <http://www.acc.ohio.gov/lawsect.htm>
  - <http://www.acc.ohio.gov/rules.htm>

### **Oklahoma**

- State Regulatory Body: Oklahoma Accountancy Board
  - [http://www.ok.gov/oab\\_web/](http://www.ok.gov/oab_web/)
- Statutory and Regulatory Authority:
  - [http://www.ok.gov/oab\\_web/documents/2009%20Clean%20Copy%20of%20Act%20010410.pdf](http://www.ok.gov/oab_web/documents/2009%20Clean%20Copy%20of%20Act%20010410.pdf)
  - [http://www.ok.gov/oab\\_web/documents/ENTIRE%20TEXT%20OF%20RULES%202009%20-%20Clean%20Copy.pdf](http://www.ok.gov/oab_web/documents/ENTIRE%20TEXT%20OF%20RULES%202009%20-%20Clean%20Copy.pdf)

### **Oregon**

- State Regulatory Body: Oregon State Board of Accountancy
  - <http://www.oregon.gov/BOA/index.shtml>
- Statutory and Regulatory Authority:
  - <http://www.leg.state.or.us/ors/673.html>
  - <http://www.oregon.gov/BOA/adminrules.shtml>

### **Pennsylvania**

- State Regulatory Body: Pennsylvania State Board of Accountancy

- <http://www.dos.state.pa.us/bpoa/cwp/view.asp?a=1104&q=432428>
- Statutory and Regulatory Authority:
  - <http://www.dos.state.pa.us/bpoa/LIB/bpoa/20/10/accbd-act.pdf>
  - <http://www.pacode.com/secure/data/049/chapter11/chap11toc.html>

### **Puerto Rico**

- State Regulatory Body: Junta Examinadora de Contadores Públicos Autorizados
  - <http://www.estado.gobierno.pr/contador.htm>
- Statutory and Regulatory Authority:
  - P.R. LAWS ANN. tit. 20, § 39-771, et seq. (2009) (no internet source provided)

### **Rhode Island**

- State Regulatory Body: Rhode Island Board of Accountancy
  - <http://www.dbr.state.ri.us/divisions/accountancy/>
- Statutory and Regulatory Authority:
  - R.I. GEN. LAWS § 5-3.1, et seq. (1956) (no internet source provided)
  - <http://www.dbr.state.ri.us/documents/rules/accountancy/RIBOA-2008-2.pdf>

### **South Carolina**

- State Regulatory Body: South Carolina Board of Accountancy
  - <http://www.llr.state.sc.us/pol/accountancy/>
- Statutory and Regulatory Authority:
  - <http://www.llr.state.sc.us/pol/accountancy/forms/40-2%202008%20Final.pdf>

- <http://www.scstatehouse.gov/coderegs/c001.htm>

### **South Dakota**

- State Regulatory Body: South Dakota Board of Accountancy
  - <http://www.state.sd.us/dol/boards/accountancy/acc-home.htm>
- Statutory and Regulatory Authority:
  - <http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=36-20B&Type=Statute>
  - <http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:75>

### **Tennessee**

- State Regulatory Body: Tennessee State Board of Accountancy
  - <http://tn.gov/commerce/boards/tnsba/index.shtml>
- Statutory and Regulatory Authority:
  - <http://tn.gov/commerce/boards/tnsba/law.shtml>
  - <http://tn.gov/sos/rules/0020/0020.htm>

### **Texas**

- State Regulatory Body: Texas State Board of Public Accountancy
  - <http://www.tsbpa.state.tx.us/>
- Statutory and Regulatory Authority:
  - <http://www.tsbpa.state.tx.us/pdffiles/TSBPAACT.pdf>
  - [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=3&ti=22&pt=22](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=3&ti=22&pt=22)

### **Utah**

- State Regulatory Body: Utah Board of Accountancy

- <http://www.dopl.utah.gov/licensing/accountancy.html>
- Statutory and Regulatory Authority:
  - <http://www.dopl.utah.gov/laws/58-26a.pdf>
  - <http://www.dopl.utah.gov/laws/R156-26a.pdf>

#### **Vermont**

- State Regulatory Body: Vermont Board of Public Accountancy
  - <http://vtprofessionals.org/opr1/accountants/>
- Statutory and Regulatory Authority:
  - <http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=26&Chapter=001>
  - <http://vtprofessionals.org/opr1/accountants/rules/Accountancy%20Rules%20-Effective%20August%207%202009.pdf>

#### **U.S. Virgin Islands**

- State Regulatory Body: Virgin Islands Board of Public Accountancy
  - <http://dlca.vi.gov/boardcertifications/steps/cparequirements/cpalist.htm>
- Statutory and Regulatory Authority:
  - V.I. CODE ANN. tit. 27, § 5-231 (1957) (internet source not provided).

#### **Virginia**

- State Regulatory Body: Virginia Board of Accountancy
  - <http://www.boa.virginia.gov/>
- Statutory and Regulatory Authority:
  - <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC5401000004400000000000>

- <http://www.boa.virginia.gov/boardregulations.asp>

### **Washington**

- State Regulatory Body: Washington State Board of Accountancy
  - <http://www.cpaboard.wa.gov/>
- Statutory and Regulatory Authority:
  - <http://apps.leg.wa.gov/RCW/default.aspx?cite=18.04>
  - <http://apps.leg.wa.gov/WAC/default.aspx?cite=4-25>

### **West Virginia**

- State Regulatory Body: West Virginia Board of Accountancy
  - <http://www.wvboacc.org/>
- Statutory and Regulatory Authority:
  - <http://www.wvboacc.org/pdf/Accountancy%20Law%2030-9%20.pdf>
  - <http://www.wvboacc.org/pdf/1-1%20CSR%20Final%20File%2020090505.pdf>

### **Wisconsin**

- State Regulatory Body: Department of Regulation and Licensing – Certified Public Accountant
  - <http://drl.wi.gov/prof/acct/def.htm>
- Statutory and Regulatory Authority:
  - <http://drl.wi.gov/boards/acc/code/codebook.htm>

### **Wyoming**

- State Regulatory Body: Wyoming Board of Certified Public Accountants
  - <http://cpaboard.state.wy.us/>

- Statutory and Regulatory Authority:
  - <http://cpaboard.state.wy.us/statutes.aspx>
  - <http://cpaboard.state.wy.us/Rules.aspx>

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Respectfully submitted,

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