

MARYLAND BOARD OF INDIVIDUAL * BEFORE THE MARYLAND BOARD
TAX PREPARERS

v. * OF INDIVIDUAL TAX PREPARERS

SINIA B. ZELAYA, *
Respondent * CASE NO.: MITP-17-0126
*

* * * * *

CONSENT ORDER

The Maryland Board of Individual Tax Preparers (the "Board") opened a complaint in this matter against Sinia B. Zelaya (the "Respondent"), a registered tax preparer, as a result of a referral by the Maryland Office of the Comptroller (the "Comptroller"). Upon review of the complaint and a subsequent investigation, the Board determined that administrative charges were appropriate based on alleged violations of the Maryland Individual Tax Preparers Act. Prior to the issuance of charges against the Respondent, the parties reached an agreement to resolve this matter by means of this Consent Order. 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 Respondent was registered by the Board as an individual tax preparer and/or the Board had jurisdiction over the subject matter.

2. The Respondent became registered in Maryland as an individual tax preparer on or about January 26, 2012 (Registration No. 2744). The registration was subsequently renewed and expired on January 26, 2018.

3. The Respondent was required to pass the Maryland Individual Tax Preparers Examination given by the Board by December 31, 2015, in order to remain qualified to hold a registration. The Respondent has not passed the examination to date.

4. Due to her failure to pass the required examination, the Respondent was not qualified to hold a registration from January 1, 2016 to December 31, 2017.

5. From approximately January 19, 2016 through February 18, 2017, the Respondent filed Maryland individual tax returns (Form 502) as a professional tax preparer on behalf of individual taxpayers while not qualified to hold a registration.

6. Based on the aforementioned facts, the Respondent admits to violations of Md. Ann. Code, Business Occupations and Professions Article ("BOP"), §§ 21-302(a), 21-302(e), 21-311(a)(5), 21-311(a)(6), COMAR 09.38.01.02(B), and COMAR 09.38.01.05(A)(1) which provide as follows:

Section 21-302. Qualifications.

- (a) In general. - To qualify for a registration, the applicant shall be an individual who meets the requirements of this section.
- (e) Examination. - Except as otherwise provided in this subtitle, the applicant shall pass an examination given by the Board under this subtitle.

Section 21-311. Denial, suspension, revocation of registration; reprimands; penalties.

- (a) In general. - Subject to the hearing provisions of § 21-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a registration to any applicant, reprimand any registered individual, or suspend or revoke a registration if the applicant or registered individual:
 - (5) violates any regulation adopted under this title; or
 - (6) violates any provision of this title.

COMAR 09.38.01.02 The Examination.

- B. After December 31, 2015, an individual shall pass the Examination given by the Board in order to qualify for a registration unless the individual meets the requirements of § D of this regulation.

COMAR 09.38.01.05 Code of Professional Conduct.

- A. Responsibilities and Practices.
 - (1) An individual tax preparer may not commit any act that reflects adversely on the individual tax preparer's fitness to provide individual tax preparation services.

7. Based on her violations, the Respondent is subject to Section 21-311(b) which states that the Board may impose a penalty not exceeding \$5,000 for each violation. The Respondent agrees to pay a total civil penalty in the amount of **\$2,250.00** to the Board in accordance with the following schedule:

- a) There shall be fifteen (15) consecutive monthly payments in the amount of \$150.00 each; and
- b) The first of said payments shall be due within thirty (30) days of the Respondent's execution of this Consent Order, with remaining payments due every thirty days thereafter, until such time as the total penalty amount has been paid in full.

8. In addition, the Respondent shall not be eligible to register as an Individual Tax Preparer until such time as she has passed the examination and completed all required continuing professional education (CPE) credits, providing proof of completion to the Board.

9. If registered, the Respondent shall abide by the provisions of the Maryland Individual Tax Preparers Act and applicable regulations in all relevant future activities.

10. The Respondent, by entering into this Consent Order, expressly waives the right to any further written notification of administrative charges, an administrative hearing on the charges and the making of Findings of Fact and Conclusions of Law, any and all further proceedings before the Board to which the Respondent may otherwise be entitled in this matter, and any rights to appeal from this Order.

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

BASED ON THESE STIPULATIONS, IT IS, THIS 4th DAY OF August, 2018, BY THE MARYLAND BOARD OF INDIVIDUAL TAX PREPARERS:

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

AND IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of **\$2,250.00** to the Board in accordance with the provisions of Paragraph 7 of this Consent Order;

AND IT IS FURTHER ORDERED that the Respondent shall not be eligible for an Individual Tax Preparer's registration until such time as she has passed the examination and completed all required continuing professional education (CPE) credits, providing proof of completion to the Board;

AND IT IS FURTHER ORDERED that this matter shall be resolved in accordance with the terms and conditions 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

Signature on File

Signature on File

[Signature]
Dinia B. Zelaya
Respondent

[Signature]
Amy P. Hennen, Chair
Maryland Board of Individual
Tax Preparers

7/23/2018
Date

8/1/18
Date