

IC 25-2.1-8

Chapter 8. Enforcement

IC 25-2.1-8-1

Sanctions and disciplinary action; investigating complaints

Sec. 1. (a) The board may impose sanctions for any of the following reasons:

- (1) A violation of IC 25-1-11-5, including:
 - (A) a peer review rating of fail; or
 - (B) an act or omission that is the basis of a peer review rating of fail;

on any peer review report issued under this article after June 30, 2012.

- (2) Revocation or suspension of the right to practice before a state or federal agency.
- (3) Dishonesty, fraud, or gross negligence in the practice of accountancy or in the filing of or failure to file the licensee's own income tax returns.
- (4) Any conduct reflecting adversely on the licensee's fitness to engage in the practice of accountancy.
- (5) Failure to complete continuing education requirements satisfactorily.
- (6) Failure to furnish evidence, when required, of satisfactory completion of continuing education requirements.

(b) A holder of a CPA certificate issued under this article is subject to disciplinary action in this state if the CPA certificate holder:

- (1) offers or renders services or uses the CPA title in another state; and
- (2) commits an act in that other state for which the CPA certificate holder would be subject to discipline in the other state if the CPA certificate holder were licensed in the other state.

The board shall investigate a complaint made by a board of accountancy or the equivalent of a board of accountancy in another state.

As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.2; P.L.128-2001, SEC.40; P.L.190-2007, SEC.13; P.L.197-2011, SEC.80.

IC 25-2.1-8-2

Quality review and continuing professional education requirements in addition to remedies

Sec. 2. In place of or in addition to any remedy specifically provided in IC 25-1-11, the board may require the following of a licensee:

- (1) To undergo a quality review (before July 1, 2012) or a peer review (after June 30, 2012).
- (2) To satisfactorily complete continuing professional education programs.

As added by P.L.30-1993, SEC.7. Amended by P.L.173-1996, SEC.3; P.L.197-2011, SEC.81.

IC 25-2.1-8-3

Repealed

(Repealed by P.L.179-1997, SEC.8.)

IC 25-2.1-8-4

Accountant investigative fund; establishment; appropriation; memorandum of understanding; review

Sec. 4. (a) The accountant investigative fund is established to provide funds for administering and enforcing the provisions of this article, including investigating and taking enforcement action against violators of this article. The fund shall be administered by the Indiana professional licensing agency.

(b) The expenses of administering the fund shall be paid from the money in the fund. The fund consists of:

(1) money from a fee imposed upon a person who holds a certificate as an accounting practitioner, a CPA, or a PA under IC 25-2.1-2-12(b); and

(2) civil penalties collected under IC 25-2.1-13-3(b).

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the total amount in the fund exceeds seven hundred fifty thousand dollars (\$750,000) at the end of a state fiscal year after payment of all claims and expenses, the amount that exceeds seven hundred fifty thousand dollars (\$750,000) reverts to the state general fund.

(e) Money in the fund is continually appropriated to the Indiana professional licensing agency for its use in administering and enforcing this article and conducting investigations and taking enforcement action against persons violating this article.

(f) The attorney general and the Indiana professional licensing agency may enter into a memorandum of understanding to provide the attorney general with funds to conduct investigations and pursue enforcement action against violators of this article.

(g) The attorney general and the Indiana professional licensing agency shall present the memorandum of understanding annually to the board for review.

As added by P.L.190-2007, SEC.14.