

NEW YORK STATE EDUCATION DEPARTMENT

Peer Review Oversight Committee
Meeting Agenda

NYS Education Department
80 Wolf Road, Albany, NY

Other Locations:

45 Bryant Woods North, Amherst, NY 14228
360 Madison Avenue, New York, NY 10017
21 Greatwater Avenue, Massapequa, NY 11758
17 Old Dock Road, Brant Lake, NY 12815
28 E Main Street, Suite 1000, Rochester, NY 14614
410 Upland Road, Ithaca, NY 14850

August 9, 2023

9:00 a.m. Public Session

• Review and Approval of Minutes from the May 17, 2023 meeting	Pages 2 - 4
• Future PROC Meetings: ○ October 24, 2023, 9:00 a.m. - Video Conference	
• AICPA Peer Review Board Open Meetings ○ Future Peer Review Board Open Meetings in 2023: ▪ September 7th ▪ November 16th ○ Future Peer Review Board Open Meetings in 2024: ▪ February 7th ▪ May 15th ▪ September 11th ▪ November 6th	
• PROC Annual Report to the Board 2022 FINAL	Pages 5 - 15
• New Business - NA	Page NA

10:00 a.m. Executive Session

NEW YORK STATE EDUCATION DEPARTMENT

Peer Review Oversight Committee

Meeting Agenda
NYS Education Department
80 Wolf Road, Albany, NY

May 17, 2023

The following members were present:

Frank S. Venezia, CPA, Chair
Andy Neyman, CPA
Mitchell Mertz, CPA

David Iles, CPA, Vice Chair
David Pitcher, CPA
Grace G. Singer, CPA

Others in attendance:

Jennifer Winters, CPA, Executive Secretary, NYS Education Department
Thomas Cordell, Auditor 2, NYS Education Department
Philip Jesmonth, Auditor 1, NYS Education Department

Call to Order: On a motion by Ms. Singer, seconded by Mr. Iles, the Committee unanimously agreed to move to public session at 10:02 a.m.

Minutes: Based on a motion made by Mr. Iles, seconded by Ms. Singer, the Committee approved the February 1, 2023, meeting minutes.

PROC Member Update: The Committee welcomed Mr. Neyman to the PROC. Those in attendance introduced themselves.

Ms. Winters informed the Committee of a new law requiring the PROC members to take a yearly ethics training provided by NYSED.

Future Meetings: Ms. Winters noted that future meetings via WebEx Video Conference. Ms. Winters reminded the Committee Members that we must list the individual member's address of where they will be attending on the agenda and these locations must be open to the public. The Committee has scheduled the following future meetings:

- August 9, 2023, 9:00 a.m. - Video Conference
- October 24, 2023, 9:00 a.m. - Video Conference

AICPA Peer Review Board Open Meetings

February 8th and May 3rd – May meeting was mostly just a follow up to the February meeting. The Committee discussed the comment letter from the Peer Review Alliance regarding the requirement whether a peer review should be completed if an attest service was performed since the date of the last peer review. The Committee has held the viewpoint that if attest services have been performed since the last peer review, the firm must have a peer review completed prior to filing the notice that they no longer perform attest service. The Committee would like to have seen this guidance more clearly delineated in the AICPA Standards.

The Peer Review Conference will be held July 31st - August 2nd and will be attended by Mr. Iles, Mr. Pitcher, and Ms. Singer. They will report back at the August 9th PROC meeting.

Mr. Iles questioned if there was discussion on having enough peer reviewers and what if any attention was brought to this by the AICPA. Ms. Winters said they plan to offer incentives for people to become peer reviewers, but nothing is set in stone yet. The Committee noted it is very hard to become a peer reviewer both financially and duty wise.

The Committee noted the discrepancy in the May AICPA Open meeting materials between page 125 and page 139. The AICPA indicates that State Boards of Accountancy oversight the Administering Entities. However, on page 139, the AICPA provide an Oversight Task Force Comment to an Administering Entity that allowed a state board employee to participate in an administrative site visit performed by the Peer Review Oversight Committee and the employee was allowed access to confidential information. The Committee noted that the staff of the state board and PROC are one in the same, that there are not separate staff, and staff should be allowed to attend the oversighting of the Administering Entities.

There are only 26 administering entities including the NPRC. On page 138, the list of the Administering Entities that had an oversight in 2022. Mr. Venezia noted that PICPA had responded to its oversight, and it was a clean report.

The Committee discussed an interesting set of circumstances that occurred which differs from the information on page 148 regarding the available information in FSBA. The report does not note that the firm can allow an additional level of information if it elects to do so at the beginning of its peer review. The PROC staff encountered this discrepancy when the FSBA showed a firm's Report Acceptance Body date and another firm did not. The firm in question had not had a peer review completed in several years. The PROC staff inquired with the PICPA and the Report Acceptance Body information was not provided as it is not included in the list of information that is releasable to the State Boards / Peer Review Oversight Committees. The Committee questions why some information is included, and others were not. The screen shots of the discrepant information were provided in executive session materials. The Committee members requested that Ms. Winters put in a ticket to the AICPA regarding the multiple tier system when registering for peer review. The Committee will review our disclosure requirements to determine if they need to be changed to require all information be provided in FSBA.

Future AICPA Peer Review Committee Open Meetings: Ms. Winters and Mr. Cordell will attend the meetings:

2023 - September 7th and November 16th

2024 – February 7th, May 15th, September 11th, and November 6th

PICPA Oversight

Ms. Singer will attend the PRC meeting on May 23rd and Mr. Pitcher will attend a RAB meeting later in May. Ms. Winters will acquire the June meeting schedule and both Ms. Singer and Mr. Mertz will pick a RAB meeting from the new schedule. The Committee asked for Mr. Mertz report from the Nov oversight. Mr. Mertz noted that he was unable to attend the oversight.

PCAOB Annual Report on Oversight: The Committee briefly discussed the PCAOB annual report.

PROC Draft Annual Report for 2022: The State Board meeting is on July 26th. The Committee must finalize the report via SharePoint before the State Board meeting. Mr. Venezia will provide the report to the State Board. The finalized report will go to NASBA's peer review oversight repository. Ms. Winters noted the report needs to be completed by the second week of July to be able to include in the Board packet meeting materials.

The Committee discussed the following items:

- Message From the Committee - Page 210 – Mr. Venezia will craft this message
- Meeting, Accomplishments, and Advocacy Efforts –
 - o Page 216 - letter “b” - revise/remove AE status and indicate that we did not receive the Plan of Administration (POA). Add the review of the PICPA, NJ Society, and New England Peer Review Oversight reports from 2022.
 - o Page 217 –
 - letter “c” - Mr. Mertz did not attend the November meeting so this must be removed.
 - letter “d” – add that the website was updated with the regulations and the revised FAQs.
 - letter “e” – Remove the PCAOB Interim Inspection Program item from the 2021 report. Replace with the AICPA peer review conference attended by Committee members.
 - o Page 218 –
 - letter “h” - the COVID clause should be removed.
 - Recommendations – remove the recommendation to continue the agreement with PICPA as the Sponsoring Agreement as there is not an agreement in place. Replace with “PROC recommends to the Department that it continues its monitoring efforts of the Mandatory Peer Review Program.”
 - Conclusions - Remove the comment about chapter 3. The wording should be revised to indicate that PICPA performs most of the peer reviews for NY firms.

New Business: None.

Public Session: On a motion by Mr. Iles and seconded by Mr. Pitcher, the Committee voted unanimously in favor of adjourning the public session at 11:06 a.m.

Executive Session: On a motion by Ms. Singer and seconded by Mr. Mertz, the Committee voted unanimously to enter executive session at 11:11 a.m.

On a motion by Ms. Singer and seconded by Mr. Mertz, the Committee unanimously agreed to close executive session and end the meeting at 12:16 p.m.

Respectfully submitted,

Jennifer Winters, CPA
Executive Secretary

NEW YORK STATE

PEER REVIEW OVERSIGHT COMMITTEE

ANNUAL REPORT

Table of Contents

I.	Message from the Committee	2
II.	Background	3
III.	PROC Regulatory Authority and Responsibilities	3
IV.	PROC Recognized Peer Review Program Providers	4
V.	Committee Members and Staff	6
VI.	Statistics	7
VII.	Meetings, Accomplishments and Advocacy Efforts	8
VIII.	Recommendations	10
IX.	Conclusions	10

I. Message from the Committee

The timing of this year's report covers the time period January 1, 2022 to December 31, 2022. During 2022 the Mandatory Peer Review Program was impacted by the COVID-19 pandemic, although to a lesser extent, as firms and administering entities became accustomed to revised operating procedures. Extensions and delays continued and the number of firms being monitored increased again this year. The Pennsylvania Institute of CPAs (PICPA), the administering entity (AE) for most New York firms, continued remote operations for most of the year.

PICPA continued its policy of providing limited information as part of following Chapter 3 of the AICPA Peer Review Standards. PROC staff continued to find sources of information to allow the PROC to continue to monitor firms.

In late 2021, the PROC's recommended changes to the Commissioner's Regulations and the Board of Regents Rules were adopted by the Regents, which allowed the PROC to make significantly more referrals to the Office of Professional Discipline in 2022. These changes have provided the PROC with additional tools to improve firm compliance with the Mandatory Peer Review Program.

The Peer Review Integrated Management Program (PRIMA) data and utilization issues continued, and as a result, posted information by AEs is not timely, and in some cases inaccurate. PROC staff continue to submit "tickets" to the AICPA and PICPA to correct information in PRIMA.

During 2022, despite continuing issues related to the pandemic, but with new rules and regulations, the PROC continued to monitor the administering entity (PICPA), other AEs, and firms to continue to improve the quality of assurance services in New York State.

II. Background

In 2009, the NYS Legislature passed significant changes to laws that regulate Public Accounting in New York. The legislature required the implementation of the Mandatory Quality Review Program (MQRP). The program became effective for firms registering on or after January 1, 2012. Firms in the MQRP are required to undergo a peer review once every three years as a condition of their firm registration renewal. The purpose of the MQRP is to promote quality in the attest services provided by CPAs. The 2009 law required firms with three or more CPAs, providing attest services, to participate in the MQRP.

In the fall of 2017, the NYS Legislature revised the MQRP law. The new legislation repealed the small firm exemption and, therefore, all firms that provide attest services are required to participate in the peer review program. The changes to the law also included a name change of the program from the Mandatory Quality Review Program to “Mandatory Peer Review Program” (MPRP) and the committee from the Quality Review Oversight Committee to the Peer Review Oversight Committee (PROC).

III. PROC Regulatory Authority and Responsibilities

The PROC derives its regulatory authority from Section 70.10 of the Regulations of the Commissioner (Regulations). In November 2021 the Regulations were permanently amended by the Board of Regents. The purpose of the PROC includes approving and monitoring the Sponsoring Organization, informing, and reporting matters concerning peer review to the Department, assessing, and reporting on the effectiveness of the program, and reviewing individual peer review reports for compliance. Following the amendments to the Regulations, the PROC has the responsibility to:

- receive and approve administration plans from entities applying to be sponsoring organizations;
- monitor sponsoring organizations to provide reasonable assurance that the sponsoring organization is conducting the peer review program in accordance with the peer review standards;
- inform the Department of any issues and/or problems relating to the peer review program which may require the Department's intervention;
- annually report to the Department as to whether each sponsoring organization meets the standards necessary to continue as an approved sponsoring organization;
- annually assess the effectiveness of the peer review program;
- annually report to the Department on any recommended modifications to the peer review program;

- review each peer review report submitted by a firm, as part of its registration or renewal of its registration, to determine whether the firm is complying with applicable professional standards.
- where applicable, the PROC may refer firms that are not in compliance with applicable standards to the Office of Professional Discipline pursuant to Education Law section 6510; and
- ensure that any documents received from a firm or reviewer remain confidential and not constitute a public record, unless such document is admitted into evidence in a hearing held by the Department.

Additionally, a new subdivision (j) of the Board of Regents Rules Part 29, Unprofessional Conduct, Section 29.10, Special Provisions for the Profession for Public Accountancy (Rules) was adopted as it relates to the Mandatory Peer Review Program.

The Rules define unprofessional conduct as follows:

- failure to cooperate with the peer review process;
- making a false, fraudulent, misleading or deceptive statement, as part of, or in support of, a firm's peer review reporting;
- a firm's termination or expulsion from the peer review program;
- failure of a firm and its licensees to follow the peer review process and complete any remedial actions required;
- failure of a firm to provide access to its peer review information, as required by subdivision (j) of section 70.10 of the Regulations of the Commissioner.

IV. PROC Recognized Peer Review Program Providers

The American Institute of Certified Public Accountants (AICPA) is currently the only Peer Review Program Provider (sponsoring organization) that is acceptable to the PROC. The PROC accepts all AICPA approved organizations (administering entities) that are authorized to administer the AICPA Peer Review Program. The AICPA's Peer Review Board (PRB) is responsible for maintaining, furthering, and governing the activities of the AICPA's Peer Review Program, including the issuance of peer review standards, and peer review guidance. The Peer Review Program provides for a triennial review of a firm's accounting and auditing practice. The review is performed by a peer reviewer who is unaffiliated with the firm being reviewed. The goal of the program is to monitor and enhance quality, and conformity with professional standards.

There are two types of peer reviews. System reviews are designed for firms that perform audits or other attest engagements. Engagement reviews are for firms that do not perform audits but perform other engagements such as compilations and/or reviews. Firms can receive a rating of pass, pass with deficiency, or fail. Firms that receive ratings of pass with deficiency or fail must perform corrective actions.

Entities that are currently acceptable to administer the peer review program in New York State are:

- Pennsylvania Institute of CPAs (PICPA) – As of March 15, 2018, PICPA administers the AICPA Peer Review Program for the majority of New York firms. Prior to this date, the New York State Society of CPAs (NYSSCPA) administered the peer review program for most NY firms. As the administering entity, PICPA is responsible for ensuring that peer reviews are performed in accordance with the AICPA's Standards. The PICPA Peer Review Committee (PRC) monitors the administration, acceptance, and completion of peer reviews.
- National Peer Review Committee (NPRC) -The AICPA also administers a peer review program through the National Peer Review Committee for firms required to be registered with and/or inspected by the Public Company Accounting Oversight Board (PCAOB) or perform audits of non-Securities and Exchange Commission (SEC) issuers pursuant to the standards of the PCAOB.
- Other State Societies and Organizations - New York registered accountancy firms are allowed to have their peer review administered by an AICPA approved administering entity in another state. The AICPA maintains the listing of the administering entities assigned to each state.

V. Committee Members and Staff

The PROC consists of six members who are appointed by the NYS Board of Regents for five-year terms and may serve up to two terms. At least five members must be licensed CPAs and the sixth member may be a public member or a licensed CPA. Additionally, PROC members cannot be members of the State Board for Public Accountancy or one of its committees.

Licensed members must be certified public accountants licensed in New York State and hold current registrations with the Department. If a public member is appointed to the PROC, he or she must have received or used the services provided by CPAs.

<u>Member Name:</u>	<u>Member Term:</u>
David Iles, CPA	Oct 1, 2020 – Sep 30, 2025 (Second term)
Mary MacKrell, CPA Vice Chair	Mar 1, 2018 – Feb 28, 2023 (Second term)
Mitchell Mertz, CPA	Jun 1, 2021 – May 31, 2026 (First term)
David Pitcher, CPA	Dec 1, 2019 – Nov 30, 2024 (First term)
Grace Singer, CPA	Feb 1, 2019 – Jan 31, 2024 (First term)
Frank S. Venezia, CPA Chair	Apr 1, 2020 – Mar 31, 2025 (Second term*)

*Frank Venezia served an initial 3-year term at the inception of the program. This is his second, 5-year term.

Staff of the PROC – The PROC has three staff members, the Executive Secretary and Auditor 1 and 2 who support its efforts in effectively carrying out its duties and responsibilities. The Executive Secretary, Jennifer Winters, is the lead staff liaison for the members. The Auditor 2 position was filled with Thomas Cordell in August 2019. The Auditor 1, Philip Jesmonth, has been in the position since November 2015.

The volunteer members of the PROC rely on the support of the staff to conduct its meetings and handle routine firm matters related to peer review. The staff review the firms' annual statement on peer review compliance, compiles the information on the firms that are monitored, and communicate outstanding matters with the firms on behalf of the volunteer PROC members.

VI. Statistics: This year's report includes the calendar year, note the timing of the reported data for prior years*. The following statistics were obtained from the PRIMA system.

	Oct 1, 2018 to Dec 31, 2019				Jan 1, 2020 to Dec 31, 2020				Jan 1, 2021 to Dec 31, 2021				Jan 1, 2022 to Dec 31, 2022						
	NYSSCPA/ PICPA		NPRC		PICPA		NPRC		PICPA		NPRC		PICPA		NPRC				
<u>System Reviews</u>																			
Pass	260	79%	57	85%	202	65%	25	86%	196	75%	36	95%	143	63%	19	76%			
Pass with deficiencies	33	10%	7	10%	55	18%	1	4%	45	17%	2	5%	46	20%	2	8%			
Fail	37	11%	3	5%	53	17%	3	10%	20	8%	0	0%	39	17%	4	16%			
Subtotal – System	330		67		310		29		261		38		228		25				
<u>Engagement Reviews</u>																			
Pass	196	85%				86	78%				162	88%				137	85%		
Pass with deficiencies	23	10%				16	14%				13	7%				17	11%		
Fail	11	5%				9	8%				9	5%				7	4%		
Subtotal – Engagement	230					111					184					161			
Total System & Engagement	627				450				483				414						

*The timing of the statistics has changed. In the past the PROC had presented statistics for the period Oct 1st to Sep 30th and as noted last year's report, the timing changed to move to the calendar year period that included an additional three months for the period Oct 1, 2018, through Dec 31, 2019. Beginning with 2020 the statistics are presented on the calendar year.

VII. Meetings, Accomplishments and Advocacy Efforts

Following are the meetings, accomplishments, and advocacy efforts in 2022.

a. Committee Meetings - The PROC holds meetings to conduct business and report to the Department regarding the effectiveness of the mandatory peer review program. Minutes from each public meeting are available upon request.

Since the last annual report was issued, the PROC has held the following meetings in 2022:

- February 9th
- May 18th
- August 3rd
- October 26th

On July 27, 2022, the Chair of the PROC attended the State Board for Public Accountancy's Board meeting to present its 2021 Annual Report.

b. Oversight Reports from the AICPA on the Administering Entities (AE) - The Committee reviewed the AICPA Oversight Reports on the Administering Entities. In December 2022 the AICPA completed the Oversight Report for the Pennsylvania Institute of Certified Public Accountants. The Committee noted that PICPA was in compliance with the AICPA's Peer Review Standards.

c. Oversight of the Peer Review Committee (PRC) and Report Acceptance Body (RAB) of PICPA - To continue the Committee's monitoring of the sponsoring organization, on January 20, 2022, Mr. Iles attended a PRC meeting. Ms. Singer attended a RAB meeting on February 3, 2022, May 3, 2022, and December 15, 2022.

The PROC members who attended these meetings unanimously agreed the program is run by dedicated professionals in accordance with the AICPA standards. Based on the report from the members who attended the meetings, the PROC agreed that the PRC is well informed and engaged in the process and the RAB meetings are organized and well run. The conclusion regarding the PRC oversight by the PROC members was that the peer review program was administered in accordance with the AICPA standards.

d. Rules and Regulations – As reported last year, a revised set of rules and regulations was approved by the PROC and submitted to the Department in the summer of 2020. In June 2021 they were presented to the Board of Regents and were permanently adopted in November 2021. In 2022, the PROC made recommendations to the Department to modify the Frequently Asked Questions on the website to reflect the regulatory update.

e. PCAOB - At the May 2022 meeting the Committee reviewed and discussed the PCAOB's 2021 Annual Report.

f. AICPA Peer Review Board (PRB) Open Meetings - The PROC monitors the AICPA's PRB's public sessions throughout the year. PROC members and staff attend these meetings via teleconference and report back to the full PROC. The sessions are informative and allow for an exchange of ideas and practices across state lines. The following PRB meetings were attended in 2022:

- February 2nd
- May 4th
- September 9th
- November 16th

The Committee members discussed the Peer Review Standards that changed for peer reviews commencing on or after May 1, 2022. The members noted that the changes were minor and were for clarity purposes.

Committee members Iles, Pitcher, and Singer attended the AICPA Peer Review Conference in August 2022. At the Committee's October meeting they provided a recap of the conference.

g. Quality Control Materials (QCM) – In 2022, the PROC reviewed the updates to the QCM that were approved by the National Peer Review Committee.

h. Monitoring of Firms in Peer Review - The PROC monitors firms throughout the remediation phase of their peer review, where applicable. Firms are informed by letter that the PROC is monitoring their remediation progress and are required to acknowledge receipt of the letter. Remediation is considered complete when the peer review is accepted as complete by the respective Peer Review Committee. The PROC also monitors the firms that have dropped out of the program and those that are terminated by the program. The determination to monitor, continue to monitor, or remove from monitoring is done at the PROC meetings in executive session.

System and Engagement Reviews that have a rating of fail or pass with deficiencies are monitored by the PROC. During 2022, the PROC has monitored 203 firms, including firms that have been carried over from the prior year. During this time, 102 of these firms had their peer reviews accepted as complete, while 101 firms are still being actively monitored.

i. As part of the changes to the regulations previously mentioned, the PROC has increased the number of referrals to the Office of Professional Discipline.

VIII. Recommendations

The PROC recommends that the Department continue its monitoring effort of the Mandatory Peer Review Program.

IX. Conclusions

Based on its oversight activities, the PROC concluded that the Pennsylvania Institute of Certified Public Accountants has been an effective administrator as it performs the majority of the peer reviews of New York public accountancy firms that are subject to the Mandatory Peer Review Program's (MPRP). The PROC has established a monitoring and oversight role utilizing the Facilitated State Board Access system; however, the AICPA's Chapter 3 of the AICPA Peer Review Standards continue to impede our monitoring and oversight efforts. The lack of cooperation and transparency by the AICPA makes it difficult to obtain timely information about the status of a firm's peer review during our monitoring efforts. This is especially true when a firm is not in compliance with the three-year peer review cycle that is required of the MPRP. The PROC continues to express concern with the transparency issues that continue to impede our mission to protect the public interest in New York State.