

# NEW YORK STATE BOARD FOR PUBLIC ACCOUNTANCY

January 24, 2024

## Meeting Minutes New York State Education Department Board Meeting

89 Washington Ave, Room 217, Albany  
1411 Broadway, 10<sup>th</sup> Floor, Regents Room, NYC  
100 Chestnut Street, Suite 1200, Rochester  
8321 Main Street, Williamsville

Chair Ms. Cohen called the meeting to order at 10:00 a.m.

<u>The following members were present:</u>	
Charles Abraham, CPA (NYC)	John Lauchert, CPA (Albany)
Carney AuYeung, CPA (NYC)	Stephen Langowski, CPA (NYC)
Anthony Basile, CPA (NYC)	Joseph Maffia, CPA (NYC)
Anthony Bracco, CPA (NYC)	Maria Moran, CPA (Albany)
Alexander Buchholz, CPA (NYC)	Charles Pezzino, CPA (Buffalo)
Elizabeth Bush, CPA (Rochester)	Kevin Richards, CPA (NYC)
Ann Burstein Cohen, CPA (Buffalo)	Thomas Sciametta, CPA (NYC)
Cynthia Foy (Buffalo)	James Schnell, CPA (Rochester)
Rose Hu, CPA (Buffalo)	Shelly Taleporos, CPA (Albany)
Brian Krist, Esq (NYC)	
<u>Members absent:</u> Crisy Geerholt	

### Others in attendance:

Jennifer Winters, Executive Secretary, NYSED (NYC)  
Julie McLoughlin, NYSED (Albany)  
D. Edward Martin, CPA - Extended Board Member (NYC)

### Public Session only:

Casey Fenton, Ostroff Associates, Inc. – (Albany)  
Ruth Singleton, NYSSCPA – (NYC)  
Calvin Harris, NYSSCPA – (NYC)  
Marcus Rayner, TAC (NYC)

The Board moved into Executive Session at 10:00 a.m., based on a motion made by Ms. Hu and seconded by Ms. Moran. The Board discussed disciplinary cases and Office of Professional Discipline processes.

Executive Session adjourned at 10:33 a.m. based on a motion made by Ms. Foy and seconded by Mr. Lauchert. The Chair moved the Board into Public Session at 10:40 a.m. based on a motion by Ms. Foy and seconded by Mr. Maffia.

## **Review and Approval of Minutes**

Based on a motion made by Ms. Moran and seconded by Mr. Langowski, the Board unanimously approved the minutes of the October 18, 2023, Board meeting. The following members abstained: Ms. AuYeung and Mr. Bracco.

## **Board Member Update**

Mr. Langowski reported that the Nominations Committee met on December 18th. Mr. Langowski reminded the Board that due to the unexpected resignation of the Vice Chair, there were two separate items for consideration.

Mr. Langowski reported that Ms. Moran was willing to serve as Vice Chair from January 24, 2024 to April 30, 2024 to fill the unexpected vacancy of the prior Vice Chair. Based on a motion by Mr. Langowski and seconded by Mr. Pezzino, the Board approved Ms. Moran to serve the remainder of the current year as Vice Chair.

Mr. Langowski reported that the Nomination Committee also recommends that for a one-year term as Chair for Ms. Cohen and a one-year term as Vice Chair for Ms. Moran from May 1, 2024 to April 30, 2025. Based on a motion by Mr. Langowski and seconded by Mr. Maffia, the Board approved Ms. Cohen to continue to serve as Chair for a second one-year term and for Ms. Moran to serve a full one-year term as Vice Chair from May 1, 2024 to April 30, 2025. Mr. Langowski thanked the Chair and Vice Chair for their willingness to serve.

Ms. Winters indicated that it was Mr. Langowski and Ms. Foy's last board meeting as their tenure was ending. The Board thanked them for their service and wished them well.

As a result of the leadership changes and board member terms ending, Mr. Abraham will take on the role of Examination Committee Chair and Mr. Pezzino will become a member of the subcommittee of the Practice Committee to review scope of practice cases.

## **Board Office and Office of Professions Update**

Ms. Winters reported that the two Education Program Assistant 1 positions were filled, and training was taking place. Ms. Winters reported that the Licensing Services Clerk position was still a vacant in the Board office. Due to the staffing changes, a backlog of applications has been building with approximately 400 applications from the end of November.

Ms. Winters reported that the Office of Professions' Deputy Commissioner Sarah Benson is retiring in March.

## **Education Committee**

Ms. Hu reported that there are now a few NYS licensure qualifying programs for the new CPA150E education requirements that are listed on the Department's website. She reviewed screen shots of the website of the new CPA150E programs.

Ms. Hu reported on the NASBA's recent presentation on their Professional Licensure Task Force Concept. The Board held a discussion on the pros and cons of the initiative, although little details were provided to have a robust discussion. The Board recommends that the Education Committee convene to write a letter to NASBA regarding its concerns and questions that were discussed.

Ms. Winters noted that a verbal update was provided by NASBA to the Executive Directors on the previously reported Experience, Learn, and Earn initiative that was launched. There are 34 individuals

participating in the initiative.

Ms. Hu noted that a Continuing Professional Education (CPE) sponsor had been removed from the NYS approved sponsor listing. Ms. Winters noted that the sponsor was also removed from the NASBA National Registry of CPE sponsors and the Texas Board of Accountancy's approved sponsor listing.

Ms. Hu reported that the NASBA CPE Standards that were reviewed in 2023 by the Board were finalized in December. The previously worked on suggested changes to the website for the CPE subject areas has been sent to the Department for posting.

### **Examination Committee**

Ms. Winters noted that an emergency regulation was presented to the Board of Regents in November 2023 that will extend the testing window from eighteen to thirty months with an effective date of January 1, 2024. The website was updated with the emergency regulation and the informational section on the examination in the initial licensure area.

Ms. Moran provided a report on the examination extension requests since the previous board meeting. Ms. Winters noted that there is still a lot of confusion with the multiple extension requests that are in progress.

Ms. Winters commented on the Quarter 3 2023 exam statistics provided by NASBA. It was noted that the uptick in 2023 was due to the release of the new examination in 2024.

Ms. Winters noted that the new exam launched and there were no issues reported. Ms. Winters also noted that there was an issue with the scoring of the exam from December and delays occurred. This delay also caused a delay in updating the test system with the blanket credit extension for the CPA Evolution exam.

### **Practice Committee**

Mr. Bracco reported that the non-CPA ownership legislation passed both houses and was signed by the Governor in December. However, there was an effective immediately date in the legislation and a Chapter amendment has been filed for a six-month implementation. Ms. Winters noted that the Division of Professional Licensing Services is responsible for firm registration, and she is working with that office, legal, and the Office of Professional Discipline.

Mr. Bracco reviewed the Practice Committee report regarding the definitions for "affiliated entity" and "actively participates".

"Affiliated entity" - Securities and Exchange Commission – Multiple Change of Control Agreements - "Affiliated Entity" means any entity controlled by, controlling or under common control with the Company. SEC S-X Rule 1-02 (b)....Affiliate. An affiliate of, or a person affiliated with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Actively participates" -To expand on the definition in the law it would mean a person who provides direct client services, involved with the business operations of the firm, or who is involved with the management of the firm. Passive ownership, such as investors, would not be allowed.

Based on a motion by Mr. Bracco and seconded by Ms. Foy, the board unanimously approved the Practice Committee's recommendation to submit the recommendations to the Department.

Mr. Bracco reported on the review by the sub-committee for an inactive request that was approved.

Ms. Winters provided a brief update on the comment letter sent to NASBA regarding the changes to the Uniform Accountancy Act pertaining to peer review that the Peer Review Oversight Committee Chair and Vice Chair assisted in drafting.

## **NASBA**

Ms. Cohen noted that the annual NASBA meeting was held in New York from October 29<sup>th</sup> to November 1, 2023, and provide a brief recap of the meeting topics. Ms. Winters noted that in March there is an executive director and legal conference and is pending approval for herself and the Office of Professional Discipline CPA unit supervisor, Ms. Halpern to attend.

**New Business** -No new business was reported at this time.

Ms. Cohen highlighted the April 25, 2024 board meeting will be held on a Thursday and will be all in person at the NYC location.

The public session adjourned at 12:28 p.m. based on a motion made by Ms. Foy and seconded by Mr. Langowski.

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Respectfully submitted,

Jennifer B. Winters, CPA  
Executive Secretary