

BEFORE THE WEST VIRGINIA BOARD OF ACCOUNTANCY

**WEST VIRGINIA BOARD OF
ACCOUNTANCY,**

Petitioner.

vs.

Complaint No.: 96-6

RUSSELL M. STEIN,

Respondent.

FINAL ORDER

On the 8th day of January, 1997, the West Virginia Board of Accountancy convened for the purpose of holding a disciplinary hearing regarding certificate 1058 issued to Russell M. Stein. A quorum of the Board was present and was represented by counsel, Claude S. Smith, III. Mr. Stein did not appear.

Findings of Fact

1. Russell M. Stein holds certificate number 1058 issued by the Board.
2. Russell M. Stein was served with a Complaint and Notice of Hearing issued November 20, 1996, via certified mail pursuant to W. Va. Code §30-1-1, *et. Seq.*
3. Russell M. Stein resides at 134 North Park Street, Wheeling, West Virginia 25003.
4. On September 18, 1996, Russell M. Stein pled guilty to the felony offense of wire fraud in violation of 18 U.S.C. §1343, in the United States District Court for the Northern District of West Virginia at Wheeling, West Virginia.

Conclusions of Law

1. West Virginia Code §30-9-12(d) provides as follows:

"After notice and hearing, as provided in article one [§30-1-1, *et. Seq.*] of this chapter, the board may revoke or suspend any certificate or registration and may refuse to issue, or refuse to renew, any license, for any one or combination of the following causes:

...(d) Conviction of any felony, or any crime, an element of which is deceit or fraud, under the laws of any state or of the United States."

2. The Board concludes that the offense of wire fraud as provided by 18 U.S.C. 1343 constitutes a felony, an element of which is deceit or fraud.

3. The Board further concludes that Russell M. Stein is guilty of a felony offense, an element of which is deceit or fraud pursuant to W. Va. Code §30-9-12(d).

Order

The Board orders that certificate number 1058 issued to Russell M. Stein by the West Virginia Board of Accountancy is hereby revoked. Russell M. Stein is hereby ordered to return certificate number 1058 to the offices of the West Virginia Board of Accountancy located at 812 Quarrier Street, Suite 200, Charleston, West Virginia 25301.

Dated this, the 10th day of February, 1997.



Dr. Ann Pushkin, President
West Virginia Board of Accountancy