

INDIANA BOARD OF ACCOUNTANCY

Meeting Minutes

February 18, 2022, at 10:00 a.m.

HELD THROUGH TELEPHONIC AND VIDEO CONFERENCING

VIA TELEPHONE AT: 1-240-454-0887

MEETING CODE: 610915440

OR BY VIDEO AT: <https://IndianaEnhanced.Webex.com/join/PLAWebex>

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Michael Barton of the Indiana Board of Accountancy, called the meeting to order at 10:02 a.m. and declared a quorum in accordance with IC § 25-2.1-2-8.

Board Members Present:

Michael Barton, CPA, Board Chair

Michelle Skeen, CPA, Vice Chair

Dale Gettelfinger, CPA

State Officials Present:

Toby Snell, Board Director

Rachelle Cannon-Mason, Compliance Officer

Ned Hannah, Advisory Counsel

DISCUSSION ITEM THAT NEEDS TO BE VOTED ON

Draft Rules

The Board reviewed page one line 35 with the technical update and agreed to approve the change. The Board reviewed page two line 4 with the technical update to the definition of PA and agreed to approve the change. The Board reviewed page 2 lines 17-18 which aligns the self-study definition with the UAA and agreed to approve the change. The Board reviewed page 2 lines 38-43 that had simplified the language for applications and agreed to approve the change. The Board reviewed page 3 lines 14-36 that simplifies the 150-hour requirement for licensure, specifies the education requirement, combines the degree requirements, and aligns technology requirements with Exam Blueprints and evolution and agreed to approve the change. The Board reviewed page 4 lines 2-4 which aligns with 6.3 as it is changed and agreed to approve the change. The Board reviewed page 4 line 14 with the updated accredited associations and approved the change. Member Barton asked if CHEA was a new accreditation. Sherill said they consolidated with another group, so their name changed. The Board reviewed page 5 lines 4-12 and the rest of page 5 with its technical corrections and agreed to approve the change. The Board reviewed page 6 lines 2-4 with its technical corrections and agreed to approve the change. The Board reviewed page 7 lines 17-23 which simplified the language and gave technical corrections and agreed to approve the change. The Board reviewed pages 7- and 8-lines 52+ and continued to page 8 line 1 which clarifies payment for the exam and agreed to approve the change. The Board reviewed page 8 lines 12-24

which allows the 120 to sit and clarifies its requirements. Sherrill said she met with OMB, PLA, and the AG's office. The OMB is trying to align everything with Statute. In this section the sentence should end at "for first time CPA examination candidates" to align with the Statute. Sherrill said they feel for candidates it should keep the "which may be met..." Board Member Barton stated he likes having it in the rule. Board Member Skeen stated it clarifies between sitting and licensing. Board Member Gettelfinger said review again the position of OMB. Sherrill stated that the OMB believes the section that begins with "which may be met..." should be struck because it repeats what is in the Statute and by the rulemaking statute the references go back to the code and do not repeat language. Sherrill stated there was a discussion had on how to get the language in there without quoting. Sherill stated he sees no problem moving forward with alternative language and understands the reasoning. Board Member Barton stated he wants to move forward with this phrase to clarify as Member Skeen had said. Member Gettelfinger said he has confusion on picking and choosing as we go. Member Barton said he would rather leave it like this. Member Gettelfinger asked if the objective today was to approve a rule or not. Member Barton replied yes. Member Gettelfinger stated if the Board puts the phrase back in how that works and how does the Board approve a rule that has a section subject to continuing negotiation. Sherrill said she understands it as the rule can still be changed with the Board approving the concept. She said they would have about a year to tweak it and opportunity to change it. Sherrill stated that the CPA Society felt strongly that the 120-sit language of some sort should be in there. Sherill stated it can change for what it should say with OMB and Ned's advice. Ned asked Sherrill does having this in there stop the rule. Sherrill said no and it is something that can be worked out. Ned said if the Board feels strongly that the 120-sit language needs to be there for clarity then it can be there. If the Board wants it to be in there it would most likely be there in the end. Member Gettelfinger stated he would like to see the language he is approving. He stated he is not comfortable approving language that is unknown. Sherrill stated the CPA Society feels comfortable. Tom Bayer stated as a firm it was important for students to see it in the rule. He said there is interest in expediting the process forward to keep the language of 120 sit in the rule, but change may happen. Ned stated that once the proposed rule was submitted and published that the changes between that and the final rule comes from the public or commentary. He said it does not come from the Board changing its mind. Member Gettelfinger asked if the Board was approving rule to go forward today? Ned stated yes. Ned stated the approval of this is the proposed rule. Toby Snell, Board Director, said although if approved the language can slightly change. Sherrill stated the Board will have the opportunity to see any changes being proposed as they go through the process. Sherrill asked if Member Gettelfinger was concerned about the content. Member Gettelfinger said he had no concern on the content his concern is on the process of approving the rule and Board must realize this is final until changed. He stated his issue is with the OMB and why they are not on board with this now and if they are not on board then what problems that will create for the Board. Toby stated that Patrick doesn't have a problem with it he just wants to make sure it is not duplicative language. She said he is willing to work with it and knows the importance of the information remaining

in there. She said he's not going to push back on it and that his suggestion is the wording. Member Gettelfinger stated what is lined out is the language in question. Toby replied yes. Member Gettelfinger said, and he believes it duplicative of statute. Toby said yes, it is duplicative of statutory language, so he came up with different version of it. Sherrill said he suggests it end at candidates. She said there is a new attorney for PLA that is starting on Monday, and he can work with him and Ned and hammer out what this needs to say. Member Barton stated that he understands Member Gettelfinger's concern on roadblocks and wasting time because they have an issue with it. Toby stated it is not wasting time it means it can move ahead. Member Barton stated he knows they need to approve what the Board thinks is right to move forward. Tom Bayer stated even if you don't include the 120 to sit within the language for the rule it is at least in place. Member Barton stated he would rather pass it with it in there and if they strike it, they strike it. Member Skeen compared page 3 hours required with page 8. Sherrill said it means the same and the practical mindset is simpler to have it in the rule for everything to be in one place. Member Gettelfinger agrees with that, but rulemaking statutes are there for a reason and feels the Board is going against that. He feels the Board was given a legal opinion that this is against the rule and the Board wants to go against the rule, so he is a bit reluctant. Member Barton suggested reviewing the rest of the changes and coming back to this one. The Board reviewed Page 8 lines 30-38 that removes the fee reference for the exam fee and the Board approved the change. The Board reviewed page 9 line 31 which removes exam section names due to section name changes and the Board approved the change. The Board reviewed page 9 lines 45-52 with its technical changes and the Board approved the change. The Board reviewed page 10 lines 36-49 continues to page 11 lines 1-18 which are mostly technical and clarifying changes and the Board approved the change. Member Barton clarified there is no discussion of changing 75 as the passing score. The Board went back to page 8 lines 12-24 to review it. Tom Bayer suggested it may be in the best interest in time for the Board Chair to call a vote and if the Board doesn't vote as is then to redact that portion of the content. He said he agrees with the CPA society that simple is always better. Member Gettelfinger stated that the public should not tell the Board when to call a vote. Member Barton agreed and stated it was best for the Board to discuss this and come to an agreed vote. Member Gettelfinger said what OMB is doing this because of a rulemaking statute so is the Board going against that statute as they are not lawmakers but rule makers. Member Barton asked Ned if the Board is going against the rule making process. Ned said he does not know what statute Patrick might be referring to or the terms used in it. Member Barton said the Board knows licensees better than the rulemaking process. Member Gettelfinger stated it was statutory. He said to wrap this up this seems to be an incident in matter and why not go with everything agreed to at this point rather than add something after going to the drafting table. He stated they do not have OMB present. He said to approve what has been recommended to the Board and then by public hearing. Member Barton asked if he meant the word document or Toby's email. Toby said language after candidate he wants to strike out. Member Skeen said she wants to approve what is written in the document draft. Toby stated that this was not a substantive change, and he can come up with different language

for what the Board is wanting. He will just tweak wording. Member Skeen said she will approve this document and then they can change it. Toby said it is not considered a substantive change so they can go in and change it. Member Barton stated that therefore he would rather approve the word document because it shows what the Board wants. Member Skeen said she agrees to approve the document as lined out and that they cannot control what they'll do next but what is before the Board they can. Member Barton clarified she meant the document not the email. Member Skeen said yes. Member Gettelfinger stated that was fine. Member Barton stated he would entertain a motion to vote to approve the draft rule.

A motion was made by Member Skeen and seconded by Member Gettelfinger to accept the draft rule in front of them.

3-0-0, Motion carried.

Voting in favor: Michelle Skeen, Michael Barton, and Dale Gettelfinger

ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Accountancy adjourned at 10:51 a.m.



Mr. Michael Barton, CPA

3/18/2022

Date