

new york state society of

NYSSCPA

certified public accountants

530 fifth avenue, new york, ny 10036-5101
www.nysscpa.org

January 20, 2004

Office of the Secretary
PCAOB
1666 K Street, N.W.
Washington, DC 20006-2803

By e-mail: comments@pcaobus.org

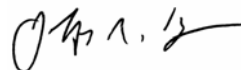
Re: Proposed Auditing Standard on Audit Documentation and Proposed Amendment to
Interim Auditing Standards

PCAOB Release No. 2003-023
PCAOB Rulemaking Docket Matter No. 012

The New York State Society of Certified Public Accountants, the oldest state accounting association, representing approximately 30,000 CPAs, welcomes the opportunity to comment on the Proposed Auditing Standard referenced above.

The NYSSCPA Auditing Standards and Procedures Committee deliberated the Proposed Auditing Standard and prepared the attached comments. If you would like additional discussion with the committee, please contact Margaret Wood, chair of the Auditing Standards and Procedures Committee, at (212) 542-9528, or Robert Colson, NYSSCPA staff, at (212) 719-8350.

Sincerely,



Jeffrey R. Hoops
President

Attachment

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**COMMENTS ON PCAOB PROPOSED AUDITING STANDARD ON
Audit Documentation and Proposed Amendment to Interim Auditing
Standards**

PCAOB Release No. 2003-023

PCAOB Rulemaking Docket Matter No. 012

January 20, 2004

Principal Drafters

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NYSSCPA Staff

Robert H. Colson

New York State Society of Certified Public Accountants
Comments to the PCAOB
Release No. 2003-23
Docket Matter No. 12

General Comments

This proposed rule will improve the quality of audits. The proposed rule is an improvement over SAS 96 because it is more clearly written in plain English and clarifies the auditor's obligation for documentation. Adopting the documentation approach of Generally Accepted Government Audit Standards and the rebuttable presumption that the failure to document work indicates that the work was not performed are consistent with the NYSSCPA's recommendations to the Regents of the State University of New York when they revised New York State's document retention rules (see attachment).

A glossary of terms would improve the proposed rule. Among the terms it would be beneficial to include are: "rebuttable presumption", "experienced auditor", "date of the auditors' report", "persuasive other evidence" as used in paragraph 6, "central repository", "significant contracts or agreements", "significant" as used in paragraph 9, "completion of the engagement" as used in paragraph 15, "engagement completion memorandum" as used in paragraph 10, "post-issuance procedures", "inspection" as used in paragraph 11, and "complete and final set of audit documentation" as used in paragraph 14.

Specific Comments

- Paragraph 9 – Disclosure changes. This paragraph should address in detail the changes in disclosure proposed by the auditor.
- Paragraph 9.d – Disagreements among audit team members. Clarification is needed about when a difference of opinion constitutes an unresolved disagreement between fully informed individuals rather than a difference caused by incomplete or different information.
- Paragraph 10 – Engagement completion memorandum. Clarify if this document is meant to be an executive summary, an index of where to find significant findings and issues, or an exhaustive discussion of the audit.
- Paragraph 11 FN 2 – Items tested. Clarify that audit sampling must follow a statistically valid method.
- Paragraph 11 FN 2 – Footnote. Consider placing the content of this footnote in the body of the rule by adding subparagraphs to paragraph 11, similar to the treatment in paragraph 9. The content of the footnote is not incidental or merely explanatory, but contains sufficient substance to be part of the body of the rule.

- Paragraph 12 – Inconsistent or contradictory findings. See the comment to paragraph 9.d above. Clarification is required in order not to burden the audit file with issues that might arise because of insufficient or incorrect knowledge of the facts and circumstances.
- Paragraph 15 – Subsequent additions to audit evidence. In addition to defining “completion of the engagement” in the glossary of terms suggested in the general comments, clarify whether there is a difference between the “completion of the engagement” and the “date of the auditors’ report”. The last day of field work may not be the best date for the “completion of the engagement” or the “date of the auditors’ report”. A more reasonable time would be the date when the financial statements and disclosures are completed.
- Paragraph 16 – Retention of audit documentation in the issuing office. This requirement may pose significant practical difficulties when dealing with audit documentation originating in foreign countries, such as documentation in the foreign language.
- Part of Audit Performed by Other Independent Auditors – An Amendment to Interim Standards. There may be significant practical issues in obtaining the required documentation on a timely basis.



August 29, 2002

Mr. Daniel Dustin
Executive Secretary, State Board for Public Accountancy
NYS Education Department
Office of the Professions
Second Floor East Mezzanine
89 Washington Ave.
Albany, NY 12234

In Re: File No. S7-22-02

By email: Cpabd@mail.nysed.gov

Dear Mr. Dustin:

The New York State Society of Certified Public Accountants, the nation's oldest state accounting association, represents approximately 30,000 CPAs, many of whom would be affected by an amendment to the Rules of the Regents of the State University of New York, **Work Paper Documentation and Retention Proposal**. The NYSSCPA is grateful for the opportunity to comment on the proposed rule.

The NYSSCPA Task Force for Public Accountability drafted the attached comments. Members of the task force would be pleased to meet with you for additional discussion about the comments. Please contact the task force chair Vincent J. Love at (212) 338-0600 or NYSSCPA Staff Dennis O'Leary at (212) 719-8418 if such a meeting would be helpful.

Sincerely,

Jo Ann Golden
President

Attachment

Ec: Johann Duncan-Poitier

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**NEW YORK STATE SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS**

COMMENTS ON

NYS Board of Regents Proposed Rule:

Work Paper Documentation and Retention

Principal Drafters

**Brian Caswell
Allen Fetterman
Dan Goldwasser
Vincent J. Love**

August 29, 2002

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**NEW YORK STATE SOCIETY OF CERTIFIED PUBLIC
ACCOUNTANTS**

Task Force on Public Accountability Comments On

**NYS Board of Regents Proposed Rule on
Work Paper Documentation and Retention**

General Comments

Documenting audit evidence and retaining it for a reasonable period are essential components of CPAs' responsibility to the public interest, and it makes good business sense. Although the seven-year requirement is longer than the longest statute of limitation (6 years), and could be a burden on small practices, it is consistent with the Sarbanes-Oxley Act and justifiable in promoting public interest.

The proposed rule, however, should focus only on the statutory responsibility of CPAs for audits and on their other attestation engagements. The proposal rule's treatment of working paper documentation and retention for non-audit and non-attestation services is not only inappropriate but also detracts from the proposed rule's effectiveness. The standards of evidence for tax documentation and other services, which are properly set by the tax authorities and other regulatory and self-regulatory authorities, differ dramatically from the professional standards for audit evidence documentation.

The proposed rule should adopt by reference professional standards related to the definition and purpose of audit working papers. The adoption of CPA professional standards' definition for audit documentation would clarify whether the proposal covers client records (owned by the client), accountant working papers that support client records (owned by the accountant, but available to the client), and accountant work product (owned by the accountant). In addition, the incorporation of professional standards by reference would maintain the state rules at the most current standard without additional rule making.

Specific Comments

1. The proposed rule should reference the documentation requirements in Generally Accepted Auditing Standards (GAAS) as delineated in the Statements on Auditing Standards (SAS) and, where applicable, in Generally Accepted Government Auditing Standards (GAGAS). These standards encompass the definition of audit documentation (working papers) and the nature of evidence supporting audit conclusions.

2. Failure of the audit documentation to meet professional standards should raise a presumption that audit standards were not met. This presumption should be a rebuttable presumption affecting the burden of proof relative to those portions of the audit that are not documented as required. The standard of the burden of proof should be a preponderance of the evidence.
3. Audit documentation should be maintained for the longer of the following:
 - a) Seven years, which should be extended during any period of board investigation, disciplinary action, or legal action involving the licensee or the licensee's firm.
 - b) A period sufficient to satisfy professional standards and to comply with applicable laws and regulations.
4. There is no need to require a written documentation and retention policy because the proposed rule sets the standards that must be followed whether or not there is a written policy.
5. In addressing non-audit attestation engagements, the proposed rule should reference the documentation requirements in the General Standards, the Statements on Standards for Attestation Engagements, and the Statements on Standards for Accounting and Review Services, for the reasons stated above. Any evidential material required by those standards should be documented in the same manner and retained for the same period as audit documentation.
6. Substantive alteration should be defined as changes to audit documentation that alter
 - a) the nature, timing, extent, and results of the audit procedures performed,
 - b) the evidence obtained,
 - c) the conclusions reached or the reasons therefor, or
 - d) the identity of the persons who performed and reviewed the work.
7. The issues of secure retention of electronic files addressed in Section 29.10 (iv) (d) should also apply to files maintained in other media.