



**Before the House Committee on Business and Labor
April 26, 2017
Public Hearing on Senate Bill 21
Testimony of Martin Pittioni, Executive Director, Board of Accountancy**

Chair Rep. Holvey, members of the Committee, for the record, my name is Martin Pittioni, and I serve the Board of Accountancy (Board) as its Executive Director. Thank you for scheduling the Board-requested SB 21 and allowing me to testify on this bill, which comes to you with unanimous support from the Senate.

Briefly, allow me provide the context for SB 21. The Board of Accountancy licenses about 8,000 Certified Public Accountants, Public Accountants and municipal auditors, as well as about 1,000 public accounting firms. Our mission to protect the public is accomplished in part through an investigation component, where the Board takes action based on the facts gathered in the investigative record in its cases. The Board opens anywhere from 40 to 70 full investigations a year.

In May 2011, Board of Accountancy statutes were amended due to passage of HB 2067, which provided that the previously public complaint process for the Board would become confidential. The language is written in such a way that records and information are exempt from disclosure during the pendency of an investigation. The bill itself had no opposition – but did not anticipate that as written it failed to authorize the Board to cooperate with law enforcement and other state and federal regulatory agencies during the pendency of an investigation. SB 21 is designed to fix that problem.

The language of SB 21 was crafted in close consultation with legislative counsel, and is modeled after existing statutory language allowing health regulatory boards to share confidential investigatory information. The narrow approach taken in the bill means that all the language does is lift - for purposes of cooperation with law enforcement and state/federal regulatory entities only - the veil of confidentiality imposed by ORS 673.170(3)(b) which provides that: *“Investigatory information developed or obtained by the board is confidential and not subject to disclosure by the board unless a notice is issued for a contested case hearing or the matter investigated is finally resolved by board action or a consent order.”*

Operationally, this means SB 21 would allow the Board to release records during the pendency of an investigation, without forcing the requestor to go through a subpoena process, and permits the Board to discuss the case with authorities.

Just as important is what SB 21 does not allow. Since the language specifically only references in section 1 the all-important limitation of “notwithstanding ORS 673.170” the bill does not allow the Board to release information that is otherwise confidential by law, meaning information made confidential in other statutes. For example, that would include, but is not limited to, the Board’s authority to receive confidential information from the Department of Revenue (DOR) under its ORS 673.415 and DOR’s 314.991. This means this bill would for example not open the door for the Board to release information it receives from DOR under ORS 314.991 and release it to a requestor.

Thank you again for your early consideration of Senate Bill 21. In the legislative process to date, there has been no opposition to the bill. I am happy to answer any questions from the committee.