

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO.
LARRY A. BAXTER and)	1:05cv70-T
BAXTER & ASSOCIATES)	(WO)
OFFICE OF ACCOUNTANCY,)	
P.C.,)	
)	
Defendants.)	

FINAL JUDGMENT & PERMANENT INJUNCTION

In accordance with the memorandum opinion entered today,
it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) Judgment is entered in favor of plaintiff United States of America and against defendants Larry A. Baxter and Baxter & Associates Office of Accountancy, P.C.

(2) Pursuant to 26 U.S.C.A. §§ 7402, 7407, and 7408, defendants Larry A. Baxter and Baxter & Associates Office of Accountancy, P.C., are jointly and severally PERMANENTLY ENJOINED and RESTRAINED from:

(A) Acting as an "income tax return preparer" as that term is defined in 26 U.S.C.A. § 7701(a)(36)(A), including, but not limited to, (i) taking any action in furtherance of aiding, assisting, advising, or preparing for compensation federal tax returns of third-party taxpayers and (ii) aiding or assisting in, or procuring or advising with respect to, the preparation or presentation of any portion of a return, affidavit, claim or other document for a third party in connection with any matter arising under the internal revenue laws.

(B) Preparing any part of a return or claim for refund that includes an unrealistic position, in violation of 26 U.S.C.A. § 6694.

(C) Failing to exercise due diligence in preparing federal income tax returns seeking refunds under the Earned Income Tax Credit, in violation of 26 U.S.C.A. § 6695.

(D) Engaging in conduct subject to penalty under 26 U.S.C.A. § 6701.

It is further ORDERED that, within thirty (30) days of the entry of this judgment and permanent injunction, defendant Larry Baxter shall mail a copy of this judgment and permanent injunction to every person for whom he has prepared a tax-related document after January 1, 2000.

It is further ORDERED that within forty-five (45) days of the entry of this judgment and permanent injunction, defendant Larry Baxter shall provide evidence of his compliance with the foregoing paragraph by filing a declaration with this court setting out a complete list of names, addresses, phone numbers, e-mail addresses, and social security or employer identification numbers of individuals or entities to whom he has mailed a copy of this judgment and permanent injunction. This list shall include all customers whose returns Baxter helped to prepare, even if those returns were filed listing someone else as preparer or listing someone else's social security or employer identification number as preparer, or listing someone else's electronic filing number. Failure to abide

by this order may be punished by criminal contempt under 18 U.S.C.A. § 401.

It is further ORDERED that costs are taxed against defendants Larry A. Baxter and Baxter & Associates Office of Accountancy, P.C., for which execution may issue.

The United States Marshal or his representative is DIRECTED personally to serve a copy of this final judgment and permanent injunction, along with a copy of the companion opinion, on defendant Larry A. Baxter.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DONE, this the 3rd day of June, 2005.

 /s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE