

FILED MAY 5 '05 AM 11:03 USDCAL5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
REBECCA TURK CHAVERS, d/b/a)	
BECKY CHAVERS ACCOUNTING,)	
)	
Defendant.)	

FINAL JUDGMENT OF PERMANENT INJUNCTION

Plaintiff United States of America commenced this action by filing a Complaint for Permanent Injunction and Other Relief (the "Complaint"). The Complaint seeks injunctive and other relief against the defendant, Rebecca Turk Chavers, doing business as Becky Chavers Accounting, in Mobile, Alabama ("Chavers").

The United States alleges that Chavers prepared or assisted in preparing federal income tax returns on which individual taxpayers who worked as mariners aboard their employers' vessels claimed daily (per diem) incidental expense deductions that exceeded the allowable deduction by approximately \$38.00 per day, in violation of the Internal Revenue Code (26 U.S.C.) ("I.R.C.").

The United States further alleges that Chavers prepared or assisted in preparing federal income tax returns on which other individual taxpayers claimed travel-related meal expense

deductions that exceeded the amounts allowable under I.R.C. § 274(n).

Chavers does not admit or deny the allegations in the Complaint, except Chavers admits (i) that she resides in Mobile, Alabama, (ii) that she does business as a federal income tax-return preparer with an office in Mobile, Alabama, and (iii) that the Court has jurisdiction over her and over the subject matter of this action.

By her Consent, affixed hereto, Chavers has waived the entry or making of findings of fact and conclusions of law, and consents to the entry of this Final Judgment of Permanent Injunction without admitting or denying that grounds exist for imposition of an injunction.

NOW, THEREFORE, it is accordingly **ORDERED, ADJUDGED, AND DECREED** that:

1. The Court has jurisdiction over this action pursuant to Sections 1340 and 1345 of Title 28 of the United States Code, and I.R.C. §§ 7402, 7407, and 7408, as amended.
2. The Court finds that Chavers has neither admitted nor denied the United States' allegations that she has engaged in conduct that is subject to penalty under I.R.C. § 6694 and I.R.C. § 6701, or that otherwise interferes with the enforcement of the internal revenue laws of the United States.
3. The Court finds that Chavers has consented to the entry of a final judgment for injunctive relief pursuant to I.R.C. §§ 7402, 7407, and 7408 to prevent her from engaging in conduct subject to penalty under I.R.C. §§ 6694 or 6701.
4. Pursuant to I.R.C. § 7407, it is further **ORDERED, ADJUDGED, AND DECREED** that Chavers, individually and doing business as or through any other entity, and anyone in active concert or participation with her, including any agent, servant, or employee, is

permanently enjoined and restrained from, directly or indirectly, by the use of any means or instrumentalities:

- a. engaging in any conduct subject to penalty under I.R.C. § 6694, *i.e.*, preparing any part of a return, amended return, or claim for refund that includes an unrealistic position, including, without limitation, inflated claims for the deduction of business or employee expenses;
- b. assisting or aiding others to evade the payment of taxes or to prepare false or fraudulent federal income tax returns;
- c. engaging in conduct that substantially interferes with the administration or enforcement of the internal revenue laws.

5. Pursuant to I.R.C. §§ 7402 and 7408, it is further **ORDERED, ADJUDGED, AND DECREED** that Chavers, individually and doing business as or through any other entity, and anyone in active concert or participation with her, including any agent, servant, or employee, is permanently enjoined and restrained from, directly or indirectly, by the use of any means or instrumentalities:

- a. engaging in conduct subject to penalty under I.R.C. § 6701, *i.e.*, preparing or assisting others in preparing any document (i) that is to be used in connection with any material matter arising under the internal revenue laws and (ii) that Chavers knows will (if so used) result in understating the income tax liability of another person;
- b. engaging in conduct that interferes with the administration or enforcement of the internal revenue laws, including preparing or assisting in preparing any return, amended return, refund claim, or other document to be filed with the IRS and that claims deduction for amounts in excess of those allowed by the Internal Revenue Code.

6. It is further **ORDERED, ADJUDGED, AND DECREED** that Chavers shall provide to counsel for the United States, within fourteen (14) days after entry of this Final Judgment, a complete list of the persons for whom she has prepared any federal income tax

return, amended return, or refund claim containing or including deductions for per diem employee expenses or meal expenses that exceed the amount of deductible expenses allowed by the Internal Revenue Code, from January 1, 2000 through the present, such list to include for each such person the name, address, phone number, e-mail address, social security number or employer identification number, and the tax period(s) to which or for which such return, amended return, or refund claim relates.

7. It is further **ORDERED, ADJUDGED, AND DECREED** that Chavers, at her own expense, shall contact all persons for whom she prepared a federal income tax return, amended return, or claim for refund that contained excessive per diem employee expense deductions, excessive per diem business expense deductions, or excessive meal expense deductions from January 1, 2000 through the present, and inform each such person of (i) the entry of this Final Judgment, (ii) the possibility of the imposition of penalties against them, and (iii) the possibility that the United States may seek to collect additional federal income taxes, penalties, and interest that they may owe.

8. It is further **ORDERED, ADJUDGED, AND DECREED** that, within twenty-one (21) days after entry of this Final Judgment, Chavers shall file with the Clerk of this Court, with a copy provided to counsel for the United States, a sworn certificate of compliance, stating that she has complied with paragraphs 6 and 7 of this Final Judgment.

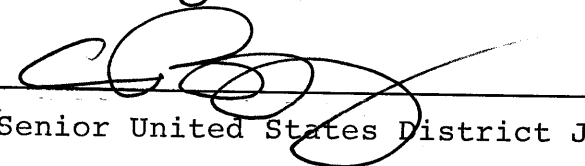
9. It is further **ORDERED, ADJUDGED, AND DECREED** that this Court shall retain jurisdiction of this action for the purpose of implementing and enforcing this Final Judgment and any and all additional decrees and orders necessary and appropriate to the public interest.

10. It is further **ORDERED, ADJUDGED, AND DECREED** that, to monitor Chavers's compliance with this Final Judgment, the Government may engage in post-judgment discovery in accordance with the Federal Rules of Civil Procedure.

There being no just reason for delay, the Clerk is directed to enter this Final Judgment forthwith.

Each party shall bear its own costs, fees, and expenses of this action.

SO ORDERED this 5 day of May, 2005.


Senior United States District Judge

Approved and Agreed:

BY THE DEFENDANT:

Rebecca Turk Chavers
Rebecca Turk Chavers
P.O. Box 6454
Mobile, AL 36660
Telephone: (251) 634-2454
(251) 639-1232

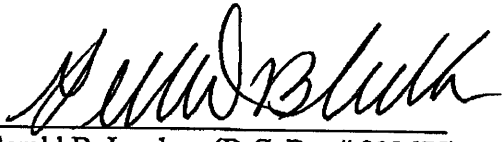
Dated: March 28, 2005

BY THE UNITED STATES:

DAVID P. YORK
United States Attorney

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Dated: April 5, 2005, 2005

By:  Dated: 4/4, 2005

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