



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-242A

Randall A. Ross, Executive Director
Oklahoma Accountancy Board
201 N.W. 63rd Street, Suite 210
Oklahoma City, OK 73116


November 6, 2018

Dear Executive Director Ross:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Accountancy Board intends to take pursuant to a consent order with respect to the certified public accountant ("CPA") in Board case 2190. The CPA is a trustee for an Oklahoma trust and failed to provide an annual accounting as required by the terms of the trust. The Board proposes to assess a \$2,500 fine and \$5,271.67 in costs.

The Act authorizes the Board to impose penalties on any individual, firm, or entity found to have violated the Act, to include "[r]evok[ing] any certificate...issued pursuant to the provisions of the Oklahoma Accountancy Act," "[a]ssess[ing] a fine not to exceed \$10,000 for each separate offense," and "[r]equir[ing] the registrant . . . to pay all costs incurred by the Board as a result of hearings conducted regarding accountancy actions of the registrant[.]" 59 O.S.2011, § 15.24(A)(2), (9), (10). The Act requires all licensees to comply with the Board's professional code of conduct. *Id.* § 15.14B(5). The Board's code of conduct incorporates the American Institute of CPAs ("AICPA") Code of Professional Conduct. OAC 10:15-39-1. That code requires licensees to "observe the profession's technical and ethical standards." AICPA Code of Professional Conduct § 0.300.060.01. Further, the Board's rules state that it is professional misconduct for a CPA to "commit any act that reflects adversely on the CPA's or PA's fitness to practice public accounting." OAC 10:15-39-3. The Board may reasonably believe that the proposed action will deter future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Accountancy Board has adequate support for the conclusion that the proposed actions described herein advance the State's policy of upholding statutory standards of CPAs.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL