



**Certification Page
Regular and Emergency Rules**
Revised July 2019

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

1. General Information

a. Agency/Board Name Accountants, Board of Certified Public			
b. Agency/Board Address 325 West 18th Street, Ste. 4		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Jennifer Gorman		f. Agency Liaison Telephone Number 307-777-7551	
g. Agency Liaison Email Address jennifer.gorman2@wyo.gov		h. Adoption Date August 20, 2019	
i. Program Accountants, Board of Certified Public			

2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Permits	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: Continuing Professional Education	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

* If the name of a chapter of rules is changing, please only provide the NEW chapter name on this rules certification form.

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

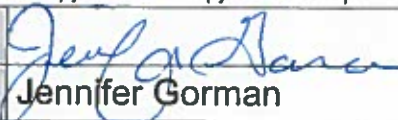
5. Checklist

a. For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b. For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual	
Printed Name of Signatory	Jennifer Gorman
Signatory Title	Executive Director
Date of Signature	8/26/2019

7. Governor's Certification

I have reviewed these rules and determined that they:

- 1. Are within the scope of the statutory authority delegated to the adopting agency;
- 2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
- 3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	



Wyoming Board of Certified Public Accountants
325 West 18th Street, Suite 4
Cheyenne WY 82002
307.777.7551
<http://cpaboard.state.wy.us>

To: Office of the Governor
From: Jennifer Gorman on behalf of the Wyoming Board of Certified Public Accountants
Subject: EMERGENCY Rules for Wyoming Board of Certified Public Accountants
Date: August 26, 2019
Priority: **HIGH**

Summary: During the 2019 Legislative Session, the Wyoming legislature revised the requirements for non-resident CPA firms to allow for full firm mobility (2019 Wyo. Sess. Laws, Ch. 2). The new statutory language was effective on July 1, 2019 and modifications to the Board's rules in chapter 4 were required. The Board adopted those modifications on August 20, 2019.

In addition, the Board adopted modifications to the Board's rules chapters 1 and 5 on August 20, 2019, to allow for the Board to charge a fee for continuing professional education (CPE) extension requests. The fee would be charged in conjunction with the individual's certificate renewal which takes place from October 1st to December 31st of each year. Due to the timing of the Board's annual certificate renewal (October 1, 2019), and the 75 days required for adopted rules to be reviewed, emergency rules are being filed to allow the Board to charge the fee for the entire renewal period.

The regular rules package was uploaded to the Secretary of State's online system on August 26, 2019.

Agency Contact Name: Jennifer Gorman
Agency Contact Phone: 307-777-7551
Agency Contact Email: Jennifer.gorman2@wyo.gov

STATEMENT OF REASONS FOR ADOPTING RULES

In 2019 the Wyoming legislature revised the Board's practice act. Changes were made to clarify the Board's authority to assess fees; modify the definition of attest and compilation services; and clarify expiration date of inactive status certificate. Also included were changes to clarify reasons for the Board to investigate and discipline Wyoming CPA certificate holders, Wyoming CPA firm permits holders, and those who are practicing in the state under practice privileges. Included in the new legislations was the adoption of "firm mobility," which allows nonresident CPA firms that meet all licensing requirements in their home states, including enrollment in the AICPA Peer Review Program, to practice in the state without obtaining Wyoming CPA firm permits. *See* 2019 Wyo. Sess. Laws, Ch. 2.

Other changes throughout all chapters of the rules reflect the Board's attempt to streamline rules to the extent possible while also preserving the ease of reference and readability for the user.

Chapter 1

- Definitions in section 2 reflect statutory changes and attempts to streamline and reduce the chapter.
- The methodology the Board will use to set its meeting calendar is clarified. The Board wishes to set its meetings by resolution in order for its meetings to be "regular" meetings.
- The Board forms committees from time-to-time to effectuate its duties. New language is added to clarify appointment authority and to clarify what types of committees can be appointed. This change would allow for those appointments to be made.
- Language has been added to allow the Board to delegate the authority to approve applications for temporary certificates and temporary firm permits subject to Board ratification. This is necessary as the Board does not meet every month and does not review every application. Delegation of authority to approve applications for temporary certificates and temporary firm permits would allow for the licensure process to be streamlined and expedite the applicants' ability to engage in their profession as quickly as possible.
- Language has been added to clarify the application process with respect to when applications may be denied. It also clarifies that the Board shall not process incomplete applications. From time-to-time the Board office receives incomplete applications and there is no formal process for how to handle them. This change would address that issue.
- Modifications to the fee schedule reflect the Board using an online licensing management system; updates fees related to activation of certificates and firm permits from surrendered status, expired status and retired status to reflect the staff time devoted to conducting a continuing professional education (CPE) audit. Fees related to reactivation and the CPE audit required when a holder requests a 90-day extension to complete CPE

are based upon approximately two to three hours of staff time to process reactivation applications and CPE audits. The Board added language to reflect the actual and staff costs associated with this extension.

- A fee related to 90-day CPE extension requests is being implemented to support the staff time related to conducting CPE audits for all holders who request 90-day CPE extensions.
- Removal of language related to requests for public records since the Board will process requests for public records in accordance with requirements set forth by the Department of Administration & Information.
- Moved language pertaining to “Reporting Convictions, Judgments, and Disciplinary Actions” from chapter 3 that pertains to certificates to chapter 1, which covers “General Provisions,” that applies to certificates and firm permits.
- Removal of language and definitions that are already defined within the Board’s Statute. There is no reason to restate the statute in the rule.

Chapter 4

- Changes to the chapter reflect changes to the statutes effective July 1, 2019 that remove the requirement that nonresident CPA firms must register in Wyoming. So long as nonresident CPA firms are properly registered in their home states and are compliant with the AICPA Peer Review Program they need not register with the Board. This “firm mobility” provision is similar to the individual certificate mobility provisions adopted in statutory changes in 2009.
- Removal of some language and definitions that are already defined within the Board’s Statute or other Statutes. There is no reason to restate the statute in the rule so the Board removed the language.
- There are language modifications to reflect the Board using an electronic online licensing management system.
- The rules clarify that CPA firms must provide ownership data as well as a list of CPA associates for the Board office to determine whether ownership and firm name requirements are met.
- Language regarding fee refunds is included in the chapter. Fee refund processes have not been driven by rule in the past. This new language provides rule language that supports and clarifies the processes to clear up any questions about how refunds will be processed and what fees can be refunded.

Chapter 5

- The Board is adopting the Statement on Standards for Continuing Professional Education that will serve to homogenize CPE requirements for all certificate holders. This is important as many jurisdictions move to CPE mobility. This has been a topic at the national level.

- The rules also clarify that qualified CPE must maintain or improve the holder's professional competence as a CPA. This is important to clarify as there are certificate holders who work in academia, government, industry as well as public accounting. Some may take CPE courses as required by their employer (i.e. CPR, Defensive Driving) but it does not maintain or improve the holder's professional competence as a CPA.
- Certificate holders must use the Board's online CPE reporting system to report and document CPE records. The new CPE reporting system is designed to support improved compliance with CPE requirements and allows holders a single repository to store all of their CPE records to help them streamline the annual certificate renewal process.
- The rules limit holders from earning CPE credits by repeating the same course during a renewal year. Repeating the same CPE course work typically does not enhance a holder's professional competence.
- Program standards are being replaced by the Board incorporating the Statement on Standards for Continuing Professional Education by reference. The program standards are already included in the Statement on Standards.
- The concept of "nano" learning is being incorporated into the rule. "Nano" learning is CPE designed to be offered in ten-minute increments to meet holders' contemporary continuing education needs. This has been discussed on a national level and is included in the Statement on Standards.
- Holders requesting 90-day CPE extensions will be assessed a fee to cover staff time expenses related to the required CPE audit. CPE audits typically take an average of two to three hours of staff time to process.

Chapter 1

General Provisions

Section 1. Authority. The Wyoming Board of Certified Public Accountants hereby adopts and promulgates the following rules and regulations as authorized by Wyoming Statute 33-3-108(a) and W.S. 16-3-103(j)(ii).

Section 2. Definitions. Unless otherwise stated or required by the context, the definitions set forth in this section shall apply to the construction and interpretation of any rules, regulation, interpretations and statements of reason adopted by the Board.

(a) “Active Status” means the status required when a certificate holder performs any service as defined at W.S. 33-3-109(c) for an employer, another person, or an entity not wholly owned by the certificate holder with or without compensation.

(b) “Advertise” means any written or graphic statement made in any manner that is used to advise, announce, apprise, command, give notice of, inform or make known that services are offered or available. It may include but is not limited to statements and representations made in a newspaper or other publication, radio or television, or any other notice, handbill, sign, catalog, letter, electronic media, or printed document that indicates services are offered or available.

(c) “Agreed-Upon Procedure” means a professional service whereby a holder is engaged to issue a written finding that:

(i) Is based on specific procedures that the specified parties agree are sufficient for their purposes;

(ii) Is restricted to the specified parties; and

(iii) Does not provide an opinion or negative assurance.

(d) “AICPA” or “Institute” means the American Institute of Certified Public Accountants or successor organizations.

(e) “Audit” means a professional service whereby the holder is engaged to examine financial statements, items, accounts, or elements of a financial statement, prepared by management, in order for an opinion to be expressed on financial statements, items, accounts, or elements as to whether the financial statements are presented in conformity with generally accepted accounting principles or other comprehensive basis of accounting or a performance audit performed in compliance with the Government Auditing Standards as referenced in chapter 6, section 3(b) of these rules.

(f) “Certified Public Accountant” or “CPA” is a person holding a certified public accountant certificate issued pursuant to W.S. 33-3-109, W.S. 33-3-115 or W.S. 33-3-116 or that has not been suspended, revoked, surrendered, or expired or a person who holds a certificate based on meeting the substantial equivalency standards and availing himself of practice privileges.

(g) “Client” is any person or organization other than the holder’s employer that engages a certificate or permit holder to perform professional services.

(h) “Commission” is a fee, received or paid by others, that is calculated as a percentage of the total sale or service.

(i) “Contingent Fee” is a fee established for performing any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service.

(j) “Designated Certificate Holder (DCH)” is the individual certificate holder responsible for registering the CPA firm and providing all CPA firm and office notifications required under W.S. 33-3-118 and W.S. 33-3-119, as well as other notifications required by these rules.

(k) “Financial Statements” means statements and related footnotes that present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time in conformity with generally accepted accounting principles or another comprehensive basis of accounting. The term 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.

(l) “Foreign” means any place outside the United States or its territories.

(m) “Holder” is a person who has been issued a CPA certificate by the Board pursuant to W.S. 33-3-109, W.S. 33-3-115 or W.S. 33-3-116 and chapter 3 of these rules, a CPA firm that has been issued a permit pursuant to W.S. 33-3-118, W.S. 33-3-120, and chapter 4 of these rules or a person or firm availing himself or itself of practice privileges.

(n) “Holding Out” means any action initiated by a holder which states or implies he is skilled in the practice of accounting; or any action that informs others of the CPA status. Any action includes but is not limited to any oral or written representation to another regarding accounting skills or the CPA status, using a CPA designation on business cards or letterhead,

displaying a certificate, or reference to any of the AICPA professional standards or any of the standards established in chapter 6, section 3 of these rules.

(o) “Inactive Status” means the status available when a holder does not perform any service as defined in W.S. 33-3-109(c) for an employer, another person, or an entity not wholly owned by the certificate holder, with or without compensation.

(p) “Licensee” means “holder” whether licensed in this State or as defined in section 2(m) of this chapter.

(q) “NASBA” means National Association of State Boards of Accountancy.

(r) “Office” means any location within the State of Wyoming where the practice of public accounting is performed by certificate holders as a CPA firm.

(s) “Organization” is a corporation, partnership, limited liability company, sole proprietorship, association, business trust, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(t) “Original Certificate” means the certificate issued to an individual as a result of passing the Uniform CPA examination and meeting the requirements as set forth in W.S. 33-3-109(a) and chapter 3, section 2 of these rules.

(u) “Peer Review” means a review under a practice monitoring program as approved by the Board such as the programs sponsored by the AICPA.

(v) “Practice Privilege” means the ability to practice as a certificate or permit holder in Wyoming without obtaining a Wyoming certificate based on meeting the criteria established in W.S. 33-3-116(a) and chapter 10 of these rules or a permit based on W.S. 33-3-118(b)(xiv).

(w) “Professional Services” are any services performed or offered to be performed by a holder in the practice of public accounting.

(x) “Reciprocal Certificate” means a certificate issued to an individual based on a certificate issued in another jurisdiction.

(y) “Referral Fee” is a fee paid by a holder to any person in return for recommending or referring any service of a holder to any person.

(z) “Registrant” means any certificate holder, permit holder or person or firm availing himself or itself of practice privileges under the provisions of the certified public accountants’ act and these rules.

(aa) “Report” when used with reference to financial statements means an opinion, report, or other form of language that states or implies assurance as to the reliability of a financial statement and that also includes or is accompanied by any statement or implication that the person or CPA firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from the use by the issuer of the report of names or titles indicating that the person or CPA firm is a certified public accountant or auditor, or from the use of language in the report itself. The term “report” includes any form of language that disclaims an opinion when the language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to or special competence on the part of the person or CPA firm issuing such language; and it includes any other language that is conventionally understood to imply an assurance or other special knowledge or competence.

(bb) “Retired Status” means the status available when a certificate holder has reached the age of sixty-five (65) or is disabled and no longer performs any service for compensation as defined in W.S. 33-3-109(c) for an employer, another person, or an entity not wholly owned by the certificate holder.

(cc) “Review” means a professional service as defined in the Statement on Standards for Accounting and Review Services as set forth in chapter 6, section 3(d) of these rules.

(dd) “Sole Proprietorship” means a certificate holder performs accounting services as defined in W.S. 33-3-109(c) for any person or organization other than his employer, himself, or an entity wholly owned by himself, and the certificate holder is compensated for services provided.

(ee) “Surrendered Status” means the certificate or affidavit of lost certificate has been returned to the Board’s office. A person who surrenders a certificate is no longer a Wyoming CPA.

(ff) “Work papers” means the holders’ records of procedures applied, the tests performed, the information obtained, and the conclusions reached in attest services, tax, consulting, special report, or other engagements. Work papers include, but are not limited to, work programs used to perform professional services, analyses, memoranda, letters of confirmation and representation, checklists, copies or abstracts of company documents, and schedules of commentaries prepared or obtained by the holder. The forms include, but are not

limited to, handwritten, typed, printed, word processed, photocopied, photographed, computerized data, or any other form of letters, words, pictures, sounds or symbols.

Section 3. Chairman. The chairman of the Board shall preside at all meetings and perform other duties as the Board may direct. In the absence of the chairman, the Secretary shall perform the duties of the chairman.

Section 4. Secretary. In addition to duties pursuant to W.S. 33-3-104, the Board Secretary shall maintain, or direct the staff to maintain, a record of the transactions and business of the Board. The record shall include a record of any certificates and permits issued and any fees received.

Section 5. Meetings.

(a) The Board shall by resolution establish regular meetings at the Board's office or other location as identified in public notices issued by the Board office. Additional meetings and conference call meetings may be scheduled as determined by the Board. All meetings shall be scheduled and conducted in compliance with W.S. 16-4-401 et seq.

(b) The elected Board officers shall assume the duties of their respective offices at the conclusion of the meeting at which they were elected. Board officers shall serve a term of one year and shall be eligible for reelection.

Section 6. Appointment of Committees. The Board may appoint committees to facilitate the performance of its duties. Committee appointments may be "standing" or "ad hoc" as necessary to address complaint investigations, conduct peer review oversight, review rules and make recommendations to the Board for rules promulgation, review applications, or other matters as determined by the Board.

Section 7. Delegation of Temporary Licensure Authority. The Board may delegate the authority to issue temporary certificates and firm permits to Board members, Application Review Committees, or Board staff. Temporary certificates and firm permits issued under this section shall be valid for no longer than 120 days or until formal Board action to ratify issuance has been taken to render final Board approval.

Section 8. Records Retention. The Board shall comply with records retention schedules set forth by the State of Wyoming.

Section 9. Language of Record. The Board shall provide examinations, applications, correspondence, and all other documents in the English language only. Requests for assistance with foreign language impediments will be considered on a case-by-case basis. If provided, any and all costs associated with examinations, interpreters, or other aids will be borne solely by the applicant.

Section 10. Change of Name, Address, or Employment.

(a) All certificate holders and DCHs shall notify the Board of any changes in name, address, email address, telephone number, or employment within sixty (60) days of the change.

(b) Any notification from the Board required or permitted under the certified public accountants' act sent to the certificate holder, permit holder, or DCH shall be sent to the last known name and address or e-mail address provided to the Board by the holder and shall be deemed proper service on the holder.

Section 11. Change in Form, Ownership, Scope of Practice or CPA firm Name.

(a) The DCH shall notify the Board as follows:

(i) Within sixty (60) days of any changes in scope of services which affect the scheduling or timing of peer reviews;

(ii) Within sixty (60) days of the termination or transfer of a sole proprietorship, the admission or withdrawal of a partner, shareholder, member, or non-certificate holder from any permitted CPA firm.

(iii) Within sixty (60) days of the admission or withdrawal of any certificate holder acting as a resident manager of any office or any change in the certificate holder designated to represent the firm;

(iv) Within sixty (60) days of any CPA firm name change accompanied by amended articles of incorporation or articles of organization.

Section 12. Applications.

(a) All certificate and firm permit applications shall be reviewed and may be approved, subject to Board ratification, by the Board's staff or an Application Review Committee composed of the Board's staff and one (1) Board member pursuant to chapter 7, section 4 of these rules.

(b) The Board may deny any application for any of the following reasons:

(i) The applicant's failure to furnish all information required on the application and required application attachments;

(ii) The applicant engages in any actions listed in W.S. 33-3-121(a)(i) through (xiii);

(iii) The applicant falsifies information required by the application process; or

(iv) This or any other U.S. board of accountancy finds that the applicant committed an act of misconduct on the examination as set forth in chapter 2, section 4(e) of these rules.

(c) The Board or its designee shall not consider or review incomplete applications. An application for a certificate, firm permit, or examination, including any application for certificate or firm permit renewal, shall be deemed abandoned and any fee paid shall be forfeited if the applicant fails to complete the application within six (6) months of its original submission. All abandoned applications shall be destroyed one year from the date the partial application materials were received. Applicants whose documents have been destroyed in accordance with this subsection and who reapply shall be required to submit new applications including all required documentation and fees.

Section 13. Fees.

(a) Fees paid during the course of the current calendar year may be applied to fees due. Fees paid for certificates and firm permits are not prorated.

(b) Certificate Fees:

(i)	Wall Document:	\$	25.00
(ii)	Active Status:	\$	200.00
(iii)	Inactive Status:	\$	90.00
(iv)	Active Status Renewal:	\$	190.00
(v)	Inactive Renewal:	\$	80.00
(vi)	Retired Status (one-time):	\$	50.00
(vii)	Reinstate:	\$	1000.00
(viii)	Activate From Expired Status:	\$	300.00
(ix)	Activate from Surrendered Status:	\$	300.00
(x)	Activate from Inactive Status:	\$	210.00
(xi)	Activate from Retired Status:	\$	300.00
(xii)	Restore Inactive Status from Expired :	\$	190.00

- (xiii) Continuing professional education extension requested pursuant to chapter 5, section 8 of these rules: \$ 150.00
- (c) Permit Fees:
 - (i) Firm Permit \$ 170.00
 - (ii) Firm Permit Renewal: \$ 160.00
 - (iii) Activate From Expired Status: \$ 270.00
 - (iv) Reinstate: \$ 1000.00
- (d) Refunds.
 - (i) All refunds shall be subject to a \$25 processing fee;
 - (ii) After the \$25 processing fee has been assessed, the minimum allowable refund shall be \$5.00.
- (e) Other Fees:
 - (i) Non-sufficient Funds Fee: \$ 25.00
 - (ii) Credit Card Charge back: \$ 25.00
 - (iii) Duplicate/Reprinted Certificate: \$ 25.00
 - (iv) Each Certified Notice Fee unrelated to investigation/disciplinary action: \$50.00
 - (v) Board Approved Ethics Course Verification Fee: \$ 50.00 per hour review cost charged to course vendor. A minimum fee of \$200.00 shall accompany the course vendor's materials submitted for review and approval by the Board. The Board staff is not authorized to refund any portion of fees collected.

Section 14. Reporting Convictions, Judgments, and Disciplinary Actions.

- (a) Each certificate holder and each CPA firm's designated certificate holder, on a form and in the manner prescribed by the board, shall disclose information specified in subsections (d), (e), and (f) of this section. Disclosure shall be required upon initial application for an individual certificate or CPA firm permit. Once licensed, disclosure shall be required within thirty (30) days of the imposition of discipline or judgment or with the renewal of the certificate or permit. Actions previously reported do not need to be re-reported upon renewal.
- (b) All information or documents disclosed or provided pursuant to the requirements of this section shall be maintained in an investigative file pursuant to chapter 7, section 21(c)(ii).

- (c) Disclosure shall include but is not limited to the following:
 - (i) The name of the court or regulatory/administrative entity involved;
 - (ii) The case number;
 - (iii) The names of the parties involved;
 - (iv) The type of reportable event; and
 - (v) A summary of the reportable events.
- (d) Any conviction or finding of guilt or plea of nolo contendere to:
 - (i) A felony;
 - (ii) Any crime an element of which is dishonesty or fraud; or
 - (iii) The denial, cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any state, federal agency, or foreign authority for any cause other than failure to pay a fee.
- (e) Imposition of a censure, reprimand, sanction, probation, civil penalty, fine, consent decree or order by any state board of accountancy, the AICPA, the Securities Exchange Commission, Public Company Accounting Oversight Board, Internal Revenue Service, or foreign regulatory body that regulates the practice of accountancy.
- (f) Any fully adjudicated judgment or settlement in a civil suit or arbitration proceeding entered after July 1, 2005 totaling more than \$150,000 and based upon an allegation of dishonesty, fraud, or gross negligence in the practice of accounting, or any action that would constitute a violation of the rules of professional conduct promulgated by the board. Notification under this section shall apply only to actions directly involving a certificate or permit holder's practice of accounting in Wyoming.

Section 15. Incorporation by Reference.

- (a) The Board hereby incorporates by reference the following uniform rules which are referred to throughout the rules:
 - (i) Chapter 2 – Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective September 6, 2016, found at: <https://State of Wyoming Admin & Info Public Records Rule>.
- (b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.

Chapter 4 Permits

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statutes 33-3-118, W.S. 33-3-119, and W.S. 33-3-120.

Section 2. Registration of Firms.

(a) All certificate holders who perform compilation or attest services outside of a permitted firm from a Wyoming office shall register and obtain permits. A firm that does not have an office as defined in chapter 1, section 2(r) of these rules, but performs compilations for a client whose home office is in Wyoming and is not required to comply with the AICPA peer review requirements or some state's peer review requirements must register with the Board and obtain a permit.

(b) CPA firms required to register shall meet the application requirements as follows:

(i) A corporation must file a copy of the filed articles of incorporation at the time of initial application and any subsequent amendments thereto in accordance with chapter 1 of these rules.

(ii) A limited liability company must file a copy of the articles of organization with the secretary of state or other appropriate authority of the state at the time of initial application and any subsequent amendments thereto in accordance with chapter 1 of these rules.

(c) An application to register a firm shall be made on forms provided by the Board and upon the sworn statement of a designated certificate holder who holds an active Wyoming certificate or qualifies for practice privileges and is responsible for the CPA firm in the State of Wyoming. All notifications required under this act and these rules shall be the responsibility of this designated certificate holder.

(d) Designated certificate holders shall register Wyoming office locations with the CPA firm registration and provide the following information:

- (i) Office address, both physical and mailing, if different;
- (ii) Phone number;
- (iii) Name of certificate holder providing attest or compilation services at each location; and
- (iv) A list of all office locations within Wyoming.

(e) After issuance of a CPA firm permit, the firm shall practice under the name registered with the Board.

Section 3. Renewal/Activation.

(a) All CPA firm permits expire December 31st of each calendar year. Renewal notifications shall be e-mailed to designated certificate holders no later than October 1st each calendar year.

(b) The designated certificate holder shall submit an application for renewal which shall be processed in the Board's electronic licensing system no later than December 31st of each calendar year and be accompanied by the following:

(i) A complete individual certificate renewal unless authorized to use practice privileges;

(ii) Copies of applicable amended articles of incorporation or articles of organization;

(iii) Applicable fees, to include outstanding certified notice fees as outlined in chapter 1, section 13(c)(ii) of these rules;

(iv) A list of all firm ownership, including certificate status and percentage ownership; and

(v) A list of all certificate holders associated with the firm.

(c) Firms eligible for practice privileges may activate an expired firm permit at any time and are subject to activation fees as set forth in chapter 1, section 13(c)(iii) of these rules.

Section 4. Non-certificate Holders. CPA firms whose ownership includes non-certificate holders shall provide a list of the names of all certificate and non-certificate holder owners at initial registration and at the time of annual permit renewal. This list shall document compliance with subsection (ii) of this section.

(i) Subsequent changes must be reported within sixty (60) days;

(ii) If the withdrawal of a certificate holder results in the CPA firm's ownership being controlled by more than 49% of non-certificate holders, the CPA firm shall take corrective action within sixty (60) days to ensure the CPA firm complies with W.S. 33-3-118(b)(xvi) and (xvii).

Section 5. Non-Resident Firms. CPA firms that qualify for practice privileges but elect to obtain/maintain a permit in Wyoming shall comply with all provisions and requirements set forth in W.S. 33-3-118(b)(xiv) and (xv), W.S. 33-3-120, W.S. 33-3-132, and these rules.

Section 6. Refunds. Refunds of firm permit fees paid may be processed at the discretion of the Board. All requests for refunds must be submitted in writing to the Board office

within thirty (30) days of payment of the fee. All refunds are subject to requirements in chapter 1, section 13(d) of these rules.

Chapter 5

Continuing Professional Education

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statute 33-3-108(a)(iii) and W.S. 33-3-109(e).

Section 2. Definitions.

(a) “Renewal Year” means the calendar year following any year in which a registrant holds an active certificate.

(b) “Third Party” means a person associated with or duly authorized by a CPE vendor or sponsor to represent that vendor or sponsor.

Section 3. General Requirements.

(a) A Continuing Professional Education (CPE) program qualifies as acceptable continuing education if it is a formal program of learning that contributes directly to the professional competence of a certificate holder in the practice of accounting as a CPA regardless of whether the holder practices in a public firm, in industry, in government, or in academia and verification of attendance or completion can be provided by a third party. Selection of the appropriate courses will be at the discretion of the certificate holder and may be selected from any of the Fields of Study issued by NASBA’s Registry of CPE Sponsors. Holders may not report credits earned through completion of multiple identical courses completed within the same calendar year, whether the courses are offered by the same vendor or a closely related vendor. Holders shall be required to provide evidence that courses are different if the Board requires it.

(i) At least sixty-six (66%) (80 of the 120 credit requirement or 40 of the 60 credit requirement found in subsection (c) of this section) of the credits shall be earned in fields of study that directly relate to a holder’s field of business as a CPA in the technical learning categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

- (A) Accounting;
- (B) Accounting (Governmental);
- (C) Auditing;
- (D) Business Law;
- (E) Economics;
- (F) Finance;
- (G) Information Technology;

- (H) Management Services;
- (I) Regulatory Ethics;
- (J) Specialized Knowledge;
- (K) Statistics; or
- (L) Taxes.

(ii) The balance of credits may be earned in non-technical learning activities that contribute to the professional competence of a CPA in fields of study that indirectly relate to the CPA's field of business in categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

- (A) Behavioral Ethics;
- (B) Business Management & Organization;
- (C) Communications and Marketing;
- (D) Computer Software & Applications;
- (E) Personal Development;
- (F) Personnel/Human Resources; or
- (G) Production.

(b) Programs must be developed and conducted in compliance with the Statement on Standards for Continuing Professional Education (CPE) Programs incorporated by reference. If called upon to do so by the Board, certificate holders must be prepared to demonstrate that providers/sponsors have complied with the Statement on Standards for Continuing Professional Education (CPE) Programs.

(c) Certificate holders are required to comply with the CPE requirements in the three (3) full calendar years immediately preceding the renewal year as set forth below:

Rolling CPE Reporting Requirements			
Renewal Year	First Calendar Year	Second Calendar Year	Third Calendar Year
First Renewal Reporting Requirement	0 credits to be reported for this first certificate year		

Rolling CPE Reporting Requirements		
Second Renewal Reporting Requirement	60 credits completed during this two calendar year period	
Thereafter	120 credits in this rolling three year period	

(i) With the exception of the requirement stipulated in sub-section (iv)(A) below, certificate holders renewing an active certificate for the first time are excepted from the continuing professional education reporting requirements;

(ii) To renew an active certificate for the second time, a holder shall complete 60 credits in the two calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool;

(iii) To renew an active certificate thereafter, a holder shall complete 120 credits in the three calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool.

(iv) All certificate holders who maintain their principal place of business in Wyoming are required to complete, as scheduled by the Board, and at least once every three-year continuing education period, four credits of continuing education in regulatory/professional ethics as approved by the Board. Credits may be earned at separate courses but all four credits must be completed in the same calendar year. To qualify for credit, the course must include a Wyoming statutes and rules element and other topics such as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies with a passing score of 80% unless satisfaction of the requirement is through participation in a group program. Holders who obtain initial certificates shall complete an approved regulatory/professional ethics course as set forth in section 3(d)(iv) of this chapter within six (6) months (month-end of date of initial certificate) of obtaining the initial certificate and every three year renewal period thereafter.

(v) If a reported/planned course as of the date of processing an online certificate renewal application is not completed by December 31st, an amended program attendance record must be submitted in the Board’s online licensing renewal/CPE reporting system reflecting the change. If reported/planned courses are not completed by December 31st and are required to meet minimum CPE requirements, holders may request an extension of the CPE deadline in accordance with section 8 of this chapter and shall pay required fees at the time of the request.

(d) The continuing professional education requirement of a non-resident certificate holder not using practice privileges is met if the individual meets the continuing education requirement for renewal of a certificate, permit, or license in the state in which the individual’s principal office is located. These individuals must, during the applicable renewal period imposed by the state where the principal office is located, complete four credits of continuing education in regulatory/professional ethics covering state specific statutes and rules and such

topics as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies. The non-resident must certify that the continuing professional education requirement has been met in another state. If there is no continuing education requirement in the non-resident's principal place of business or the individual is not licensed in his principal place of business, the individual must comply with the requirements as though he was a resident of Wyoming. Non-resident certificate holders are subject to the audit provisions of this chapter to verify the continuing professional education status of a non-resident.

(e) Courses offered by a single course sponsor or multiple course sponsors repeated during a renewal year are ineligible to be counted towards meeting minimum requirements. Holders are responsible for providing evidence that courses are different if the Board requires it.

(f) Inactive and Retired certificate holders are excepted from the continuing education requirements until such a time as they enter or re-enter practice under the provisions of the Act and the rules.

(g) The Board may suspend, relax, or grant exceptions to the continuing education requirements for instances of individual hardship or other good cause shown.

Section 4. Credit.

(a) Continuing Professional Education will be measured by program length with one fifty (50) minute period constituting one (1) credit unless the course is offered as a nano learning course. Total credits will be determined based on the sum of segments with credits rounded down to the nearest half credit when the total is not divisible by 50 (180 minutes = 3.5 credits). Credit is granted in the calendar year in which the course is attended or completed unless the Board determines otherwise. Credits reported in one certificate of completion or other evidence of completion may not be split between multiple calendar years. Credit granted through the extension process will be granted in one year only to satisfy minimum CPE requirements and cannot be carried forward to meet future requirements.

(b) A nano learning program is a formal tutorial program designed to permit a participant to learn a given subject in 10-minute increments through the use of electronic media (including technology applications and processes and computer-based or web-based technology) and without interaction with a real-time instructor. A holder shall not claim more than ten (10) full CPE credits (maximum of fifty (50) ten (10) minute nano learning programs) earned through nano learning programs within one (1) calendar year and all nano learning credits shall be offered through course sponsors listed on NASBA's Learning Registry. This subsection is effective January 1, 2020.

(c) Instructors, lecturers, discussion leaders, and speakers earn credit for the actual presentation period plus an additional two credits for each period for preparation (three (3) credits for each presentation credit). The maximum credit allowed in this category will be 50% of the total renewal requirement (no more than 60 credits in any three-year period). Repetitious presentations will not qualify unless substantive changes requiring significant additional research and study have been made to the course.

(d) Published articles, books, etc. authored by the certificate holder: Credit may be awarded for published articles or books for up to 25% of the renewal requirement (no more than 30 credits). Copies of articles or books must be provided at the holder's expense.

(e) University or college courses: Each semester hour credit will equal fifteen (15) credits towards the requirement. A quarter hour will equal ten (10) credits. Credit earned for courses taken to obtain an initial baccalaureate degree that qualifies an individual to sit for the examination do not qualify under this section.

(f) Independent Study: Credit in this area is limited to twelve (12) credits in any renewal period.

(g) Non-degree certificate programs: Accredited colleges and universities that offer certificate programs but do not post credit for the program on the official transcript must either provide a completion certificate to the participant or maintain an attendance log of participants, prepare and preserve an outline of the course, and ensure the course is led by a qualified instructor. One (1) CPE credit shall be awarded for every 50 minutes of class time.

(h) When credits are limited by section 4(b), (c), (d) or (e), no future adjustments may be made to use credits previously limited.

Section 5. Evidence of Completion - Retention. Primary responsibility for documenting that requirements have been met rests with the certificate holder. Evidence to support fulfillment of those requirements shall be retained for a period of four (4) years after the completion of the course. Certificate holders shall retain an outline or program for each course and evidence of attendance. Holders shall report coursework and upload certificates of completion and other documentation as required into the online system provided by the Board. All documents uploaded to the online CPE reporting system shall be associated only with the course to which it pertains. Documentation shall include the holder's name; sponsor/provider name; course title, date and timeframe of the course; and the amount of credit granted as applicable calculated based upon a 50-minute hour. Satisfaction of completion of the requirements may be accomplished as follows:

(a) College or university courses: transcripts verifying completion or other verified documentation from an institution.

(b) Individual or independent study: Certificates of completion, signed statements from vendors or sponsors, copies of the applicable independent study contracts, or other acceptable documentation as determined by the Board.

(c) Group study: Sign in sheets, certificates of attendance, firm rosters signed by participants and attested to by the appropriate firm officials, other third party verification, or other acceptable documentation as determined by the Board.

(d) Instructor/lecturer: a signed statement from the course provider or other appropriate official verifying the services were provided shall be obtained.

(e) Board approved regulatory/professional ethics course: Upon request all certificate holders shall submit a certificate of completion or certificate of attendance to the Board office using the online CPE reporting system.

Section 6. Activation.

(a) Before providing accounting services, an individual who has been excepted from the requirements or has otherwise not provided evidence of compliance with the CPE requirements shall make appropriate application and show compliance with the continuing education requirements.

(b) The Board may waive the requirement to complete requirements in a given calendar year period and consider a combination of 120 hours completed within a three (3) year period other than calendar years.

(c) The Board may allow a certificate holder to re-enter active practice without providing compliance with the continuing education requirements upon the condition that the applicant follow a particular future program or schedule of continuing education.

(d) The applicant shall document that an approved ethics course as set forth in section 3 of this chapter has been completed within the three (3) years prior to re-entry.

Section 7. Controls and Reporting. To renew an active certificate, on the online licensing renewal system and CPE reporting tool provided by the Board, each holder or each non-resident who does not report CPE to another state shall provide the following by reporting course details and uploading certificates of completion to the Board's online licensing system:

(a) The number of CPE credits completed as requested;

(b) A list of the individual courses completed or to be completed prior to December 31st of the calendar year subject to renewal including the following information:

(i) Sponsoring organization/provider/contractor;

(ii) Title of program or description of content;

(iii) Course type (individual, group, lecture, etc.);

(iv) Dates attended or completed; and

(v) Credit claimed.

Section 8. Extensions. The Board may, upon written request, extend the time within which certificate holders must comply with the requirements of this chapter for good cause.

(a) An applicant may request a ninety (90) day extension at the time of renewal upon payment of the required \$150.00 CPE Extension Processing Fee in addition to the certificate renewal fee. All requests for 90-day extensions are subject to the \$150.00 CPE Extension Processing Fee regardless of whether the request was intended or not. There shall be no refunds of the CPE Extension Processing Fee.

(b) Any request for an additional extension in excess of ninety (90) days shall be submitted to the Board in writing no later than March 1st and outline good cause for granting the extension.

(c) Any applicant who requests or is granted an extension of time under this section shall submit documentation of completing the applicable course work no later two weeks after the expiration of the extension deadline and shall be audited under section 9 of this chapter.

(d) Any applicant who fails to complete the CPE requirement by the extended deadline shall be required to complete additional CPE credits equal to either the lesser of the shortage of credits or no more than sixteen (16) additional CPE credits. The additional credits shall be completed no later than thirty (30) days from the extended deadline and shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion of the additional credits by the deadline shall result in the initiation of an investigation and possible disciplinary action in accordance with chapter 7 of the rules.

Section 9. Verification. The Board shall verify compliance with the CPE requirements on a test basis (to a maximum of 20% audit) or as otherwise necessary. Board staff or Board members shall determine whether CPE credits claimed meet the requirements set forth in this chapter. Upon a finding that CPE credits or the documentation provided to evidence CPE credits do not meet the requirements set forth in this chapter, the Board staff or Board members may disqualify course credits claimed and shall notify the holder of the findings.

(a) In the form requested by the Board, holders shall submit evidence of compliance with the CPE requirements.

(b) Non-resident certificate holders not using practice privileges shall comply by providing evidence and reporting of continuing professional education in a form required by the Board and by submitting a copy of the applicable renewal application in the state of residence and evidence of completion of all courses required by the residency state, to include the completion of the ethics course required in section 3(e) of this chapter for the applicable renewal period or through another Board approved CPE audit process. All CPE documentation required must be recorded in the Board's CPE reporting system. If no documents were submitted to the state of residence, the holder shall comply with subsection (a) above.

(c) A holder shall remedy any deficiency discovered within ninety (90) days of formal notification by the Board. Deficiency credits shall qualify for credit in the initial reporting period and cannot be duplicated for purposes of determining the applicable requirement in any other reporting period.

(d) Any certificate holder found deficient shall be required to complete additional CPE credits equal to the lesser of the shortage of credits but not more than sixteen (16) additional CPE credits. The additional credits shall be completed within thirty (30) days of the date advised of the deficiency. Deficiency credits shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion by the deadline shall result in the initiation of disciplinary action.

(e) Programs found to be out of compliance with the general standards may be disqualified and result in the requirement that the holder remedy any deficiency caused pursuant to subsections (c) and (d) of this section.

(f) Certificate holders found deficient shall be included in the CPE audit for two renewal cycles following the deficiency.

Section 10. Incorporation by Reference.

(a) The Statement on Standards for Continuing Professional Education (CPE) Programs adopted by the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants and last revised August 4, 2016, found at: https://www.nasbaregistry.org/__media/Documents/Others/Statement_on_Standards_for_CPE_Programs-2016.pdf.

(b) Fields of Study That Qualify For Continuing Professional Education adopted by the National Association of State Boards of Accountancy and last revised July 1, 2016, found at: https://www.nasbaregistry.org/__media/Documents/RegistryPolicies/FieldsOfStudy2016.pdf.

(c) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.

~~CHAPTER 1~~**Chapter 1**
~~GENERAL PROVISIONS~~**General Provisions**

Section 1. Authority. The Wyoming Board of Certified Public Accountants hereby adopts and promulgates the following rules and regulations as authorized by Wyoming Statute 33-3-108(a) ~~the Act and the Wyoming Administrative Procedure Act, and W.S. 16-3-101 et seq~~103(j)(ii).

Section 2. Definitions. Unless otherwise stated or required by the context, the definitions set forth in this section shall apply to the construction and interpretation of any rules, regulation, interpretations and statements of reason adopted by the ~~Wyoming Board of Certified Public Accountants~~.

(a) “Active Status” means the status required when a certificate holder performs any service as defined ~~in~~at W.S. 33-3-109(c) ~~and Section 2(dd) of this chapter~~ for an employer, another person, or an entity not wholly owned by the certificate holder with or without compensation.

(b) “Advertise” means ~~the use of~~ any written or graphic statement made in any manner ~~which~~that is used to advise, announce, apprise, command, give notice of, inform or make known that services are offered or available. It may include but is not limited to statements and representations made in a newspaper or other publication, radio or television ads, or ~~the use of~~ any other notice, handbill, sign, catalog, letter, electronic media, or printed document ~~which~~that indicates services are offered or available.

(c) “Agreed-Upon Procedure” means a professional service whereby a holder is engaged to issue a written finding that:

(i) Is based on specific procedures that the specified parties agree are sufficient for their purposes;

(ii) Is restricted to the specified parties; and

(iii) Does not provide an opinion or negative assurance.

(d) “AICPA” or “Institute” means the American Institute of Certified Public Accountants or successor organizations.

(e) “Audit” means a professional service whereby the holder is engaged to examine financial statements, items, accounts, or elements of a financial statement, prepared by management, in order for an opinion to be expressed on financial statements, items, accounts, or elements as to whether the financial statements are presented in conformity with generally

accepted accounting principles or other comprehensive basis of accounting or a performance audit performed in compliance with the Government Auditing Standards as referenced in Chapter 6, Section 3(b) of these rules.

(f) “Certified Public Accountant” or “CPA” is a person holding a certified public accountant certificate issued pursuant to W.S. 33-3-109, W.S. 33-3-115 or W.S. 33-3-116 or ~~which that~~ has not been suspended, revoked, surrendered, or expired or a person who holds a certificate based on meeting the substantial equivalency standards and availing himself of practice privileges.

(g) “Client” is any person or organization other than the holder’s employer that engages a certificate or permit holder to perform professional services.

(h) “Commission” is a fee, received or paid by others, ~~which that~~ is calculated as a percentage of the total sale or service.

~~(i) “Compilation” means a professional service as defined in the Statements on Standards for Accounting and Review Services as set forth in Chapter 6, Section 3(d).~~

(j) “Contingent Fee” is a fee established for ~~the performance of performing~~ any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. ~~A fee may vary depending, for example, on the complexity of the services rendered.~~

~~(k) “CPA Firm” is a partnership, limited liability partnership, limited liability company, flexible limited liability company, sole proprietorship, or any type of corporation engaged in the practice of public accounting.~~

(l) “Designated Certificate Holder (DCH)” is the individual certificate holder responsible for registering the CPA firm and providing all CPA firm and office notifications required under W.S. 33-3-118, and W.S. 33-3-119, as well as other notifications required by these Rrules and Regulations.

~~(m) “Enterprise” is any person or entity, whether or not organized for profit, for which a certificate holder provides public accounting services.~~

~~(n)~~ (k) “Financial Statements” means statements and related footnotes ~~related thereto~~ that ~~undertake to~~ present an actual or anticipated financial position as of a point in time, or results of operations, cash flow, or changes in financial position for a period of time, in conformity with

generally accepted accounting principles or another comprehensive basis of accounting. The term 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.

~~(ol)~~ “Foreign” means any place ~~situated outside of the fifty-five United States or its territories~~ jurisdictions which includes all fifty states and the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.

~~(pm)~~ “Holder” is a person who has been ~~awarded~~ issued a CPA certificate by the Board ~~under pursuant to W.S. 33-3-109; under W.S. 33-3-115; or W.S. 33-3-116 and chapter 3 of these rules, or a CPA firm that has been issued a permit under pursuant to W.S. 33-3-118, W.S. 33-3-120, and Chapter 4 of these Rules and Regulations or a person or firm availing it or himself or itself~~ of practice privileges.

~~(qn)~~ “Holding Out” means any action initiated by a holder which states or implies he is skilled in the practice of accounting; ~~or any action that informs others of the CPA status. Any action includes but is not limited to any oral or written representation to another regarding accounting skills or the CPA status, the use of the using a CPA designation on business cards or letterhead, the displaying a of the certificate, a listing as a CPA in the local telephone directories, or reference to any of the AICPA professional standards or any of the standards established in Chapter 6, Section 3 of these Rules and Regulations.~~

~~(ro)~~ “Inactive Status” means the status ~~required~~ available when a ~~certificate~~ holder does not perform any service as defined in W.S. 33-3-109 ~~(c) and Section 2(dd) of this chapter~~ for an employer, another person, or an entity not wholly owned by the certificate holder, with or without compensation.

~~(s)~~ “License” is used ~~synonymously with the term “certificate” or “permit” as appropriate in the context of the rules.~~

~~(tp)~~ “Licensee” is used ~~synonymously with the term~~ means “holder” whether licensed in this State or ~~availing himself of practice privileges as defined in section 2(m) of this chapter.~~

~~(u)~~ ~~— Masculine/singular terms when used in these provision shall also include the feminine/plural.~~

~~(vq)~~ “NASBA” means National Association of State Boards of Accountancy.

(~~wr~~) “Office” means any location within the State of Wyoming where the practice of public accounting is performed by certificate holders as a CPA firm.

(~~xs~~) “Organization” is a corporation, partnership, limited liability company, sole proprietorship, association, business trust, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity.

(~~yt~~) “Original Certificate” means the certificate issued to an individual as a result of passing the Uniform CPA examination as a ~~Wyoming candidate~~ and meeting the requirements as set forth in W.S. 33-3-109(a) and chapter 3, section 2 of these rules.

(~~z~~)—“PCAOB” means ~~Public Company Accounting Oversight Board~~.

(~~aa~~u) “Peer Review” means a review under a practice monitoring program as approved by the Board such as the programs sponsored by the ~~American Institute of Certified Public Accountants (AICPA)~~.

(~~bb~~)—“Permit” or “Permit to Practice” is a ~~permit to engage in the practice of public accounting as a certified public accounting firm issued by the Board under W.S. 33-3-118, W.S. 33-3-120, Chapter 4 of the Rules and Regulations which is in good standing~~.

(~~cc~~)—“Permit Holder” is a CPA firm pursuant to ~~W.S. 33-3-118, W.S. 33-3-120, and Chapter 4 of the Rules and Regulations which is in good standing~~.

(~~dd~~)—“~~Practice of Public Accounting~~”, “~~Practice of Certified Public Accounting~~”, or “~~practicing~~” means a holder providing any type of service listed in Chapter 3, Section 1(b)(i-xxi) or providing advice involving the use of accounting skills; any auditing, review, or compilation service; any management advisory service; or any tax or consulting service; or any litigation support service, including but not limited to expert witness testimony.

(~~ee~~v) “Practice Privilege” means the ability to practice as a certificate or permit holder in Wyoming without obtaining a Wyoming certificate based on meeting the criteria established in W.S. 33-3-116(a) and ~~Chapter 10 of these rules~~ or a permit based on W.S. 33-3-118(b)(xiv) and ~~(xv)~~.

(~~ff~~w) “Professional Services” are any services performed or offered to be performed by a holder in the practice of public accounting.

(~~gg~~x) “Reciprocal Certificate” means a certificate issued to an individual based on a certificate issued in another jurisdiction.

(~~hh~~y) “Referral Fee” is a fee paid by a holder to any person in return for recommending or referring any service of a holder to any person~~in exchange for producing a purchase of goods or services.~~

(~~ii~~z) “Registrant” means any certificate holder, permit holder or person or firm availing himself or itself of practice privileges under the provisions of the certified public accountants’ Act and these Rules and Regulations.

(~~jj~~aa) “Report” when used with reference to financial statements means an opinion, report, or other form of language that states or implies assurance as to the reliability of ~~any~~ financial statement and that also includes or is accompanied by any statement or implication that the person or CPA firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from the use by the issuer of the report of names or titles indicating that the person or CPA firm is a certified public accountant or auditor, or from the use of language in the report itself. The term “report” includes any form of language ~~which that~~ disclaims an opinion when ~~such form of the~~ language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to ~~and/or~~ special competence on the part of the person or CPA firm issuing such language; and it includes any other ~~form of~~ language that is conventionally understood to imply ~~such an~~ assurance ~~and/or~~ other special knowledge or competence.

(~~kk~~bb) “Retired Status” means the status available when a certificate holder has reached the age of sixty-five (65) or is disabled and does not no longer performs any service for compensation as defined in W.S. 33-3-109(~~c~~)~~and Section 2(dd) of this chapter~~ for an employer, another person, or an entity not wholly owned by the certificate holder,~~with or without compensation, and has reached the age of fifty five (55) or is disabled.~~

(~~ll~~cc) “Review” means a professional service as defined in the Statement on Standards for Accounting and Review Services as set forth in ~~€~~Chapter 6, §section 3(d) of these rules.

(~~mm~~dd) “Sole Proprietorship” ~~exists when~~means a certificate holder performs accounting services as defined in W.S. 33-3-109(~~c~~) ~~and section 2(dd) of this Chapter~~ for any person or organization other than his employer, himself, or an entity wholly owned by himself, ~~is not organized as any other formal entity,~~ and the certificate holder is compensated for services provided.

(~~nn~~ee) “Surrendered Status” means the certificate or affidavit of lost certificate has been returned to the Board’s office. A person who surrenders a certificate is no longer ~~considered~~ a Wyoming CPA.

(ooff) “Work papers” means the holders’ records of procedures applied, the tests performed, the information obtained, and the conclusions reached in attest services, tax, consulting, special report, or other engagements. Work papers include, but are not limited to, work programs used to perform professional services, analyses, memoranda, letters of confirmation and representation, checklists, copies or abstracts of company documents, and scheduleds of commentaries prepared or obtained by the holder. The forms include, but are not limited to, handwritten, typed, printed, word processed, photocopied, photographed, computerized data, or any other form of letters, words, pictures, sounds or symbols.

(pp) —“W.S.” means the Wyoming Statutes in their most recently published form, including all amendments.

Section 3. Chairman. The Chairman of the Board shall preside at all meetings and shall perform such other duties as the Board may direct. In the absence of the Chairman, the Secretary shall perform the duties of the Chairman.

Section 4. Secretary. In addition to those duties imposed under pursuant to W.S. 33-3-104, the Board Secretary of the Board shall maintain, or direct the staff to maintain, a record of the transactions and business of the Board. The record shall include a record of any certificates and permits issued and of any fees paid received.

Section 5. Meetings.

(a) The Board shall ~~meet at least three times a year~~ by resolution establish regular meetings at the Board’s office or other location as identified in public notices issued by the Board office. Additional meetings and conference call meetings may be scheduled as determined by the Board. All meetings shall be scheduled and conducted in compliance with W.S. 16-4-401 et seq.

(b) ~~The Board shall elect annually from among its members a chair and a secretary.~~ The elected Board officers shall assume the duties of their respective offices at the conclusion of the meeting at which they were elected. They Board officers shall serve a term of one year, ~~but~~ and shall be eligible for reelection.

Section 6. Interpretations. ~~The Board will periodically issue interpretations necessary for the implementation of the Act.~~ **Appointment of Committees.** The Board may appoint committees to facilitate the performance of its duties. Committee appointments may be “standing” or “ad hoc” as necessary to address complaint investigations, conduct peer review oversight, review rules and make recommendations to the Board for rules promulgation, review applications, or other matters as determined by the Board.

Section 7. Delegation of Temporary Licensure Authority. The Board may delegate the authority to issue temporary certificates and firm permits to Board members,

Application Review Committees, or Board staff. Temporary certificates and firm permits issued under this section shall be valid for no longer than 120 days or until formal Board action to ratify issuance has been taken to render final Board approval.

Section 78. Records Retention. The Board shall comply with records retention schedules ~~which were formally adopted by the Board on May 11, 2009~~ set forth by the State of Wyoming.

Section 89. Language of Record. The Board shall provide ~~E~~examinations, applications, correspondence, and all other documents ~~will be provided~~ in the English language only. Requests for assistance with foreign language impediments will be considered on a case-by-case basis. If provided, any and all costs associated with ~~usage~~ examinations, interpreters, or other aids will be borne solely by the applicant.

Section 910. Change of Name, Address, or Employment.

(a) All certificate holders and DCH's shall notify the Board of any changes in name, address, email address, telephone number, or employment within sixty (60) days of the change.

(b) Any notification from the Board required or permitted under the ~~C~~certified ~~P~~ublic ~~A~~ccountants' Act sent to the certificate holder, permit holder, or DCH shall be sent to the last known name and address, or e-mail address provided to the Board by the holder, and shall be deemed proper service on ~~said~~the holder.

Section 1011. Change in Form, Ownership, Scope of Practice or CPA firm Name.

(a) ~~The~~ DCH shall notify the Board ~~as may be applicable~~ as follows:

(~~ai~~) ~~W~~within sixty (60) days of any changes in scope of services which affect the scheduling or timing of peer reviews;

(~~bii~~) ~~W~~within sixty (60) days of the termination or transfer of a sole proprietorship, the admission or withdrawal of a partner, shareholder, member, or non-certificate holder from any permitted CPA firm.

(~~eiii~~) ~~W~~within sixty (60) days of the admission or withdrawal of any certificate holder acting ~~in the capacity of~~ as a resident manager of any office or any change in the certificate holder designated to represent the firm;

(~~d~~iv) ~~W~~within sixty (60) days of any CPA firm name change accompanied by ~~applicable~~ amended articles of incorporation or articles of organization.

Section ~~11~~12. Applications.

(a) All certificate and firm permit applications shall be reviewed and may be approved, subject to Board ratification, by the Board's staff or an Application Review Committee comprised/composed of the Board's staff and one (1) Board member pursuant to chapter 7, section 4 of these rules.

~~(b) — If an application is denied, the reasons for denial shall be communicated to the applicant in writing. The applicant shall have the right of reconsideration based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the Board that the applicable requirements are met. Any request for reconsideration shall be submitted within thirty (30) days of the denial decision.~~

~~(e)~~ The Board reserves the right to may deny any application for any of the following reasons:

(i) The applicant's failure to furnish all information required on the application and required application attachments;

(ii) The applicant engages in any actions listed in W.S. 33-3-121(a)(i) through (~~xix~~ixii);

(iii) The applicant falsifies/season of information required by the application process; or

(iv) This or any other U.S. board of accountancy finds that the applicant a finding of cheating committed an act of misconduct on the CPA examination as set forth in chapter 2, Section 4(e) of Chapter 2 these rules or as issued by any United States Board of Accountancy.

(c) The Board or its designee shall not consider or review incomplete applications. An application for a certificate, firm permit, or examination, including any application for certificate or firm permit renewal, shall be deemed abandoned and any fee paid shall be forfeited if the applicant fails to complete the application within six (6) months of its original submission. All abandoned applications shall be destroyed one year from the date the partial application materials were received. Applicants whose documents have been destroyed in accordance with this subsection and who reapply shall be required to submit new applications including all required documentation and fees.

Section ~~12~~13. Fees.

(a) Fees paid during the course of the current calendar year may be applied to fees due. Fees paid for certificates and firm permits are not prorated. Filing dates and assessment of related fees shall be established pursuant to W.S. 16-4-303.

(a) Certificate Fees:		
(i)	Wall Document:	\$ 25.00
(ii)	Active Status:	\$ 200.00
(iii)	Inactive Status:	\$ 90.00
(iv)	Paper Active Renewal	\$ 200.00
(v)	Electronic Active Status Renewal:	\$ 190.00
(iv)	Paper Inactive Renewal:	\$ 90.00
(vii)	Electronic Inactive Status Renewal:	\$ 80.00
(viii)	Retired Status (one-time):	\$ 50.00
(ix)	Reinstate:	\$ 1000.00
(x)	Activate From Expired Status:	\$ 300.00
(xi)	Activate from Surrendered Status:	\$ 300.00
(xii)	Activate from Inactive Status:	\$ 210.00
(xiii)	Activate from Retired Status:	\$ 300.00
(xiv)	Restore Inactive Status from Expired:	\$ 190.00
(xv)	Continuing professional education extension requested pursuant to chapter 5, section 8 of these rules:	\$ 150.00
(xvi)	Active Paper Late Fee (11-1):	\$ 50.00
(xvii)	Expired Late Fee (12-31):	\$ 100.00
(xviii)	Inactive Late Fee (12-31):	\$ 25.00
(b) Permit Fees:		
(i)	Firm Permit:	\$ 170.00

(ii)	Paper Renewal:	\$	170.00
(iii)	Electronic Firm Permit Renewal:	\$	160.00
(iv)	Late Paper Renewal (11/1):	\$	50.00
(v)	Expired Late Fee (12/31):	\$	100.00
(viii)	Activate From Expired Status:	\$	270.00
(iv)	Reinstate:	\$	1000.00

(e) ~~The following fees may be assessed for the costs and services required to provide copies or printouts of public records:~~

- ~~(i) name and address rosters (printed or electronic; annual register) \$50;~~
- ~~(ii) photocopies \$.10 each;~~
- ~~(iii) applicable postage charges;~~
- ~~(iv) applicable hourly pay rate for staff time involved to produce printouts or copies; and~~
- ~~(v) costs of computer disks, document mailers, envelopes and other supplies as applicable.~~

(d) Refunds.

- (i) All refunds shall be subject to a \$25 processing fee;
- (ii) After the \$25 processing fee has been assessed, the minimum allowable refund shall be \$5.00.

(e) Other Fees:

- (i) ~~NSF~~Non-sufficient Funds Fee: \$ 25.00
- (ii) Credit Card Charge back: \$ 25.00
- (iii) Duplicate/Reprinted Certificate: \$ ~~15.00~~25.00
- (iv) Each Certified Notice Fee unrelated to investigation/disciplinary action:
\$50.00
- (v) Board Approved Ethics Course Verification Fee: \$ ~~100.00~~**50.00
per hour review cost charged to course vendor. A minimum fee of \$200.00 shall accompany the

course vendor's materials submitted for review and approval by the Board. The Board staff is not authorized to refund any portion of fees collected.

~~**No fee for initial review and minor revisions; fee may apply in the event of multiple reviews and/or major revisions.~~

Section 14. Reporting Convictions, Judgments, and Disciplinary Actions.

(a) Each certificate holder and each CPA firm's designated certificate holder, on a form and in the manner prescribed by the board, shall disclose information specified in subsections (d), (e), and (f) of this section. Disclosure shall be required upon initial application for an individual certificate or CPA firm permit. Once licensed, disclosure shall be required within thirty (30) days of the imposition of discipline or judgment or with the renewal of the certificate or permit. Actions previously reported do not need to be re-reported upon renewal.

(b) All information or documents disclosed or provided pursuant to the requirements of this section shall be maintained in an investigative file pursuant to chapter 7, section 21(c)(ii).

(c) Disclosure shall include but is not limited to the following:

(i) The name of the court or regulatory/administrative entity involved;

(ii) The case number;

(iii) The names of the parties involved;

(iv) The type of reportable event; and

(v) A summary of the reportable events.

(d) Any conviction or finding of guilt or plea of nolo contendere to:

(i) A felony;

(ii) Any crime an element of which is dishonesty or fraud; or

(iii) The denial, cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any state, federal agency, or foreign authority for any cause other than failure to pay a fee.

(e) Imposition of a censure, reprimand, sanction, probation, civil penalty, fine, consent decree or order by any state board of accountancy, the AICPA, the Securities Exchange Commission, Public Company Accounting Oversight Board, Internal Revenue Service, or foreign regulatory body that regulates the practice of accountancy.

(f) Any fully adjudicated judgment or settlement in a civil suit or arbitration proceeding entered after July 1, 2005 totaling more than \$150,000 and based upon an allegation of dishonesty, fraud, or gross negligence in the practice of accounting, or any action that would constitute a violation of the rules of professional conduct promulgated by the board. Notification under this section shall apply only to actions directly involving a certificate or permit holder's practice of accounting in Wyoming.

Section 15. Incorporation by Reference.

(a) The Board hereby incorporates by reference the following uniform rules which are referred to throughout the rules:

(i) Chapter 2 – Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective September 6, 2016, found at: <https://State of Wyoming Admin & Info Public Records Rule>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.

~~CHAPTER 4~~**Chapter 4**
~~PERMITS~~**Permits**

Section 1. Authority. These rules are promulgated pursuant to Wyoming Statutes 33-3-118, W.S. 33-3-119, and W.S. 33-3-120.

Section 12. Registration of Firms.

(a) ~~Partnerships, corporations, limited liability companies, or sole proprietorships shall register the entity and obtain a permit prior to rendering professional services when:~~

~~(i) an office as defined in Chapter 1, Section 2(w) exists and attest services as defined in W. S. 33-3-102(a)(vi) and in subsection (b) of this section are provided;~~

~~(ii) an office as defined in Chapter 1, Section 2(w) exists and the entity or individuals associated with it hold out as CPA(s) in any manner;~~

~~(iii) an office as defined in Chapter 1, Section 2(w) exists, a majority interest in the entity is owned by CPAs, and services as defined in W. S. 33-3-109(c) and Chapter 1, Section 2(dd) and Section 2(e) are provided;~~

~~(iv) the firm does not have an office as defined in Chapter 1, Section 2(w) but performs any audit in accordance with the Statements on Auditing Standards, any examination of prospective financial information in accordance with the Statements on Standards for Attestation Engagements, or any engagement in accordance with the PCAOB auditing standards when these services are performed for a client whose home office is in Wyoming; or~~

~~(v) the firm does not have an office as defined in Chapter 1, Section 2(w), performs any attest services as defined in W. S. 33-3-102 (a)(vi)(B) for a client whose home office is in Wyoming and is not required to comply with the AICPA peer review requirements or some state's peer review requirements.~~

(ba) All certificate holders who perform compilation or attest services outside of a permitted firm from a Wyoming office shall register and obtain permits. ~~(i) A~~ A firm that does not have an office as defined in ~~Chapter 1, Section 2(r) of these rules,~~ but performs compilations or attest services for a client whose home office is in Wyoming and is not required to comply with the AICPA peer review requirements or some state's peer review requirements must register with the Board and obtain a permit.

(eb) CPA firms required to register shall meet the application requirements as follows:

(i) A corporation must file a copy of the filed articles of incorporation at the time of initial application and any subsequent amendments thereto in accordance with ~~Chapter 1 of these Rules and Regulations.~~

~~(A) — The practice of public accounting in Wyoming is permitted in the professional corporation form in compliance with the additional requirements of W.S. 17-3-101 through 104 specifically but not limited to the requirement of W.S. 17-3-101 that all owners of capital stock be licensed or permitted under Wyoming law and the requirements of W.S. 17-3-103 with respect to corporate name.~~

(ii) A limited liability company must file a ~~filed~~ copy of the articles of organization with the secretary of state or other appropriate authority of the state at the time of initial application and any subsequent amendments thereto in accordance with Chapter 1 of these Rules and Regulations.

~~(dc)~~ An application to register a firm shall be made on forms provided by the Board and upon the affidavit sworn statement of a designated certificate holder who holds an active Wyoming certificate or qualifies for practice privileges and is responsible for the CPA firm in the State of Wyoming. All notifications required under this act and ~~these Rules and Regulations~~ shall be the responsibility of this designated certificate holder.

~~(ed)~~ Designated certificate holders shall register ~~all~~ Wyoming office locations with the CPA firm registration and provide the following information:

- (i) Office address, both physical and mailing, if different;
- (ii) Phone number;
- (iii) Name of certificate holder providing attest or compilation services at each location; and
- (iv) A list of all office locations within Wyoming.

(e) After issuance of a CPA firm permit, the firm shall practice under the name registered with the Board.

Section 23. Renewal/Activation.

(a) All CPA firm permits expire December 31st of each calendar year. Renewal notifications shall ~~be mailed or~~ e-mailed to designated certificate holders no later than October 1st of each calendar year.

(b) The designated certificate holder shall submit an application for renewal which shall be ~~postmarked or received~~ processed in the Board's electronic licensing system ~~office~~ no later than ~~November 1~~ December 31st of each calendar year and be accompanied by the following:

- (i) ~~his~~ A complete individual certificate renewal unless authorized to use practice privileges;

(ii) Copies of applicable amended articles of incorporation or articles of organization; ~~and~~

(iii) Applicable fees, to include ~~late and~~ outstanding certified notice fees as outlined in ~~C~~chapter 1, ~~S~~section ~~12~~13(c)(ii) of these rules;

(iv) A list of all firm ownership, including certificate status and percentage ownership; and

(v) A list of all certificate holders associated with the firm.

(c) Firms eligible for practice privileges may activate an expired firm permit at any time and are subject to activation fees as set forth in ~~C~~chapter 1, ~~S~~section ~~12~~13(c)(iii) of these rules.

Section 34. Non-certificate Holders. CPA firms whose ownership includes non-certificate holders shall provide a ~~listing~~ of the names of all certificate and non-certificate holder owners at initial registration and at the time of annual permit renewal. This ~~listing~~ shall document compliance with subsection (ii) of this section.

(i) ~~s~~Subsequent changes must be reported within sixty (60) days;

(ii) ~~i~~f the withdrawal of a certificate holder results in the CPA firm's ownership being controlled by more than 49% of non-certificate holders, the CPA firm shall take corrective action within sixty (60) days to ensure the CPA firm complies with W.S. 33-3-118(b)(xvi)and (xvii).

Section 45. Non-Resident Firms. CPA firms that qualify for practice privileges but elect to obtain/maintain a permit in Wyoming shall comply with all provisions and requirements set forth in W.S. 33-3-118(b)(xiv) and (xv), W.S. 33-3-120, W.S. 33-3-132, and ~~these R~~ules ~~and Regulations~~.

Section 6. Refunds. Refunds of firm permit fees paid may be processed at the discretion of the Board. All requests for refunds must be submitted in writing to the Board office within thirty (30) days of payment of the fee. All refunds are subject to requirements in chapter 1, section 13(d) of these rules.

CHAPTER 5
CONTINUING PROFESSIONAL EDUCATION

Section 1. General Requirements Authority. These rules are promulgated pursuant to Wyoming Statute 33-3-108(a)(iii) and W.S. 33-3-109(e).

(a) — ~~A program qualifies as acceptable continuing education if it is a formal program of learning which contributes directly to the professional competence of a certificate holder in the practice of accounting or is directly related to the holder's field of business and verification of attendance or completion can be provided by a third party.~~

(b) — ~~A program contributes to professional competence if it maintains or improves the certificate holder's current professional knowledge. Selection of the appropriate courses will be at the discretion of the certificate holder and may be selected from any of the following fields of study:~~

Section 2. Definitions.

(a) “Renewal Year” means the calendar year following any year in which a registrant holds an active certificate.

(b) “Third Party” means a person associated with or duly authorized by a CPE vendor or sponsor to represent that vendor or sponsor.

Section 23. General Requirements.

(a) A Continuing Professional Education (CPE) program qualifies as acceptable continuing education if it is a formal program of learning that contributes directly to the professional competence of a certificate holder in the practice of accounting as a CPA regardless of whether the holder practices in a public firm, in industry, in government, or in academia and verification of attendance or completion can be provided by a third party. Selection of the appropriate courses will be at the discretion of the certificate holder and may be selected from any of the Fields of Study issued by NASBA's Registry of CPE Sponsors. Holders may not report credits earned through completion of multiple identical courses completed within the same calendar year, whether the courses are offered by the same vendor or a closely related vendor. Holders shall be required to provide evidence that courses are different if the Board requires it.

(i) At least sixty-six (66%) (80 of the 120 credit requirement or 40 of the 60 credit requirement found in subsection (c) of this section) of the credits shall be earned in fields of study that directly relate to a holder's field of business as a CPA in the technical learning categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference; following Code A areas:

- (A) — ~~Accounting & Auditing;~~
- (B) — ~~Business Law;~~
- (C) — ~~Administrative Practice;~~
- (D) — ~~Regulatory Ethics;~~
- (E) — ~~Business Management & Organization;~~

- ~~(F) — Finance (Financial Planning);~~
- ~~(G) — Management Advisory Services;~~
- ~~(H) — Marketing;~~
- ~~(I) — Economics;~~
- ~~(J) — Specialized knowledge and application;~~
- ~~(K) — Statistics;~~
- ~~(L) — Taxes; or~~
- ~~(M) — Computer Science or software applications.~~

- (A) Accounting;
- (B) Accounting (Governmental);
- (C) Auditing;
- (D) Business Law;
- (E) Economics;
- (F) Finance;
- (G) Information Technology;
- (H) Management Services;
- (I) Regulatory Ethics;
- (J) Specialized Knowledge;
- (K) Statistics; or
- (L) Taxes.

(ii) The balance of credits may be earned in non-technical learning activities that contribute to the professional competence of a CPA in fields of study that indirectly relate to the CPA's field of business in categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference~~the following Code B~~ fields of study:

- ~~(A) — Behavioral Ethics;~~
- ~~(B) — Communications;~~
- ~~(C) — Personal Development;~~

~~(D) Personnel/Human Resources; or~~

~~(E) Other fields of study may be acceptable if the licensee can demonstrate the course does not qualify under an identified field but does contribute to professional competence.~~

(A) Behavioral Ethics;

(B) Business Management & Organization;

(C) Communications and Marketing;

(D) Computer Software & Applications;

(E) Personal Development;

(F) Personnel/Human Resources; or

(G) Production.

~~(eb) Programs must be developed and conducted in compliance with the Program Requirements and Program Standards as outlined in Section 3 of this Chapter the Statement on Standards for Continuing Professional Education (CPE) Programs incorporated by reference. If called upon to do so by the Board, certificate holders must be prepared to demonstrate that providers/sponsors have complied with the Program Standards Chapter the Statement on Standards for Continuing Professional Education (CPE) Programs.~~

~~(dc) Certificate holders are required to comply with the CPE requirements in the three (3) full calendar years immediately preceding the renewal year as set forth below:~~

Rolling CPE Reporting Requirements			
Renewal Year	First Calendar Year	Second Calendar Year	Third Calendar Year
First Renewal Reporting Requirement	<u>0 credits to be reported for this first certificate year</u>		
Second Renewal Reporting Requirement	<u>60 credits completed during in this two calendar year period</u>		
Thereafter	<u>120 credits in this rolling three year period</u>		

(i) With the exception of the requirement stipulated in sub-section (iv)(A) below, certificate holders ~~renewing the initial~~ an active certificate for the first time are excepted from the continuing professional education reporting requirements;

(ii) To renew an active certificate for the second time, ~~one a holder must~~ shall complete 60 credits in the two calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board's online CPE reporting tool;

(iii) To renew an active certificate thereafter, ~~one must~~ holder shall complete 120 credits in the three calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board's online CPE reporting tool.

(iv) All certificate holders who maintain their principal place of business in Wyoming are required to complete, as scheduled by the Board, and at least once every three-year continuing education period, four credits of continuing education in regulatory/professional ethics as approved by the Board. Credits may be earned at separate courses but all four credits must be completed in the same calendar year. To qualify for credit, the course must include a Wyoming statutes and rules element and other topics such as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies with a passing score of 80% unless satisfaction of the requirement is through participation in a group program. ~~(A)~~ Holders who obtain initial certificates shall complete an approved regulatory/professional ethics course as set forth in ~~§~~ section 43(d)(iv) of this chapter within six (6) months (month-end of date of initial certificate) of obtaining the initial certificate and every three year renewal period thereafter.

(v) If a reported/planned course as of the date of processing an online certificate renewal application is not completed by December 31st, an amended program attendance record must be submitted ~~to in~~ the Board's office online licensing renewal/CPE reporting system reflecting the change. If reported/planned courses are not completed by December 31st and are required to meet minimum CPE requirements, holders may request an extension of the CPE deadline in accordance with section 8 of this chapter and shall pay required fees at the time of the request.

(~~ed~~) The continuing professional education requirement of a non-resident certificate holder not using practice privileges is ~~considered to be~~ met if the individual meets the continuing education requirement for renewal of a certificate, permit, or license in the state in which the individual's principal office is located. These individuals must, during the applicable renewal period imposed by the state where the principal office is located, complete four credits of continuing education in regulatory/professional ethics covering state specific statutes and rules and such topics as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies. The non-resident must certify that the continuing professional education requirement has been met in another state. If there is no continuing education requirement in the non-resident's principal place of business or the individual is not licensed in his principal place of business, the individual must comply with the requirements as though he was a resident of Wyoming. Non-residents certificate holders are subject to the audit provisions

of this Chapter. ~~The Board may~~ to verify the continuing professional education status of a non-resident.

~~(fc) Certificate holders should obtain an appropriate mix of group and individual courses that meet their individual needs. Courses offered by a single course sponsor or multiple course sponsors repeated during a renewal year are ineligible to be counted towards meeting minimum requirements. Holders are responsible for providing evidence that courses are different if the Board requires it.~~

~~(gf) Inactive and Retired certificate holders are excepted from the continuing education requirements until such a time as they enter or re-enter practice under the provisions of the Act and the Rules and Regulations.~~

~~(hg) The Board may suspend, relax, or grant exceptions to the continuing education requirements for instances of individual hardship or other good cause shown.~~

Section 2. — Definitions.

~~(a) — Program Sponsor/Provider: The organization or individual responsible for setting learning objectives, creating the program materials to achieve such objectives, offering a program to participants and maintaining the documentation which demonstrates compliance with the Program Standards.~~

~~(b) — Group Course: An educational program designed to permit a participant to learn a given subject through interaction with an instructor and other participants.~~

~~(c) — Individual Course: An educational program designed to permit an individual to learn a given subject without interaction with others.~~

~~(d) — Independent Study: An educational program designed to permit an individual to learn a given subject under a unique, one-time learning contract with a qualified provider/sponsor. The learning contract must set forth the anticipated inputs and outcomes as well as the number of credits to be recommended at the conclusion of the program.~~

~~(e) — Renewal Year: The calendar year following any year in which a registrant holds an active certificate.~~

~~(f) — “Third Party” means a person associated with or duly authorized by a CPE vendor or sponsor to represent that vendor or sponsor.~~

Section 3. — Program Requirements

~~(a) — Group Programs: Group programs qualify as acceptable continuing education if they meet the general requirements of this Chapter, if an outline of the program is prepared in advance, if evidence of satisfactory completion is retained, and the program is at least one full credit period in length.~~

~~(i) The following are acceptable group programs: professional development programs of recognized national, state, and local accounting organizations; technical sessions at meetings of recognized national, state, and local accounting organizations and their chapters; university or college courses; formal organized in-house, in-firm and inter-firm education programs; and programs given by other organizations devoted to accounting or professional improvement.~~

~~(b) Individual Programs: these programs qualify as acceptable continuing education if they meet the general requirements of this Chapter, if evidence of satisfactory completion is retained, if the program is at least one full credit period in length, and include the following:~~

~~(i) Individual self-study courses which require registration;~~

~~(ii) Service as an instructor, lecturer, or discussion leader;~~

~~(iii) Published articles or books authored by the certificate holder if they contribute to the professional competence of the individual; or~~

~~(iv) Independent study that is under the direction of a qualified sponsor/provider who has met the applicable program standards.~~

~~(c) Program Standards:~~

~~(i) Standard #1: Learning activities must be based on clearly defined, relevant learning objectives and outcomes that clearly articulate the knowledge, skills, and abilities that can be achieved by participants.~~

~~(ii) Standard #2: Learning activities must be developed in a manner consistent with the prerequisite education, experience, and/or advanced preparation of the participants.~~

~~(iii) Standard #3: Activities, materials and delivery systems must be current, technically accurate, and effectively designed. Providers, sponsors, or contractors must be competent in the subject matter. Competence may be demonstrated through practical experience or education.~~

~~(iv) Standard #4: Learning programs must be reviewed by qualified persons other than those who develop the program to assure the program is technically accurate, current, and addresses the stated learning objectives. This requirement is waived for single presentations such as lectures that are given once.~~

Section 4. Credit.

(a) Continuing Professional Education will be measured by program length with one fifty (50) minute period constituting one (1) credit unless the course is offered as a nano learning course. ~~One-half credits (25-minute periods) are permitted after the first credit has been earned.~~ Total credits will be determined based on the sum of segments with credits rounded down to the

nearest half credit when the total is not divisible by 50 (180 minutes = 3.5 credits). Credit is granted in the calendar year in which the course is attended or completed unless the Board determines otherwise. Credits reported in one certificate of completion or other evidence of completion may not be split between multiple calendar years. Credit granted through the extension process will be granted in one year only to satisfy minimum CPE requirements and cannot be carried forward to meet future requirements.

(b) A nano learning program is a formal tutorial program designed to permit a participant to learn a given subject in 10-minute increments through the use of electronic media (including technology applications and processes and computer-based or web-based technology) and without interaction with a real-time instructor. A holder shall not claim more than ten (10) full CPE credits (maximum of fifty (50) ten (10) minute nano learning programs) earned through nano learning programs within one (1) calendar year and all nano learning credits shall be offered through course sponsors listed on NASBA's Learning Registry. This subsection is effective January 1, 2020.

~~(bc)~~ Instructors, Lecturers, Discussion Leaders, ~~or~~ and Speakers will earn credit for the actual presentation period plus an additional two credits for each period for preparation (~~three~~ (3) credits for each presentation credit). The maximum credit allowed in this category will be 50% of the total renewal requirement (no more than 60 credits in any three-year period). Repetitious presentations will not qualify unless substantive changes ~~which require~~ significant additional research and study have been made to the course.

~~(ed)~~ Published ~~A~~articles, ~~B~~books, ~~E~~etc. ~~A~~authored by the ~~C~~certificate ~~H~~holder: Credit may be awarded for published articles or books for up to 25% of the renewal requirement (no more than 30 credits). Copies of articles or books must be provided at the holder's expense.

~~(de)~~ University or college courses: Each semester hour credit will equal fifteen (15) credits towards the requirement. A quarter hour will equal ten (10) credits. Credit earned for courses taken to obtain an initial baccalaureate degree that qualifies an individual to sit for the examination ~~will do~~ not qualify under this section.

~~(ef)~~ Independent Study: Credit in this area is limited to twelve (12) credits in any renewal period.

~~(fg)~~ Non-degree certificate programs: Accredited colleges and universities that offer certificate programs but do not post credit for the program on the official transcript must either provide a completion certificate to the participant or maintain an attendance log of participants, prepare and preserve an outline of the course, and ensure the course is led by a qualified instructor. One (1) CPE credit shall be awarded for every 50 minutes of class time.

~~(gh)~~ When credits are limited by section 4(b), (c), (d) or (e), no future adjustments may be made to ~~utilize~~ use credits previously limited.

Section 5. Evidence of Completion - Retention. Primary responsibility for documenting ~~the~~ that requirements have been met rests with the certificate holder. Evidence to

support fulfillment of those requirements ~~must~~ shall be retained for a period of four (4) years after the completion of the course. Certificate holders ~~must~~ shall retain an outline or program for each course and evidence of attendance. Holders shall report coursework and upload certificates of completion and other documentation as required into the online system provided by the Board. All documents uploaded to the online CPE reporting system shall be associated only with the course to which it pertains. Documentation shall include the holder's name; sponsor/provider name; course title, date and timeframe of the course; and the amount of credit granted as applicable calculated based upon a 50-minute hour. Satisfaction of completion of the requirements may be accomplished as follows:

- (a) College or university courses: ~~official~~ transcripts verifying completion or other verified documentation from an institution.
- (b) Individual or ~~I~~ndependent ~~S~~tudy: Certificates of completion, signed statements from vendors or sponsors, copies of the applicable ~~I~~ndependent ~~S~~tudy contracts, or other acceptable documentation as determined by the Board.
- (c) Group ~~S~~tudy: Sign in sheets, certificates of attendance, firm rosters signed by participants ~~or~~ and attested to by the appropriate firm officials, other third party verification, or other acceptable documentation as determined by the Board.
- (d) Instructor/~~L~~ecturer: a signed statement from the course provider or other appropriate official verifying the services were provided ~~must~~shall be obtained.
- (e) Board ~~A~~pproved ~~R~~egulatory/~~P~~rofessional ~~E~~thics ~~C~~ourse: Upon request all certificate holders ~~must~~shall submit a certificate of completion or certificate of attendance to the Board office using the online CPE reporting system.

Section 6. Activation.

- (a) ~~Prior to beginning to~~ Before providing accounting services, an individual who has been excepted from the requirements or has otherwise not provided evidence of compliance with the CPE requirements, ~~must~~shall make appropriate application and show compliance with the continuing education requirements.
- (~~ii~~b) The Board may waive the requirement to complete requirements in a given calendar year period and consider a combination of 120 hours completed within a three (3) year period other than calendar years.
- (~~iii~~c) The Board may allow a certificate holder to re-enter active practice without providing compliance with the continuing education requirements upon the condition that the applicant follow a particular future program or schedule of continuing education.
- (~~iii~~d) The applicant shall document that an approved ethics course as set forth in ~~S~~ection 43 of this chapter has been completed within the three (3) years prior to re-entry.

Section 7. Controls & Reporting. ~~(a)~~ To renew an active certificate, on ~~form~~ the online licensing renewal system and CPE reporting tool provided by the Board, each holder ~~who does not renew on-line~~ or each non-resident who does not report CPE to another state shall provide the following by reporting course details and uploading certificates of completion to the Board's online licensing system:

~~(i)~~ (a) The number of CPE credits completed as requested; ~~and~~

~~(ii)~~ (b) A listing of the individual courses completed or to be completed prior to December 31st of the calendar year subject to renewal including the following information:

~~(A)~~ (i) Ssponsoring organization/provider/contractor;

~~(B)~~ (ii) Title of program or description of content;

~~(C)~~ (iii) Course type (individual, group, lecture, etc.);

~~(D)~~ (iv) Dates attended or completed; and

~~(E)~~ (v) Credit claimed; ~~and~~

~~(b)~~ — Holders ~~who renew on-line~~ shall provide the total number of credits completed and shall certify compliance with CPE requirements.

Section 8. Extensions. The Board may, upon written request, extend the time within which certificate holders must comply with the requirements of this ~~C~~chapter for ~~reasonable and just~~ good cause.

(a) An applicant may request ~~an automatic~~ a ninety (90) day extension at the time of renewal upon payment of the required \$150.00 CPE Extension Processing Fee in addition to the certificate renewal fee. All requests for 90-day extensions are subject to the \$150.00 CPE Extension Processing Fee regardless of whether the request was intended or not. There shall be no refunds of the CPE Extension Processing Fee.

(b) Any request for an additional extension in excess of ninety (90) days ~~must~~ shall be submitted to the Board in writing no later than March 1st and outline good cause for granting the extension.

(c) Any applicant who requests or is granted an extension of time under this section shall submit documentation of ~~completing~~ completion of the applicable course work no later two weeks after the expiration of the extension deadline and shall be audited under ~~S~~section 9 of this ~~C~~chapter.

(d) Any applicant who fails to complete the CPE requirement by the ~~extended~~ deadline shall be required to complete additional CPE credits equal to either the lesser of the shortage of credits or no more than sixteen (16) additional CPE credits. The additional credits

~~must~~shall be completed no later than thirty (30) days from the ~~extended~~deadline and shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion of the additional credits by the deadline shall result in the initiation of an investigation and possible of disciplinary action in accordance with chapter 7 of the rules.

Section 9. Verification. The Board ~~will~~shall verify compliance with the CPE requirements on a test basis (to a maximum of 20% audit) or as otherwise necessary. Board staff or Board members shall determine whether CPE credits claimed meet the requirements set forth in this chapter. Upon a finding that CPE credits or the documentation provided to evidence CPE credits do not meet the requirements set forth in this chapter, the Board staff or Board members may disqualify course credits claimed and shall notify the holder of the findings.

(a) In the form requested by the Board, ~~Certificate~~ holders shall submit evidence of compliance with the CPE requirements.

(b) Non-resident certificate holders not using practice privileges shall comply by providing evidence and reporting of continuing professional education in a form required by the Board and either by submitting a copy of the applicable renewal application in the state of residence and evidence of completion of all courses required by the residency state, to include the completion of the ethics course required in §section 43(e) of this chapter for the applicable renewal period or through another Board approved CPE audit process. All CPE documentation required must be recorded in the Board's CPE reporting system. If no documents were submitted to the state of residence, the holder shall comply with subsection (a) above.

(c) A ~~certificate~~ holder ~~must~~ shall remedy any deficiency discovered within ninety (90) days of formal notification by the Board. Deficiency credits shall qualify for credit in the initial reporting period and cannot be duplicated for purposes of determining the applicable requirement in any other reporting period.

(d) Any certificate holder found deficient shall be required to complete additional CPE credits equal to the lesser of the shortage of credits but not more than sixteen (16) additional CPE credits. The additional credits ~~must~~shall be completed within thirty (30) days of the date advised of the deficiency. Deficiency credits shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion by the deadline shall result in the initiation of disciplinary action.

(e) Programs found to be out of compliance with the general standards may be disqualified and result in the requirement that the holder remedy any deficiency caused pursuant to subsections (c) and (d) of this section.

(f) Certificate holders found deficient shall be included in the CPE audit for two renewal cycles following the deficiency.

Section 10. Incorporation by Reference.

(a) The Statement on Standards for Continuing Professional Education (CPE) Programs adopted by the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants and last revised August 4, 2016, found at: https://www.nasbaregistry.org/_media/Documents/Others/Statement_on_Standards_for_CPE_Programs-2016.pdf.

(b) Fields of Study That Qualify For Continuing Professional Education adopted by the National Association of State Boards of Accountancy and last revised July 1, 2016, found at: https://www.nasbaregistry.org/_media/Documents/RegistryPolicies/FieldsOfStudy2016.pdf.

(c) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.