FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
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LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-2223
	)	
LANNY JOHN BOUDREAUX,	)	
	)	
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, Lanny John Boudreaux ("Boudreaux").

The United States alleges that Boudreaux prepared or assisted in preparing federal income tax returns on which individual taxpayers who worked as mariners aboard their employers' vessels claimed a so-called "mariner's tax deduction" for meals that were provided by the employers without cost to the employees, and for incidental expenses not actually incurred by the employees. There is no basis in the Internal Revenue Code or other law for the deduction claimed by such mariners.

Boudreaux does not admit or deny the allegations in the Complaint, except Boudreaux admits (i) that he resides in Galliano, Louisiana, (ii) that he does business as a federal income tax preparer with an office in Galliano, Louisiana, and (iii) that the Court has jurisdiction over him and over the subject matter of this action.

DATE OF ENTRY
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By his Consent, affixed hereto, Boudreaux 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 Sections 7402, 7407, and 7408 of the Internal Revenue Code of 1986, as amended (26 U.S.C.) (the "Code").

2. The Court finds that Boudreaux has neither admitted nor denied the United States' allegations that he has engaged in conduct that is subject to penalty under Sections 6694 and 6701 of the Code, or that otherwise interferes with the enforcement of the internal revenue laws of the United States.

3. The Court finds that Boudreaux has consented to the entry of a final judgment for injunctive relief pursuant to Code Sections 7402, 7407, and 7408 to prevent him from engaging in conduct subject to penalty under Sections 6694 and 6701 of the Code.

4. Pursuant to Code Section 7407, it is further **ORDERED, ADJUDGED, AND DECREED** that Boudreaux, 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 Code Section 6694, *i.e.*, preparing any part of a return, amended return, or claim for refund that includes an unrealistic position, including, without limitation, a claim for a "mariner's deduction" or similar business expense deduction based on meals or lodging that are provided to an employee without cost;

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 Code Sections 7402 and 7408, it is further **ORDERED, ADJUDGED, AND DECREED** that Boudreaux, 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 Code Section 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 Boudreaux 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 claiming a credit or refund based on the so-called "mariner's deduction" or purported per diem meal expenses for mariners.

6. It is further **ORDERED, ADJUDGED, AND DECREED** that Boudreaux 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 a "mariner's deduction" or claim based on purported per diem meal expenses of mariners, from January 1, 2000 through the present,

such list to include for each such person the name, address, phone number, e-mail address (if known), 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, within twenty-one (21) days after entry of this Final Judgment, Boudreaux 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 paragraph 6 of this Final Judgment.

8. It is further **ORDERED, ADJUDGED, AND DECREED** that Boudreaux, 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 a "mariner's deduction" or claim based on purported per diem meal expenses of mariners, 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.

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 the Defendant'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 16 day of Aug, 2004.

United States District Judge

Approved and Agreed:

Dated: July 19, 2004

Lanny John Boudreaux
16820 West Highway 1
Galliano, LA 70354
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Jim Letten
United States Attorney

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Assistant United States Attorney

Dated: 7/19, 2004

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