

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass

Vote: 8 - 0 - 0

Yeas: Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant

Nays: 0

Exc.: 0

Prepared By: Jan Nordlund, Administrator

Meeting Dates: 2/8

WHAT THE MEASURE DOES: Provides that information collected in an investigation by the Board of Accountancy is confidential unless a notice is issued for a contested case hearing or the matter is finally resolved by board action or a consent order. Permits the board to disclose that an investigation is being conducted. Requires the board to notify the person being investigated.

ISSUES DISCUSSED:

- When information will be disclosed
- Consumer protection
- Effect on timely investigation
- How confidentiality during investigation is provided for in similar regulatory agencies
- Position of the Oregon Society of Certified Public Accountants

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The process of investigating complaints filed against licensees of the Board of Accountancy is currently open to public disclosure. Abuse of the complaint process is possible when a consumer files a frivolous complaint or a competitor files a complaint. The complainant in either situation can then publicly disclose any documents, including income tax statements and other sensitive personal financial information. Because of the current disclosure statute, attorneys in civil litigations are reluctant to share information for an investigation being conducted by the Board until the civil matter is closed, which may take several years.