

Chapter 4701-11 Ethics Standards

4701-11-05 Form of practice and name.

(A) An Ohio permit holder may only practice public accounting, whether as an owner or employee, ~~only~~ in the form of a sole proprietorship, a partnership, limited liability company, professional association, corporation, or other legal entity whose characteristics conform to the Revised Code and rules of the board.

(B) A firm name may not be used unless such name has been registered with the board.

(C) A misleading CPA firm name is one which:

(1) Contains any representation that would be likely to cause a reasonable person to misunderstand or be confused about the legal form of the firm, or about who are the owners or members of the firm, ~~such as a~~ including reference to a type of organization or an abbreviation thereof which does not accurately reflect the form under which the firm is organized, including, but not limited to the following:

(a) Implies the existence of a corporation when the firm is not a corporation such as through the use of the words "Corporation", "incorporated", "Ltd.", "professional corporation", or an abbreviation thereof as part of the firm name if the firm name is not incorporated or is not a professional corporation;

(b) Implies the existence of a partnership when there is not a partnership such as by use of the term "partnership" or "limited liability partnership" or the abbreviation "LLP" if the firm is not such an entity;

(c) Includes the name of an individual who is not a CPA if the title "CPAs" is included in the firm name;

(d) Includes information about or indicates an association with h persons who are not members of the firm, except as permitted pursuant to paragraph (D) of rule [4701-11-05](#) of the Administrative Code ~~this rule~~; or

(e) Includes the terms "& Company", "& Associate", or "Group", but the firm does not include, in addition to the named partner, another shareholder, owner, member, or staff employee.

(2) Contains any representation that would be likely to cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities, through the use of a false or unjustified statement of fact as to any material matter.

(3) Claims or implies the ability to influence a regulatory body or official;

(4) Includes the name of an owner whose license has been revoked for disciplinary reasons by the board, whereby the licensee has been prohibited from practicing public accountancy or prohibited from using the title CPA or holding himself out as a certified public accountant.

(D) The following types of CPA ~~F~~firm names are not in and of themselves misleading and are ~~permissible~~ permissible so long as they do not violate the provisions of paragraph (C)(1)(a) of rule [4701-11-05](#) of the Administrative Code:

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- (1) A firm name that includes the names of one or more former or present owners;
- (2) A firm name that excludes the names of one or more former or present owners;
- (3) A firm name that uses the designation "CPA" ~~title~~ as part of the firm name when all named individuals are owners of the firm who hold such titles or are former owners who held such title at the time they ceased to be owners of the firm;
- (4) A firm name that includes the name of a non-CPA owner if the "CPA" title is not a part of the firm name;
- (E) A network firm as defined in the AICPA "Code of Professional Conduct" ("Code") in effect July 1, 2011 may use a common brand name or share common initials, as part of the firm name;
- (F) A ~~network~~ firm as defined in the AICPA "Code of Professional Conduct" ("Code") in effect July 1, 2011 may use the ~~network~~ name as the firm's name, provided it also shares one or more of the following ~~characteristics~~ characteristics with other firms in the network:
 - (1) Common control, as defined by generally accepted accounting principles in the United States, among the firms through ownership, management, or other means;
 - (2) Profits or costs, excluding costs for operating the association, ~~costs~~ costs of developing audit methodologies, manuals and training courses, and other costs that are immaterial to the firm;
 - (3) Common business strategy that involves ongoing collaboration ~~amongst~~ among the firms whereby the firms are responsible for implementing the association's strategy and are held accountable for performance pursuant that strategy;
 - (4) Significant part of professional resources;
 - (5) Common quality control policies and procedures that participating firms are required to implement and that are monitored by the association.