

20:75:02:03. Examination fees. Upon good cause shown by the applicant, the board may allow fees paid to the board to be transferred to a subsequent examination or session, but fees due to third party entities are not transferable. In all other cases, any fee is forfeited and reapplication, with the appropriate fees, is required. The examination fee entitles the applicant to sit for the examination. If the applicant meets the requirements of SDCL 36-20B-13 and 36-20B-19, the applicant is eligible to apply for a certificate.

The fees required for the Uniform Certified Public Accountant examination include the development and scoring fee set by, and paid to, the American Institute of Certified Public Accountants, the testing delivery fee and fee for the digital photograph required for identification purposes set by, and paid to, Prometric, and the national database and reporting fee set by, and paid to, the National Association of State Boards of Accountancy. The board will charge an administrative fee of ~~\$30~~ forty dollars for each examination section for the processing and assessment of the application.

The board shall set authorization periods in which approved applicants may schedule the computer-based CPA examination. An applicant's failure to schedule examination sections in such authorization period may result in the loss of examination fees. ~~If a South Dakota candidate takes the examination in a state that requires a proctoring fee, the candidate shall pay the proctoring fee required by that state.~~

Current window testing fees for the delivery of the uniform certified public accountant examination will be on the examination application and posted on the board's website.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 31 SDR 214, effective July 6, 2005.

General Authority: SDCL 36-20B-12(12), 36-20B-17.

Law Implemented: SDCL 36-20B-17, 36-20B-19.

Cross-Reference: Discretion to waive certain requirements, § 20:75:01:07.

20:75:03:01. Application for initial certificate and replacement certificate -- Fees. An applicant for a certificate must submit an application on forms provided by the board within ~~90~~ ninety days after completing all requirements for its issuance. Any applicant who has passed the examination and completes the experience requirement, but fails to apply for a certificate after three years of meeting the requirements for licensure, may be required to apply as an initial candidate to sit for the Uniform CPA examination.

An applicant for initial issuance of a certificate under SDCL chapter 36-20B shall disclose on the application all background and character information requested by the board including, but not limited to:

- a. All states or foreign jurisdiction in which the applicant has applied for or holds a permit as a CPA firm;
- b. Any past denial, revocation, or suspension, or refusal to renew a CPA certificate, license or permit to practice, or voluntary surrender of a CPA certificate, license or permit to resolve or avoid disciplinary action, or similar actions concerning a substantially equivalent foreign designation;
- c. Any other form of discipline imposed against the holder of a CPA certificate, license or permit, or substantially equivalent foreign designation;
- d. The conviction of a crime; and
- e. The revocation of a professional license of any kind in this or any other jurisdiction.

The initial application fee for individuals ~~qualifying August 1 to January 31, inclusive~~, is ~~\$50~~ one hundred dollars. The late fee for applications not submitted within the ~~90~~ ninety days for individuals ~~qualifying August 1 to January 31, inclusive~~, is an additional ~~\$100~~ one hundred dollars. ~~The initial application fee for those qualifying February 1 to July 31, inclusive, is \$25. The~~

~~fee for applications not submitted within the 90 days for individuals qualifying February 1 to July 31, inclusive, is \$75.~~

An individual becomes qualified for a certificate when the individual has successfully completed the requirements in SDCL 36-20B-19 and 36-20B-21 for applicants from South Dakota or in SDCL 36-20B-25 and 36-20B-26 for applicants from other states. An applicant must obtain a license to practice for the year during which requirements were fulfilled. The board shall issue initial certificates to individuals to practice accountancy for up to one year. Individual certificates expire annually on July 31.

Any licensee requiring a replacement certificate must contact the board office. The fee for a replacement document is ~~\$25~~ fifty dollars.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004.

General Authority: SDCL 36-20B-12(3)~~(17)~~(20).

Law Implemented: SDCL 36-20B-13, 36-20B-14.

20:75:03:03. Application for renewal of certificates -- Fees. An application for the renewal of a certificate or registration shall be made on a form provided by the board and shall be filed no later than the expiration date set by this section. An application is not considered filed until the applicable fee is received.

An applicant for renewal of a certificate under SDCL chapter 36-20B shall list in the application any state in which the applicant has applied for or holds a certificate or a permit as a CPA and shall list any past denial, revocation, or suspension of a certificate or permit by any other state.

Any application for renewal of certificates shall be accompanied by evidence satisfactory to the board that the applicant has complied with the continuing professional education requirements under SDCL 36-20B-27 and chapter 20:74:04.

Any license not renewed and which has not been surrendered to the board, is deemed to have expired. Any individual desiring to renew an expired license shall comply with the requirements of this section. The applicant shall pay all applicable fees and penalties for late filing for each year the license was expired.

An application for renewal must be received by the board by August 1 or must be postmarked by August 1. An application completed on the internet must be submitted on or before 11:59 p.m. central time on August 1, to be considered on time. The fee for annual renewal submitted on time is ~~\$50~~ one hundred dollars. The late fee for annual renewal not submitted ~~late~~ on time is ~~\$100~~ an additional one hundred dollars.

An application for renewal is considered late if the continuing education requirement has not been met and an extension has not been granted. Failure to receive a renewal notice does not constitute an adequate reason for failing to renew the certificate in a timely manner.

The fee to replace a certificate lost or destroyed for any reason or to change a name is ~~\$25~~ fifty dollars. The fee must accompany the application for an individual certificate, renewal of a certificate, or request for replacement of a certificate.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 33 SDR 107, effective December 26, 2006; 35 SDR 165, effective December 22, 2008; 35 SDR 305, effective July 1, 2009; 36 SDR 216, effective July 6, 2010.

General Authority: SDCL 36-20B-12(3),(16),(17),(18),(19),(20),(21), 36-20B-15, 36-20B-18.

Law Implemented: SDCL 36-20B-14 to 36-20B-16, 36-20B-18, 36-20B-22 to 36-20B-24.

Cross-Reference: Discretion to waive certain requirements, § 20:75:01:07; Extension for completion of continuing professional education, § 20:75:04:10.

20:75:03:08. Application for firm permit -- Renewal -- Replacement -- Fees. Any firm required to hold a permit pursuant to SDCL 36-20B-32.1 must apply to the board for such permit on forms provided by the board. An original sheet of each type of letterhead used by the firm must accompany the application. The board shall issue initial firm permits for up to one year. Firm permits expire annually on July 31.

(1) The initial application fee for a firm required to hold a permit pursuant to SDCL 36-20B-32.1(1) or (2) is ~~\$50~~ one hundred dollars for each firm in this state plus,

~~(1)~~ (a) For firms with ~~4~~ one to 15 nine owners the fee is ~~\$65~~ seventy-five dollars per owner;

~~(2)~~ (b) For firms with ~~16~~ ten to 25 fifteen owners the fee is ~~\$1,000~~ one thousand dollars;

~~(3)~~ (c) For firms with ~~26~~ sixteen to 60 twenty-five owners the fee is ~~\$1,500~~ one thousand five hundred dollars;

~~(4)~~ (d) For firms with ~~61~~ twenty-six to sixty owners ~~or more~~ the fee is ~~\$2,000~~ two thousand dollars;

(e) For firms with sixty-one to one hundred owners the fee is two thousand five hundred dollars;

(f) For firms with one hundred and one or more owners the fee is three thousand dollars.

(2) The initial application fee for a firm required to hold a permit pursuant to SDCL 36-20B-32.1(3) is ~~\$50~~ one hundred dollars for each firm exercising practice privileges in this state plus,

~~(1)~~ (a) For firms with ~~4~~ one to 15 nine owners the fee is ~~\$65~~ seventy-five dollars per owner;

~~(2)~~ (b) For firms with ~~16~~ ten to 25 fifteen owners the fee is ~~\$1,000~~ one thousand dollars;

~~(3)~~ (c) For firms with ~~26~~ sixteen to ~~60~~ twenty-five owners the fee is ~~\$1,500~~ one thousand five hundred dollars;

~~(4)~~ (d) For firms with ~~61~~ twenty-six to sixty owners ~~or more~~ the fee is ~~\$2,000~~ two thousand dollars;

(e) For firms with sixty-one to one hundred owners the fee is two thousand five hundred dollars;

(f) For firms with one hundred and one or more owners the fee is three thousand dollars.

A firm must submit an application for an initial firm permit within ~~90~~ ninety days after commencing an engagement. A firm must obtain a permit to practice for the year during which it commences an engagement. If the firm does not submit the application within the ~~90~~ ninety days the firm must pay an additional ~~\$50~~ one hundred dollar late fee.

An application for renewal of a firm permit must be received by the board by August 1 or must be postmarked by August 1. An application completed on the internet must be submitted on or before 11:59 p.m. central time on August 1, to be considered on time.

(3) For firms required to hold a permit pursuant to SDCL 36-20B-32.1(1) or (2) the fee for annual renewal applications submitted on time is ~~\$50~~ one hundred dollars for each firm in this state plus,

~~(1)~~ (a) For firms with ~~4~~ one to ~~15~~ nine owners the fee is ~~\$65~~ seventy-five dollars per owner;

(2) (b) For firms with ~~16~~ ten to ~~25~~ fifteen owners the fee is ~~\$1,000~~ one thousand dollars;

~~(3)~~ (c) For firms with ~~26~~ sixteen to ~~60~~ twenty-five owners the fee is ~~\$1,500~~ one thousand five hundred dollars;

~~(4) (d) For firms with 61 twenty-six to sixty owners ~~or more~~ the fee is ~~\$2,000~~. two thousand dollars;~~

(e) For firms with sixty-one to one hundred owners the fee is two thousand five hundred dollars;

(f) For firms with one hundred and one or more owners the fee is three thousand dollars.

(4) For firms required to hold a permit pursuant to SDCL 36-20B-32.1(3), the fee for annual renewal applications submitted on time is \$50 one hundred dollars for each firm exercising practice privileges in this state plus,

~~(1) (a) For firms with 4 one to 15 nine owners the fee is ~~\$65~~ seventy-five dollars per owner;~~

~~(2) (b) For firms with 16 ten to 25 fifteen owners the fee is ~~\$1,000~~ one thousand dollars;~~

~~(3) (c) For firms with 26 sixteen to 60 twenty-five owners the fee is ~~\$1,500~~ one thousand five hundred dollars;~~

~~(4) (d) For firms with 61 twenty-six to sixty owners ~~or more~~ the fee is ~~\$2,000~~. two thousand dollars;~~

(e) For firms with sixty-one to one hundred owners the fee is two thousand five hundred dollars;

(f) For firms with one hundred and one or more owners the fee is three thousand dollars.

If the application for annual renewal is submitted late, the firm ~~is assessed~~ must pay a \$50 an additional one-hundred dollar late fee.

The fee to replace a firm permit lost or destroyed for any reason or to change a name or form of practice is ~~\$25~~ fifty dollars. Failure to receive a renewal notice does not constitute an

adequate reason for failing to renew the permit in a timely manner. The fee must accompany the application for a firm permit, renewal of a firm permit, or request for replacement of a firm permit.

~~(5)~~ (5) Each firm shall disclose the following information in the form of an application for registration, signed and acknowledged by the resident manager of the firm:

- ~~(1)~~ (1) (a) The name of the firm;
- ~~(2)~~ (2) (b) The type of organization (sole proprietorship, partnership, or corporation);
- ~~(3)~~ (3) (c) The address of the firm;
- ~~(4)~~ (4) (d) The total percentage of equity ownership and the voting rights of the licensees in the firm;
- ~~(5)~~ (5) (e) The name of the resident manager of the firm;
- ~~(6)~~ (6) (f) The type of peer review program in which the firm participates and the date and results of the last review.

An applicant for initial issuance or renewal of a permit under SDCL chapter 36-20B shall list in the application any state in which the applicant has applied for or holds a permit as a CPA firm and shall list any past denial, revocation, or suspension of a permit by any other state. A firm that submits a renewal by the use of the internet agrees that submission of the renewal serves as the representative of the firm's signature and verification of the information in the renewal.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 35 SDR 305, effective July 1, 2009; 39 SDR 219, adopted June 24, 2013, effective July 1, 2013.

General Authority: SDCL 36-20B-12(3)(9)(13)(14)(18)(21)(16)(17)(20).

Law Implemented: SDCL 36-20B-32 to 36-20B-34, inclusive, 36-20B-70.

20:75:03:12. Renewal of a South Dakota active certificate -- Fees. Any person holding a valid certificate issued by this state prior to July 1, 2002, will be deemed to have met the experience requirements for licensure under SDCL 36-20B-21. An applicant who performs one or more kinds of services involving the use of accounting or auditing skills for the public, including issuance of reports on financial statements or one or more kinds of management advisory, financial advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters as defined in SDCL 36-20B-3 shall renew their certificate in an active status as defined by § 20:75:03:11.

Any person holding a valid certificate not performing accounting services as defined in SDCL 36-20B-3 that wishes to use the title CPA or PA may renew their certificate in an active status.

Certificate holders performing or offering to perform "attest" services as defined in SDCL 36-20B-2, must provide proof of one year of experience as required in § 20:75:03:04 verified by a licensee.

An application for renewal of an active certificate must be received by the board by August 1 or must be postmarked by August 1. An application completed on the internet must be submitted on or before 11:59 p.m. central time on August 1, to be considered on time. The fee for annual renewal submitted on time is ~~\$50~~ one hundred dollars. The late fee for annual renewal not submitted late on time is ~~\$100~~ an additional one hundred dollars. Any licensee who submitted a renewal by the use of the internet agrees that submission of the renewal serves as the licensee's signature and verification of the information in the renewal.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-20B-12(5) to (8)(16).

Law Implemented: SDCL 36-20B-27, 36-20B-28.

Cross-References:

Non-renewal, § 20:75:03:02

Experience, § 20:75:03:04.

Definitions, § 20:75:03:11.

20:75:03:13. Renewal of a South Dakota inactive certificate -- Fees. Any person holding a valid certificate issued by this state prior to July 1, 2002, will be deemed to have met the experience requirements for licensure under SDCL 36-20B-21. Any applicant who does not perform for the public one or more kinds of services involving the use of accounting as defined in SDCL 36-20B-27 will be required to renew certificates annually. However, an inactive certificate holder will not be required to comply with the continuing professional education requirement as required by § 20:75:03:03.

An application for renewal of an inactive certificate must be received by the board by August 1 or must be postmarked by August 1. An application completed on the internet must be submitted on or before 11:59 p.m. central time on August 1, to be considered on time. The fee for annual renewal submitted on time is ~~\$50~~ one hundred dollars. The late fee for annual renewal not submitted ~~late~~ on time is ~~\$100~~ an additional one hundred dollars. Any licensee who submits a renewal by the use of the internet agrees that submission of the renewal serves as the licensee's signature and verification of the information in the renewal.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL 36-20B-12(5) to (8), inclusive.

Law Implemented: SDCL 36-20B-27, 36-20B-28.

20:75:03:15. Substantial equivalency and reciprocity. A certificate holder licensed by another state, before establishing a principal place of business in this state, shall request the issuance of a certificate from the board pursuant to SDCL 36-20B-26.

An applicant for issuance or renewal of a reciprocal license shall, in the application, list any state in which the applicant has applied for or holds a certificate, license, or permit and list any past denial, revocation, or suspension of a certificate, license, or permit. Each holder of, or applicant for, a certificate shall notify the board in writing, within ~~30~~ thirty days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by another state, or volunteer surrender of a CPA certificate, license, or permit to resolve or avoid disciplinary action, or similar actions concerning a substantially equivalent foreign designation, any other form of discipline imposed against the holder of a CPA certificate, license, permit, or a substantially equivalent foreign designation, the conviction of any crime and the revocation of a professional license of any kind in any jurisdiction, change of address, or employment. The application shall be accompanied by a fee of ~~\$50~~ one-hundred dollars. The fee for a late application is an additional one-hundred dollars.

The applicant for initial issuance or renewal under this chapter shall comply with the continuing professional education requirements for issuance or renewal in the applicant's state, or the continuing professional education requirements applicable in this state, if the applicant's state of licensure does not require continuing professional education.

If the applicant passed the examination in a state that is not deemed to be substantially equivalent to this state's educational requirements, the board may issue the applicant a license upon a showing that the requirements of SDCL 36-20B-25 are met and the applicant's license has been deemed to be in good standing by the host state's licensing board.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 33 SDR 107, effective December 26, 2006; 35 SDR 305, effective July 1, 2009; 36 SDR 216, effective July 6, 2010.

General Authority: SDCL ~~36-20B-12(23)~~ 36-20B-12(20), (22).

Law Implemented: SDCL ~~36-20B-12(23)~~ 36-20B-12(20), (22), 36-20B-13.

20:75:03:16. Registration of a retired certificate -- Fees. Any holder of a South Dakota certificate no longer practicing any form of accounting governed under this chapter may choose to register the certificate under a retired status. To be eligible for registration under the retired status, an individual certificate holder must be at least ~~55~~ fifty-five years of age, must sign an affidavit attesting to the certificate holders retired status, and pay an annual fee of ~~\$10~~ twenty dollars. Any licensee who submits a renewal by the use of the internet agrees that submission of the renewal serves as the licensee's signature and verification of the information in the renewal.

Source: 29 SDR 16, effective August 14, 2002; 35 SDR 305, effective July 1, 2009.

General Authority: SDCL ~~36-20B-12(22)~~ 36-20B-12(21).

Law Implemented: SDCL ~~36-20B-12(22)~~ 36-20B-12(21).

20:75:07:02. Requirement for review -- Fee -- Areas to be reviewed. A licensed firm, as a condition to renewal of its firm permit pursuant to SDCL chapter 36-20B, must undergo a peer review in accordance with this chapter once every three years unless prior approval is granted by the board for special circumstances. Special circumstances include a requirement by another reviewing body which would cause a firm's review to be outside the three year cycle.

The board may waive or adjust the peer review requirements for a firm that has entered into a consent agreement as a result of a pass with deficiency or fail report.

The administrative fee for a peer review is ~~\$75~~ one-hundred twenty five dollars. The administrative fee must be accompanied by a Request for Acceptance of Equivalent Review form and received by the board at the board's office by June 1 or postmarked by June 1. If the Request for Acceptance of Equivalent Review form is submitted late, the administrative late fee is ~~\$125~~ seventy-five dollars. The Request for Acceptance of Equivalent Review form may be obtained at the board's office.

If a firm filing a Request for Acceptance of Equivalent Review form has not engaged a reviewer by June 1, the firm must file a copy of the Request for Acceptance of Equivalent Review form by June 1 with the ~~\$75~~ one-hundred twenty-five dollar fee. The original Request for Acceptance of Equivalent Review signed by the firm and reviewer must then be filed within ~~30~~ thirty days after the reviewer is engaged. If the original Request for Acceptance of Equivalent Review form is not filed within ~~30~~ thirty days after the reviewer is engaged, the firm must submit an additional ~~\$50~~ seventy-five dollars.

The peer review is limited to the firm's accounting and auditing practice and, if required, may include its related quality control system.

Source: 29 SDR 16, effective August 14, 2002; 39 SDR 33, effective September 5, 2012;
45 SDR 84, effective December 20, 2018 (effective January 1, 2020).

General Authority: SDCL 36-20B-12(9)(10)(11).

Law Implemented: SDCL 36-20B-36.

Cross-References:

Equivalent reviews, § 20:75:07:05.

Selection of reviewer, § 20:75:07:06.

Discretion to waive certain requirements, § 20:75:01:07.

20:75:07:05. Equivalent reviews. If a firm undergoes an equivalent peer review during its three-year review cycle, it may request that the board accept the review as fulfilling the requirements of § 20:75:07:02.

The request must be submitted on forms provided by the board and must set forth the name of the reviewing body, the date of the review, and any other information requested by the board. If the review has not been completed, the reviewer must agree to retain all materials associated with the peer review until notice from the board of the acceptance of the review. The request for acceptance of an equivalent review form must be received by the board by June 1 or be postmarked by June 1. If the firm has not engaged a reviewer by June 1 the firm must submit a copy of the request for equivalent review form without the reviewer's signature and submit the original form with the reviewer's signature within ~~30~~ thirty days after engaging the reviewer. If the original form with the reviewer's signature is not received within ~~30~~ thirty days, ~~a~~ an additional late fee of ~~\$50~~ seventy-five dollars will be charged.

If the board approves the request for an equivalent review, the firm subject to review must submit to the board the reviewer's report; the findings for further consideration, if any; the reviewed firm's response to the findings for further consideration, if any; the final letter of approval; and a description of the status of any disciplinary action prescribed by the particular reviewing body. If the equivalent peer review was completed prior to the firm's request, the firm must submit the required information to the board within ~~30~~ thirty days after the date on the board's letter confirming the request. If the equivalent peer review will be completed after the firm receives board confirmation of the request, the firm must submit the required information within ~~30~~ thirty days after the date of the final letter of approval from the reviewing body. If the information is

filed after ~~30~~ thirty days from the date of the final letter of approval from the reviewing body, it must be accompanied by a fee of ~~\$50~~ one-hundred dollars.

Following receipt of the required information, the board shall proceed in accordance with § 20:75:07:15 or 20:75:07:16.

Source: 29 SDR 16, effective August 14, 2002; 30 SDR 119, effective February 9, 2004; 35 SDR 165, effective December 22, 2008; 36 SDR 216, effective July 6, 2010.

General Authority: SDCL 36-20B-12(9)(10)(11).

Law Implemented: SDCL 36-20B-36.

20:75:07:11. Report -- Findings for further consideration. Within ~~30~~ thirty days after the date of the exit conference, the reviewer must issue a written report and, if applicable, findings for further consideration to the reviewed firm. If the reviewer issues this report after the ~~30~~ thirty day period, the reviewer must submit a fee of ~~\$50~~ one-hundred dollars to the board.

The report and letter must be addressed to the proprietor, partners, members, officers, or shareholders of the reviewed firm and must be dated as of the date of the exit conference. The report must include the following:

- (1) The year covered by the review;
 - (2) A statement of the scope of the review;
 - (3) A description of the general characteristics of a system of quality control, if applicable;
- and
- (4) The reviewer's opinion. If the opinion is pass with deficiency or fail, the report must include a description of the reasons for the deficiency.

If the reviewer finds deficiencies, the reviewer must issue to the firm under review findings outlining the deficiencies and recommending action to correct the deficiencies.

Source: 29 SDR 16, effective August 14, 2002; 35 SDR 165, effective December 22, 2008; 36 SDR 216, effective July 6, 2010; 39 SDR 33, effective September 5, 2012.

General Authority: SDCL 36-20B-12(9)(10)(11).

Law Implemented: SDCL 36-20B-36.

Cross-Reference: Discretion to waive certain requirements, § 20:75:01:07.