ATTORNEY GENERAL OF TEXAS

GREG ABBOTT

October 22, 2010

Mr. William Treacy
Executive Director
Texas State Board of Public Accountancy
333 Guadalupe, Tower III Suite 900
Austin, Texas 78701-3900

Opinion No. GA-0811

Re: Application of the fee exemption for certain certified public accountants who are employees of governmental entities (RQ-0881-GA)

Dear Mr. Treacy:

Sections 901.406 and 901.407 of the Texas Public Accountancy Act (the "TPAA") impose professional fees on license holders. *See* TEX. OCC. CODE ANN. §§ 901.406–.407 (West 2004); *see also id.* § 901.001 (setting out short title for Occupations Code chapter 901). Subsection 901.410(1) exempts certain license holders from those fees:

> The fee increase imposed under Section 901.406 and the additional fee imposed under Section 901.407 do not apply to a license holder who is:
>
> (1) *an employee of* the federal government, the government of another state, or *a municipal* or county *government of this state* and who is restricted by virtue of that employment from engaging in the practice of public accountancy outside the scope of employment; . . . .

Id. § 901.410(1) (West Supp. 2010) (emphasis added).

You ask whether employees of the Brazos River Authority (the "River Authority"), who otherwise meet the statutory requirements of the TPAA, fall within the subsection 901.410(1) exemption.[1] You tell us that the River Authority's enabling legislation provides that "it is 'a river authority, a governmental agency, a *municipality* . . . , and a body politic and corporate'" but that the River Authority "is not a municipality in the traditional sense as other cities in the state." Request

[1]Request Letter at 2 (*available at* http://www.texasattorneygeneral.gov). You asked a second question about section 901.410(1). *Id.* at 1. By letter dated May 10, 2010, you withdrew that question and thus, we do not address it. *See* Letter from William Treacy, Executive Director, Texas State Board of Public Accountancy, to Nancy S. Fuller, Chair, Opinion Committee (May 10, 2010) (on file with the Opinion Committee).