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HOUSE BILL NO. 1959

House Amendments in [] — January 22, 2013

A BILL to amend the Code of Virginia by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4425, relating to the Board of Accountancy; time for filing complaints.

Patron Prior to Engrossment—Delegate Miller

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4425 as follows:

§ 54.1-4425. Time for filing complaints against CPAs or CPA firms.

A. Except as otherwise provided in subsections B and C, any complaint against a CPA or CPA firm for any violation of statutes or regulations pertaining to the Board or any of the programs that may be in another title of the Code for which the Board has enforcement responsibility, in order to be investigated by the Board, shall be made in writing, or otherwise made in accordance with Board procedures, and received by the Board within three years of the act, omission, or occurrence giving rise to the violation. Public information obtained from any source by the Executive Director or agency enforcement staff may serve as the basis for a written complaint against a CPA or CPA firm.

B. However, where a CPA or CPA firm has materially and willfully misrepresented, concealed, or omitted any information and the information so misrepresented, concealed, or omitted is material to the establishment of the violation, the complaint may be made at any time within two years after discovery of the misrepresentation, concealment, or omission.

C. In cases where criminal charges have been filed involving matters that, if found to be true, would also constitute a violation of the regulations or laws of the regulant's profession enforced by the Board, an investigation may be initiated by the Board at any time within two years following the date such criminal charges are filed.

D. Nothing in this section shall be construed to require the filing of a complaint if the alleged violation of the statute or regulation is discovered during [~~the conduct of~~] an [~~inspection~~ investigation] authorized by law, and the acts, omissions, or conditions constituting the alleged violations are witnessed by a sworn investigator appointed by the Executive Director.

ENGROSSED

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