

BEFORE THE MARYLAND BOARD OF INDIVIDUAL TAX PREPARERS

MARYLAND BOARD OF
INDIVIDUAL TAX PREPARERS

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v.

CASE NO.: MITP-21-0005

SONJA LEE PARSON
Respondent

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SETTLEMENT AGREEMENT AND CONSENT ORDER

This matter came before the Maryland Board of Individual Tax Preparers (“Board”) as the result of the Board conducting a random audit of Sonja Lee Parson’s (“Respondent”) registration renewal application, filed with the Board on December 3, 2019. The audit sought to determine if the Respondent met the Board’s registration renewal continuing education (“CE”) requirements. Based upon the audit and subsequent investigation, the Board decided to issue administrative charges against the Respondent. Prior to a hearing on the charges, the Board and the Respondent (collectively “Parties”) agreed to enter into this Settlement Agreement and Consent Order (“Consent Order”) as full and final resolution of this matter, and agree and stipulate as follows:

1. At all times relevant to the Complaint, the Board had jurisdiction over the Respondent, who held a registration issued by the Board to provide individual tax preparation services in Maryland (“registration”) under number 01-6108, and the subject matter of this Complaint.
2. The Respondent’s registration expired on November 25, 2021, and the Respondent does not have a current registration.
3. Md Code Ann., Business Occupations and Professions Article (“BOP”) §21-309(a)(2) provides that “[a]n individual shall complete at least 16 hours of continuing education activities every 2 years.”
4. Code of Maryland Regulations (“COMAR”) 09.38.02.02A and B provide:
 - A. A renewal applicant shall complete at least 16 hours of qualifying continuing education for each 2-year registration term.
 - B. A minimum of 4 hours of the continuing education for each 2-year registration term shall be in Maryland tax-related subjects.

5. On or about December 3, 2019, the Respondent filed a registration renewal application with the Board for the period December 3, 2019, through November 25, 2021, by means of the Board's online licensing system.
6. The Board's registration renewal application requires an applicant to certify to the accuracy of the information provided in the application. This certification states, in pertinent part: *"I hereby certify, under penalty of perjury, that the information contained herein is true and correct to the best of my knowledge, information, and belief. . ."*
7. On the renewal application, the Respondent certified having completed the required 16 CE hours as of the application date. The Board approved the renewal based upon that certification.
8. When the Respondent submitted the registration renewal application, the Board initiated a random audit to confirm that the Respondent had completed the CE requirements. The Board then requested that the Respondent provide documentation for the CEs that the Respondent had certified completing.
9. The Respondent failed to respond to the audit and provided no documentation for CE hours completed prior to December 3, 2019.
10. Further, the Board sent the Respondent multiple written communications by both certified and first-class mail to the last address she furnished to the Board, and those communications requested that the Respondent provide additional information.
11. The Respondent failed to respond to any of those communications.
12. The Respondent agrees that the Respondent violated the Board's statutes and regulations by certifying CE completion without having completed the required CEs and by failing to respond to the Board's written communications.
13. Based on the above, the Respondent admits to violating BOP §§ 21-309(a)(2), 21-311(a)(5) and (6), and COMAR 09.38.01.05A(1) and E(1), 09.38.02.02A and B, and 09.38.02.04B, which state, in pertinent part:

Business Occupations and Professions Article

Section 21-309. Continuing education

(a) Regulations. --

(2) An individual shall complete at least 16 hours of continuing education activities every 2 years.

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 09.38.01.05 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.

E. Communications with the Board.

(1) Failure to Respond.

(a) If an applicant or individual tax preparer receives from the Board a written communication requesting a response, the applicant or individual tax preparer shall respond in writing within 30 days of the date of mailing.

(b) The Board shall send a written communication by first-class mail to the last address furnished to the Board by the applicant or individual tax preparer.

(c) Failure to respond as required by this subsection may be considered by the Board to be a violation of Business Occupations and Professions Article, §21-311(a)(5), Annotated Code of Maryland.

COMAR 09.38.02.02 Basic Requirement.

- A. A renewal applicant shall complete at least 16 hours of qualifying continuing education for each 2-year registration term.
- B. A minimum of 4 hours of the continuing education for each 2-year registration term shall be in Maryland tax-related subjects.

COMAR 09.38.02.04 Controls and Reporting.

- B. The Board, at its discretion, may verify the information and documentation supporting a renewal applicant's certification of

continuing education credit. Upon request, the renewal applicant shall submit to the Board, or its designee, copies of the original documentation supporting the certification provided under §A of this regulation.

14. Pursuant to BOP § 2-311(b)(1), "[i]nstead of or in addition to reprimanding a registration or suspending or revoking a registration under this subsection, the Board may impose a penalty not exceeding \$ 5,000 for each violation."
15. Based on the violations, the Respondent agrees to pay a civil monetary penalty in the amount of TWO HUNDRED FIFTY DOLLARS (\$250) payable within thirty (30) days of execution of this Consent Order. Payment shall be made payable to the "Maryland Board of Individual Tax Preparers" and be by certified check, cashier's check, or money order. The Respondent shall deliver the payment to Attn: Executive Director, Maryland Board of Individual Tax Preparers, Department of Labor, 1100 North Eutaw Street, Baltimore, Maryland 21201.
16. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order, any Board issued registration that the Respondent holds shall immediately and automatically be suspended without a hearing on the suspension, and that the suspension shall continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms.
17. The Respondent does not have a current registration, and agrees she shall remain ineligible for a registration, unless and until she completes, and provides the Board with documentation for, all required CEs, which include but are not limited to any outstanding CEs from the audit.
18. The Respondent agrees that if the Respondent fails to comply with the terms of this Consent Order and does not possess a current registration, the Respondent shall be ineligible for a registration until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms.
19. The Respondent shall abide by the provisions of the Maryland Individual Tax Prepares Act, BOP §§21-101, *et seq.*, and related regulations, COMAR 09.38.
20. By entering this Consent Order the Respondent, in relation to this matter, waives the right to have charges reduced to writing, to an administrative hearing before the Board or its designee on any charges, to the making of Findings of Fact and Conclusions of Law, to all other proceedings before the Board or its designee on this matter, and to any rights to appeal from this Consent Order to any court of competent jurisdiction.

21. The Parties agree that this Consent Order represents the final expression of their intent and agreement relating to the subject matter of this Consent Order, that this Consent Order contains all the terms the Parties agreed to on the subject matter of this Consent Order, and that they intend for this Consent Order to replace all their previous discussions, understandings, and agreements relating to the subject matter.
22. The Respondent agrees that this Consent Order shall constitute a Final Order of the Board and shall be enforceable as such.
23. The Respondent agrees and acknowledges that the Respondent is knowingly, freely, and voluntarily entering this Consent Order having had the opportunity to consult with counsel.
24. The Parties agree that this Consent Order will serve as the Final Order in this matter, will become part of the Respondent's registration record maintained by the Board, and the Board's records and publications will reflect its terms.

**BASED ON THE AGREEMENTS AND STIPULATIONS SET FORTH
HEREIN, IT IS, THIS 23 DAY OF MARCH, 2022, BY THE MARYLAND
BOARD OF INDIVIDUAL TAX PREPARERS:**

ORDERED, that the Respondent violated BOP §§ 21-309(a)(2), 21-311(a)(5) and (6), and COMAR 09.38.01.05A(1) and E(1), 09.38.02.02A and B, and 09.38.02.04B; and it is further

ORDERED, that the Respondent shall pay a civil monetary penalty in the amount of TWO HUNDRED FIFTY DOLLARS (\$250) in accordance with paragraph 15, above; and it is further

ORDERED, that the Respondent shall remain ineligible for a registration, unless and until the Respondent completes, and provides the Board with documentation for, all required CEs, which include but are not limited to any outstanding CEs from the audit; and it is further

ORDERED, that if the Respondent fails to comply with the terms of this Consent Order, the Respondent's registration shall immediately and automatically be suspended without a hearing on the suspension, and that the suspension shall continue until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms; and it is further

ORDERED, that if the Respondent fails to comply with the terms of this Consent Order and does not possess a current registration, the Respondent shall be ineligible for

a registration until the Board determines that the Respondent has evidenced compliance with the Consent Order's terms; and it is further

ORDERED, that unless otherwise specified in this Consent Order, each provision herein shall remain in effect and enforceable as herein agreed unless the Board in writing stays, modifies, terminates, or suspends it; and it is further

ORDERED, that any waiver of the rights, duties, or conditions provided herein must be in writing, and that any waiver constitutes a one-time waiver on a case-by-case basis and not a waiver of this entire Consent Order or the subject provision(s) unless otherwise explicitly stated in writing; and it is further

ORDERED, that this document shall constitute a Final Order of the Board, and the Board may consider this Consent Order and the facts set forth herein in connection with, and in deciding, any subsequent action or proceeding before the Board, and that this Consent Order may, if relevant, be admitted into evidence in any matter before the Board, its designee, and/or any court.

**MARYLAND BOARD OF
INDIVIDUAL TAX PREPARERS
Signature on File**

By: Steven P. Wions, Chair
Maryland Board of Individual Tax Preparers

AGREED:

3-23-2022
Date

Signature on File

Sonja Lee Parson, Respondent