

UNITED STATES OF AMERICA  
DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
OFFICE OF PROFESSIONAL RESPONSIBILITY  
WASHINGTON, DC

DIRECTOR, OFFICE OF PROFESSIONAL  
RESPONSIBILITY,

Complainant,

v.

Complaint No. 2006-24

(b)(3)/26 USC 6103,

Respondent.

DECISION BY DEFAULT

On December 1, 2006, a complaint was issued on behalf of the Director, Office of Professional Responsibility, Internal Revenue Service, Department of the Treasury, pursuant to 31 C.F.R. 10.60, issued under the authority of 31 U.S.C. 330, alleging that the Respondent, [REDACTED], a certified public accountant eligible to practice before the Internal Revenue Service, has engaged in disreputable conduct within the meaning of 31 C.F.R. 10.51 and is subject to suspension or disbarment from such practice pursuant to 31 C.F.R. 10.50.

(b)(3)/26 USC  
6103

The Complaint and a cover letter were sent to the Respondent by certified mail at his last address of record with the Internal Revenue Service on December 1, 2006, and were returned to the Internal Revenue Service as undelivered. On January 4, 2007, those documents were sent to the Respondent by first class mail and were not returned to the Complainant. The Complaint advised the Respondent of his obligation to file an answer to the Complaint within 30 days. No answer has been filed.

On February 12, 2007, counsel for the Director filed a Motion for Decision by Default with the undersigned administrative law judge who has been designated to conduct this proceeding. The motion was served upon the Respondent by certified mail at his last address of record with the Internal Revenue Service on the same date. The Respondent has filed no response to the motion.

Ruling on Motion for Decision by Default

A review of the record herein shows that effective service of copies of the Complaint and cover letter was made upon the Respondent in accordance with 31 C.F.R. 10.63(a)(2)(ii). The Respondent was obliged to file an answer to the Complaint or be subject to having a decision by default entered against him, but he failed to do so. Pursuant to the provisions of 10.64(d), failure to file a timely answer constitutes a waiver of hearing, the allegations of the Complaint are deemed to be admitted, and they may be considered as proved without further evidence.

Inasmuch as the allegations in the Complaint have been admitted and no hearing or further proceedings are necessary, based on the record herein, I make the following:

Findings of Fact

(b)(3)/26 USC 6103

1. At all times material, the Respondent [REDACTED], was a certified public accountant eligible to practice before the Internal Revenue Service and was subject to the disciplinary authority of the Secretary of the Treasury and the Director, Office of Professional Responsibility, Internal Revenue Service.

2. [REDACTED] (b)(3)/26 USC 6103

Conclusions of Law

1. The Respondent's eligibility to practice before the Internal Revenue Service is subject to suspension or disbarment by reason of disreputable conduct.

2. [REDACTED] (b)(3)/26 USC 6103

[REDACTED] There is no evidence of any extenuating or mitigating circumstances. Such disreputable conduct warrants his disbarment from practice before the Internal Revenue Service.

Upon the foregoing findings of fact and conclusions of law and the entire record, it is

ORDERED that [REDACTED] is disbarred from practice before the Internal Revenue Service.

(b)(3)/26 USC 6103

Dated at Washington, DC March 9, 2007

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Richard A. Scully  
Administrative Law Judge