

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Department of State
2003 MAY 15 AM 9:03
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5-19-03

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :

Docket No. 0009-49-02

vs.

WITHDRAWN
LOS
5-19-03

File No. 01-49-00403

Lee Anthony Tripp, M.D. :
Respondent :

NOTICE OF WITHDRAWAL OF MOTION TO ENTER DEFAULT AND TO DEEM
FACTS ADMITTED AND ORDER TO SHOW CAUSE

NOW COMES the Commonwealth of Pennsylvania ("Commonwealth"), by and through its prosecuting attorney, Mark D. Greenwald, to file this Notice of Withdrawal of the Order to Show Cause in this matter pursuant to 1 Pa. Code §35.51, and in support thereof, avers as follows:

1. On January 4, 2002, the Commonwealth issued an Order to Show Cause in the above-captioned matter.
2. As of the date of this Notice, Respondent has failed to file an Answer to the Order to Show Cause.
3. On or about April 17, 2003, the Commonwealth filed a Motion to Enter Default and to Deem Facts Admitted in the above-captioned matter.
4. The violation alleged by the Commonwealth in the Order to Show Cause is that Respondent was convicted of a felony in Federal court, specifically 26 United States Code §7203, Willful failure to file return, supply information or pay tax.
5. Review of the pleadings filed in the United States District Court for the District of New Jersey reveals a discrepancy as to the grading of the offense of which Respondent was

convicted.

6. Pleadings filed in the United States District Court for the District of New Jersey state that the offense is a misdemeanor.

7. The Judgment in a Criminal Case imposed a sentence upon Respondent of 3 years of probation (beyond the lawful maximum set forth in the statute).

8. The statute sets forth that the offense of Willful failure to file return, supply information, or pay tax is a misdemeanor and carries with it a fine of not more than \$25,000.00 (\$100,000.00 in the case of a corporation), or imprisonment of not more than 1 year unless there is a willful violation of any provision of section 6050I, in which case the offense is graded as a felony and carries no more than 5 years imprisonment.

9. A true and correct copy of 26 USCS §7203 is attached and incorporated to this Notice.

WHEREFORE, the Commonwealth respectfully provides notice of its withdrawal of the Motion to Enter Default and to Deem Facts Admitted and Order to Show Cause issued in this matter, pursuant to the General Rules of Administrative Practice and Procedure, 1 Pa. Code §31.1 et seq., at §35.51.

Respectfully submitted,



Mark D. Greenwald
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

DATE: May 16, 2003

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26 USCS § 7203

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26 USCS § 7203

UNITED STATES CODE SERVICE

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*** CURRENT THROUGH P.L. 108-18, APPROVED 4/23/03 ***

TITLE 26. INTERNAL REVENUE CODE
SUBTITLE F. PROCEDURE AND ADMINISTRATION
CHAPTER 75. CRIMES, OTHER OFFENSES AND FORFEITURES
SUBCHAPTER A. CRIMES
PART I. GENERAL PROVISIONS

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26 USCS § 7203 (2003)

§ 7203. Willful failure to file return, supply information, or pay tax.

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$ 25,000 (\$ 100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution. In the case of any person with respect to whom there is a failure to pay any estimated tax, this section shall not apply to such person with respect to such failure if there is no addition to tax under section 6654 or 6655 with respect to such failure. In the case of a willful violation of any provision of section 6050I, the first sentence of this section shall be applied by substituting "felony" for "misdemeanor" and "5 years" for "1 year".

HISTORY; ANCILLARY LAWS AND DIRECTIVES**Amendments:**

In 1990, P.L. 101-647, Sec. 3303(a), substituted "by substituting 'felony' for 'misdemeanor' and" for "by substituting" in the last sentence of Code Sec. 7203, effective for actions and failures to act occurring after 11/29/90.

In 1988, P.L. 100-690, Sec. 7601(a)(2)(B), added the last sentence of Code Sec. 7203, effective for actions after 11/18/88.

In 1984, P.L. 98-369, Sec. 412(b)(9), deleted "(other than a return required under authority of section 6015)" after "to make a return" in Code Sec. 7203, effective for tax. yrs. begin. after 12/31/84.

In 1982, P.L. 97-248, Sec. 327, added the last sentence to Code Sec. 7203, effective 9/3/82.

--P.L. 97-248, Sec. 329(b), substituted "\$ 25,000 (\$ 100,000 in the case of a corporation)" for "\$ 10,000" in Code Sec. 7203, effective for offenses committed after 9/3/82.

In 1968, P.L. 90-364, Sec. 103, deleted "or section 6016" at end of parenthetical phrase, effective for tax. yrs. begin, after 12/31/67. For special provision on effective date, see Sec. 104 of the P.L., reproduced after Code Sec. 6425.

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vs. : Docket No. 0009-49-02
: File No. 01-49-00403
:
Lee Anthony Tripp, M.D. :
Respondent :

CERTIFICATE OF SERVICE

I, Mark D. Greenwald, hereby certify that I have this 16th day of May, 2003, served a true and correct copy of the foregoing Notice of Withdrawal of Motion to Enter Default and to Deem Facts Admitted and Order to Show Cause upon all parties of record in this proceeding in accordance with the requirements of §33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code §33.31 (relating to service by the agency).

FIRST CLASS MAIL, POSTAGE PREPAID

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Williamstown, NJ, 08094



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