

Title 4 WAC

ACCOUNTANCY, BOARD OF

Chapters

4-04	General provisions.
4-08	Practice and procedure.
4-12	Qualifications and examination of candidates for certified public accountant.
4-16	Rules of professional conduct of certified public accountants, licensed public accountants and public accountants.
4-20	Accountancy continuing education rules.
4-24	Public records—Disclosure.

Chapter 4-04 WAC GENERAL PROVISIONS

WAC

4-04-010	Construction of "date of passage of the act".
4-04-020	Use of titles relating to accountancy.
4-04-030	Annual notice to renew an annual permit.
4-04-040	Registration limited to individuals and partnerships—Assumed name prohibited.
4-04-050	Temporary practice by out-of-state accountants.
4-04-060	Resident manager of public accounting office.
4-04-070	Professional service corporations—Notification requirements.
4-04-080	Professional service corporations designation.
4-04-170	Educational and experience requirements.
4-04-180	Reexamination requirements.
4-04-190	Time of examination.
4-04-200	Fees for CPA examination.
4-04-210	Annual CPA license fee.
4-04-220	Fee for registration as CPA partnership or PS.
4-04-230	Annual license fee for CPA partnership or PS.
4-04-240	Annual fee for LPA license.
4-04-250	Fee for registration of LPA partnership or PS.
4-04-260	Annual license fee for LPA partnership or PS.
4-04-270	Annual fee for PA license.
4-04-280	Fee for registration of PA partnership or PS.
4-04-290	Annual license fee for public accountant partnerships or PS.

WAC 4-04-010 Construction of "date of passage of the act". Wherever in the Public Accounting Act of 1949 reference is made to the date of passage of the act, such wording shall be construed to mean the effective date of the act. [Regulation 04.010, effective 2/5/60.]

Reviser's note: The Public Accounting Act of 1949 is codified as chapter 18.04 RCW. In RCW the words "date of passage of the act" have been revised to read "date of passage of this chapter".

WAC 4-04-020 Use of titles relating to accountancy. The use of the titles "accountant", "auditor", or the terms "accounting", "accountancy", "auditing" or any other title or designation likely to be confused with the titles "public accountant", "licensed public accountant", or "certified public accountant", by any person, partnership or corporation is prohibited by RCW 18.04.340,

unless such person, partnership or corporation holds a valid permit for the practice of public accounting in this state.

The use of the title "certified tax consultant", either alone or in conjunction with the title of "public accountant" constitutes the use of a title or designation likely to be confused with "certified public accountant" and as such is prohibited by RCW 18.04.340. [Regulation 04.020, effective 2/5/60.]

WAC 4-04-030 Annual notice to renew an annual permit. The act of returning the annual notice to renew sent out by the department of licenses shall constitute making application for an annual permit to practice public accounting, as contemplated under RCW 18.04-.290, and the card returned to the applicant by the department of licenses shall constitute the annual permit. [Regulation 04.030, effective 2/5/60.]

WAC 4-04-040 Registration limited to individuals and partnerships—Assumed name prohibited. The board will register only individuals and partnerships to practice as public accountants. Individuals practicing under assumed names will be held to be in violation of the act. [Regulation 04.040, effective 2/5/60.]

WAC 4-04-050 Temporary practice by out-of-state accountants. Accountants who are registered to practice in another state and who undertake an engagement in this state are required to so inform the board in writing, giving the name of the client, and the assurance that they are temporarily practicing in this state on business incident to their regular practice. [Regulation 04.110, effective 2/5/60.]

WAC 4-04-060 Resident manager of public accounting office. A resident manager of a public accounting office must be an individual who holds a valid certificate to practice in this state as a certified public accountant, or a valid license to practice in this state as a licensed public accountant, and who, in fact, personally spends the major portion of his working time in the management and supervision of the practice conducted out of a given office of which he is a resident manager, and with respect to which he must be and is, in fact, available during the major portion of the regular office hours of said office. [Regulation 04.130, effective 2/5/60.]

WAC 4-04-070 Professional service corporations—Notification requirements. It shall be the duty of the principal officer of every professional service corporation formed by persons licensed pursuant to chapter

18.04 RCW, within 30 days of the date of filing articles of incorporation with the secretary of state, or, in the case of such corporations formed prior to the adoption of this rule, within 30 days of the effective date of this rule, to provide the board of accountancy with the following information:

(1) The names and addresses of each shareholder, director or officer of the professional service corporation, and

(2) The name under which the professional service corporation is incorporated or intends to do business.

In the event of any changes the board shall be notified of such changes within 30 days of the occurrence of the change. [Order PL-116, § 4-04-070, filed 12/14/71.]

WAC 4-04-080 Professional service corporations designation. The name under which a professional service corporation renders professional service shall contain only the names of one or more of the present or former shareholders who are associated with the corporation. Impersonal or fictitious names, as well as names which indicate a specialty, are prohibited. [Order PL-116, § 4-04-080, filed 12/14/71.]

WAC 4-04-170 Educational and experience requirements. The educational and experience requirements of chapter 114, section 1, Laws of 1969, RCW 18.04.120 shall be:

(1) A graduate of a college or university recognized by the board, and who has completed courses satisfactory to the board in the study of accounting, business law, economics and finance. Such a graduate must have either engaged in the practice of public accounting or have been in the employ of a public accountant for one year. Each two months experience in private or governmental accounting work may be substituted for one month of the public accounting experience required by this subsection (1). Such work shall be in accordance with the minimum accounting experience requirements, as set forth in WAC 4-12-160.

(2) A graduate of a college or university recognized by the board or who has an education that the board determines to be equivalent thereof, but who has not completed the courses required by the board in subsection (1) above. Such a graduate, as provided in this subsection, must have engaged in the practice of public accounting or have been in the employ of a public accountant for at least two years. Each three months experience in private or governmental accounting work may be substituted for two months of the public accounting experience required by this subsection (2). Such work shall be in accordance with the minimum accounting experience requirements, as set forth in WAC 4-12-160. [Order 234, § 4-04-170, filed 12/17/75; Order, § 4-04-170, filed 7/15/69.]

WAC 4-04-180 Reexamination requirements. A candidate who passes two or more subjects, or the single subject of accounting practice, at any examination, shall receive a conditional credit for such subject or subjects

and shall have the right to be re-examined in the remaining subject or subjects within a period of three years. During the three-year period he may take the examination as many times as he wishes and shall receive a conditional credit for each portion of the examination he passes. If he passes the remaining subject or subjects within the three-year period, he shall be considered to have passed the examination: *Provided*, That if the applicant has not passed all remaining portions of the examination within the three-year period, he shall lose all conditional credits: *Provided, further*, That the board, in its discretion, may extend the three-year period to a longer time period for good cause and in the interest of justice. Good cause includes, but is not limited to, chronic debilitating illness of the candidate or a member of his immediate family, and service in the armed forces of the United States: *And provided, further*, That no portion of this rule shall apply to any applicant who has successfully completed at least one part of the accounting examination prior to August 9, 1969. [Order PL-188 § 4-04-180, filed 5/8/75; Order, § 4-04-180, filed 7/15/69.]

WAC 4-04-190 Time of examination. A candidate for a certificate must meet the educational requirements set forth in WAC 4-04-170 prior to examination: *Provided*, That the board may, in its discretion, admit to the examination any person who will complete his study at a college or university recognized by the board within 120 days after the date of the examination. The candidate, if he so elects, shall be examined by the examining committee prior to the time such candidate has acquired the experience required under WAC 4-04-190: *Provided*, That the certificate shall not be issued until the experience requirements shall have been complied with. [Order, § 4-04-190, filed 7/15/69.]

WAC 4-04-200 Fees for CPA examination. An application for a certified public accountant's examination or re-examination in any subject shall be accompanied by a fee of \$60 for four parts; \$50 for three parts; or \$40 for one or two parts. [Order PL-230, § 4-04-200, filed 11/17/75.]

WAC 4-04-210 Annual CPA license fee. The annual fee for a certified public accountant's license shall be \$25. [Order PL-230, § 4-04-210, filed 11/17/75.]

WAC 4-04-220 Fee for registration as CPA partnership or PS. An application for registration or for amendment to registration as a partnership or professional corporation of certified public accountants shall be accompanied by a fee of \$15 for registration or \$10 for each amendment. [Order PL-230, § 4-04-220, filed 11/17/75.]

WAC 4-04-230 Annual license fee for CPA partnership or PS. The annual license fee for a certified public accountant's partnership or professional corporation license shall be \$25. [Order PL-230, § 4-04-230, filed 11/17/75.]

WAC 4-04-240 Annual fee for LPA license. The annual fee for a licensed public accountant's license shall be \$25. [Order PL-230, § 4-04-240, filed 11/17/75.]

WAC 4-04-250 Fee for registration of LPA partnership or PS. An application for registration or for amendment to registration as a partnership or professional corporation of licensed public accountants shall be accompanied by a fee of \$15 for registration or \$10 for each amendment. [Order PL-230, § 4-04-250, filed 11/17/75.]

WAC 4-04-260 Annual license fee for LPA partnership or PS. The annual fee for a licensed public accountant's partnership or professional corporation license shall be \$25. [Order PL-230, § 4-04-260, filed 11/17/75.]

WAC 4-04-270 Annual fee for PA license. The annual fee for a public accountant's license shall be \$25. [Order PL-230, § 4-04-270, filed 11/17/75.]

WAC 4-04-280 Fee for registration of PA partnership or PS. An application for registration or for amendment to registration as a partnership or professional corporation of public accountants shall be accompanied by a fee of \$15 for registration or \$10 for each amendment. [Order PL-230, § 4-04-280, filed 11/17/75.]

WAC 4-04-290 Annual license fee for public accountant partnerships or PS. The annual fee for a public accountants' partnership or professional corporation license shall be \$25. [Order PL-230, § 4-04-290, filed 11/17/75.]

Chapter 4-08 WAC

PRACTICE AND PROCEDURE

WAC

4-08-010	Appearance and practice before agency—Who may appear.
4-08-030	Appearance and practice before agency—Solicitation of business unethical.
4-08-040	Appearance and practice before agency—Standards of ethical conduct.
4-08-050	Appearance and practice before agency—Appearance by former employee of board or former member of attorney general's staff.
4-08-060	Appearance and practice before agency—Former employee as expert witness.
4-08-070	Computation of time.
4-08-080	Notice and opportunity for hearing in contested cases.
4-08-090	Service of process—By whom served.
4-08-100	Service of process—Upon whom served.
4-08-110	Service of process—Service upon parties.
4-08-120	Service of process—Method of service.
4-08-130	Service of process—When service complete.
4-08-140	Service of process—Filing with agency.
4-08-150	Subpoenas, where provided by law—Form.
4-08-160	Subpoenas, where provided by law—Issuance to parties.
4-08-170	Subpoenas, where provided by law—Service.
4-08-180	Subpoenas, where provided by law—Fees.
4-08-190	Subpoenas, where provided by law—Proof of service.

4-08-200	Subpoenas, where provided by law—Quashing.
4-08-210	Subpoenas, where provided by law—Enforcement.
4-08-220	Subpoenas, where provided by law—Geographical scope.
4-08-230	Depositions and interrogatories in contested cases—Right to take.
4-08-240	Depositions and interrogatories in contested cases—Scope.
4-08-250	Depositions and interrogatories in contested cases—Officer before whom taken.
4-08-260	Depositions and interrogatories in contested cases—Authorization.
4-08-270	Depositions and interrogatories in contested cases—Protection of parties and deponents.
4-08-280	Depositions and interrogatories in contested cases—Oral examination and cross-examination.
4-08-290	Depositions and interrogatories in contested cases—Recordation.
4-08-300	Depositions and interrogatories in contested cases—Signing attestation and return.
4-08-310	Depositions and interrogatories in contested cases—Use and effect.
4-08-320	Depositions and interrogatories in contested cases—Fees of officers and deponents.
4-08-330	Depositions upon interrogatories—Submission of interrogatories.
4-08-340	Depositions upon interrogatories—Interrogation.
4-08-350	Depositions upon interrogatories—Attestation and return.
4-08-360	Depositions upon interrogatories—Provisions of the deposition rule.
4-08-370	Official notice—Matters of law.
4-08-380	Material facts.
4-08-390	Presumptions.
4-08-400	Stipulations and admissions of record.
4-08-410	Form and content of decisions in contested cases.
4-08-420	Definition of issues before hearing.
4-08-430	Prehearing conferences—Authorized.
4-08-440	Prehearing conferences—Record of conference action.
4-08-450	Submission of documentary evidence in advance.
4-08-460	Excerpts from documentary evidence.
4-08-470	Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses.
4-08-480	Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements.
4-08-490	Expert or opinion testimony and testimony based on economic and statistical data—Supporting data.
4-08-500	Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 4-08-470 or 4-08-480.
4-08-510	Continuances.
4-08-520	Rules of evidence—Admissibility criteria.
4-08-530	Tentative admission—Exclusion—Discontinuing cumulative evidence—Objections.
4-08-540	Petitions for rule-making, amendment or repeal—Who may petition.
4-08-550	Petitions for rule-making, amendment or repeal—Requisites.
4-08-560	Petitions for rule-making, amendment or repeal—Agency must consider.
4-08-570	Petitions for rule-making, amendment or repeal—Notice of disposition.
4-08-580	Declaratory rulings.
4-08-590	Forms.

WAC 4-08-010 Appearance and practice before agency—Who may appear. No person may appear in a representative capacity before the board other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide partner of a partnership, who appears for such partnership. [Regulation 08.010, effective 2/5/60.]

WAC 4-08-030 Appearance and practice before agency—Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations. It is equally unethical to procure business indirectly by solicitors of any kind. [Regulation 08.030, effective 2/5/60.]

WAC 4-08-040 Appearance and practice before agency—Standards of ethical conduct. All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board. [Regulation 08.040, effective 2/5/60.]

WAC 4-08-050 Appearance and practice before agency—Appearance by former employee of board or former member of attorney general's staff. No former employee of the board or member of the attorney general's staff may at any time after severing his employment with the board or the attorney general appear, except with the written permission of the board, and in compliance with RCW 42.22.040(4), in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the board. [Regulation 08.050, effective 2/5/60.]

WAC 4-08-060 Appearance and practice before agency—Former employee as expert witness. No former employee of the board shall at any time after severing his employment with the board appear, except with the written permission of the board, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of the board. [Regulation 08.060, effective 2/5/60.]

WAC 4-08-070 Computation of time. In computing any period of time prescribed or allowed by the board rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the

next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Regulation 08.070, effective 2/5/60.]

WAC 4-08-080 Notice and opportunity for hearing in contested cases. In any contested case, all parties shall be served with a notice at least thirty and not more than ninety days before the date set for the hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090(1). [Regulation 08.080, effective 2/5/60.]

WAC 4-08-090 Service of process—By whom served. The board shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Regulation 08.090, effective 2/5/60.]

WAC 4-08-100 Service of process—Upon whom served. All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Regulation 08.100, effective 2/5/60.]

WAC 4-08-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the board upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Regulation 08.110, effective 2/5/60.]

WAC 4-08-120 Service of process—Method of service. Service of papers shall be made personally or by registered mail. [Regulation 08.120, effective 2/5/60.]

WAC 4-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By registered mail, upon deposit in the United States mail properly stamped and addressed. [Regulation 08.130, effective 2/5/60.]

WAC 4-08-140 Service of process—Filing with agency. Papers required to be filed with the board shall be deemed filed upon actual receipt by the board at its office in Olympia, Washington, accompanied by proof of service upon parties required to be served. [Regulation 08.140, effective 2/5/60.]

WAC 4-08-150 Subpoenas, where provided by law—Form. Every subpoena shall state the name of the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Regulation 08.150, effective 2/5/60.]

WAC 4-08-160 Subpoenas, where provided by law—Issuance to parties. Upon application of counsel or other representative authorized to practice before the board for any party or a party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The board or any member thereof may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Regulation 08.160, effective 2/5/60.]

WAC 4-08-170 Subpoenas, where provided by law—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, if entitled by law to make such a demand, the fees for one day's attendance and the mileage allowed by law. [Regulation 08.170, effective 2/5/60.]

WAC 4-08-180 Subpoenas, where provided by law—Fees. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Regulation 08.180, effective 2/5/60.]

WAC 4-08-190 Subpoenas, where provided by law—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the board, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Regulation 08.190, effective 2/5/60.]

WAC 4-08-200 Subpoenas, where provided by law—Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed, and upon notice to the party to whom the subpoena was issued the board or any member thereof may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Regulation 08.200, effective 2/5/60.]

WAC 4-08-210 Subpoenas, where provided by law—Enforcement. Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Regulation 08.210, effective 2/5/60.]

WAC 4-08-220 Subpoenas, where provided by law—Geographical scope. Such attendance of witnesses and such production of evidence may be required

from any place in the state of Washington, at any designated place of hearing. [Regulation 08.220, effective 2/5/60.]

WAC 4-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas. [Regulation 08.230, effective 2/5/60.]

WAC 4-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Regulation 08.240, effective 2/5/60.]

WAC 4-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation consul general, vice consul or consular agent of the United States, or a person designated by the board, its chairman, or any member or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Regulation 08.250, effective 2/5/60.]

WAC 4-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board or its chairman and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Regulation 08.260, effective 2/5/60.]

WAC 4-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any

party or by the person to be examined and upon notice and for good cause shown, the board or its chairman may make an order that the deposition shall not be taken or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board or its chairman, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board or its chairman; the board or its chairman may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board, its chairman or its designated agent may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the board. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Regulation 08.270, effective 2/5/60.]

WAC 4-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross-interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Regulation 08.280, effective 2/5/60.]

WAC 4-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Regulation 08.290, effective 2/5/60.]

WAC 4-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Regulation 08.300, effective 2/5/60.]

WAC 4-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the board upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the board upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the board, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Regulation 08.310, effective 2/5/60.]

WAC 4-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Regulation 08.320, effective 2/5/60.]

WAC 4-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively

number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Regulation 08.330, effective 2/5/60.]

WAC 4-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths, as provided in WAC 4-08-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Regulation 08.340, effective 2/5/60.]

WAC 4-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Regulation 08.350, effective 2/5/60.]

WAC 4-08-360 Depositions upon interrogatories—Provisions of the deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Regulation 08.360, effective 2/5/60.]

WAC 4-08-370 Official notice—Matters of law. The board or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) Federal law. The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the federal register;

(2) State law. The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) Governmental organization. Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) Agency organization. The board's organization, administration, officers, personnel, official publications, and practitioners before its bar. [Regulation 08.370, effective 2/5/60.]

WAC 4-08-380 Material facts. In the absence of controverting evidence, the board, upon request made before or during a hearing, may officially notice:

(1) Agency proceedings. The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) Business customs. General customs and practices followed in the transaction of business;

(3) Notorious facts. Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) Technical knowledge. Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) Request or suggestion. Any party may request, or the board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) Statement. Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the board may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence;

(7) Controversion. Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the

existence or nonexistence of the material fact assumed or denied in the decision;

(8) Evaluation of evidence. Nothing herein shall be construed to preclude the board from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Regulation 08.380, effective 2/5/60.]

WAC 4-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) Continuity. That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) Identity. That persons and objects of the same name and description are identical;

(3) Delivery. That mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) Ordinary course. That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) Acceptance of benefit. That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) Interference with remedy. That evidence, with respect to a material fact which in bad faith is destroyed, eligned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Regulation 08.390, effective 2/5/60.]

WAC 4-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Regulation 08.400, effective 2/5/60.]

WAC 4-08-410 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Regulation 08.410, effective 2/5/60.]

WAC 4-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the board may proceed promptly to conduct the hearings on relevant and material matter only. [Regulation 08.420, effective 2/5/60.]

WAC 4-08-430 Prehearing conferences—Authorized. In any proceeding the board, its chairman or designated member upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding. [Regulation 08.430, effective 2/5/60.]

WAC 4-08-440 Prehearing conferences—Record of conference action. The board shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding

unless modified for good cause by subsequent order. [Regulation 08.440, effective 2/5/60.]

WAC 4-08-450 Submission of documentary evidence in advance. Where practicable the board, its chairman or its designated member may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the board and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Regulation 08.450, effective 2/5/60.]

WAC 4-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Regulation 08.460, effective 2/5/60.]

WAC 4-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. The board, its chairman or designated member, in all classes of cases where practicable shall make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications. [Regulation 08.470, effective 2/5/60.]

WAC 4-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. The board, its chairman or designated member, in all classes of cases in which it is practicable and permissible, shall require and when not

so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the board, its chairman, or designated member and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Regulation 08.480, effective 2/5/60.]

WAC 4-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. The board, its chairman or designated member, in his discretion but consistent with the rights of the parties, shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 4-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Regulation 08.490, effective 2/5/60.]

WAC 4-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 4-08-470 or 4-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 4-08-470 or 4-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Regulation 08.500, effective 2/5/60.]

WAC 4-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the board of said desire, stating in detail the reasons why such continuance is necessary. The board, its chairman or designated member, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the board, its chairman or designated member may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the board may in its discretion continue the hearing and fix the date for introduction of additional evidence or

presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Regulation 08.510, effective 2/5/60.]

WAC 4-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the board member conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the board shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Regulation 08.520, effective 2/5/60.]

WAC 4-08-530 Tentative admission—Exclusion—Discontinuing cumulative evidence—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The board may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Regulation 08.530, effective 2/5/60.]

WAC 4-08-540 Petitions for rule-making, amendment or repeal—Who may petition. Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule. [Regulation 08.540, effective 2/5/60.]

WAC 4-08-550 Petitions for rule-making, amendment or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Regulation 08.550, effective 2/5/60.]

WAC 4-08-560 Petitions for rule-making, amendment or repeal—Agency must consider. All petitions shall be considered by the board and the board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Regulation 08.560, effective 2/5/60.]

WAC 4-08-570 Petitions for rule-making, amendment or repeal—Notice of disposition. The board shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Regulation 08.570, effective 2/5/60.]

WAC 4-08-580 Declaratory rulings. As prescribed by RCW 34.04.080, any interested person may petition

the board for a declaratory ruling. The board shall consider the petition and within a reasonable time the board shall:

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or
- (3) Set a reasonable time and place for a hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

If a hearing is held or written evidence is submitted as provided in subsection (3) the board shall within a reasonable time:

- (1) Issue a binding declaratory rule; or
- (2) Issue a nonbinding declaratory ruling; or
- (3) Notify the person that no declaratory ruling is to be issued. [Regulation 08.580, effective 2/5/60.]

WAC 4-08-590 Forms. Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of the board)." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the board. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" x 13" in size.

Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of the board)." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment,

the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the board. Petitions shall be on white paper, either 8-1/2" x 11" or 8-1/2" by 13" in size. [Regulation 08.590, effective 2/5/60.]

Chapter 4-12 WAC
QUALIFICATIONS AND EXAMINATION OF
CANDIDATES FOR CERTIFIED PUBLIC
ACCOUNTANT

WAC

4-12-010	Examinations, times and places.
4-12-020	Time for submitting application for examination.
4-12-030	Examination specified in RCW 18.04.120(5) means examination by the board.
4-12-040	Construction of RCW 18.04.120(6)(b) as to graduation from established resident school of business or accounting.
4-12-050	Construction of RCW 18.04.120(6)(c) as to equivalent education.
4-12-060	Construction of RCW 18.04.120 as to graduate of college or university.
4-12-070	Construction of RCW 18.04.170 as to college enrollment.
4-12-080	Credit for parts of examination passed.
4-12-090	Giving or receiving aid at examination.
4-12-160	Minimum accounting experience.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

4-12-100	Minimum accounting experience. [Order 9, § 4-12-100, filed 8/23/68, effective 9/1/69.] Amended by Order filed 7/15/69 as § 4-12-160. See WAC 4-12-160.
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WAC 4-12-010 Examinations, times and places. Examinations for the certificate as a certified public accountant (hereinafter referred to as C.P.A. certificate) will be held simultaneously in Seattle and Spokane, and such other places as the board may from time to time designate, in May and November of each year. [Regulation 04.050, effective 2/5/60.]

WAC 4-12-020 Time for submitting application for examination. Applications for examination, in whole or in part, must be mailed to the department of motor vehicles at least forty-five days prior to the examination. [Order PL-116, § 4-12-020, filed 12/14/71; Regulation 04.060, effective 2/5/60.]

WAC 4-12-030 Examination specified in RCW 18.04.120(5) means examination by the board. The examination mentioned in RCW 18.04.120(5) has reference to the C.P.A. examination given by the board of accountancy of the state of Washington. [Regulation 04.070, effective 2/5/60.]

WAC 4-12-040 Construction of RCW 18.04.120(6)(b) as to graduation from established resident school of business or accounting. That portion of RCW 18.04.120(6)(b) which refers to a graduate of an established resident school of business or accounting is interpreted to mean that not only must a school offer courses of study in accounting, business law, economics and finance, but a graduate thereof in order to qualify under such portion of RCW 18.04.120(6)(b), must have satisfactorily completed courses of study in accounting, business law, economics and finance. [Regulation 04.140, effective 2/5/60.]

WAC 4-12-050 Construction of RCW 18.04.120(6)(c) as to equivalent education. An applicant for the C.P.A. examination, who is not a graduate of a high school with a four-year course and who desires to qualify under the provisions of RCW 18.04.120(6)(c), must state fully in his application what he offers as an equivalent. Passing a GED test with a score of forty-five or better will be considered the equivalent of a high school education. [Regulation 04.080, effective 2/5/60.]

WAC 4-12-060 Construction of RCW 18.04.120 as to graduate of college or university. A graduate of a college or university recognized by the board, as provided under RCW 18.04.120, is defined as one who has received a bachelor's degree as a result of approximately one hundred and twenty semester hours of study or the equivalent at an institution whose credits would be accorded full recognition on transfer to the university of Washington or Washington state university. [Regulation 04.100, effective 2/5/60.]

WAC 4-12-070 Construction of RCW 18.04.170 as to college enrollment. Any person who was enrolled in a recognized college or university on or before June 8, 1949, and who was graduated with his class as an accounting major, shall be considered to have been enrolled in a college course in accounting as of June 8, 1949, for the purpose of RCW 18.04.170. Any such person whose education is interrupted by military service shall come under this resolution if such person again enrolls in college within six months after his discharge from service. [Regulation 04.120, effective 2/5/60.]

WAC 4-12-080 Credit for parts of examination passed. Candidates are required to sit for and make a reasonable effort to pass all parts of the examination not previously passed in order that they may be given credit for parts passed; in order to retain credits for parts passed of prior examinations candidates are required to retake the examination at least once every twelve months thereafter. [Regulation 04.150, effective 2/5/60.]

WAC 4-12-090 Giving or receiving aid at examination. Any applicant detected in an effort to give or obtain aid in the examination will be dismissed from the examination and his application voided. [Regulation 04.090, effective 2/5/60.]

WAC 4-12-160 Minimum accounting experience. In order to fulfill the experience requirements of RCW 18.04.120, the affidavit of a licensed public accountant or certified public accountant, as provided in RCW 18.04.120(6), shall show to the satisfaction of the board that the applicant has experience in all of the following:

(1) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.

(2) Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records.

(3) Experience in the planning of the program of audit work including the selection of the procedures to be followed.

(4) Experience in the preparation of written explanations and comments on the findings of the examination and on the content of the accounting records.

(5) Experience in the preparation and analysis of financial statements together with explanations and notes thereof. [Order, § 4-12-160, filed 7/15/69. Formerly: Order 9, § 4-12-100, filed 8/23/68, effective 9/1/69.]

Chapter 4-16 WAC

RULES OF PROFESSIONAL CONDUCT OF CERTIFIED PUBLIC ACCOUNTANTS, LICENSED PUBLIC ACCOUNTANTS AND PUBLIC ACCOUNTANTS

WAC

4-16-300	Preamble.
4-16-310	Definitions.
4-16-320	Rule 101—Independence.
4-16-325	Rule 102—Integrity and objectivity.
4-16-330	Rule 103—Commissions.
4-16-335	Rule 104—Contingent fees.
4-16-340	Rule 105—Incompatible occupations.
4-16-345	Rule 201—Competence.
4-16-350	Rule 202—Auditing standards.
4-16-355	Rule 203—Accounting principles.
4-16-360	Rule 204—Forecasts.
4-16-370	Rule 301—Confidential client information.
4-16-375	Rule 302—Records.
4-16-380	Rule 401—Discreditable acts.
4-16-385	Rule 402—Acting through others.
4-16-390	Rule 403—Advertising.
4-16-395	Rule 404—Solicitation.
4-16-400	Rule 405—Form of practice.
4-16-405	Rule 406—Firm names.
4-16-410	Rule 407—Communications.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

4-16-010	Preamble. [Rule 04.500, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-015	Integrity and dignity in the profession. [Rule 04.501, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.

4-16-020	Conformance to laws, rules, and regulations. [Rule 04.502, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-025	Independence. [Rule 04.503, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-030	Confidential relationship. [Rule 04.504, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-035	Contingent fee. [Rule 04.505, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-050	Expressing opinions. [Rule 04.601, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-055	Use of name with estimate of earnings. [Rule 04.602, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-070	Advertising. [Rule 04.701, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-075	Solicitation. [Rule 04.702, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-080	Competitive bidding. [Rule 04.703, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-085	Fee splitting and commissions. [Rule 04.704, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-100	Use of name by others. [Rule 04.801, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-105	Employees' services. [Rule 04.802, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-110	Incompatible occupation. [Rule 04.803, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-115	Simultaneous practice of other occupations. [Rule 04.804, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-125	Encroachment. [Rule 04.901, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-130	Engagements referred by another. [Rule 04.902, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-135	Offers to another's employees. [Rule 04.903, filed 5/22/62.] Repealed by Order PL 174, filed 9/24/74.
4-16-200	Definitions. [Order PL 174, § 4-16-200, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-205	Applicability of rules. [Order PL 174, § 4-16-205, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-210	Independence—Rule 101. [Order PL 174, § 4-16-210, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-215	Integrity and objectivity—Rule 102. [Order PL 174, § 4-16-215, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-220	Competence—Rule 201. [Order PL 174, § 4-16-220, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-225	Auditing standards—Rule 202. [Order PL 174, § 4-16-225, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-230	Accounting principles—Rule 203. [Order PL 174, § 4-16-230, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-235	Forecasts—Rule 204. [Order PL 174, § 4-16-235, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-240	Confidential client information—Rule 301. [Order PL 174, § 4-16-240, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-245	Contingent fees—Rule 302. [Order PL 174, § 4-16-245, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-250	Encroachment—Rule 401. [Order PL 174, § 4-16-250, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-255	Offers of employment—Rule 402. [Order PL 174, § 4-16-255, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
4-16-260	Acts discreditable—Rule 501. [Order PL 174, § 4-16-260, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.

- 4-16-265 Solicitation and advertising—Rule 502. [Order PL 174, § 4-16-265, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
- 4-16-270 Commissions—Rule 503. [Order PL 174, § 4-16-270, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
- 4-16-275 Incompatible occupations—Rule 504. [Order PL 174, § 4-16-275, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.
- 4-16-280 Form or practice and name—Rule 505. [Order PL 174, § 4-16-280, filed 9/24/74.] Repealed by Order PL-280, filed 12/29/77.

WAC 4-16-300 Preamble. This code of professional conduct is promulgated under the authority granted by RCW 18.04.070 of the public accounting act of 1949, which delegates to the board of accountancy of the state of Washington the power to promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy.

The rules of conduct set out below rest upon the premises that the reliance of the public in general and of the business community in particular on sound financial reporting, and on the implication of professional competence which inheres in the authorized use of a legally restricted title relating to the practice of public accountancy, imposes on persons engaged in such practice certain obligations both to their clients and to the public. These obligations, which the rules of conduct are intended to enforce where necessary, include the obligation to maintain independence of thought and action, to strive continuously to improve one's professional skills, to observe, where applicable, generally accepted accounting principles and generally accepted auditing standards, to promote sound and informative financial reporting, to hold the affairs of clients in confidence, to uphold the standards of the public accountancy profession, and to maintain high standards of personal conduct in all matters affecting one's fitness to practice public accountancy.

Acceptance of licensure to engage in the practice of public accountancy or to use titles which imply a particular competence so to engage involves acceptance by the licensee of such obligations, and accordingly, of a duty to abide by the rules of conduct.

The rules of conduct are intended to have application to all kinds of professional services performed in the practice of public accountancy, including tax and management advisory services, and to apply as well to all licensees, whether or not engaged in the practice of public accountancy, except where the wording of a rule clearly indicates that the applicability is more limited.

A licensee who is engaged in the practice of public accountancy outside the United States will not be subject to discipline by the board for departing, with respect to such foreign practice, from any of the rules, so long as his conduct is in accordance with the standards of professional conduct applicable to the practice of public accountancy in the country in which he is practicing. However, even in such a case, if a licensee's name is associated with financial statements in such manner as to imply that he is acting as an independent public accountant and under circumstances that would entitle the

reader to assume that United States practices are followed, he will be expected to comply with Rules 202 and 203.

In the interpretation and enforcement of the rules of conduct, the board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by the board of other jurisdictions, and by appropriately authorized committees on ethics of professional organizations. [Order PL-280, § 4-16-300, filed 12/29/77.]

WAC 4-16-310 Definitions. For purposes of these rules, the following terms have the meanings indicated:

(1) Board. Board of accountancy of the state of Washington.

(2) Client. The person or entity which retains a licensee for the performance of professional services.

(3) Enterprise. Any person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

(4) Firm. A proprietorship, partnership or professional corporation engaged in the practice of public accountancy.

(5) Financial statements. Statements and footnotes related thereto that purport to show financial position that relates to a point in time or changes in financial position that relate to a period of time, including statements that use a cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position and statements of changes in owners' equity, but does not include incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.

(6) He, his, him. Masculine pronouns when used herein also include the feminine and the neuter.

(7) Licensee. A person holding a certificate issued by the board or registered by the board or holding a permit to practice, pursuant to the public accounting act of 1949, and a firm registered with the board or holding a permit to practice, pursuant to the public accounting act of 1949. The term includes each firm of which a licensee is a partner, officer or shareholder, and each partner, officer or shareholder of a firm that is a licensee.

(8) Practice of public accountancy. Offering to perform or performing for a client one or more types of services involving the use of accounting or auditing skills or one or more types of management advisory or consulting services or the preparation of tax returns or the furnishing of advice on tax matters while holding oneself out in such manner as to state or imply that one is a licensee.

(9) Professional services. Any services performed or offered to be performed by a licensee for a client in the course of the practice of public accountancy.

(10) Public communication. A communication made in identical form to multiple persons or to the world at large, as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory. [Order PL-280, § 4-16-310, filed 12/29/77.]

WAC 4-16-320 Rule 101—Independence. A licensee shall not express an opinion on financial statements of an enterprise in such a manner as to imply that he is acting as an independent public accountant with respect thereto unless he is independent with respect to such enterprise. Independence will be considered to be impaired if, for example:

(1) During the period of his professional engagement, or at the time of expressing his opinion, the licensee:

(a) Had or was committed to acquire any direct or material indirect financial interest in the enterprise; or

(b) 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

(c) Had any joint closely held business investment with the enterprise or any officer, director or principal stockholder thereof that was material in relation to the net worth of either the licensee or the enterprise; or

(d) Had any loan to or from the enterprise or any 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:

(i) Loans obtained by the licensee which are not material in relation to the net worth of the borrower; and

(ii) Home mortgages; and

(iii) Other secured loans, except those secured solely by a guarantee of the licensee.

(2) During the period covered by the financial statements, during the period of the professional engagement, or at the time of expressing an opinion, the licensee:

(a) Was connected 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

(b) Was a trustee for any pension or profit-sharing trust of the enterprise.

The foregoing examples are not intended to be all inclusive. [Order PL-280, § 4-16-320, filed 12/29/77.]

WAC 4-16-325 Rule 102—Integrity and objectivity. A licensee shall not in the performance of professional services knowingly misrepresent facts, nor subordinate his judgment to others. In tax practice, however, a licensee may resolve doubt in favor of his client as long as there is reasonable support for his position. [Order PL-280, § 4-16-325, filed 12/29/77.]

WAC 4-16-330 Rule 103—Commissions. A licensee 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. [Order PL-280, § 4-16-330, filed 12/29/77.]

WAC 4-16-335 Rule 104—Contingent fees. A licensee 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. [Order PL-280, § 4-16-335, filed 12/29/77.]

WAC 4-16-340 Rule 105—Incompatible occupations. A licensee 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. [Order PL-280, § 4-16-340, filed 12/29/77.]

WAC 4-16-345 Rule 201—Competence. A licensee shall not undertake any engagement for the performance of professional services that he cannot reasonably expect to complete with due professional competence, including compliance, where applicable, with Rules 202 and 203. [Order PL-280, § 4-16-345, filed 12/29/77.]

WAC 4-16-350 Rule 202—Auditing standards. A licensee 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. [Order PL-280, § 4-16-350, filed 12/29/77.]

WAC 4-16-355 Rule 203—Accounting principles. A licensee 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 that 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. 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 generally recognized authority. [Order PL-280, § 4-16-355, filed 12/29/77.]

WAC 4-16-360 Rule 204—Forecasts. A licensee 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 that may reasonably lead to the belief that the licensee vouches for the achievability of the forecast. [Order PL-280, § 4-16-360, filed 12/29/77.]

WAC 4-16-370 Rule 301—Confidential client information. A licensee shall not without the consent of his client disclose any confidential information pertaining to his client obtained in the course of performing professional services.

This rule does not (a) relieve a licensee of any obligations under Rules 202 and 203, or (b) affect in any way a licensee's obligation to comply with a validly issued subpoena or summons enforceable by order of a court, or (c) prohibit disclosures in the course of a quality review of a licensee's professional services, or (d) 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.

Members of the board and professional practice reviewers shall not disclose any confidential client information that comes to their attention from licensees 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. [Order PL-280, § 4-16-370, filed 12/29/77.]

WAC 4-16-375 Rule 302—Records. A licensee 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; and
- (2) A copy of any report or other document issued by the licensee to or for such client; and
- (3) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account, but the licensee 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 working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's books and records and are not otherwise available to the client. [Order PL-280, § 4-16-375, filed 12/29/77.]

WAC 4-16-380 Rule 401—Discreditable acts. A licensee shall not commit any act that reflects adversely on his fitness to engage in the practice of public accountancy. [Order PL-280, § 4-16-380, filed 12/29/77.]

WAC 4-16-385 Rule 402—Acting through others. A licensee shall not permit others to carry out on his behalf, either with or without compensation, acts which, if carried out by the licensee, would place him in violation of the rules of conduct. [Order PL-280, § 4-16-385, filed 12/29/77.]

WAC 4-16-390 Rule 403—Advertising. A licensee shall not use or participate in the use of any form of

public communication having reference to his professional services that 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 that:

- (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. [Order PL-280, § 4-16-390, filed 12/29/77.]

WAC 4-16-395 Rule 404—Solicitation. A licensee shall not by any direct personal communication solicit an engagement to perform professional services (a) if the communication would violate Rule 403 if it were a public communication; or (b) by the use of coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct; or (c) where the engagement would be for a person or entity not already a client of the licensee, unless such person or entity has invited such a communication or is seeking to secure the performance of professional services and has not yet engaged another to perform them. [Order PL-280, § 4-16-395, filed 12/29/77.]

WAC 4-16-400 Rule 405—Form of practice. A licensee may practice public accountancy only in a proprietorship, a partnership or a professional corporation whose characteristics conform to the public accounting act of 1949. [Order PL-280, § 4-16-400, filed 12/29/77.]

WAC 4-16-405 Rule 406—Firm names. A licensee shall not practice public accountancy under a firm name that 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 Rule 403. 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. [Order PL-280, § 4-16-405, filed 12/29/77.]

WAC 4-16-410 Rule 407—Communications. A licensee shall, when requested, respond to communications from the board within thirty days of the mailing by the board of such communications by registered or certified mail. [Order PL-280, § 4-16-410, filed 12/29/77.]

Chapter 4-20 WAC ACCOUNTANCY CONTINUING EDUCATION RULES

WAC

4-20-010	Citation of rules and purpose.
4-20-020	Basic requirements—Amount.
4-20-030	Basic requirements—Effective date of requirement.
4-20-045	Basic requirements—Exceptions.
4-20-100	Qualification of program—Primary consideration.
4-20-110	Qualification of program—Basic requirements.
4-20-120	Qualification of program—Approved by board.
4-20-130	Qualification of program—Individual study.
4-20-140	Qualification of program—Instructor or discussion leader.
4-20-150	Qualification of program—Published articles and books.
4-20-200	Controls and reporting—Statement of completion.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

4-20-040	Basic requirements—Exceptions. [Order PL-148, § 4-20-040, filed 9/25/73.] Repealed by Order PL-175, filed 9/24/74. Later promulgation, See WAC 4-20-045.
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WAC 4-20-010 Citation of rules and purpose. These Rules may be cited and referred to as the "Accountancy Continuing Education Rules". They are subject to amendment, modification, revision, supplement, repeal or other change by appropriate action in the future. The purpose of these Rules is to require Certified Public Accountants, Licensed Public Accountants and Public Accountants licensed under the Washington Public Accounting Act of 1949, as amended, to comply with continuing education requirements except that it does not apply to those individuals not engaged in public practice such as licensees in private industry, government organizations, educational institutions, or similar activities unless those individuals in addition to their basic employment, engage in public practice, regardless of degree. [Order PL-148, § 4-20-010, filed 9/25/73.]

WAC 4-20-020 Basic requirements—Amount. In the three year period immediately preceding the annual renewal of the permit to practice, the applicant must have completed 15 days, or accumulated 120 hours of acceptable continuing education.

(1) Measurement is in full hours only (a fifty minute period equals one hour). A one day course will constitute eight hours of credit.

(2) Only class hours or the equivalent (and not hours devoted to preparation) are counted.

(3) Acceptable courses taken after January 1, 1974 may be included in the initial qualification. [Order PL-148, § 4-20-020, filed 9/25/73.]

WAC 4-20-030 Basic requirements—Effective date of requirement. (1) The effective date of the requirement will be three years after July 16, 1973. Therefore, the required number of hours must first be met by June 30, 1977.

(2) With respect to any individual, the regulation will become effective on the effective date of the requirement or three years after his first annual license renewal, whichever is later. [Order 233, § 4-20-030, filed 12/17/75; Order PL-148, § 4-20-030, filed 9/25/73.]

WAC 4-20-045 Basic requirements—Exceptions. The following are exceptions from the continuing education requirements:

(1) Licensees who are not practicing public accounting in the state of Washington, but do hold a permit to practice public accounting in the state of Washington are exempt from any continuing education requirement of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board: *Provided*, That if such licensee subsequently enters the practice of public accounting within the state of Washington, such licensee shall satisfy all continuing education requirements of RCW 18.04.290(2) and all applicable continuing education rules and regulations of the board upon the first renewal of his permit following his entry into the practice of public accounting, except as otherwise provided in WAC 4-20-030(2).

(2) Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all or part of the continuing education requirements of RCW 18.04.290(2) and the applicable continuing education rules and regulations of the board. Good cause includes but is not limited to: chronic illness, retirement or military service.

(3) Upon the date of entering into public practice any licensee must advise the board of the date of entry into public practice. [Order PL-175, § 4-20-045, filed 9/24/74. Formerly Order PL-148, WAC 4-20-040, filed 9/25/73.]

WAC 4-20-100 Qualification of program—Primary consideration. The overriding consideration in determining whether a specific program qualifies is that it should be a formal program of learning which contributes directly to the professional competence of an individual after he has been licensed to practice public accounting. [Order PL-148, § 4-20-100, filed 9/25/73.]

WAC 4-20-110 Qualification of program—Basic requirements. Formal programs requiring class attendance will qualify only if:

(1) An outline is prepared in advance and preserved.

(2) The program is at least one hour (fifty minute periods) in length.

(3) The program is conducted by a qualified instructor.

(4) A record of registration or attendance is maintained. [Order PL-148, § 4-20-110, filed 9/25/73.]

WAC 4-20-120 Qualification of program—Approved by board. The following are deemed to qualify provided the criteria in WAC 4-20-110 are met:

(1) Professional development programs of the AICPA, and the state societies.

(2) Technical sessions at meetings of the AICPA, state societies and chapters thereof.

(3) University or college courses

(a) Credit courses – each semester hour credit shall equal fifteen hours toward the requirement. A quarter hour credit shall equal ten hours.

(b) Noncredit short courses.

(4) Formal organized in-firm educational programs which have been approved by the board.

(5) Other educational programs (accounting, industrial, professional, etc.) which have been approved by the board. [Order PL-148, § 4-20-120, filed 9/25/73.]

WAC 4-20-130 Qualification of program—Individual study. Formal correspondence or other individual study programs which require registration and provide evidence of satisfactory completion will qualify with the amount of credit to be determined by the board of accountancy. [Order PL-148, § 4-20-130, filed 9/25/73.]

WAC 4-20-140 Qualification of program—Instructor or discussion leader. Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader; in addition, credit will be given for time spent in preparation for instruction or discussion by the instructor or discussion leader. Credit given for preparation time shall not exceed twice the amount of time spent in actual instruction or discussion: *Provided*, That said instruction, discussion or course shall constitute the initial course of instruction or discussion of the subject matter for the instructor or discussion leader: *Provided, Further*, That the particular activity contributes to the professional competence of the licensee instructor or discussion leader. Total credit that may be obtained as an instructor or discussion leader pursuant to this rule shall not exceed forty-five hours in any consecutive three-year period. [Order PL-175, § 4-20-140, filed 9/24/74; Order PL-148, § 4-20-140, filed 9/25/73.]

WAC 4-20-150 Qualification of program—Published articles and books. Credit may be awarded for published articles and books. The amount of credits so awarded will be determined by the Board. [Order PL-148, § 4-20-150, filed 9/25/73.]

WAC 4-20-200 Controls and reporting—Statement of completion. The licensee should provide a signed statement, under penalty of perjury, on forms to be provided by the State Board, of the continuing education in which he has participated showing:

- (1) Sponsoring organization.
- (2) Location of course or correspondent.
- (3) Title and/or description of content.

(4) Principal instructor.

(5) Dates attended or period of correspondence.

(6) Hours claimed. [Order PL-148, § 4-20-200, filed 9/25/73.]

Chapter 4-24 WAC

PUBLIC RECORDS—DISCLOSURE

WAC

4-24-010	Purpose.
4-24-020	Definitions.
4-24-030	Description of central and field organization of the board.
4-24-040	Operations and procedures.
4-24-050	Public records available.
4-24-060	Public records officer.
4-24-070	Office hours.
4-24-080	Requests for public records.
4-24-090	Copying.
4-24-100	Exemptions.
4-24-110	Review of denials of public requests.
4-24-120	Protection of public records.
4-24-130	Index of public records available.
4-24-140	Address where requests to be directed.
4-24-150	Adoption of form—Appendix A.

WAC 4-24-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Washington state board of accountancy with the provisions of RCW 42.17.250, also known as chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign Finances—Lobbying—Records; and in particular with RCW 42.17.250 through 42.17.320, dealing with public records. [Order 257, § 4-24-010, filed 11/16/76.]

WAC 4-24-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) The "Washington state board of accountancy" is the board whose members are appointed by the governor, pursuant to RCW 18.04.020. The Washington state board of accountancy shall hereinafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the Washington state accountancy board. [Order 257, § 4-24-020, filed 11/16/76.]

WAC 4-24-030 Description of central and field organization of the board. The board is a professional licensing and disciplinary agency for public, licensed public and certified public accountants. The administrative office of the board and its staff are located at 210

East Union, Suite H, Olympia, Washington 98504. [Order 257, § 4-24-030, filed 11/16/76.]

WAC 4-24-040 Operations and procedures. (1) The board of accountancy consists of five members, one of whom is designated as chairman. The CPA members are appointed by the governor for staggered three-year terms. The LPA members are appointed by the governor for staggered two-year terms.

(2) The board meets approximately once each month in various places throughout the state. The time and place of the meeting can be learned by writing or calling the administrative office of the board.

(3) The chief executive officer is the board's administrator. He is responsible for carrying out the board's directions and for directing the board's staff.

(4) It is the board's duty to administer the law in chapters 18.04 RCW:

(a) The board administers a certified public accountant's examination semiannually.

(b) The board receives applications for certificates of CPA's and permits to practice as public accountants and investigates the qualifications of applicants and instructs the director of the department of motor vehicles to issue licenses to those properly qualified.

(c) The board publishes an annual register of all persons holding permits to practice public accounting in this state.

(d) The board reviews licensees' compliance with its continuing education rules.

(e) The board receives complaints about licensees' professional conduct and revokes or suspends the license of persons found to have violated terms of the licensing law.

(5) Information concerning all licenses or registrations issued by the board may be obtained by writing or calling the administrative office of the board. [Order 257, § 4-24-040, filed 11/16/76.]

WAC 4-24-050 Public records available. All public records of the board, as defined in WAC, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310, also known as chapter 1, Laws of 1973, and except as otherwise provided by WAC 4-04-100. [Order 257, § 4-24-050, filed 11/16/76.]

WAC 4-24-060 Public records officer. The board's public records shall be in the charge of the public records officer designated by the board. The person so designated shall be located in the administrative office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW, known as chapter 1, Laws of 1973. [Order 257, § 4-24-060, filed 11/16/76.]

WAC 4-24-070 Office hours. Public records shall be available for inspection and copying during the customary hours of the board. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Order 257, § 4-24-070, filed 11/16/76.]

WAC 4-24-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW, known as chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the board's staff, if the public records officer is not available, at the administrative office of the board during customary office hours. This request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public records requested. [Order 257, § 4-24-080, filed 11/16/76.]

WAC 4-24-090 Copying. No fee shall be charged for the inspection of public records. The board shall charge a fee for providing copies of public records and for the use of the board's copy equipment. The charge shall be the amount necessary to reimburse the board for its actual costs incident to such copying. The copy machine will be operated by staff persons only. [Order 257, § 4-24-090, filed 11/16/76.]

WAC 4-24-100 Exemptions. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 4-24-080 is exempt from disclosure under provisions of RCW 42.17.310, also known as section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to RCW 42.17.310(2), section 26, chapter 1, Laws of 1973, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when

there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.310, also known as chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 257, § 4-24-100, filed 11/16/76.]

WAC 4-24-110 Review of denials of public requests.

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chief executive officer of the board. The chief executive officer shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 257, § 4-24-110, filed 11/16/76.]

WAC 4-24-120 Protection of public records. No record shall be removed from the board office except by written permission of the public records officer under such conditions as are required to protect the records from damage or disorganization. No record may be marked, folded or damaged in any way, nor may any record be removed from any file to which it is attached, nor may the record's filing order be damaged in any way. Inspection of records will be supervised by a member of the staff of the state board of accountancy. [Order 257, § 4-24-120, filed 11/16/76.]

WAC 4-24-130 Index of public records available.

(1) The board has available to all persons:

(a) Card file of every Washington licensed certified public accountant, licensed public accountant and public accountant with details of name, address, certificate type, date issued and number, including certified public accountant examination candidates without grade information.

(b) Computer status report showing current status of all licensed accountants, name and address, current or delinquent.

(c) Formal orders including orders of public hearings.

(d) Minutes of board meetings.

(e) Files to support above, with specific complaints and other nondisclosable items deleted.

(f) Tape recordings of all board meetings, excluding executive sessions.

(g) Correspondence, including AICPA reports of examination results, excluding names.

(h) Law pamphlets and amendments thereto.

(i) Continuing education course data, sponsor agreements and records applicable to licensees.

(j) Legal orders file.

(k) Correspondence and materials referred to therein by and with the board relating to any regulatory, supervisory or enforcement responsibilities of the board, whereby the board determines or opines upon, or is about to determine or opine upon, the rights of the state, the public, a subdivision of state government or of any private party, which is filed chronologically, with one copy also filed in a licensee's file, if applicable.

(2) The board has determined that it would be unduly burdensome to maintain an index, except as set forth herein, due to fiscal and personnel limitations and to the general nature and large volume of correspondence of the board.

(3) The board shall not give, sell or provide access to lists of individuals requested for commercial purposes except that a list of licensees is maintained according to statute, and except that lists of applicants for licenses are accessible to bona fide educational and professional organizations. [Order 257, § 4-24-130, filed 11/16/76.]

WAC 4-24-140 Address where requests to be directed. All communications with the board, including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, known as chapter 1, Laws of 1973 and these rules, requests for copies of the board's decisions and other matters shall be addressed to:

Washington State Board of Accountancy
c/o Public Records Officer
210 East Union, Suite H
Olympia, Washington 98504.

[Order 257, § 4-24-140, filed 11/16/76.]

WAC 4-24-150 Adoption of form—Appendix A.

The board hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A entitled "Request for Public Record." The board hereby authorizes the chief executive officer to modify the form as necessary.

