

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 30
Department or Agency: Alabama State Board of Public Accountancy
Rule No.: 30-X-3-.05
Rule Title: Firm Registration And Branch Offices
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

D. Boyd Busby, CPA
Donald Boyd Busby

Date

Wednesday, September 18, 2024

REC'D & FILED
SEP 18, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Public Accountancy

RULE NO. & TITLE: 30-X-3-.05 Firm Registration And Branch Offices

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment adds additional language that would allow a CPA to use the designation but would require adding "Not a CPA Firm" next to the firm name when the firm does not meet the required criteria for registering as a CPA firm.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

The University of Alabama, John H England Jr Hall, 810 2nd Street, Tuscaloosa, Alabama 35401 at 10:00 a.m., November 12, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, November 12, 2024

CONTACT PERSON AT AGENCY:

D. Boyd Busby, CPA

*D. Boyd Busby, CPA*

---

Donald Boyd Busby

(Signature of officer authorized  
to promulgate and adopt  
rules or his or her deputy)

**30-X-3-.05**

**Firm Registration And Branch Offices.**

(1) Each firm and office ~~thereof established or maintained for the practice of public accountancy in this State~~ for which registration is required pursuant to the Act shall register with the Board within 30 days after it is opened, and annually thereafter, on a form prescribed by the Board. Each firm shall submit reports to the Board with the registration form as provided in Rule 30-X-8-.03. Each firm must pay an annual firm permit fee as provided for in these rules however, no fee is required for the registration of the offices.

(2) Each office shall be under the direct supervision of a resident manager who must be registered with this Board and the holder of a valid annual permit. In the case of an individual or firm practicing as a CPA or CPAs, the resident manager must also be the holder of a CPA certificate issued by this State. Such resident manager may serve in such capacity in only one office in this State, which office shall be his principal place of employment and which he manages on a continuous, full-time basis. Notice shall be given to the Board, within 30 days, of any change in the position of resident manager.

(3) A firm registered pursuant to the Act shall file with the Board a written notification of any of the following events concerning the practice of public accountancy within this State within thirty (30) days after its occurrence:

- (a) Change of firm address;
- (b) Formation of a new firm;
- (c) Addition of a partner, member, manager or shareholder;
- (d) Retirement, withdrawal or death of a partner, member, manager or shareholder;
- (e) Any change in the name of the firm;
- (f) Termination of the firm;
- (g) Change in the resident manager of any branch office in this State;
- (h) Establishment of a new branch office or the closing or change of address of a branch office in this State; and
- (i) The occurrence of any event or events which would cause such firm not to be in conformity with the provisions of the Act or these Rules.

(4) In the event of any change in legal form of a firm, such new or successor firm shall within thirty (30) days of the change file an application for an initial firm permit in accordance with these rules and pay the permit fee required by these Rules.

(5) Each advertisement or written promotional statement that refers to a CPA's designation and his association with an unlicensed entity, if the use of the title tends to indicate that the firm is composed of certified public accountants, must include the disclaimer "This is not a CPA firm." The disclaimer must be in conspicuous proximity to the name of the unlicensed entity and be printed in type not less bold than that contained

in the body of the advertisement or written statement. If the advertisement is in audio format only, the disclaimer shall be clearly declared at the conclusion of each such presentation.

(a) The requirements of subsection (5) of this section do not apply with regards to a person performing services:

1. As a licensed attorney at law of this state while in the practice of law or as an employee of a licensed attorney when acting within the scope of the attorney's practice of law; or

2. As an employee, officer or director of a federally insured depository institution, when lawfully acting within the scope of the legally permitted activities of the institution's trust department; or

3. pursuant to a practice privilege.

**Author:** Alabama Board of Public Accountancy

**Statutory Authority:** Code of Ala. 1975, §§34-1-1, et seq.

**History:** Filed September 3, 1982. **Amended:** Filed July 9, 1987. **Amended:** Filed May 18, 2004; effective June 22, 2004.

**Amended:** Published \_\_\_\_\_ ; effective \_\_\_\_\_ .