

STATE OF MARYLAND
BOARD OF INDIVIDUAL TAX PREPARERS
Business Meeting Minutes
February 13, 2017

TIME: 10:00 a.m.

PLACE: 500 N. Calvert Street
3rd Floor Conference Room
Baltimore, MD 21202

PRESENT: Fredric "Rob" Bader, Chair
Jane Bourassa
Jacqueline Clarke
Marianela Del-Pino-Rivera

ABSENT: Kay Riddle, Vice Chair
Mike Canet
Steve Wions

DLLR STAFF

PRESENT: Dennis Gring, Executive Director
Matthew Lawrence, Board Counsel and AAG
Alicia Coar, Board Secretary

OTHERS

PRESENT: Alverta Steinwedel, MSATP
Cherby Worthington, ITP

Chairman Rob Bader called the meeting to order at 10:04 AM.

Upon a motion (I) by Ms. Jacqueline Clarke and seconded by Ms. Del-Pino-Rivera, the minutes from the January 23, 2017 meeting were approved without corrections unanimously.

Report of the Chair

No Report

Executive Director's Report

Mr. Gring reported that he attended a hearing on Senate Bill 304, which is the Maryland Taxpayer Protection Act, which was jointly introduced by Governor Hogan and Comptroller Peter Franchot. The relevant provisions of this bill and its companion legislation in the House of Delegates, HB424, requires a tax return business to ensure that anyone hired to provide tax

preparation services be registered with the Board or otherwise exempt from the requirements of the Maryland Individual Tax Preparers Act; and would authorize the Office of the Comptroller to provide tax preparer information to the Board.

New Business

Mr. Lawrence discussed House Bill 628. This bill addresses the issues of "active" state supervision that arose from the U.S. Supreme Court's February 2015 opinion in *North Carolina Dental Board v. Federal Trade Commission*. House Bill 628 would require the secretary of each principal department to supervise each unit that is composed of individuals participating in the occupation or profession regulated by the unit in order to prevent anticompetitive actions and to determine whether the actions of the unit are anti-competitive. The provisions of the legislation would also insulate individual board or commission members from liability from civil actions filed to challenge board or commission actions.

Old Business

There was no old business.

Examination Committee Report

Ms. Bourassa provided an update through the examination results for January 2017. As of the date of the Board meeting, 216 candidates had taken the examination, with 95 passing and 121 failing. Based on the recent testing results, the Board is concerned that candidates appear to be having difficulty with the examination. Mr. Bader reported some of the exam committee members will be meeting with PSI to review this year's results and the difficulty of the exam. The committee will be meeting in April. The date is to be determined.

Executive Session

Upon a motion **(III)** made by Ms. Clarke and seconded by Ms. Bourassa, the Board voted to go into Executive Session in order to consult with counsel, which is permitted to be closed pursuant to State Government Title Section 10-508 (a), (7) pertaining to an executive session. The Board went into Executive Session at 11:30 a.m. Upon a motion **(IV)** by Ms. Del-Pino-Rivera and seconded by Ms. Bourassa, the Board unanimously voted to return to public session at 11:31 a.m.

In **OR-B0217**, upon a motion **(IV)** by Ms. Del-Pino-Rivera and seconded by Ms. Bourassa, the Board denied a licensee application for an applicant who answered "Yes" on a conduct question.

In **OR-C0117**, upon a motion **(V)** by Ms. Clarke and seconded by Ms. Del-Pino-Rivera, the Board denied a licensee application for an applicant who answered "Yes" on a conduct question

Complaint Committee

The Complaint Report was given by Mr. Gring. The Board received five consumer complaints and 36 referrals from the Office the Comptroller. Of the 36 referrals from the Comptroller, 28 involved individual who are not registered with the Board. Since July, 2016, the Board has issued 25 administrative sanctions against registrants and non-registrants, including the assessment of over \$100,000 in civil penalties, for violations of the Maryland Individual Tax Preparers Act and the Board's regulations. Currently, eleven complaints are being reviewed for administrative charges and hearing notices have been issued in 12 complaint cases.

Upon a motion (VI) by Ms. Del-Pino-Rivera, and seconded by Ms. Bourassa, the Board unanimously accepted the Complaint Committee Report.

Next Meeting Date

The next meeting of the Board will be held on Monday, March 27, 2017 at 10:00 a.m. Nine administrative hearings are scheduled for this meeting.

Adjournment

There being no further business, a motion (VII) was made by Ms. Bourassa, seconded by Ms. Del-Pino-River and unanimously carried to adjourn the meeting at 1:40 p.m.

✓ With corrections

_____ Without corrections

Signature on File

Kay Riddle, Vice Chair

3/27/17
Date