

December 3, 2012

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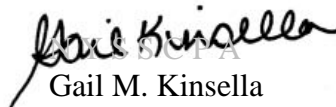
By e-mail: lsnyder@aicpa.org

Re: AICPA Professional Ethics Division – Omnibus Proposal, Interpretations and Definitions, September 19, 2012

The New York State Society of Certified Public Accountants (NYSSCPA), representing more than 28,000 CPAs in public practice, industry, government and education, welcomes the opportunity to comment on the above captioned exposure draft.

The NYSSCPA's Professional Ethics Committee deliberated the exposure draft and prepared the attached comments. If you would like additional discussion with us, please contact Debbie A. Cutler, Chair of the Professional Ethics Committee at (212) 521-4340, or Ernest J. Markezin, NYSSCPA staff, at (212) 719-8303.

Sincerely,


Gail M. Kinsella
President

Attachment

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

COMMENTS ON

**EXPOSURE DRAFT, *OMNIBUS PROPOSAL*, AICPA PROFESSIONAL ETHICS
DIVISION, INTERPRETATIONS AND DEFINITIONS
SEPTEMBER 19, 2012**

December 3, 2012

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New York State Society of Certified Public Accountants

Comments on

Exposure Draft, *Omnibus Proposal*, AICPA Professional Ethics Division, Interpretations and Definitions, September 19, 2012

The New York State Society of Certified Public Accountants (NYSSCPA) appreciates the opportunity to provide comments on the Professional Ethics Executive Committee (PEEC) proposed revisions and deletions to the American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct (the Code).

The NYSSCPA supports the entire exposure draft except for the comments below. In addition, we also provide commentary regarding the deletion of Paragraph .12 of ET Section 92.

Proposed Revised Definition of Paragraph .30 “Professional Services” Under ET Section 92, Definitions.

Consider adopting the following revisions, which are presented in the highlighted and underlined typeface, to the PEEC proposed revised definition Paragraph .30 “Professional Services” under ET Section 92.

.30 Professional services. Professional services include all services performed by a member, or that a member is offering to perform or performing, *for a client, an employer, or on a volunteer basis requiring accountancy or related skills, including, but not limited to, accounting, audit, attest, review, compilation, tax, bookkeeping, management consulting, financial management services, corporate governance, personal financial planning, business valuation, litigation support services, educational services, and those services for which standards are promulgated by bodies designated by Council* ~~while holding out as a CPA.~~

Adding the terms “offering to perform” and “performing” further expands the definition to hold members accountable for their actions. The current reference to “performed” could be interpreted to be for services in which the member was engaged to perform. The term “offering to perform” would ensure that members acted professionally in soliciting potential clients. This language is used in the Laws and Regulations of the Commissioner of Education of the State of New York. We suggest adding review and compilation services as these services are identified in Rule 202 and are promulgated by bodies designated by Council. Although attest services are not specifically identified in Rule 202, the services are promulgated by Council. For consistency, we suggest eliminating the few times the term “services” is used in the paragraph and add business valuation as this is an area in which CPAs provide services and for which there are already professional standards promulgated by Council.

Proposed Deletion of Paragraph .12 “ *Holding Out*” Under ET Section 92

In November of 2011, the NYSSCPA eliminated the definition of *Holding Out* in its Code of Professional Conduct when it added the definition of *Practice of Public Accountancy* with a specific reference to New York State Regulations. We agree with the AICPA proposed deletion of the term.