

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 3. ACCOUNTANTS

O.C.G.A. § 43-3-1 (2009)

§ 43-3-1. Short title

This chapter may be cited as the "Public Accountancy Act of 1977."

HISTORY: Code 1933, § 84-201, enacted by Ga. L. 1977, p. 1063, § 1.

§ 43-3-2. (For effective date, see note.) Definitions

As used in this chapter, the term:

(1) "Attest" means providing the following financial statement services:

(A) Any audit or other engagement to be performed in accordance with the Statements on Auditing Standards (SAS);

(B) Any review of a financial statement to be performed in accordance with the Statements on Standards for Accounting and Review Services (SSARS); provided, however, that nothing in this definition shall alter the rights of unlicensed accountants contained in Code Section 43-3-36;

(C) Any examination of prospective financial information to be performed in accordance with the Statements on Standards for Attestation Engagements (SSAE); and

(D) Any engagement to be performed in accordance with the auditing standards of the Public Company Accounting Oversight Board. The standards specified in this paragraph shall be adopted by reference by the board pursuant to rule making and shall be those developed for general application by recognized national accountancy organizations, such as the American Institute for Certified Public Accountants and the Public Company Accounting Oversight Board.

(2) "Board" means the State Board of Accountancy.

(3) "Compilation" means providing a service to be performed in accordance with the Statements on Standards for Accounting and Review Services that presents information in the form of financial statements that are the representation of management or owners without undertaking to express any assurance as to the statements.

(4) "CPA" means certified public accountant.

(5) "Firm" means any person, proprietorship, partnership, corporation, association, or any other legal entity which practices public accountancy.

(6) "Home office" means the location identified by the client as the address to which a service

described in paragraph (4) of subsection (b) of Code Section 43-3-24 is directed.

(7) "Live permit" means a permit issued under Code Section 43-3-24 which is in full force and effect.

(8) "Practice of public accountancy" or "practicing public accountancy" means offering to perform or performing for a client one or more types of services involving the use of accounting or auditing skills, one or more types of management advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters while holding oneself out in such manner as to state or imply that one is a licensee.

(9) "Principal place of business" means the office location designated by the licensee for purposes of substantial equivalency and reciprocity.

(10) "State" means the District of Columbia and any state other than this state and any territory or insular possession of the United States.

HISTORY: Code 1933, § 84-202, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1982, p. 3, § 43; Ga. L. 1993, p. 123, § 6; Ga. L. 2008, p. 1112, § 2/HB 1055.

§ 43-3-3. Creation of board; members

(a) There is created the State Board of Accountancy.

(b) The board shall consist of seven members, to be appointed by the Governor with the approval of the Senate. Each member of the board shall be a resident of this state. Six members of the board shall be certified public accountants, all of whom shall hold a permit to practice public accounting issued under Code Section 43-3-24. One member shall be appointed from the public at large and shall be a person to whom neither this state nor any other state has ever issued a certificate, registration, license, or permit to engage in the practice of public accounting. The person serving on the board on June 30, 2005, as a registered public accountant member of the board shall serve the remainder of the term to which such person was appointed as one of the certified public accountant members of the board.

(c) Each member of the board in office on July 1, 1982, shall remain in office until the expiration of his term and the appointment and approval of his successor.

(d) Any appointment or reappointment of board members shall be for a period of four years. The remaining portion of any unexpired term shall be filled by appointment by the Governor with the approval of the Senate. Upon the expiration of his term of office, a member shall continue to serve until his successor shall have been appointed and shall have qualified.

(e) No member of the board shall serve as such for more than two terms, consecutive or otherwise; and, for purposes of calculating the number of terms served, the filling of an unexpired term or terms for a total of more than 30 calendar months shall be treated as the serving of a full term.

(f) Any member of the board may be removed by the Governor for misconduct, incompetence, or neglect of duty. The membership on the board of any member whose permit to practice has expired and has not been renewed, has become void, or has been revoked or suspended shall be automatically terminated simultaneously with any such expiration, voiding, revocation, or suspension.

(g) Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

HISTORY: Ga. L. 1908, p. 86, § 2; Civil Code 1910, § 1998; Code 1933, § 84-203; Code 1933, § 84-201, enacted by Ga. L. 1935, p. 85, § 1; Ga. L. 1943, p. 363, § 1; Ga. L. 1958, p. 216, § 1; Code 1933, § 84-203, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1980, p. 65, § 1; Ga. L. 1983, p. 559, § 1; Ga. L. 2005, p. 1030, § 1/SB 55.

§ 43-3-4. Chairman and secretary of board; meetings; seal; records of proceedings

(a) The board shall elect annually a chairman from its members.

(b) The division director shall serve as secretary of the board and perform for the board the duties required of him as provided in Chapter 1 of this title.

(c) Three days' notice of any meeting shall be given by the chairman or division director, provided that notice may be waived by instrument in writing executed before or after the meeting; provided, further, that attendance at a meeting of the board shall constitute a waiver of notice thereof. Board meetings may be conducted by conference telephone calls, and participation in such a conference call shall constitute attendance at the meeting so conducted. Any action that might have been taken at a meeting of the board may be taken by the unanimous written consent of all members of the board.

(d) The board shall have a seal which shall be judicially noticed.

(e) The board shall preserve all applications and keep records of all of its proceedings for six years. In any proceeding in court, civil or criminal, arising out of or founded upon this chapter, copies of the records of the board's proceedings signed by a member of the board and certified as correct under the seal of the board by the division director shall be admissible in evidence in any court of this state without further proof.

(f) The board may appoint such committees or persons, who need not be members of the board, to advise or assist it in administration, investigation, and enforcement of the provisions of this chapter as the board deems necessary and shall be authorized to compensate any such persons or members of committees who are not members of the board in such amounts as it shall determine to be reasonable.

HISTORY: Ga. L. 1908, p. 86, § 2; Civil Code 1910, § 1998; Code 1933, § 84-203; Code 1933, §§ 84-203, 84-204, enacted by Ga. L. 1935, p. 85, §§ 3, 4; Code 1933, § 84-203, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1988, p. 1616, § 1; Ga. L. 2000, p. 1706, § 19.

§ 43-3-5. Promulgation of rules and regulations; notice; hearings

(a) The board may promulgate and amend, from time to time, such rules and regulations, consistent with this chapter and Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," as it deems consistent with or required for the public welfare, for the administration of any provision of this chapter, or for the orderly conduct of the board's affairs. Such rules and regulations may include, without limiting the generality of the foregoing:

- (1) Rules of procedure for governing the conduct of matters before the board;
 - (2) Rules of professional conduct for establishing and maintaining high standards of competence and integrity in the practice of public accountancy;
 - (3) Regulations governing educational requirements for certification as a certified public accountant and registration as a public accountant and prescribing further educational requirements (requirements of continuing professional education) to be met from time to time by persons so certified or registered, in order to maintain their professional knowledge and competence, as a condition to continuing in the practice of public accountancy;
 - (4) Regulations governing individuals or firms engaged in this state in the practice of public accountancy;
 - (5) Regulations governing the registration of offices established or maintained for the practice of public accountancy in this state and the conditions upon which such registration shall be granted, including any requirements that the board may deem necessary to monitor the practice of such office to determine whether acceptable standards of competence and integrity in the practice of public accountancy are being maintained; and
 - (6) Any and all other rules and regulations which the board deems necessary or appropriate in exercising its functions under this chapter.
- (b) Prior to the adoption, amendment, or repeal of any rule other than interpretive rules or general statements of policy, the board shall give notice of its intended action in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," provided that such comments shall be advisory only. In connection with any rule-making proceeding, formal or informal, the board shall have the power to conduct hearings as provided in, and in accordance

with, Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

HISTORY: Code 1933, § 84-202, enacted by Ga. L. 1935, p. 85, § 2; Code 1933, § 84-203, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1988, p. 1616, § 2; Ga. L. 1993, p. 123, § 7.

§ 43-3-6. (For effective date, see note.) Requirements for certificate of "certified public accountant"; disclosure of commissions from sale of insurance or financial products

(a) The certificate of "certified public accountant" shall be granted by the board to any person:

(1) Who has attained the age of 18;

(2) Who is, in the opinion of the board, of good moral character;

(3) Who meets the following requirements of education and experience:

(A)(i) Presentation to the board of such evidence as it may require that the applicant has received a baccalaureate degree or completed the requirements therefor, conferred by a college or university accredited by a national or regional accrediting organization recognized by the board, with a concentration in accounting or what the board determines to be the substantial equivalent of an accounting concentration, or with a nonaccounting concentration supplemented by what the board determines to be the substantial equivalent of an accounting concentration, including related courses in other areas of business administration.

(ii) After January 1, 1998, any person who has not previously sat for the uniform written examination for the certificate of certified public accountant must have completed a total of 150 semester hours or 225 quarter hours of college education, including a baccalaureate degree awarded by a college or university accredited by either a national or regional accrediting organization recognized by the board. The total educational program shall include an undergraduate accounting concentration as defined by the board or what the board determines to be the substantial equivalent of an undergraduate accounting concentration; and

(B) (For effective date see note.) One year of continuous experience in public accountancy immediately preceding the date of application for the certificate or within a reasonable time prior to the date of such application as provided by the board by rule, provided that the board may promulgate rules stating certain circumstances which shall constitute acceptable breaks in the continuity of said experience; and provided, further, that the board may accept, in lieu of such year of experience in public accounting, evidence satisfactory to it of one year of continuous employment in the accounting field in industry, business, government, or college teaching; any combination of the above; or any combination of the above and practice of public accountancy immediately preceding the date of application for the certificate or what the board determines to

be the equivalent thereof; and provided, further, that any person certified as a certified public accountant under the laws of this state on July 1, 1977, shall be deemed to have the experience in the practice of public accountancy required by this subparagraph; and

(4) Who shall have passed an examination approved by the board in such related subjects as the board deems appropriate.

(b) For the purposes of this Code section, "good moral character" means fiscal integrity and a lack of any history of acts involving dishonesty or moral turpitude. For failure to satisfy this requirement, the board may refuse to certify an applicant where it finds that there is a substantial connection between the lack of good moral character of the applicant and the professional responsibilities of a licensee and the finding by the board of a lack of good moral character is supported by clear and convincing evidence. When an applicant is found to be unqualified for a certificate because of lack of good moral character, the board shall furnish the applicant a statement containing the findings of the board and a complete listing of the evidence upon which the determination was based, and the applicant may request a hearing on that determination.

(c) Any person who holds a certificate as a "certified public accountant" and who is engaged in the sale of insurance or financial products for which such person receives commissions must disclose in writing to the client the fact that the person shall receive commissions from the sale to the client of any such insurance or financial products; provided, however, that the person shall not be required to disclose the actual amount of such commissions. A person who violates this subsection shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1908, p. 86, § 1; Civil Code 1910, § 1995; Code 1933, § 84-201; Code 1933, §§ 84-207, 84-208, enacted by Ga. L. 1935, p. 85, §§ 7, 8; Ga. L. 1943, p. 363, § 2; Ga. L. 1965, p. 185, § 1; Ga. L. 1972, p. 508, § 1; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 2; Ga. L. 1991, p. 371, § 1; Ga. L. 2002, p. 863, § 1; Ga. L. 2008, p. 1112, § 3/HB 1055.

§ 43-3-7. Examinations for certified public accountants; service of process for nonresident applicants

(a) The board may provide, by regulation, for the general scope of the examination described in paragraph (4) of subsection (a) of Code Section 43-3-6. The board may approve the examination and obtain advice and assistance in providing for and grading such examination and the division director, with approval of the board, may contract with third parties to perform administrative services with respect to the examination as he or she deems appropriate.

(b) As a prerequisite to sit for the examination, candidates shall meet the education requirements provided in division (a)(3)(A)(i) of Code Section 43-3-6.

(c) An applicant for the certificate of certified public accountant who has successfully completed the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall have no status as a certified public accountant until he or she has the requisite education and experience and has received his or her certificate as a certified public accountant.

(d) The board, by regulation, may provide for granting a credit to any applicant for satisfactory completion of an examination in any one or more of the subjects provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 given by the licensing authority in another jurisdiction. Such regulations shall include such requirements as the board deems appropriate to ensure that any examination approved as a basis for any such credit, in the judgment of the board, shall be at least as thorough as the examination approved by the board at the time of the granting of such credit.

(e) The board, by regulation, may prescribe the time and conditions under which an applicant may retain credit for a portion or portions of the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6.

(f) Application for certification by persons who are not residents of this state shall constitute the appointment of the Secretary of State as the agent for service of process in any action or proceeding against such applicant arising out of any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

HISTORY: Code 1933, § 84-205, enacted by Ga. L. 1935, p. 85, § 5; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 3; Ga. L. 1989, p. 1098, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2002, p. 863, § 2.

§ 43-3-8. Oral examinations for certified public accountants; permanent record of examinations

Reserved. Repealed by Ga. L. 2002, p. 863, § 3, effective July 1, 2003.

[Repealed]

§ 43-3-9. Certificate holder as "certified public accountant" or "public accountant"; list of certified public accountants; periodic registration

Any person who has received a certificate as a certified public accountant from the board and who holds a live permit may be styled and known as a "certified public accountant." The division director shall maintain a list of certified public accountants; and, for this purpose, the board may provide by regulation a procedure whereby all certified public accountants are required to register with the board periodically. Any certified public accountant may also be known as a "public accountant."

HISTORY: Code 1933, § 84-212, enacted by Ga. L. 1935, p. 85, § 12; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 2000, p. 1706, § 19.

§ 43-3-10. Temporary certified public accountant certificates

Reserved. Repealed by Ga. L. 1989, p. 1098, § 3, effective July 1, 1989.

[Repealed]

§ 43-3-11. Reciprocity for certified public accountants

The board, in its discretion, may waive the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 and may issue a certificate as a certified public accountant to any person who possesses the qualifications specified in paragraphs (1) and (2) of subsection (a) of Code Section 43-3-6 and what the board determines to be the substantial equivalent of the qualifications under paragraph (3) of subsection (a) of Code Section 43-3-6 and who is a holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of another state, provided that the certificate held by such person was issued after an examination which, in the judgment of the board, is the equivalent of the standard established by the board for examinations administered pursuant to paragraph (4) of subsection (a) of Code Section 43-3-6; and provided, further, that such privileges are extended to citizens of this state by the state originally granting the certificate. Notwithstanding the foregoing, the examination provided for in paragraph (4) of subsection (a) of Code Section 43-3-6 shall be waived by the board in the case of an applicant who has been engaged in public practice for a period of ten years in another state pursuant to authority issued by such state.

HISTORY: Code 1933, § 84-209, enacted by Ga. L. 1935, p. 85, § 9; Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 6.

§ 43-3-12. Persons holding certified public accountant certificates as of July 1, 1977

Persons who hold certified public accountant certificates issued prior to July 1, 1977, under the laws of this state shall not be required to undergo recertification under this chapter but shall otherwise be subject to all applicable provisions of this chapter. Such certificates issued prior to July 1, 1977, shall be considered certificates issued under and subject to this chapter for all purposes.

HISTORY: Code 1933, § 84-204, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1982, p. 3, § 43.

§ 43-3-13. Registered public accountants certified as certified public accountants

Notwithstanding any other provision of this chapter, on and after July 1, 2005, each registered public accountant who holds a live permit and who is in good standing shall be certificated as a certified public accountant. On and after July 1, 2005, the board shall not consider any application for a certificate of registered public accountant.

HISTORY: Code 1933, § 84-207, enacted by Ga. L. 1935, p. 85, § 7; Ga. L. 1943, p. 363, § 3; Ga. L. 1964, p. 723, § 3; Ga. L. 1965, p. 185, § 1; Ga. L. 1972, p. 508, § 1; Code 1933, § 84-205, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 7; Ga. L. 2002, p. 863, § 4; Ga. L. 2005, p. 1030, § 2/SB 55.

§ 43-3-14. Examinations for registered public accountants

Reserved. Repealed by Ga. L. 2005, p. 1030, § 3, effective July 1, 2005.

[Repealed]

§ 43-3-15. Oral examinations for registered public accountants; permanent record of examinations

Reserved. Repealed by Ga. L. 2002, p. 863, § 6, effective July 1, 2003.

[Repealed]

§ 43-3-16. Certificate holder as "registered public accountant"; list of registered public accountants; periodic registration

Reserved. Repealed by Ga. L. 2005, p. 1030, § 4, effective July 1, 2005.

[Repealed]

§ 43-3-17. Temporary registered public accountant certificates

Reserved. Repealed by Ga. L. 1989, p. 1098, § 6, effective July 1, 1989.

[Repealed]

§ 43-3-18. Reciprocity for registered public accountants

Reserved. Repealed by Ga. L. 2005, p. 1030, § 5, effective July 1, 2005.

[Repealed]

§ 43-3-19. Persons holding registered public accountant certificates as of July 1, 1977

Reserved. Repealed by Ga. L. 2005, p. 1030, § 6, effective July 1, 2005.

[Repealed]

§ 43-3-20. Registration as foreign accountant

Any person who was registered with the board on or before July 1, 1989, as a foreign accountant based on being a holder in good standing of a certificate, license, or degree in a foreign country constituting a recognized qualification for the practice of public accountancy in such country shall be eligible to renew his live permit under such terms and conditions as provided by law and the rules and regulations of the board. Such registered foreign accountant shall be subject to the laws and rules and regulations of the board, including, but not limited to, those concerning continuing professional education requirements and disciplinary actions. Should such registered foreign accountant fail to renew his live permit or have such permit revoked or suspended, the board may reinstate such registered foreign accountant under terms and conditions as determined by the board.

HISTORY: Code 1933, § 84-211, enacted by Ga. L. 1935, p. 85, § 11; Ga. L. 1958, p. 216, § 2; Ga. L. 1964, p. 723, § 2; Ga. L. 1968, p. 1232, § 1; Code 1933, § 84-206, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1989, p. 1098, § 7.

§ 43-3-21. (For effective date, see note.) Registration requirements for firms practicing public accountancy

(a) The board shall grant or renew the registration of a firm practicing public accountancy to firms that meet the following requirements:

(1) Partners, members, or shareholders owning at least a simple majority of the financial interest and voting rights of the firm shall be certified public accountants of some state in good standing, except that such partners, members, or shareholders who are certified public

accountants and whose principal place of business is in this state and who perform accounting services in this state must hold a live permit from this state. An individual who has practice privileges under subsection (b) of Code Section 43-3-24 who performs services for which a firm registration is required under paragraph (4) of subsection (b) of Code Section 43-3-24 shall not be required to obtain a certificate or live permit under this chapter;

(2) The firm shall be in compliance with all requirements and provisions of state law governing the organizational form of the firm in the state of the firm's principal place of business;

(3) The firm shall comply with all regulations pertaining to firms registered with the board;

(4) The resident manager of each office of the firm within this state in the practice of public accountancy shall be a certified public accountant of this state in good standing;

(5) Any firms that include nonlicensee owners shall comply with the following rules:

(A) The firm shall designate the holder of a live permit, or in the case of a firm which must register pursuant to subparagraph (b)(1)(C) of this Code section, a licensee of another state who meets the requirements set forth in subsection (b) of Code Section 43-3-24, who shall be responsible for the proper registration of the firm and shall identify that individual to the board;

(B) All nonlicensee owners shall be active individual participants in the firm or affiliated entities; and

(C) The firm shall comply with such other requirements as the board may impose by rule or regulation;

(6) Any holder of a live permit and any individual who qualifies for practice privileges under subsection (b) of Code Section 43-3-24 who is responsible for supervising attest or compilation services and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirements set out in the professional standards for such services; and

(7) Any holder of a live permit and any individual who qualifies for practice privileges under subsection (b) of Code Section 43-3-24 who signs or authorizes someone to sign the accountants' report on the financial statements on behalf of the firm shall meet the competency requirements of subparagraph (6) of this subsection.

(b) (1) The following firms must register under this Code section:

(A) Any firm with an office in this state practicing public accountancy;

(B) Any firm with an office in this state that uses the title "CPA" or "CPA firm"; and

(C) Any firm that does not have an office in this state but performs any service described in subparagraph (A), (C), or (D) of paragraph (1) of Code Section 43-3-2 for a client having its

home office in this state.

(2) A firm that does not have an office in this state may perform services described in subparagraph (B) of paragraph (1) or paragraph (3) of Code Section 43-3-2 for a client having its home office in this state, may practice public accountancy as authorized under this Code section, and may use the title "CPA" or "CPA firm" without registering as provided in this Code section only if:

(A) It meets the qualifications described in paragraph (1) of subsection (a) of this Code section and it complies with the board's rules and regulations regarding peer review; and

(B) It performs such services through an individual with practice privileges under subsection (b) of Code Section 43-3-24.

(3) A firm that does not have an office in this state and that is not subject to the requirements of subparagraph (C) of paragraph (1) of this subsection or paragraph (2) of this subsection may perform other professional services included in the practice of public accountancy while using the title "CPA" or "CPA firm" in this state without registering under this Code section only if:

(A) It performs such services through an individual with practice privileges under subsection (b) of Code Section 43-3-24; and

(B) It can lawfully perform such services in the state where said individuals with practice privileges have their principal place of business.

(c) Each firm required to register under paragraph (1) of subsection (b) of this Code section shall be registered biennially under this chapter with the board, provided that any firm for which such requirement becomes effective between biennial reporting periods shall register with the board within 60 days. Such a firm must show that all attest and compilation services rendered in this state are under the supervision of a person holding a live permit issued by this state or a person with practice privileges under subsection (b) of Code Section 43-3-24. The board, by regulation, shall prescribe the procedure to be followed in effecting such registration and the information which must be provided regarding the firm and its practice.

(d) A registered firm shall file written notice to the board, within 60 days after the occurrence of the opening of a new office or the closing or change of address of any of its offices in this state. Each such office shall be under the supervision of a resident manager who may be a partner, principal, shareholder, member, or a staff employee holding a live permit.

(e) Neither the denial of a firm registration under this Code section nor the denial of the renewal of a firm registration under Code Section 43-3-23 shall be considered to be a contested case within the meaning of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Notice and hearing within the meaning of said Chapter 13 of Title 50 shall not be required, but the applicant shall be allowed to appear before the board if he or she requests.

HISTORY: Code 1933, § 84-207, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1993, p. 123, §

8; Ga. L. 1997, p. 1545, § 1; Ga. L. 2005, p. 1030, § 7/SB 55; Ga. L. 2008, p. 1112, § 4/HB 1055.

§ 43-3-22. Partnerships and professional associations composed of public accountants

Reserved. Repealed by Ga. L. 1993, p. 123, § 9, effective March 1, 1994.

[Repealed]

§ 43-3-23. Renewal of registration

(a) In each renewal year, each firm registered in the state pursuant to Code Section 43-3-21 which has issued an audit, review, or compilation report within the 24 months preceding the date of expiration of the firm's registration must submit, with the application for renewal, evidence of satisfactory completion of a board approved peer review program within the 36 months preceding the date of such firm's registration expiration. Satisfactory completion shall mean that the firm has undergone the entire peer review process and that the report of the peer review indicates that the firm maintains acceptable standards of competence and integrity in the practice of public accountancy. Firms which have not issued an audit, review, or compilation report within the 24 months preceding the date of the firm's registration expiration must submit written confirmation of such fact with the application for the firm's registration renewal. The board may waive or modify the requirements of this subsection in cases of hardship or other such circumstances which the board deems appropriate. The provisions of this subsection shall not apply to the practice of an enrolled agent before the federal Internal Revenue Service or the Department of Revenue if the enrolled agent is not otherwise engaged in the practice of public accounting in this state.

(b) No firm shall be registered in the state which shall have failed to comply with the provisions of this Code section and all applicable requirements of law and rules promulgated by the board.

(c) This Code section shall be construed to apply only to firms required to be registered under this chapter. Nothing contained in this Code section shall prohibit any person from operating under the provisions of subsection (b) of Code Section 43-3-36.

HISTORY: Code 1981, § 43-3-23.1, enacted by Ga. L. 1988, p. 1616, § 3; Code 1981, § 43-3-23, as redesignated by Ga. L. 1997, p. 1545, § 3.

§ 43-3-23.1. [Renumbered.]

Renumbered as Code Section 43-3-23, by Ga. L. 1997, p. 1545, § 3, effective July 1, 1998.

§§ 43-3-23.2 and 43-3-23.3

Repealed by Ga. L. 1997, p. 1545, § 4, effective July 1, 1998.

[Repealed]

§ 43-3-24. Issuance of permits to practice accountancy; substantial equivalency practice privilege for nonresidents

(a) A permit to engage in the practice of public accountancy in this state shall be issued by the division director, at the direction of the board, to each person who is certificated as a certified public accountant under Code Sections 43-3-6 through 43-3-12 or registered as a foreign accountant under Code Section 43-3-20 who shall have furnished evidence, satisfactory to the board, of compliance with the requirements of Code Section 43-3-25, and to individuals and firms registered under Code Section 43-3-21, provided that such entities are maintained and registered as required under Code Sections 43-3-21 and 43-3-23. There shall be a biennial permit fee in an amount to be determined by the board.

(b) Individuals may practice based on a substantial equivalency practice privilege as follows:

(1) An individual whose principal place of business is outside this state shall be presumed to have qualifications substantially equivalent to this state's requirements, shall have all the privileges of live permit holders of this state, and may practice public accountancy in this state without the requirement to obtain a live permit, certificate, or registration under this chapter or to otherwise notify or register with the board or pay any fee if the individual:

(A) Holds a valid license as a certified public accountant from any state which requires, as a condition of licensure, that an individual:

(i) Has at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university;

(ii) Achieves a passing grade on the Uniform Certified Public Accountant Examination;
and

(iii) Possesses at least one year of experience, including providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills, which may be obtained through government, industry, academic, or public practice all of which was verified by a licensee; or

(B) Holds a valid license as a certified public accountant from any state which does not meet the requirements of subparagraph (A) of this paragraph but such individual's certified public accountant qualifications are substantially equivalent to those requirements. Any individual who passed the Uniform Certified Public Accountant Examination and holds a valid license issued by any other state prior to January 1, 2012, may be exempt from the education requirement in division (1)(A)(i) of this subsection for purposes of this subparagraph;

(2) Notwithstanding any other provision of law, an individual who offers or renders

professional services, whether in person or by mail, telephone, or electronic means, under this Code section shall be granted practice privileges in this state and no notice, fee, or other submission shall be provided by any such individual. Such an individual shall be subject to the requirements of paragraph (3) of this subsection;

(3) An individual licensee of another state exercising the privilege afforded under this subsection, and the firm that employs that individual, shall simultaneously consent, as a condition of exercising this privilege:

(A) To the personal and subject matter jurisdiction and disciplinary authority of the board;

(B) To comply with the provisions of this chapter and the board's rules and regulations;

(C) That in the event the license from the state of the individual's principal place of business is no longer valid, the individual shall cease offering or rendering professional services in this state individually and on behalf of a firm; and

(D) To the appointment of the state board that issued the individual's license as the individual's agent upon whom process may be served in any action or proceeding by this state's board against the individual;

(4) An individual who qualifies for the practice privilege under this Code section who, for any entity with its home office in this state, performs any service under subparagraph (A), (C), or (D) of paragraph (1) of Code Section 43-3-2 may do so only through a firm that has registered with the board under Code Section 43-3-21; and

(5) An individual qualifying for the practice privilege under paragraph (1) of this subsection may provide expert witness services in this state and shall be deemed to be in compliance with paragraph (1) of subsection (c) of Code Section 24-9-67.1 for purposes of such services.

(c) Subsection (b) of this Code section shall not be applied or construed to permit an individual to engage in the practice of public accountancy in this state based on a substantial equivalency privilege unless such individual holds a valid license as a certified public accountant in a state which grants similar reciprocity to license holders in this state.

HISTORY: Code 1933, § 84-210, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 12; Ga. L. 1993, p. 123, § 11; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 5; Ga. L. 2000, p. 1706, § 19; Ga. L. 2005, p. 1030, § 8/SB 55; Ga. L. 2008, p. 1112, § 5/HB 1055.

§ 43-3-25. Continuing professional education requirements

(a) Every application for renewal of a live permit by any individual who is and has been certificated as a certified public accountant or registered as a foreign accountant by this state for one year or more shall be accompanied or supported by such evidence as the board shall prescribe of satisfactory completion of continuing professional education as provided in this

Code section, provided that the board may relax or suspend requirements of continuing professional education in instances where an applicant's health requires it or in instances of individual hardship.

(b) The board shall be authorized to promulgate rules and regulations providing for the number of hours of acceptable continuing professional education, which shall not be less than 60 hours, required to renew a live permit, for the assignment of credit for hours in excess of the minimum requirement, and for the proration of required hours. The board may establish criteria for continuing professional education programs, provide for accreditation of such programs, enter into agreements with sponsors of such programs, and provide for the assignment of credits for participation in such programs.

(c) All provisions of this chapter relating to continuing professional education shall be administered by the board; and, in addition to the other powers conferred on the board by this chapter, the board shall have the authority to appoint a committee or committees composed of certified public accountants, as it deems appropriate, to administer, implement, and otherwise carry out the provisions of this chapter relating to continuing professional education.

HISTORY: Code 1933, § 84-210, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1989, p. 1098, § 8; Ga. L. 2005, p. 1030, § 9/SB 55.

§§ 43-3-26 and 43-3-27

Reserved. Repealed by Ga. L. 1983, p. 559, §§ 13 and 14, effective March 15, 1983.

[Repealed]

§ 43-3-28. Revocation, suspension, or refusal to renew certificate, registration, or permit; immunity

(a) After notice and hearing as provided in Code Section 43-3-30, the board may revoke or suspend any certification issued under Code Sections 43-3-6 through 43-3-12 or a registration issued under Code Section 43-3-20 or may revoke, suspend, or refuse to renew any live permit or may censure the holder of any such permit, or may forbid an individual from exercising the substantial equivalency practice privilege, for any cause which the board may deem sufficient, including, without limiting the generality of the foregoing, any one or any combination of the following causes:

(1) Violation of any rule, regulation, or order promulgated by the board in accordance with this chapter;

(2) Fraud or deceit in obtaining certification as a certified public accountant or registration as a public accountant, in obtaining registration under this chapter, or in obtaining a live permit;

(3) Violation of any of the provisions of Code Section 43-3-35 or any other Code section of

this chapter;

- (4) Dishonesty, fraud, or gross negligence in the practice of public accountancy;
- (5) Commission of a felony under the laws of any state or of the United States;
- (6) Commission of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;
- (7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant or as a public accountant by any other state for any cause other than voluntary withdrawal or failure to pay an annual registration fee in such other state;
- (8) Suspension or revocation of the right to practice before any state or federal agency;
- (9) Failure to furnish evidence of satisfaction of requirements of continuing professional education as required by the board pursuant to Code Section 43-3-25 or to meet any conditions with respect to continuing professional education which the board may have ordered under that Code section;
- (10) Conduct which discredits the accounting profession; or
- (11) Failure of such holder's firm to register or renew its registration under Code Sections 43-3-21 and 43-3-23 or the failure of such firm to comply with any of the provisions of Code Section 43-3-23.

(b) A person, firm, corporation, association, authority, or other entity shall be immune from civil and criminal liability for reporting or investigating the acts or omissions of a licensee or applicant which violate the provisions of subsection (a) of this Code section or any other provision of law relating to a licensee's or applicant's fitness to practice public accounting or for initiating or conducting proceedings against such licensee or applicant, if such report is made or action is taken in good faith, without fraud or malice. Any person who testifies or who makes a recommendation to the board in the nature of peer review, in good faith, without fraud, or malice, before the board in any proceeding involving the provisions of subsection (a) of this Code section or any other law relating to a licensee's or applicant's fitness to practice public accounting shall be immune from civil and criminal liability for so testifying.

HISTORY: Code 1933, § 84-210, enacted by Ga. L. 1935, p. 85, § 10; Ga. L. 1950, p. 163, § 1; Code 1933, § 84-211, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1988, p. 1616, § 4; Ga. L. 1997, p. 1545, § 6; Ga. L. 2005, p. 1030, § 10/SB 55; Ga. L. 2008, p. 1112, § 6/ HB 1055.

§ 43-3-29. Revocation, suspension, or refusal to renew firm registration or permit

(a) After notice and hearing, as provided in Code Section 43-3-30, the board, in its discretion, may revoke the registration and permit to practice of a firm if at any time it does not have all the qualifications prescribed by the Code section under which it qualified for registration.

(b) After notice and hearing as provided in Code Section 43-3-30, the board may revoke or suspend the registration of a firm or may revoke, suspend, or refuse to renew its valid permit or may censure the holder of any such permit for any of the following causes in addition to those enumerated in Code Section 43-3-28:

(1) The revocation or suspension of the certificate or registration or the revocation or suspension or refusal to renew the permit to practice of any partner, member, or shareholder required by law to have such certificate, registration, or permit as a condition to the firm's registration or permit;

(2) The cancellation, revocation, suspension, or refusal to renew the authority of the firm, or any partner, member, or shareholder thereof, to practice public accountancy in any other state for any cause other than voluntary withdrawal or failure to pay registration fees in such other state; or

(3) The failure of such firm to register or renew its registration under Code Section 43-3-21 or the failure of such firm to comply with any of the provisions of Code Section 43-3-23.

HISTORY: Code 1933, § 84-212, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1988, p. 1616, § 5; Ga. L. 1993, p. 123, § 12; Ga. L. 1997, p. 1545, § 7.

§ 43-3-29.1. Sanctions

After notice and hearing as provided in Code Section 43-3-30, the board may impose any one or more of the following sanctions in addition to the actions described in Code Sections 43-3-28 and 43-3-29 for any of the causes described in Code Sections 43-3-28 and 43-3-29:

(1) Require the licensee or licensees to complete successfully the specific courses or types of continuing education as specified by the board or pass special examinations as specified by the board, all at the cost and expense of the licensee or licensees;

(2) Require the licensee or firm holding a live permit to submit to a preissuance review prior to the issuance of any future reports, in a manner and for a duration as set by the board by a reviewer selected by the board at the licensee's or holder's cost and expense; or

(3) Require a licensee or firm holding a valid permit to submit to a peer review of its accounting and auditing practices upon such terms and conditions as shall be determined by the board at the cost and expense of such licensee or holder of a valid permit.

HISTORY: Code 1981, § 43-3-29.1, enacted by Ga. L. 1988, p. 1616, § 6; Ga. L. 1993, p. 123, § 13.

§ 43-3-30. Adjudicative hearings before board

(a) The board may initiate proceedings under this chapter either on its own motion or on the complaint of any person.

(b) Notice, rules of procedure, right to review, and any other matters arising with respect to all adjudicative hearings conducted by the board shall be determined in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(c) Before the board shall revoke or suspend a permit, certificate, registration, or practice privilege, it shall provide for a hearing for the holder of such permit, certificate, registration, or practice privilege in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." Any person who has exhausted all administrative remedies available within this chapter and who is aggrieved by a final decision in a contested case is entitled to judicial review in accordance with Chapter 13 of Title 50.

HISTORY: Code 1933, § 84-213, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 2008, p. 1112, § 7/HB 1055.

§ 43-3-31. (For effective date, see note.) Reinstatement of certification or registration; modification of suspension of permit or practice privilege

Upon written application after a hearing pursuant to Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," the board may recerticate a certified public accountant or reregister a foreign accountant whose certification or registration has been revoked or may reissue or modify the suspension of a live permit or practice privilege which has been revoked or suspended.

HISTORY: Code 1933, § 84-214, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 2008, p. 1112, § 8/HB 1055.

§ 43-3-32. Ownership of accountants' working papers; confidentiality of communications to accountants

(a) All statements, records, schedules, working papers, computer printouts, computer tapes, and memoranda made by a certified public accountant or public accountant incident to, or in the course of, professional service to clients by such certified public accountant or public accountant, except reports submitted by a certified public accountant or public accountant to a client, shall be and remain the property of such certified public accountant or public accountant and his or her partners, fellow shareholders, or fellow members of the firm, in the absence of an express agreement between such certified public accountant or public accountant and the client to the contrary. No such statement, record, schedule, working paper, or memorandum shall be sold, transferred, or bequeathed, without the consent of the client or his personal representative or his assignee, to anyone other than one or more surviving partners, fellow shareholders, or fellow members of the firm of such certified public accountant or public accountant.

(b) All communications between a certified public accountant or public accountant or employee of such certified public accountant or public accountant acting in the scope of such employment and the person for whom such certified public accountant, public accountant, or employee shall have made any audit or other investigation in a professional capacity and all information obtained by a certified public accountant, public accountant, or such an employee in his professional capacity concerning the business and affairs of clients shall be deemed privileged communications in all courts or in any other proceedings whatsoever; and no such certified public accountant, public accountant, or employee shall be permitted to testify with respect to any of such matters, except with the written consent of such person or client or such person's or client's legal representative, provided that nothing in this subsection shall be construed as prohibiting a certified public accountant, public accountant, or such an employee from:

(1) Disclosing any data required to be disclosed by the standards of the accounting profession in rendering an opinion on the presentation of financial statements or in making disclosure where the practices or diligence of the accountant in preparing, or in expressing an opinion upon, such financial statements are contested;

(2) Disclosing any data where the professional services of the accountant are being contested by or against the client for whom such services were performed or any representative or assignee of such client;

(3) Disclosing any data to other certified public accountants, public accountants, or employees thereof in connection with practice reviews and ethics reviews sponsored by professional groups, the purpose of which reviews is to survey such accountant's business practices, audits, and work papers or to review ethical considerations concerning such accountant; or

(4) Disclosing any data pertaining to an application, investigation by the board, or hearing on its behalf, so long as such data shall be received by the board in camera and shall not be disclosed to the public; and provided, further, that no disclosure provided for in this paragraph shall constitute a waiver of the privilege established in this subsection.

HISTORY: Code 1933, § 84-220, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1988, p. 1616, § 7; Ga. L. 1993, p. 123, § 14; Ga. L. 1997, p. 1545, § 8.

§ 43-3-33. Injunctions; assistance of Attorney General

(a) Whenever, in the judgment of the board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of Code Section 43-3-35 or any other Code section of this chapter, the board may make application to the superior court of the county in which such acts or practices have occurred or may be reasonably expected to occur for an order enjoining such acts or practices; and upon a showing by the board that such person has engaged or is about to engage in any such acts or practices, an injunction, restraining order, or such other order as may be appropriate shall be granted by such court.

(b) The Attorney General shall assist in the enforcement of this chapter. The board is authorized to retain such attorneys as it deems necessary, with the approval of the Attorney General, to assist the board in bringing any action authorized by law.

HISTORY: Code 1933, § 84-217, enacted by Ga. L. 1977, p. 1063, § 1.

§ 43-3-34. (For effective date, see note.) Holding oneself out to be a licensed certified public accountant or public accountant; single prohibited act as grounds for injunction or conviction

The display or uttering by a person of a card, sign, advertisement, or other printed, engraved, or written instrument or device bearing a person's name in conjunction with the words "certified public accountant" or any abbreviation thereof, or "public accountant" or any abbreviation thereof shall be prima-facie evidence in any action brought under Code Section 43-3-33 or 43-3-38 that the person whose name is so displayed caused or procured the display or uttering of such card, sign, advertisement, or other printed, engraved, or written instrument or device and that such person is holding himself or herself out to be a certified public accountant or a public accountant holding a live permit or otherwise claims to be qualified to use such title by virtue of the substantial equivalency practice privilege under subsection (b) of Code Section 43-3-24 or of the firm practice provisions of subsection (b) of Code Section 43-3-21. In any such action, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

HISTORY: Code 1933, § 84-219, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1997, p. 1545, § 9; Ga. L. 2008, p. 1112, § 9/HB 1055.

§ 43-3-35. Use of titles or devices; false or fraudulent claims; regulation of solicitation of employment

(a) No individual shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such individual is a certified public accountant unless such individual has received a certificate as a certified public accountant under this chapter, holds a live permit, and all of such individual's offices in this state for the practice of public accountancy are maintained and registered as required under Code Sections 43-3-21 and 43-3-23, provided that a foreign accountant who has registered under Code Section 43-3-20 and who holds a live

permit may use the title under which he or she is generally known in his or her country, followed by the name of the country from which he or she received his or her certificate, license, or degree.

(b) No firm or any other person or entity shall assume or use the title or designation "certified public accountant" or the abbreviation "C.P.A." or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm, person, or entity is composed of certified public accountants unless such firm, person, or entity is registered as a firm of certified public accountants under Code Section 43-3-21, holds a live permit, and all offices of such firm in this state for the practice of public accountancy are maintained and registered as required under Code Sections 43-3-21 and 43-3-23.

(c) No individual, firm, or any other person or entity shall assume or use: (1) any title or designation likely to be confused with "certified public accountant," including, without limiting the generality of the foregoing, "certified accountant," "enrolled accountant," "licensed accountant," "licensed public accountant," or "registered accountant"; or (2) any abbreviation likely to be confused with "C.P.A.," including, without limiting the generality of the foregoing, "C.A.," "E.A.," "R.A.," "L.A.," or "L.P.A.," provided that a foreign accountant registered under Code Section 43-3-20 who holds a live permit and all of whose offices in this state for the practice of public accountancy are maintained and registered as required under Code Sections 43-3-21 and 43-3-23 may use the title under which he or she is generally known in his or her country, followed by the name of the country from which he or she received his or her certificate, license, or degree.

(d) No individual shall sign or affix his or her name or any trade assumed name used by him or her in his or her profession or business to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information, or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans, and appropriations, together with any wording accompanying, contained in, or affixed on such opinion or certificate, which indicates that he or she has expert knowledge in accounting or auditing unless he or she holds a live permit and all of his or her offices in this state for the practice of public accountancy are maintained and registered under Code Sections 43-3-21 and 43-3-23, provided that this subsection shall not prohibit any officer, employee, partner, member, or principal of any organization from affixing his or her signature to any statement or report in reference to the affairs of such organization with any wording designating the position, title, or office which he or she holds in such organization, nor shall this subsection prohibit any act of a public official or public employee in the performance of his or her duties as such.

(e) No person shall sign or affix, or cause to be signed or affixed, a firm name to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information, or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans, and appropriations, together with any wording accompanying or contained in such opinion or certificate, which indicates that such firm is composed of or employs persons having expert knowledge in accounting or auditing unless the firm holds a live

permit and all of its offices in this state for the practice of public accountancy are maintained and registered as required under Code Sections 43-3-21 and 43-3-23.

(f) A licensee shall not use or participate in the use of any form of public communication having reference to his or her professional services which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim. A false, fraudulent, misleading, deceptive, or unfair statement or claim includes but is not limited to a statement or claim which:

- (1) Contains a misrepresentation of fact;
- (2) Is likely to mislead or deceive because it fails to make full disclosure of relevant facts;
- (3) Contains any testimonial, laudatory, or other statement or implication that the licensee's professional services are of exceptional quality, if not supported by verifiable facts;
- (4) Is intended or likely to create false or unjustified expectations of favorable results;
- (5) Implies educational or professional attainments or licensing recognition not supported in fact;
- (6) States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accounting, except in accordance with rules adopted by the board;
- (7) Represents that professional services can or will be completely performed for a stated fee when this is not the case or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to affect the fees that will in fact be charged; or
- (8) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(g) The board may by rule or regulation prohibit a licensee from soliciting by any direct personal communication an engagement to perform professional services.

(h) It shall not be a violation of this Code section or chapter for an individual who does not hold a live permit under this chapter but who qualifies for the substantial equivalency practice privilege under subsection (b) of Code Section 43-3-24 to use the title or designation "certified public accountant" or "C.P.A." or other titles to indicate that the person is a certified public accountant, and such individual may provide professional services in this state with the same privileges as a live permit holder so long as the individual complies with paragraph (4) of subsection (b) of Code Section 43-3-24.

(i) It shall not be a violation of this Code section or chapter for a firm that has not registered with the board or obtained a live permit under this chapter and that does not have an office in this state to use the title or designation "certified public accountant" or "C.P.A." or other titles to indicate that the firm is composed of certified public accountants, and such firm may provide

professional services in this state with the same privileges as a registered firm with a live permit so long as it complies with subsection (b) of Code Section 43-3-21.

HISTORY: Ga. L. 1908, p. 86, § 1; Penal Code 1910, § 702; Code 1933, § 84-9902; Code 1933, § 84-213, enacted by Ga. L. 1935, p. 85, § 13; Ga. L. 1943, p. 363, § 5; Ga. L. 1968, p. 1232, § 2; Code 1933, § 84-215, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 15; Ga. L. 1993, p. 123, § 15; Ga. L. 1994, p. 97, § 43; Ga. L. 1997, p. 1545, § 10; Ga. L. 2005, p. 1030, § 11/SB 55; Ga. L. 2008, p. 1112, § 10/HB 1055.

§ 43-3-36. Exceptions to operation of chapter

(a) Nothing contained in this chapter shall prohibit any person who is not a certified public accountant or public accountant from serving as an employee of or an assistant to a certified public accountant or public accountant or firm of certified public accountants or public accountants holding a live permit or a foreign accountant registered under Code Section 43-3-20 and holding a live permit, provided that such employee or assistant shall not issue or attest to any accounting or financial statement over his name.

(b) Nothing contained in this chapter shall prohibit any person from offering to perform or performing for the public, for compensation, any of the following services:

- (1) The recording of financial transactions in books of record;
- (2) The making of adjustments of such transactions in books of record;
- (3) The making of trial balances from books of record;
- (4) Internal verification and analysis of books or accounts of original entry;
- (5) The preparation of unaudited financial statements, schedules, or reports;
- (6) The devising and installing of systems or methods of bookkeeping, internal controls of financial data, or the recording of financial data; or
- (7) The preparation of tax returns and related forms.

HISTORY: Code 1933, § 84-216, enacted by Ga. L. 1977, p. 1063, § 1; Ga. L. 1983, p. 559, § 16; Ga. L. 1993, p. 123, § 16.

§ 43-3-36.1. Exempted licensees

Notwithstanding any other provisions of this chapter, any licensee who has attained 70 years of age shall be exempt from any continuing professional education requirements of Code Section 43-3-25 or 43-3-29.1.

HISTORY: Code 1981, § 43-3-36.1, enacted by Ga. L. 1988, p. 1616, § 8; Ga. L. 2000, p. 136, § 43.

§ 43-3-37. Use of acquired materials in civil action

The proceedings of and data obtained by a peer review committee or the board pursuant to paragraph (3) of subsection (b) of Code Section 43-3-32 shall not be subject to discovery or introduction into evidence in any civil action, except in a hearing before the board, against a certified public accountant or public accountant for matters which are the subject of evaluation and review by such committee or the board; and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any such civil action, except in a hearing before the board, as to any evidence or the matters produced or presented during the proceedings of such committee or board or as to any findings, recommendations, evaluations, opinions, or actions of such committee or board or any members thereof; provided, however, that any information, documents, or records otherwise available from original sources shall not be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such committee or board; and provided, further, that no person who testifies before such committee or board or who is a member of such committee or board shall be prevented from testifying as to matters within his or her knowledge, provided that such witness may not be questioned regarding such witness's testimony before such committee or board or opinions formed by the witness as a result of such hearings of the committee or board.

HISTORY: Code 1981, § 43-3-37, enacted by Ga. L. 1997, p. 1545, § 11; Ga. L. 1998, p. 128, § 43.

§ 43-3-38. Penalty

Any person who violates this chapter shall be guilty of a misdemeanor.

HISTORY: Code 1933, § 84-218, enacted by Ga. L. 1977, p. 1063, § 1; Code 1981, § 43-3-38, as redesignated by Ga. L. 1997, p. 1545, § 11.

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