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**FILED**

October 14, 1999  
**NEW JERSEY STATE BOARD  
OF ACCOUNTANCY**

By: Marianne W. Greenwald  
Deputy Attorney General  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF ACCOUNTANCY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
JOAN STERLING, C.P.A.	:	FINAL ORDER
<i>CC 10388</i>	:	OF DISCIPLINE
TO PRACTICE ACCOUNTANCY IN THE	:	
STATE OF NEW JERSEY	:	
	:	
	:	

This matter was opened to the New Jersey State Board of Accountancy upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

**FINDINGS OF FACT**

1. Respondent is a licensee in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On or about October 8, 1998 respondent pled guilty to the crime of filing a false income tax return in U.S. District Court in

District of New Jersey. Specifically she admitted that on a filed 1993 joint return with her husband, she substantially overstated the payment of home mortgage interest on their joint residence. (Judgment of Conviction attached here and made a part of hereof).

3. The following sentence was ordered: One year probation, and a \$500.00 fine.

4. A Provisional Order of Discipline was entered by the Board on June 3, 1999 and served upon respondent on or about June 10, 1999.

5. The Provisional order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification for dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

6. Respondent submitted the following response:

Mark Sterling, respondent's husband, failed to make payments on the mortgage on their jointly owned home. He did not tell respondent and continued to lie in an attempt to stop foreclosure. This included falsifying mortgage satisfaction documents, and

making false statements to Independence One Mortgage Company concerning his parents' death. In August 1997, upon learning of the fraud and deception committed by her husband, respondent immediately sought advise of legal counsel. Respondent accepts the responsibility of her submission of a tax return with deductions for interest which was not paid. She prepared the return and it was based on documents given to her by her former spouse, Mark Sterling. The documents given to her by Mark Sterling were fraudulent. She failed to confirm their validity and did not see checks or other data which would have confirmed the deductions that she took as being appropriate. As to the bulk of the actions of Mark Sterling, respondent is an innocent spouse, but she did have a responsibility to confirm the validity of the documents used to prepare the tax return that constituted her plea to a Class A Misdemeanor.

7. Respondent's submissions were reviewed by the Board. The Board has given the matter further consideration, and finds that respondent's mitigation submission supports a modification of the disciplinary action set forth in the Provisional Order.

#### CONCLUSIONS OF LAW

1. The above disciplinary action/conviction provides grounds for the suspension of her license to practice accountancy in the State of New Jersey pursuant to N.J.S.A. 45:1-21(b), and (e), in

that it is based on finding or admissions that would give rise to discipline in this State and/or the crime of which respondent was convicted is one of moral turpitude and relates adversely to the practice of accountancy.

ACCORDINGLY, IT IS ON THIS 14th DAY OF October ,1999,

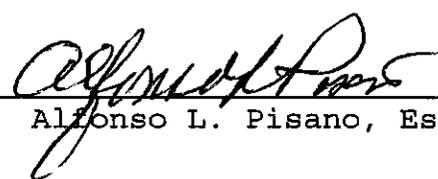
ORDERED THAT:

1. Respondent's license to practice accountancy in the State of New Jersey be and hereby is suspended for a period of one (1) year, all of which shall be stayed.

2. [Respondent shall pay a civil penalty of \$2,500 to the Board within thirty (30) days of the entry of the Order and costs for the use of the State within thirty (30) days of receipt of an Affidavit of Costs from the Executive Director.

STATE BOARD OF ACCOUNTANCY

By:

  
Alfonso L. Pisano, Esq. President