

**BEFORE THE MARYLAND STATE BOARD OF INDIVIDUAL TAX PREPARERS**

Julia Doctor,

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Petitioner

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v.

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Case no. ITP-LD-15-02

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MARYLAND STATE BOARD OF  
INDIVIDUAL TAX PREPARERS

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**FINAL ORDER**

**I. Procedural Background.**

The above-captioned matter was heard before the Maryland State Board of Individual Tax Preparers ("the Board") on May 11, 2015. Petitioner Julia Doctor submitted a registration application to the Board. In her application, Ms. Doctor responded "YES" to the question: "Have you ever been convicted of a felony or misdemeanor in any State or Federal court?" Ms. Doctor submitted to the Board court documents indicating that, on or about February 11, 2004, in the United States District Court for the Eastern District of Virginia, she pleaded guilty to felony Health Care Fraud, in violation of 18 U.S.C. § 347. Ms. Doctor was sentenced to 5 months imprisonment, a fine of \$100.00, restitution in the amount of \$112, 551.00, and three years of supervised release, with the first five months of supervised release on home confinement with electronic monitoring.

By letter dated February 24, 2015, after reviewing the documents provided by Ms. Doctor concerning her conviction, the Board, pursuant to Md. Busin. Occup. and Prof. Code Ann. ("BOP"), § 21-311(a)(3), denied Ms. Doctor's registration application. Ms. Doctor requested a hearing before the Board.

By letter dated March 10, 2015, the Board informed Ms. Doctor that a hearing would be held on her registration application, in accordance with BOP, § 21-312 *et seq.*, the Maryland Administrative Procedure Act (Md. State Gov. Code Ann., §10-201 *et seq.*), and the Department of Labor, Licensing and Regulation's hearing rules set forth at COMAR .09.01.02. At the May 11, 2015, hearing, Ms. Doctor appeared *pro se*. Kris King, Assistant Attorney General, presented evidence on behalf of the Board.

## **II. Findings of Fact.**

The Board includes in its factual findings the facts set forth in the procedural background of the matter. In addition, after examining all of the evidence, including both the testimony of witnesses and the documentary evidence submitted at the hearing, and having assessed the demeanor and credibility of those offering testimony, the Board makes the following additional findings of fact:

- 1) Ms. Doctor earned a bachelor's degree in accounting from St. Peters College in 1979.
- 2) Ms. Doctor served in the United States Army from 1979 until her discharge in 1986, and worked primarily with computers. At the time of her discharge, Ms. Doctor had attained the rank of Major.
- 3) Ms. Doctor worked with the United States Department of Veterans Affairs from 1986 until her resignation in 2004. At the time of her resignation, Ms. Doctor worked as a Senior Computer Systems Analyst.
- 4) Ms. Doctor's conviction for felony Health Care Fraud stems from her

employment as President of Doctorcare Transportation Company from 2001 through 2002. Doctorcare Transportation Company provided transportation services for individuals to and from medical appointments. Doctorcare Transportation Company consisted of Ms. Doctor and six to seven other employees who were family members. Doctorcare Transportation Company received reimbursement for mileage driven transporting patients. For the period of 2001 through 2002, Doctorcare Transportation Company knowingly misrepresented the actual mileage driven resulting in overcharges of \$112,551.00.

5) Ms. Doctor has served her criminal sentence and has paid her restitution in full.

6) From 2005 to date, Ms. Doctor has operated J and J Cleaning Company, a house cleaning business. Ms. Doctor is the sole employee.

### **III. Evaluation of the Evidence.**

Ms. Doctor asks the Board to grant her registration in spite of her criminal conviction. Before taking such action, the Board is compelled to review the particular circumstances of Ms. Doctor's case. In evaluating whether Ms. Doctor's application should be granted or denied, the Board must consider the following factors: 1) the nature of the crime; (2) the relationship of the crime to the activities authorized by the license; (3) the length of time since the conviction; and (4) the behavior and activities of Ms. Doctor before and after the conviction.

Ms. Doctor's conviction, in the opinion of the Board, is directly connected with her fitness and qualifications to provide individual tax preparation services. Ms. Doctor

fraudulently misrepresented mileage in order to increase her company's reimbursement for services. This is an act the Board considers to be serious. Should Ms. Doctor receive a registration from this Board, she will likely be in situations similar to the one that resulted in her conviction. For example, it is possible that a client could seek a mileage deduction without knowing the actual mileage in question. Or it's possible that Ms. Doctor could misrepresent the services she performed in a bill to a client in order to obtain a higher amount of compensation. Thus, the Board believes Ms. Doctor's conviction to be directly related to her fitness and qualification to receive a registration.

With respect to her conduct before the conviction, the Board does not find it to be particularly compelling one way or the other.

With respect to her conduct after the conviction, Ms. Doctor has served her sentence and the Board considers the fact that she has paid her restitution in full to be in her favor. Also, Ms. Doctor has had no further legal difficulties.

Ms. Doctor's conduct, both the conduct that lead to her conviction and that subsequent to her conviction, can be objectively determined. The Board, of course, must make a much more subjective judgment about her present character. The Board must do so in order to protect the public against any likelihood of future ethical lapses on Ms. Doctor's part should she receive her registration.

In her testimony before the Board, Ms. Doctor was evasive concerning the particular facts surrounding her conviction suggesting that she "couldn't remember" virtually any details. While Ms. Doctor claimed to have accepted responsibility for her conviction as

evidenced by her "doing her time" and paying restitution, Ms. Doctor also suggested that her company only made a mistake and that she pleaded guilty to protect her family. However, a fraud conviction implies willful and knowing action, not simply a mistake. To the Board it appeared that she had not acknowledged the propriety of her conviction. Ms. Doctor did not present any testimony from character witnesses. After weighing all the evidence and in light of the nature of the crime, at this time the Board cannot approve, consistent with the law and its duty to protect the public, Ms. Doctor's application for registration.

**CONCLUSIONS OF LAW**

Based on the Findings of Fact, and using the specialized knowledge, training, and experience of its members, the Maryland State Board of Individual Tax Preparers hereby concludes as a matter of law:

That Petitioner Julia Doctor violated Business Occupations and Professions Article, Ann. Code of Maryland, § 21-311(a)(3).

**ORDER**

In consideration of the Maryland State Board of Individual Tax Preparer's Findings of Fact and Conclusions of Law in this matter, it is this 22nd day of June, 2015,

**ORDERED:**

- 1) That Julia Doctor's Application for Registration be and hereby is **DENIED**;
- and
- 2) That the records, files, and documents of the Maryland State Board of Individual Tax Preparers reflect this decision.

**MARYLAND STATE BOARD OF  
INDIVIDUAL TAX PREPARERS**

By:



Fredric Bader  
Chair