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5 Attorneys for Complainant

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**BEFORE THE  
BOARD OF ACCOUNTANCY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

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11	In the Matter of the Accusation	)	NO. AC-95-2
	Against:	)	
12		)	DEFAULT DECISION
	ROBERT PERRY DUBIN	)	AND ORDER
13	13412 Ventura Blvd., Suite 220	)	
	Sherman Oaks, California 91423	)	
14	Certified Public Accountant	)	
	License No. 13296	)	
15		)	
	Respondent.	)	
16		)	

17 On February 13, 1996, accusation number AC-95-2 was  
18 filed by Carol Sigmann (hereinafter "complainant"), before the  
19 Board of Accountancy (hereinafter the "Board"), Department of  
20 Consumer Affairs of the State of California against Robert Perry  
21 Dubin (hereinafter "respondent"), holder of Certified Public  
22 Accountant License No. 13296.

23 On or about February 27, 1996, the accusation, along  
24 with the statement to respondent, excerpt of Government Code  
25 sections 11507.5, and 11507.7, notice of defense, request for  
26 discovery (hereinafter the accusation package), was served on  
27 respondent by certified mail addressed to respondent at 13412

1 Ventura Boulevard, Suite 220, Sherman Oaks, California 91423. A  
2 second accusation package was served on respondent by certified  
3 mail addressed to respondent at 38200 Maracaibo Circle East, Palm  
4 Springs, California 92264. An accusation package was also served  
5 on respondent's attorney, Mark Werksman, Esq., by certified mail  
6 addressed to Mark Werksman, Esq. at 601 West Fifth Street, 12th  
7 Floor, Los Angeles, California 90071. On or about March 4, 1996,  
8 the accusation packages addressed to respondent were received and  
9 accepted on behalf of respondent. On February 28, 1996, the  
10 office of Mark Werksman signed for receipt of the accusation  
11 package addressed to Mr. Werksman. Attached hereto as Exhibit  
12 "A" and "B" are copies of the proof of service of the accusation  
13 package and copies of the signed return receipt cards,  
14 respectively.

15 On or about June 3, 1996, the accusation package was  
16 served on respondent by certified mail addressed to respondent at  
17 FPC Boron, P. O. Box 500, Boron, California 93596-1000. On June  
18 4, 1996, the accusation package was accepted on behalf of  
19 respondent. Attached hereto as Exhibit "C" is a copy of the  
20 proof of service of the accusation package and a copy of the  
21 signed return receipt card.

22 Pursuant to Title 16, California Code of Regulations,  
23 section 3, as holder of a certified public accountant certificate  
24 from the Board, respondent is required to file his current  
25 mailing address with the Board, and is required to immediately  
26 notify the Board of any and all changes of his mailing address.  
27 Respondent's mailing address of record with the Board is 13412

1 Ventura Boulevard Suite 220, Sherman Oaks, California 91423.

2           Respondent was served with the accusation package on  
3 March 4, 1996 and June 3, 1996, in a manner authorized by  
4 Government Code section 11505(c) and Code of Civil Procedure  
5 section 11. Respondent has failed to file a notice of defense as  
6 permitted by Government code section 11506(a), and has otherwise  
7 failed to request a hearing, object or otherwise contest the  
8 accusation. Respondent has waived his right to a hearing on the  
9 accusation and is in default. Because of respondent's waiver and  
10 pursuant to Government Code section 11520(a), the Board takes  
11 action on the accusation without a hearing, based upon the  
12 accusation and documentary evidence on file, and makes the  
13 following findings of fact and determination of issues.

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**FINDINGS OF FACT**

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1. Complainant, Carol Sigmann, the Executive Officer  
17 of the Board of Accountancy, made and filed accusation AC-95-2 in  
18 the above-entitled action solely in her official capacity.

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2. On or about October 10, 1967, respondent was  
21 issued Certified Public Accountant Certificate Number CPA 13296  
22 by the Board. Said license expired on February 1, 1996 and has  
23 not been renewed.

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**SUBSTANTIALLY RELATED CONVICTION**

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3. On or about November 11, 1994, in the United  
27 States District Court for the Central District of California, in

1 the criminal action entitled United States of America v. Robert  
2 Perry Dubin and June Helen Dubin, case No. CR 94-276, respondent  
3 was convicted upon a jury verdict of one count of violating 18  
4 United States Code section 371 (conspiracy), six counts of  
5 violating 18 United States Code section 152 and 2 (false  
6 statement and concealed assets in bankruptcy; aiding and abetting  
7 and causing an act to be done), and two counts of violating 26  
8 United States Code section 7206(1) (false statement on tax  
9 return).

10  
11 4. The circumstances surrounding the conviction  
12 described in paragraph 3 hereinabove are as follows:

13 A. On or about July 12, 1989, respondent Dubin and  
14 his wife filed in the United States Bankruptcy Court for the  
15 Central District of California a Chapter Seven joint  
16 bankruptcy proceeding (hereinafter the "Dubin bankruptcy").

17 B. From June, 1989 to November, 1990, respondent  
18 Dubin conspired to conceal and transfer assets of the Dubin  
19 bankruptcy and make false statements under penalty of  
20 perjury in connection with the Dubin bankruptcy.

21 C. From January, 1987 to December, 1991, respondent  
22 Dubin embezzled a total of \$1,010,378 from a client of  
23 respondent's accounting practice and concealed such  
24 embezzled funds from the bankruptcy court, trustee and  
25 creditors of the Dubin bankruptcy.

26 D. On July 12, 1989, respondent Dubin was owed  
27 approximately \$286,222 in account receivables from clients

1 of his accounting practice. Prior to commencing the Dubin  
2 bankruptcy, respondent created two sets of ledgers  
3 concerning said account receivables. The first set of  
4 ledgers which was filed with the Dubin bankruptcy showed  
5 receivables of approximately \$51,377.50 and were primarily  
6 sixty days or older. The second set of ledgers showed  
7 accounts receivable of approximately \$234,844.50 and were  
8 primarily less than sixty days old. Respondent concealed  
9 said \$234,844.50 in new receivables from the bankruptcy  
10 court, trustee and creditors.

11 E. Respondent Dubin and his wife owned approximately  
12 ten fur coats with an original aggregate acquisition price  
13 of \$42,460. Respondent stored said fur coats in a  
14 commercial cold storage and concealed same from the  
15 bankruptcy court, trustee and creditors.

16 F. Respondent Dubin concealed from the bankruptcy  
17 court, trustee and creditors a payment of \$82,000.00 to a  
18 general partnership consisting of respondent's children and  
19 step-children.

20 G. In April, 1988, respondent Dubin filed a United  
21 States Joint Income Tax Return (Form 1040) for the calendar  
22 year 1987 which misrepresented his total taxable income for  
23 1987.

24 H. In April, 1989, respondent Dubin filed a United  
25 States Joint Income Tax Return (Form 1040) for the calendar  
26 year 1988 which misrepresented his total taxable income for  
27 1988.

1           5.     The crime of violating 18 United States Code  
2 sections 371, conspiracy to defraud the United States, 152 and 2,  
3 false statement and concealed assets in bankruptcy, and the  
4 violation of 26 United States Code section 7201(1), false  
5 statement on tax return are substantially related to the practice  
6 of accountancy.

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DETERMINATION OF ISSUES

9           1.     Because of the above findings of fact, cause for  
10 disciplinary action against respondent exists for violating the  
11 provisions of the Board of Accountancy and the rules and  
12 regulations adopted by the Board.

13           2.     Cause for discipline exists pursuant to Business  
14 and Professions Code section 5100 as defined in section 5100(a)  
15 and Title 16 of the California Code of Regulations in that  
16 respondent has a been convicted of a crime which is substantially  
17 related to the qualifications, functions, or duties of a  
18 certified public accountant by reason of Findings of Fact No. 3.

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DISCIPLINARY ORDER

21           WHEREFORE, IT IS ORDERED:

22           Certified Public Accountant Certificate Number 13296  
23 issued to Robert Perry Dubin is hereby revoked by reason of  
24 Determination of Issues 1 and 2, separately and for each of them.

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Respondent shall not be deprived of making any showing by way of mitigation; however, such showing shall be made to the Board prior to the effective date of this Default Decision.

This Default Decision shall become effective on November 4, 1996.

DATED: October 4, 1996

By 

President  
Board of Accountancy  
Department of Consumer Affairs  
State of California

0354110-LA94AD1492  
(CML)

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
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12 In the Matter of the Accusation )	Case No. AC-95-2
Against: )	
13 )	ACCUSATION
ROBERT PERRY DUBIN )	
14 13412 Ventura Blvd., Suite 220 )	
Sherman Oaks, California 91423 )	
15 C.P.A. License No. 13296 )	
)	
16 Respondent. )	
)	

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Complainant, Carol Sigmann, for cause of discipline  
18 against Robert Perry Dubin, alleges as follows:

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PARTIES

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21 1. The Complainant, Carol Sigmann, the Executive  
Officer of the California State Board of Accountancy (hereinafter  
22 the "Board"), makes this Accusation solely in her official  
23 capacity.

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25 2. On October 10, 1967, the Board issued to  
respondent Robert Perry Dubin (hereinafter respondent "Dubin") a  
26 Certificate No. 13296 of Certified Public Accountant under the  
27 provisions of the Accountancy Act, Division 3, Chapter 1,

1 Sections 5000 et. seq. of the California Business and Professions  
2 Code. At all times material herein, respondent Dubin was and is  
3 licensed by the Board as a Certified Public Accountant. Said  
4 license expires on February 1, 1996.

5 JURISDICTION

6 3. Business and Professions Code Section 5100  
7 provides that after notice and hearing the Board may revoke,  
8 suspend or refuse to renew any permit or certificate granted  
9 under Article 4 or Article 5 of the Accountancy Act, or may  
10 censure the holder of that permit or certificate for  
11 unprofessional conduct.

12 FIRST CAUSE OF ACCUSATION

13 SUBSTANTIALLY RELATED CONVICTION

14 4. Complainant incorporates herein by this reference  
15 the Preamble and each of the allegations set forth in Paragraphs  
16 1 through 3 hereinabove.

17 5. Business and Professions Code Section 5100(a)  
18 provides that unprofessional conduct within the meaning of the  
19 Accountancy Act includes a conviction of any crime substantially  
20 related to the qualifications, functions and duties of a  
21 certified public accountant or a public accountant.

22 6. Business and Professions Code Section 5106  
23 provides, in pertinent part, that a plea or verdict of guilty or  
24 a conviction of guilty following a plea of nolo contendere is  
25 deemed to be a conviction within the meaning of the Accountancy  
26 Act.

27 7. Section 99 of the California Code of Regulations

1 (hereinafter the "Board Regulations") provides that for the  
2 purposes of denial, suspension, or revocation of a certificate or  
3 permit, a crime or act shall be considered to be substantially  
4 related to the qualifications, functions or duties of a certified  
5 public accountant or public accountant if to a substantial degree  
6 it evidences present or potential unfitness of a certified public  
7 accountant or public accountant to perform the functions  
8 authorized by his certificate or permit in a manner consistent  
9 with the public health, safety, or welfare. Board Regulation 99  
10 further provides that such crimes or acts shall include: "(a)  
11 (f)iscal dishonesty or breach of fiduciary responsibility of any  
12 kind."

13           8. Business and Professions Code Section 493 provides  
14 that notwithstanding any other provision of law, in a proceeding  
15 conducted by a board within the department pursuant to law to  
16 deny an application for a license or to suspend or revoke a  
17 license or otherwise take disciplinary action against a person  
18 who holds a license, upon the ground that the applicant or the  
19 licensee has been convicted of a crime substantially related to  
20 the qualifications, functions, and duties of the licensee in  
21 question, the record of conviction of the crime shall be  
22 conclusive evidence of the fact that the conviction occurred, but  
23 only of that fact, and the board may inquire into the  
24 circumstances surrounding the commission of the crime in order to  
25 fix the degree of discipline or to determine if the conviction is  
26 substantially related to the qualifications, functions, and  
27 duties of the licensee in question.

1           9.    On November 11, 1994, in a case entitled United  
2 States of America v. Robert Perry Dubin and June Helen Dubin in  
3 the United States District Court for the Central District of  
4 California, Case No. CR 94-276, respondent Dubin was convicted  
5 upon a jury verdict of violating one count of 18 U.S.C. Section  
6 371 (conspiracy), six counts of 18 U.S.C. Sections 152 and 2  
7 (false statement and concealed assets in bankruptcy; aiding and  
8 abetting and causing an act to be done), and two counts of 26  
9 U.S.C. Section 7206(1) (false statement on tax return).

10           10. The circumstances surrounding the conviction  
11 described in Paragraph 9 hereinabove are as follows:

12           A.    On or about July 12, 1989, respondent Dubin and  
13 his wife filed in the United States Bankruptcy Court for the  
14 Central District of California a Chapter Seven joint bankruptcy  
15 proceeding (hereinafter the "Dubin bankruptcy").

16           B.    From June, 1989 to November, 1990, respondent  
17 Dubin conspired to conceal and transfer assets of the Dubin  
18 bankruptcy and make false statements under penalty of perjury in  
19 connection with the Dubin bankruptcy.

20           C.    From January, 1987 to December, 1991, respondent  
21 Dubin embezzled a total of \$1,010,378 from a client of  
22 respondent's accounting practice and concealed such embezzled  
23 funds from the bankruptcy court, trustee and creditors of the  
24 Dubin bankruptcy.

25           D.    On July 12, 1989, respondent Dubin was owed  
26 approxiametely \$286,222 in account receivables from clients of  
27 his accounting practice. Prior to commencing the Dubin

1 bankruptcy, respondent created two sets of ledgers concerning  
2 said account receivables. The first set of ledgers which was  
3 filed with the Dubin bankruptcy showed receivables of  
4 approxiametely \$51,377.50 and were primarily sixty days or older.  
5 The second set of ledgers showed account receivables of  
6 approximateley \$234,844.50 and were primarily less than sixty  
7 days old. Respondent concealed said \$234,844.50 in new  
8 receivables from the bankruptcy court, trustee and creditors.

9 E. Respondent Dubin and his wife owned approximately  
10 ten fur coats with an original aggregate acquisition price of  
11 \$42,460. Respondent stored said fur coats in a commercial cold  
12 storage and concealed same from the bankruptcy court, trustee and  
13 creditors.

14 F. Respondent Dubin concealed from the bankruptcy  
15 court, trustee and creditors a payment of \$82,000 to a general  
16 partnership consisting of respondent's children and step-  
17 children.

18 G. In April, 1988, respondent Dubin filed a United  
19 States Joint Income Tax Return (Form 1040) for the calendar year  
20 1987 which misrepresented his total taxable income for 1987.

21 H. In April, 1989, respondent Dubin filed a United  
22 States Joint Income Tax Return (Form 1040) for the calendar year  
23 1988 which misrepresented his total taxable income for 1988.

24 11. Based on his conviction, respondent Dubin is  
25 estopped to deny the truth of the allegations set forth in the  
26 Indictment of the criminal case described in Paragraph 9  
27 hereinabove.

1           12. Respondent Dubin's conviction, as described in  
2 Paragraphs 9 and 10 hereinabove, is substantially related to the  
3 qualifications, functions and duties of a certified public  
4 accountant within the meaning of Business and Professions Code  
5 Section 5100(a) and Board Regulation 99 and is cause thereunder  
6 to revoke the certificate of certified public accountant held by  
7 respondent.

8           13. Business and Professions Code Section 5107(a)  
9 provides, in pertinent part, that the Executive Officer of the  
10 Board of Accountancy may request the Administrative Law Judge, as  
11 part of the Proposed Decision in a disciplinary proceeding, to  
12 direct any holder of a permit or certificate found guilty of  
13 unprofessional conduct involving a felony conviction in violation  
14 of Business and Professions Code Section 5107(a), to pay to the  
15 Board all reasonable costs of investigation and prosecution of  
16 the case, including, but not limited to, attorneys' fees.

17           14. Pursuant to Business and Professions Code Section  
18 5107(a), Complainant requests the Administrative Law Judge who  
19 issues a Proposed Decision in this matter to include an Order  
20 which finds that respondent has violated Business and Professions  
21 Code Section 5100(a) and provides for the recovery of the costs  
22 of investigation and prosecution, including attorneys' fees,  
23 incurred in this matter, according to proof.

24                           SECOND CAUSE OF ACCUSATION

25                           SUSPENSION BY INTERNAL REVENUE SERVICE

26           15. Complainant incorporates herein by this reference  
27 the Preamble and each of the allegations set forth in Paragraphs

1 1 through 3 hereinabove.

2 16. Business and Professions Code Section 5100(g)  
3 provides that unprofessional conduct within the meaning of the  
4 Accountancy Act includes the suspension or revocation of the  
5 right to practice before any governmental body or agency.

6 17. Respondent Dubin is subject to discipline by the  
7 Board under Business and Professions Code Section 5100, for a  
8 violation of Business and Professions Code Section 5100(g),  
9 according to the following facts:

10 A. On or about July 31, 1992, under the authority set  
11 forth in 31 U.S.C. Section 330 and 31 C.F.R. Section 10.54, the  
12 Director of Practice of the Office of Director of Practice of the  
13 Department of the Treasury of the United States brought a  
14 Complaint against respondent seeking to disbar respondent from  
15 engaging in practice before the Internal Revenue Service.

16 B. On or about January 25, 1993, respondent executed  
17 a Consent to Voluntary Suspension which prevented respondent from  
18 practicing before the Internal Revenue Service. The suspension  
19 became effective on February 23, 1993.

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21 WHEREFORE, Complainant prays that a hearing be held and  
22 that the Board of Accountancy make its Order:

23 1. Revoking, suspending, refusing to renew or  
24 censuring the Certificate No. 13296 of Certified Public  
25 Accountant issued to respondent Robert Perry Dubin.

26 2. Directing respondent Robert Perry Dubin to pay to  
27 the Board of Accountancy the reasonable costs of the

1 investigation and prosecution, including attorney's fees, of this  
2 case pursuant to Business and Professions Code Section 5107(a),  
3 according to proof.

4 3. For such other and further relief as may be deemed  
5 proper and appropriate.

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DATED: February 13, 1996



CAROL SIGMANN  
Executive Officer  
Board of Accountancy  
State of California

Complainant