

CHAPTER 29**NEW JERSEY STATE BOARD OF ACCOUNTANCY****Authority**

N.J.S.A. 45:2B-6(g) and 45:2B-17.

Source and Effective Date

R.1995 d.268, effective May 1, 1995.
See: 27 N.J.R. 1134(a), 27 N.J.R. 2238.

Executive Order No. 66(1978) Expiration Date

Chapter 29, New Jersey State Board of Accountancy, expires May 1, 2000.

Chapter Historical Note

Chapter 29, New Jersey State Board of Accountancy, was originally filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66 (1978), Chapter 29 was readopted as R.1990 d.318, effective May 23, 1990. See: 22 N.J.R. 1042(a), 22 N.J.R. 1940(d). Chapter 29 was readopted as R.1995 d.268, effective May 1, 1995. See: Source and Effective Date.

See subchapter and section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL RULES AND REGULATIONS**Subchapter Historical Note**

All provisions of this subchapter were filed and became effective prior to September 1, 1969. Amendments were filed and became effective July 21, 1978 as R.1978 d.243. See: 10 N.J.R. 165(b), 10 N.J.R. 352(c). Further amendments were filed and became effective November 15, 1982 as R.1982 d.405. See: 14 N.J.R. 749(b), 14 N.J.R. 1309(a). Further amendments were filed and became effective June 20, 1983 as R.1983 d.211. See: 14 N.J.R. 1279(a), 15 N.J.R. 1035(c). Further amendments became effective June 29, 1984 as R.1984 d.311. See: 16 N.J.R. 1025(a), 16 N.J.R. 2003(b). This subchapter expired July 21, 1983 and a new subchapter was adopted pursuant to Executive Order No. 66(1978) as R.1985 d.287. See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a). See chapter and section levels for further amendments.

13:29-1.1 Establishing name of Board

The Board shall be known as the New Jersey State Board of Accountancy, and shall maintain an office in the State of New Jersey for the regular transaction of its business.

New Rule, R.1985 d.287, effective June 3, 1985.
See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a).

13:29-1.2 Meetings

(a) The Board shall hold an annual meeting, in each year, in the month of April for the purpose of electing officers, from among its members, each for the term of one year, or until a qualified successor has been duly elected.

(b) Regular monthly meetings will be held in accordance with a published schedule of meetings. Special meetings may be held at the request of any Board member.

New Rule, R.1985 d.287, effective June 3, 1985.
See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a).

13:29-1.3 Applications; applicant qualifications

(a) Application forms for original examination, reexamination and for a certificate by endorsement will be furnished by the Board upon request.

(b) Applications for examination shall be received by the office of the Executive Secretary of the Board on or before February 1 for the May examinations, and on or before August 1 for the November examinations.

(c) Every applicant who becomes eligible to sit for the examinations, or has met the requirements for a certificate, and is eligible to receive a certificate, shall be a bona fide resident of the State of New Jersey, or shall maintain an office for the practice of public accounting in the State of New Jersey, or shall be in the employ of a Certified Public Accountant, or firm of Certified Public Accountants, having an established office and performing services within the State of New Jersey. Such eligibility shall continue until the certificate is issued. For purposes of eligibility, a mailing address or telephone number is not sufficient to show that an office is maintained for the practice of public accounting.

(d) Applicants shall appear upon request before the Board or any Committee appointed by the Board for the purpose of determining qualifications for licensure.

(e) Any applicant who is reexamined in any subject shall qualify under the rules in effect at the time the supplemental application is filed.

(f) An applicant who obtains a baccalaureate degree and first sits for the four-part examination before June 30, 2000 shall successfully pass the examination by June 30, 2005 in order to qualify for licensure based on the educational requirements in effect prior to July 1, 2000. If the applicant has not passed all parts of the examination by June 30, 2005, the applicant shall forfeit all conditional credits earned pursuant to N.J.A.C. 13:29-1.7, and shall satisfy the 150-hour educational requirement set forth in N.J.A.C. 13:29-1.6(b) prior to sitting for the next examination.

New Rule, R.1985 d.287, effective June 3, 1985.
See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a).

Amended by R.1996 d.537, effective November 18, 1996.
See: 28 N.J.R. 3888(a), 28 N.J.R. 4890(a).
Amended by R.1997 d.232, effective June 2, 1997.
See: 29 N.J.R. 837(a), 29 N.J.R. 2563(b).
Added (f).

13:29-1.4 Notification of change of address; service of process

(a) A licensee of the Board of Accountancy shall notify the Board in writing of any change of address from that currently registered with the Board and shown on the most recently issued license. Such notice shall be sent to the Board by certified mail, return receipt requested, not later than 30 days following the change of address.

(b) Failure to notify the Board of any change of address pursuant to (a) above may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h), including, but not limited to, a civil penalty of \$200.00.

(c) Service of any administrative complaint or other Board-initiated process at a licensee's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and commencement of any disciplinary proceedings.

Repealed by R.1985 d.287, effective June 3, 1985.
See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a).
New Rule, R.1985 d.695, effective January 21, 1986.
See: 17 N.J.R. 1639(a), 18 N.J.R. 204(a).
Repeal and New Rule, R.1990 d.373, effective August 6, 1990.
See: 22 N.J.R. 1438(a), 22 N.J.R. 2331(a).

13:29-1.5 Filing constitutes agreement

The act of filing an application for examination, or a certificate by endorsement, shall constitute an agreement on the part of the applicant that he will observe and conform to the requirements of this chapter.

New Rule, R.1985 d.287, effective June 3, 1985.
See: 17 N.J.R. 557(a), 17 N.J.R. 1424(a).

13:29-1.6 Applications for original examination

(a) Applications for original examination shall be accompanied by the following items:

1. Photograph, two-inch by two-inch in size, bust picture, front view, without a hat, taken within 30 days prior to filing an application;
2. An evaluation of educational credentials from CPA Examination Services, New York, New York, certifying that applicant possesses a baccalaureate degree, or its equivalent based upon a curriculum which shall include:

- i. A minimum of 60 semester hours selected from courses in English, history, foreign languages, mathematics, general psychology, philosophy, biological sciences, physical sciences, economics, sociology, religion, government, political science, geography, fine arts and music; and

i. Was associated with the enterprise as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

ii. Was a trustee for any pension or profit-sharing trust of the enterprise.

2. During the period of this professional engagement, or at the time of expressing his or her opinion, the partner, member or firm:

i. Had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

ii. Was a trustee of any trust or executor or administrator of any estate if such trust or estate had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

iii. Had any joint closely held business investment with the enterprise or any officer, director or principal stockholder thereof which was material in relation to his or her firm's net worth; or

iv. Had any loan to or from the enterprise or officer, director or principal stockholder thereof other than loans of the following kinds made by a financial institution under normal lending procedures, terms and requirements:

(1) Loans obtained by the licensee or his firm which are not material in relation to the net worth of the borrower;

(2) Home mortgages; and

(3) Other secured loans, except those secured solely by a guarantee of the licensee or his firm.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1390(b).

Deleted old text concerning scope of rules of professional conduct for accountants and added new text concerning independence.

Amended by R.1985 d.104, effective March 4, 1985.

See: 16 N.J.R. 3418(a), 17 N.J.R. 604(a).

(a)1i amended.

Amended by R.1995 d.268, effective June 5, 1995.

See: 27 N.J.R. 1134(a), 27 N.J.R. 2238(a).

Made nonsubstantive changes.

Case Notes

Unless accounting firm employed by corporate and individual Chapter 11 debtors had conflict between debtors' collective interests and some other interest, disqualification in bankruptcy was not appropriate. In re Brennan, Bkrcty.D.N.J.1995, 187 B.R. 135.

13:29-3.2 Integrity and objectivity

A licensee or his firm shall not knowingly misrepresent facts, and when engaged in the practice of public accounting, including the rendering of tax and management advisory services, shall not subordinate his judgment to others. In tax practice, a licensee or his firm may resolve doubt in favor of his client as long as there is reasonable support for his position.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning obligations and responsibilities of practice and added new text concerning integrity and objectivity.

Case Notes

Unless accounting firm employed by corporate and individual Chapter 11 debtors had conflict between debtors' collective interests and some other interest, disqualification in bankruptcy was not appropriate. In re Brennan, Bkrcty.D.N.J.1995, 187 B.R. 135.

13:29-3.3 Competence

A licensee or his firm shall not undertake any engagement for the performance of professional services which he cannot reasonably expect to complete with due professional competence, including compliance, where applicable, with N.J.A.C. 13:29-3.5 and 3.6.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning opinions and added new text concerning competence.

Case Notes

Qualified New Jersey certified public accountants permitted to prepare and file State inheritance tax returns if written notification given to client before commencing work that attorney review of the return may be desirable. Application of the New Jersey Society of Certified Public Accountants, 102 N.J. 231, 507 A.2d 711 (1986).

13:29-3.4 Forecasts

A licensee or his firm shall not in the performance of professional services permit his name to be used in conjunction with any forecast of future transactions in a manner which may reasonably lead to the belief that the licensee vouches for the achievability of the forecast.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning clients' affairs confidential and added new text concerning forecasts.

13:29-3.5 Auditing standards

A licensee or his firm shall not permit his name to be associated with financial statements in such a manner as to imply that he is acting as an independent public accountant with respect to such financial statements unless he has complied with applicable generally accepted auditing standards. Statements on Auditing Standards issued by the American Institute of Certified Public Accountants, and other pronouncements having similar generally recognized authority, are considered to be interpretations of generally accepted auditing standards, and departures therefrom must be justified by those who do not follow them.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning use of name with misleading statements and added new text concerning auditing standards.

13:29-3.6 Accounting principles

(a) A licensee or his firm shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such financial statements contain any departure from such accounting principles which has a material effect on the financial statements taken as a whole, unless the licensee can demonstrate that by reason of unusual circumstances the financial statements would otherwise have been misleading. In such a case, the licensee's report must describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

(b) For purposes of this rule, generally accepted accounting principles are considered to be defined by pronouncements issued by the Financial Accounting Standards Board and its predecessor entities and similar pronouncements issued by other entities having similar general recognized authority.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning incompatible occupations and added new text concerning accounting principles.

13:29-3.7 Confidential client information

(a) A licensee or his firm shall not without the consent of his client disclose any confidential information pertaining to his client obtained in the course of performing professional services.

(b) This rule does not:

1. Relieve a licensee of any obligations under N.J.A.C. 13:29-3.5 and N.J.A.C. 13:29-3.6; or
2. Affect in any way a licensee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court; or
3. Prohibit disclosures in the course of a quality review of a licensee's professional services; or
4. Preclude a licensee from responding to any inquiry made by the Board or any investigative or disciplinary body established by law or formally recognized by the Board.

(c) Members of the Board and professional practice reviewers shall not disclose any confidential client information which comes to their attention from licensees or their firms in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to an investigative or disciplinary body of the kind referred to above.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning conflicts of interest and added new text concerning confidential client information.

13:29-3.8 Contingent fees

A licensee or his firm shall not offer or perform professional services for a fee which is contingent upon the findings or results of such services; provided, however, that this rule does not apply to professional services involving Federal, State or other taxes in which the findings are those of the tax authorities and not those of the licensee, nor does it apply to professional services for which the fees are to be fixed by courts or other public authorities, and which are therefore indeterminate in amount at the time the professional services are undertaken.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning commissions, brokerages, fees and added new text concerning contingent fees.

13:29-3.9 Discreditable acts

A licensee shall not commit any act that reflects adversely on his fitness to engage in the practice of public accountancy.

As amended, R.1982 d.407, eff. November 15, 1982.

See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning name of practice and added new text concerning discreditable acts.

Case Notes

Professional misconduct (decided on statutory grounds). *State v. Seaman*, 114 N.J.Super. 19, 274 A.2d 810 (App.Div.1971), certiorari denied 92 S.Ct. 674, 404 U.S. 1015, 30 L.Ed.2d 662.

13:29-3.10 Advertising

(a) A licensee shall not use or participate in the use of any form of public communication having reference to his 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; or
2. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
3. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of exceptional quality; or
4. Is intended or likely to create false or unjustified expectations of favorable results; or
5. Implies educational or professional attainments or licensing recognition not supported in fact; or
6. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of public accountancy, if this is not the case; or

7. Represents that professional services can or will be competently 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 affecting 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.

As amended, R.1980 d.31, eff. January 16, 1980.
See: 11 N.J.R. 562(a), 12 N.J.R. 92(a).

13:29-3.11 Solicitation

A practitioner may directly or indirectly solicit clients by circulars, advertisements or personal communications provided such circulars, advertisements or personal communications do not violate N.J.A.C. 13:29-3.10.

As amended, R.1980 d.31, eff. January 16, 1980.
See: 11 N.J.R. 562(a), 12 N.J.R. 92(a).

13:29-3.12 Commissions

A licensee or his firm shall not pay a commission to obtain a client, nor accept a commission for a referral to a client of products or services of others. This rule does not prohibit payments for the purchase of all, or a material part, of an accounting practice, or retirement payments to persons formerly engaged in the practice of public accountancy, or payments to the heirs or estates of such persons.

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning recruiting and added new text concerning commissions.

13:29-3.13 Incompatible occupation

A licensee or his firm shall not concurrently engage in the practice of public accountancy and in any other business or occupation which impairs his independence or objectivity in rendering professional services.

R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

13:29-3.14 Form of practice

A licensee or his or her firm may practice public accountancy only in a proprietorship, a partnership, a limited liability company, a limited liability partnership or a professional corporation, organized and or registered in accordance with applicable New Jersey law.

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning contingent fees and added new text concerning form of practice.

Amended by R.1995 d.268, effective June 5, 1995.

See: 27 N.J.R. 1134(a), 27 N.J.R. 2238(a).

Extended the section to limited liability companies and partnerships.

13:29-3.15 Firm names

A licensee shall not practice public accountancy under a firm name which is misleading in any way, as to the legal form of the firm, or as to the persons who are partners, officers, or shareholders of the firm, or as to any matter with respect to which public communications are restricted by N.J.A.C. 13:29-3.10. However, names of one or more past partners or shareholders may be included in the firm name of a partnership or corporation or its successor, and a partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two years after becoming a sole practitioner.

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning use of name in connection with financial statements and added new text concerning firm names.

13:29-3.16 Records

(a) A licensee or his firm shall furnish to his client or former client, upon request made within a reasonable time after original issuance of the document in question:

1. A copy of a tax return of the client;
2. A copy of any report, or other document, issued by the licensee to or for such client;
3. Any accounting or other records belonging to, or obtained from or on behalf of, the client which the licensee removed from the client's premises or received for the client's account, but the licensee or his firm may make and retain copies of such documents when they form the basis for work done by him; and
4. A copy of the licensee's or his firm's working papers, to the extent that such working papers include records which would ordinarily constitute part of the client's books and records, and are not otherwise available to the client.

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted old text concerning use of certain descriptions and added new text concerning records.

13:29-3.17 (Reserved)

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted text concerning independent opinions.

13:29-3.18 (Reserved)

As amended, R.1982 d.407, eff. November 15, 1982.
See: 14 N.J.R. 895(a), 14 N.J.R. 1309(b).

Deleted text concerning violations.

SUBCHAPTER 4. (RESERVED)

13:29-4.1 (Reserved)

Repealed by Administrative change.

See: 25 N.J.R. 1516(b).

Section was "Uniform penalty letter."

SUBCHAPTER 5. QUALITY ENHANCEMENT PROGRAM

Subchapter Historical Note

Subchapter 5 was adopted as R.1988 d.294, effective July 5, 1988.
See: 19 N.J.R. 2240(a), 20 N.J.R. 1567(b).

13:29-5.1 Purpose and scope

There is hereby established a Quality Enhancement Program (Program). The purpose of the Program is to improve the quality of financial reporting and to promote the fairness of presentation and the dependability of information on which the public relies for guidance in financial transactions, accounting and business performance. The Program emphasizes education and rehabilitation rather than disciplinary action. Appropriate educational programs or procedures will ordinarily be recommended or required where reporting does not comply with appropriate professional standards. However, when a licensee is unwilling or unable to comply with those standards, or a licensee's professional work is so egregious as to warrant disciplinary action, the Board may resort to such action as is appropriate to protect the public interest.

13:29-5.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Practice Unit" means each office of a sole practitioner or firm registered under N.J.S.A. 45:2B-17.

"Report" means an opinion, report, or other form of language that states or implies assurances as to the reliability of any financial statements, and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing.

Amended by R.1995 d.268, effective June 5, 1995.

See: 27 N.J.R. 1134(a), 27 N.J.R. 2238(a).

Rewrote the definition of "Report".

13:29-5.3 Quality Enhancement Committee; members; duties; compensation

(a) The Director of the Division of Consumer Affairs shall annually appoint a Standing Committee to be known as the Quality Enhancement Committee (Committee) to assist the Board in the implementation and administration of the Program:

1. The Director shall receive for consideration nominees from the Board of Accountancy, and shall make the appointments in consultation with the Board;

2. The Committee will consist of no fewer than five members, all of whom must be licensees and holders of currently valid registrations issued under N.J.S.A. 45:2B-8, 13 or 33;

3. At least one member of the Committee shall be a Certified Public Accountant, at least one shall be a Public Accountant, and at least one shall be a Registered Municipal Accountant. At least two committee members will also be members of the State Board of Accountancy.

(b) The Committee's responsibilities shall include:

1. Developing procedures for the internal operation of the Board staff and of the Committee;

2. Assisting the Board in the selection and training of volunteer reviewers;

3. Developing criteria for assignment of volunteer reviewers to specific report reviews, taking into account such criteria as the Board determines appropriate;

4. Developing and recommending to the Board a system for selection of reports to be reviewed;

5. Evaluating the findings of the volunteer reviewers, assigning certain reports for field workpaper reviews upon directive by the Board, and making final recommendations to the Board;

6. Compiling and reporting to the Board statistics on the impact and effect of the Program; and

7. Considering such other matters and performing such other duties regarding the Program as may be delegated to it by the Board from time to time.

(c) Committee members shall be compensated on a per diem basis at a rate as determined by the Attorney General, such compensation to be drawn from current license and registration fees.

Amended by R.1995 d.268, effective June 5, 1995.

See: 27 N.J.R. 1134(a), 27 N.J.R. 2238(a).

13:29-5.4 Reports to be furnished at request of Committee

(a) In accordance with a schedule to be set by the Committee, each practice unit shall complete a questionnaire indicating:

1. The number of audit, review and compilation reports issued by the practice unit during the most recent twelve-month period prior to renewal of registration;

2. Whether it has undergone any change of ownership or composition; and