

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

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LORETTA G. WYATE
CLERK

06-6830

SECT. N MAG 2

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RODNEY G. BOURG and)
 CYNTHIA M. BOURG,)
)
 Defendants.)

Civil Action No.

**CONSENT FINAL JUDGMENT OF PERMANENT INJUNCTION
(Rodney G. Bourg)**

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, Rodney G. Bourg, who works for a partnership doing business as Tax Prep, with its principal place of business in Houma, Louisiana.

The United States alleges that Rodney G. Bourg prepared or assisted in preparing federal income tax returns on which individual taxpayers who worked as mariners, fishermen, merchant seamen, ferry workers, and similar jobs aboard their employers' vessels claimed inflated or overstated expense deductions for meals and incidental expenses, in violation of the Internal Revenue Code (26 U.S.C.) ("I.R.C.").

Bourg neither admits nor denies the allegations in the Complaint, except Bourg admits (i) that he resides within this judicial district, (ii) that he does business as a federal income tax-return preparer with an office in Houma, Louisiana, and (iii) that the Court has jurisdiction over him and the subject matter of this action.

Fee _____
Process _____ 186290.1
 Dktd _____
 CtRmDep _____
Doc. No _____

By his Consent, affixed hereto, Rodney G. Bourg 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 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 Rodney G. Bourg has neither admitted nor denied the United States' allegations that he 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 Rodney G. Bourg has consented to the entry of a final judgment for injunctive relief pursuant to I.R.C. §§ 7402, 7407, and 7408 to prevent him 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 Rodney G. Bourg, individually and doing business as or through any other entity, and anyone in active concert or participation with him, 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 Rodney G. Bourg, individually and doing business as or through any other entity, and anyone in active concert or participation with him, 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 Bourg 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 Rodney G. Bourg 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 he 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, 2005 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 Rodney G. Bourg, at his own expense, shall contact all persons for whom he 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, 2005 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, Rodney G. Bourg 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 he has complied with paragraphs 6 and 7 of this Final Judgment.

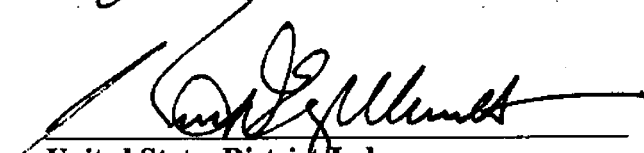
9. It is further **ORDERED, ADJUDGED, AND DECREED** that this Court shall retain jurisdiction of this action for the purpose of implementing and enforcing this Final Judgment and any and all additional decrees and orders necessary and appropriate to the public interest.

10. It is further **ORDERED, ADJUDGED, AND DECREED** that, to monitor Bourg'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.

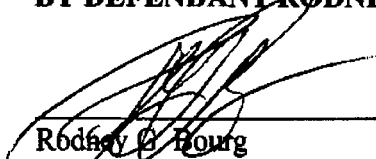
Each party shall bear its own costs, fees, and expenses of this action.

SO ORDERED this 3rd day of October, 2006.


United States District Judge

Approved and Agreed:


BY DEFENDANT RODNEY G. BOURG:


Rodney G. Bourg
111 Pugh Court
Houma, LA 70363
Telephone: (985) 876-0039

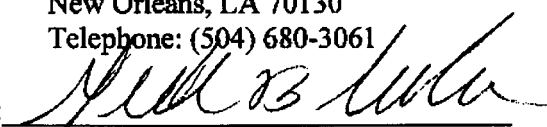
Dated: 9/21, 2006

BY THE UNITED STATES:

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Dated: 9/29/, 2006

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Dated: 9/28, 2006