

MARYLAND BOARD OF INDIVIDUAL
TAX PREPARERS

v.

DONALD L. ABRECHT,
Respondent

* BEFORE THE MARYLAND BOARD
* OF INDIVIDUAL TAX PREPARERS

*
CASE NO.: MITP-17-0002
*

* * * * *

CONSENT ORDER

This matter comes before the Maryland Board of Individual Tax Preparers (the "Board") as a result of a referral by the Maryland State Board of Public Accountancy ("CPA Board"). Upon the initiation of a complaint against Donald L. Abrecht (the "Respondent"), a registered individual tax preparer, and a subsequent investigation, the Board determined that administrative charges against the Respondent were appropriate. On or about October 11, 2016, the Board issued a Notice of Charges and Order for Hearing (incorporated by reference herein) alleging that the Respondent engaged in certain violations of the Maryland Individual Tax Preparers Act. The parties enter into this Consent Order as a full and final resolution of this matter, with terms as follows:

THE PARTIES AGREE AND STIPULATE:

1. At all times relevant to the matters set forth in this Consent Order, the Board had jurisdiction over the subject matter.
2. The Respondent obtained a registration from the Board to provide services as an individual tax preparer on or about September 13, 2011 (Registration No. 133). The registration was subsequently renewed and is due to expire on or about September 13, 2017.
3. As a registration holder, the Respondent was required to pass the Maryland Individual Tax Preparer examination, or obtain a waiver from the Board, by December 31, 2015 in order to remain qualified to hold a registration.
4. The Respondent has never passed the Board's examination. The Respondent states that he believed he was exempt from the examination requirement because he submitted an Application for Waiver of Examination with the Board on or about September 18, 2015. However, the Board has no record of any such application by the Respondent and no waiver was granted.
5. Since December 31, 2015, the Respondent has not been qualified to hold a

registration because he has not yet passed the Board's examination and has not obtained a waiver of the examination requirement from the Board.

6. An investigation by the Board established that the Respondent provided individual tax preparation services to Maryland taxpayers during 2016 while not qualified to hold a registration. From January 18, 2016 through September 26, 2016, the Respondent filed approximately 951 Maryland individual tax returns (Form 502) for the 2015 tax year with the Maryland Office of the Comptroller.

7. On or about July 27, 2016, the Board opened a complaint against the Respondent based on a referral from the CPA Board alleging that he had misrepresented himself as a certified public accountant ("CPA") in Maryland, while not licensed, in connection with the provision of income tax services. The Respondent was formerly licensed in Maryland as a CPA, however, that license expired in 1994 and it was not subsequently renewed.

8. In or around March of 2016, the Respondent maintained a prominent sign at his place of business at 102 North Main Street in Woodsboro, Maryland, describing himself as a "Certified Public Accountant", which advertised to the public that his business provides individual income tax services. The advertisement was false, deceptive, and misleading because the Respondent was not a licensed CPA at the time.

9. Based on the aforementioned facts, the Respondent admits to violations of Md. Ann. Code, Business Occupations and Professions Article ("BOP"), §§ 21-302(a) and (e), 21-311(a)(5), 21-311(a)(6), and Code of Maryland Regulations (COMAR) 09.38.01.02, 09.38.01.05(A)(1), and 09.38.01.05(G)(2) and (3) as alleged in the Notice of Charges and Order for Hearing.

10. As a result of his violations, the Respondent agrees to pay a total civil penalty to the Board in the amount of **\$10, 500.00** in accordance with the following schedule:

a) The first payment shall be in the amount of \$5000.00 and shall be due on or before November 18, 2016; and

b) The second payment shall be in the amount of \$5500.00 and shall be due on or before December 9, 2016.

In addition, the Respondent agrees that his registration to provide individual tax preparation services in Maryland shall be **suspended** until such time as he has passed the Board's required Individual Tax Preparer examination and he has paid the total civil penalty amount in full.

11. The Respondent shall abide by the provisions of the Maryland Individual Tax Preparers Act and applicable regulations in all relevant future activities.

12. The Respondent, by entering into this Consent Order, expressly waives the right to an administrative hearing on the charges, any and all further proceedings before the Board to which he may otherwise be entitled in this matter, and any rights to appeal from this Order.

13. The Respondent enters into this Consent Order freely, knowingly and voluntarily, and with the opportunity to seek advice of counsel.

14. The Respondent acknowledges and agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.

BASED ON THESE STIPULATIONS, IT IS, THIS 18 DAY OF November, 2016, BY THE MARYLAND BOARD OF INDIVIDUAL TAX PREPARERS:

ORDERED that the Respondent has violated BOP §§ 21-302(a) and (e), 21-311(a)(5), 21-311(a)(6), and COMAR 09.38.01.02, 09.38.01.05(A)(1), and 09.38.01.05(G)(2) and (3);

AND IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$10,500.00 to the Board in accordance with the schedule outlined at paragraph 10 of this Order;

AND IT IS FURTHER ORDERED that the Respondent's registration to provide individual tax preparation services in Maryland (Registration No. 133) is hereby **SUSPENDED** until such time as the Respondent has successfully passed the Board's Individual Tax Preparer examination and paid the total civil penalty amount pursuant to this Consent Order in full;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms of this Consent Order, and that the same shall be reflected among the records of the Board;

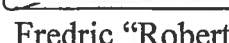
AND IT IS FURTHER ORDERED that this Consent Order shall constitute a Final Order of the Maryland Board of Individual Tax Preparers.

Signature on File


Donald L. Abrecht
Respondent

11-16-16
Date

Signature on File


Fredric "Robert" Bader, Chairperson
Maryland Board of Individual
Tax Preparers

11/18/16
Date

FRB/kmk