

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,	)	
	)	Case No. 1:24-cv-00070
Plaintiff,	)	
	)	
v.	)	
	)	
EMMANUEL B. ANTWI,	)	
MANNY TRAVEL AGENCY &	)	
BUSINESS SERVICES INC., and	)	
MANNY FINANCIAL, INSURANCE &	)	
ACCOUNTING FIRM, LLC,	)	
	)	
Defendants.	)	
_____	)	

**COMPLAINT**

Plaintiff United States of America, at the request of a delegate of the Secretary of the Treasury and at the direction of a delegate of the Attorney General, brings this action pursuant to 26 U.S.C. §§ 7402, 7407 and 7408 seeking (1) an injunction barring Emmanuel B. Antwi, Manny Travel Agency & Business Services Inc., and Manny Financial, Insurance & Accounting Firm, LLC, (collectively referred to as “Antwi and his businesses”) from engaging in the business of preparing federal tax returns, owning, managing, or controlling any business engaged in tax return preparation, and employing any person acting as a federal tax return preparer; and (2) an order requiring Antwi and his businesses to disgorge ill-gotten gains derived from the preparation of false federal returns. In support of its complaint, the United States alleges:

**Jurisdiction & Parties**

1. Jurisdiction exists under 28 U.S.C. §§ 1340 and 1345, and 26 U.S.C. §§ 7402, 7407 and 7408.

2. Manny Travel Agency & Business Services Inc. is a corporation located at 230 Northland Blvd., Suite 109, Cincinnati, Ohio, within the jurisdiction of this Court.
3. Manny Financial, Insurance & Accounting Firm, LLC, is located at 230 Northland Blvd., Suite 110, Cincinnati, Ohio, within the jurisdiction of this Court.
4. Emmanuel B. Antwi resides in Fairfield, Ohio, within the jurisdiction of this Court.

### **Antwi's Tax Preparation Business**

#### ***Formation and Organization***

5. Before 2005, Antwi sometimes prepared tax returns for friends and family.
6. Around 2005, Antwi began preparing a few returns for a fee. At that time, Antwi was operating under his travel agency business, Manny Travel Agency & Business Services, which was established in 2005.
7. The Articles of Incorporation filed with the Ohio Secretary of State for Manny Travel Agency & Business Services Inc. list Antwi as the sole Director.
8. Antwi does not hold any professional or business licenses related to tax.
9. Antwi prepares tax returns using the ProSeries tax software.
10. Antwi applied to the Internal Revenue Service for an Electronic Filing Identification Number ("EFIN"), to permit him to e-file federal tax returns, and received an EFIN in 2008.
11. Antwi obtained a Preparer Tax Identification number ("PTIN") in 2011, which is necessary for tax preparers who are compensated for preparing federal tax returns.
12. In 2020 and 2021, Antwi prepared tax returns through Manny Travel Agency & Business Services.

13. In 2021, Antwi created Manny Financial, Insurance & Accounting Firm, LLC, for his tax preparation business, separating it from his travel agency business.
14. In 2022, Antwi prepared tax returns through Manny Financial, Insurance & Accounting Firm, LLC.
15. During tax filing season, Antwi has temporary staff who assist him with paperwork and filing, but they do not enter data into his tax software.
16. Other than Antwi's secretary, who greets customers when they arrive and answers the phone when Antwi is out, Antwi is the only person who interacts with his customers.

***Business Operations***

17. Antwi offers tax return preparation services.
18. Antwi receives many of his customers by referral.
19. In several instances, customers would refer their family to Antwi and then bring their family members' tax materials to Antwi. The referred family members would often have no or limited contact with Antwi regarding the preparation of their taxes.
20. No uniform process existed for collecting customers' tax information. Occasionally, Antwi would have a customer complete a questionnaire.
21. The types of documents customers provided to Antwi were not consistent across customers. Returns prepared by Antwi were not always supported by the documents provided by customers, and sometimes the information in the returns Antwi prepared conflicted with the documents provided by customers and retained in Antwi's customer files.
22. Antwi maintains records for 10 years.
23. In calendar year 2020, Antwi prepared 619 tax returns.

- 24. In calendar year 2021, Antwi prepared 566 tax returns.
- 25. In calendar year 2022, Antwi prepared 547 tax returns.
- 26. In calendar year 2023, Antwi prepared at least 609 tax returns.
- 27. Of the returns prepared by Antwi since 2019, the following percentages claimed tax refunds:

<b>Year Filed</b>	<b>Percentage of Returns Claiming Refund</b>
<b>2020</b>	<b>95.4%</b>
<b>2021</b>	<b>97.7%</b>
<b>2022</b>	<b>97.0%</b>
<b>2023</b>	<b>96.5%</b>

- 28. In 2019 and 2020, Antwi charged customers at least \$100 to prepare a basic Form 1040 return.
- 29. For more complicated returns that included a Schedule C, Antwi charged customers \$150 or more.
- 30. Beginning in 2021, Antwi increased the price for basic Form 1040 returns from \$100 to \$200 per return.
- 31. Customers sometimes paid Antwi return preparation fees at the time their returns were prepared, and sometimes Antwi’s customers paid his return preparation fees after the customers received their refunds.

**Defendants’ Tax Preparation Schemes**

- 32. In general, Antwi and his businesses make money by preparing federal income tax returns (Forms 1040) that falsely claim tax refunds for customers who would otherwise not be entitled to them, that inflate tax refunds for customers who would otherwise be entitled to lower refunds, or that falsely reduce his customers’ income tax liabilities.
- 33. Antwi has at least four definable schemes to generate or inflate his customers’ refunds.

*The “Earned Income Tax Credit Scheme”*

34. The Earned Income Tax Credit (“EITC”) is a refundable tax credit available to certain low-income workers. The amount of the credit is based on the taxpayer’s earned income, filing status, and number of claimed dependents. The requirements for claiming the EITC are set forth in 26 U.S.C. § 32 and accompanying Treasury Regulations. Because the EITC is a refundable credit, claiming an EITC can reduce a taxpayer’s federal tax liability below zero, entitling the taxpayer to a refund from the U.S. Treasury even if the credit is more than what the taxpayer owes in taxes.
35. As part of Antwi’s preparation of false and fraudulent Form 1040s, Antwi prepared returns that exploited the EITC.
36. For purposes of the EITC, earned income is reported either as wage income or as self-reported income from a sole proprietorship.
37. For tax year 2020, the maximum amount of credit allowed to be claimed ranged from \$538 (with no qualifying children) to \$6,600 (with three or more qualifying children). Because of how the EITC is calculated, an individual with more dependents may be entitled to a larger EITC and, for certain income ranges, individuals with higher annual incomes are entitled to a larger credit than those with lower annual incomes. Some tax return preparers refer to the range of earned income corresponding to a maximum EITC as the “sweet spot.”
38. To bring a customer’s reported earned income within or closer to the EITC sweet spot, and depending on a customer’s actual earned income (as reported on a Form W-2), Antwi manipulated income by using the Schedule C, by fabricating expenses and reporting losses, or by using Form 2106 to reduce a customer’s income.

39. Antwi also maximized the EITC by claiming fraudulent dependents and false filing statuses.

***The “Schedule C Scheme”***

40. An individual who earns income from a sole proprietorship reports that income, and any expenses of the sole proprietorship, on Form Schedule C. The Form Schedule C is submitted to the IRS as an attachment to the individual’s federal income tax return, Form 1040. The overall income (or loss) from Schedule C is reported as a line item on the individual’s Form 1040. This line item raises or lowers the individual’s taxable income.
41. On Form Schedule C, taxpayers enter more than twenty types of business expenses, which they total and then subtract from the business’s gross income as part of calculating the net profit or loss for the business.
42. One of the types of expenses that can be entered on Form Schedule C is Car and Truck Expenses, which can include a mileage deduction for business miles driven. Commuting expenses, including the miles driven between a taxpayer’s home and regular place of business, are not deductible business expenses.
43. Unlike an employee’s wage income, which is reported to the IRS by the employer on a Form W-2, a copy of which is also furnished to the employee, the IRS is unable to verify income and expenses reported on a Schedule C without conducting an examination of the individual taxpayer.
44. Nationally, an average of 17% of taxpayers file a return with a Schedule C. In 2020, 65% of returns prepared by Antwi included a Schedule C. In 2021, this number increased to 68% of returns prepared by Antwi. In 2022 and 2023, 51% and 42% of

returns, respectively, prepared by Antwi included a Schedule C, well-exceeding the national average.

45. Fictitious or false Schedule C expenses and losses improperly reduce an individual's taxable income and can exploit the EITC.
46. Antwi knowingly prepared false returns with Schedule C expenses and losses for fictitious sole proprietorships. Antwi prepared false Schedule Cs that claimed Car and Truck Expenses and a net loss that lowered an individual's earned income for calculating the EITC and lowered an individual's total taxable income. Often, the fictitious Schedule C entities had the same name listed as the customer's actual employer on the attached Form W-2.
47. In many cases where Antwi prepared a Schedule C claiming Car and Truck Expenses, Antwi would ask his customers how many miles they drove to work each day. He would then claim those miles as Car and Truck Expenses with no gross receipts or substantiation, even though commuting mileage is not a valid deductible business expense. Often, Antwi's customers did not know that Antwi was setting up a business on their tax return and claiming a loss. Antwi's customers also often did not know why Antwi asked them for the number of miles they drove to work each day, nor did the customers provide the total mileage amount used on their returns.
48. Antwi used the Schedule C Scheme to improperly reduce his customers' tax liabilities and/or inflate the amount of tax refund his customers would be eligible to receive.
49. The IRS interviewed 18 customers during its investigation of Antwi's tax return preparation who included Schedule C in their tax returns, and 16 of those customers

underreported their taxable income, in part, because of improper deductions and losses on Schedule C forms.

***The “Form 2106 Scheme”***

50. Certain employees are eligible to deduct from their total income five categories of Employee Business Expenses (“EBEs”) listed in 26 U.S.C. § 62(a)(2). For an employee to qualify for this deduction, they must be an Armed Forces reservist, qualified performing artist, fee-basis state or local government official, or an employee with impairment-related work expenses. Employees who fit into one of those groups can report EBEs on Form 2106, Employee Business Expenses, which accompanies Form 1040. Employees who do not fit into one of these groups cannot use the Form 2106.
51. Whether an employee fits into one of these qualifying groups is often apparent from the employee’s Form W-2 or 1099 that accompanies the employee’s filed federal income tax return. For example, if an employee is an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official, generally, the employee should have a Form W-2 or 1099 that evidences employment with that qualifying employer.
52. Eligibility based on an impairment-related work expense is less evident from the claiming employee’s federal income tax return and accompanying documents. However, impairment-related work expenses are narrowly defined only as allowable expenses for attendant care at the employee’s workplace and other expenses in connection with the workplace necessary for the employee to work. An example of an impairment-related expense from IRS Publication 463 is when a deaf employee uses a sign language interpreter during a work meeting. In that scenario, the employee can

deduct the cost of the interpreter as an impairment-related work expense. Driving and vehicle expenses—particularly mileage—are not typical deductions for impairment-related work expenses.

53. One type of EBE that qualified employees can deduct is vehicle expenses, specifically business mileage, which can be calculated by multiplying the number of business miles driven on a personal car by the standard mileage rate. Commuting miles (miles driven between one's home and work location) are not considered business miles.
54. Below is an excerpt from the 2106 Form from 2020.<sup>1</sup> This form requires the employee to show what portion of the claimed vehicle expenses is business miles driven (i.e., line 13) and what portion is from other expenses such as gasoline, maintenance, and depreciation (i.e., Sections C and D).

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<sup>1</sup> The Form 2106 from 2021 is substantially the same.

**Part II Vehicle Expenses**

Section A—General Information (You must complete this section if you are claiming vehicle expenses.)		(a) Vehicle 1	(b) Vehicle 2
11	Enter the date the vehicle was placed in service . . . . .	11 / /	/ /
12	Total miles the vehicle was driven during 2020 . . . . .	12 miles	miles
13	Business miles included on line 12 . . . . .	13 miles	miles
14	Percent of business use. Divide line 13 by line 12 . . . . .	14 %	%
15	Average daily roundtrip commuting distance . . . . .	15 miles	miles
16	Commuting miles included on line 12 . . . . .	16 miles	miles
17	Other miles. Add lines 13 and 16 and subtract the total from line 12 . . . . .	17 miles	miles
18	Was your vehicle available for personal use during off-duty hours? . . . . .		<input type="checkbox"/> Yes <input type="checkbox"/> No
19	Do you (or your spouse) have another vehicle available for personal use? . . . . .		<input type="checkbox"/> Yes <input type="checkbox"/> No
20	Do you have evidence to support your deduction? . . . . .		<input type="checkbox"/> Yes <input type="checkbox"/> No
21	If "Yes," is the evidence written? . . . . .		<input type="checkbox"/> Yes <input type="checkbox"/> No

**Section B—Standard Mileage Rate** (See the instructions for Part II to find out whether to complete this section or Section C.)

22	Multiply line 13 by 57.5¢ (0.575). Enter the result here and on line 1 . . . . .	22
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**Section C—Actual Expenses**

		(a) Vehicle 1	(b) Vehicle 2
23	Gasoline, oil, repairs, vehicle insurance, etc. . . . .	23	
24a	Vehicle rentals . . . . .	24a	
b	Inclusion amount (see instructions) . . . . .	24b	
c	Subtract line 24b from line 24a . . . . .	24c	
25	Value of employer-provided vehicle (applies only if 100% of annual lease value was included on Form W-2—see instructions). . . . .	25	
26	Add lines 23, 24c, and 25. . . . .	26	
27	Multiply line 26 by the percentage on line 14 . . . . .	27	
28	Depreciation (see instructions) . . . . .	28	
29	Add lines 27 and 28. Enter total here and on line 1 . . . . .	29	

**Section D—Depreciation of Vehicles** (Use this section only if you owned the vehicle and are completing Section C for the vehicle.)

		(a) Vehicle 1	(b) Vehicle 2
30	Enter cost or other basis (see instructions) . . . . .	30	
31	Enter section 179 deduction and special allowance (see instructions) . . . . .	31	
32	Multiply line 30 by line 14 (see instructions if you claimed the section 179 deduction or special allowance) . . . . .	32	
33	Enter depreciation method and percentage (see instructions) . . . . .	33	
34	Multiply line 32 by the percentage on line 33 (see instructions) . . . . .	34	
35	Add lines 31 and 34 . . . . .	35	
36	Enter the applicable limit explained in the line 36 instructions . . . . .	36	
37	Multiply line 36 by the percentage on line 14 . . . . .	37	
38	Enter the smaller of line 35 or line 37. If you skipped lines 36 and 37, enter the amount from line 35. Also enter this amount on line 28 above . . . . .	38	

55. In all the specific examples given below where Antwi included a Form 2106 with the returns he prepared for the given customers, the customers' returns did not contain Forms W-2 or 1099 showing that they were an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. To qualify to file a Form 2106, that leaves only the possibility that the customers were claiming

impairment-related work expenses. However, in every example, the only expense Antwi claimed on his customers' Forms 2106 were vehicle expenses—specifically business miles. This is generally not an expense that can be claimed as an impairment-related work expense. Also, often Antwi calculated this number by asking customers about commuting mileage, which cannot be used to calculate a deduction.

56. Nationally, an average of 0.002% of taxpayers file a return with Form 2106. In 2020, 8% of returns prepared by Antwi included Form 2106. In 2021, this number increased to 16% of returns prepared by Antwi; and, in 2022, 34% of returns prepared by Antwi included Form 2106, well-exceeding the national average. That percentage soared higher still in 2023, when 48% of returns prepared by Antwi included Form 2106.
57. The overall deduction calculated on Form 2106 is reported as a line item on Form Schedule A, Additional Income and Adjustments to Income. The deduction calculated on Form 2106 ultimately is subtracted from an individual's total income to calculate the individual's adjusted gross income.
58. Improper or false Form 2106 EBEs improperly reduce an individual's taxable income, which reduces the amount of tax they owe and can increase the amount of their refund. By changing an individual's taxable income, improper or false Form 2106s can also exploit the EITC.
59. Antwi knowingly prepared false returns with Form 2106 EBEs for customers who are not eligible for Form 2106 deductions. The customers were not, and did not represent to Antwi that they were, qualified employees: they were not reservists, performing artists, fee-based government workers, disabled, or otherwise eligible to file Form 2106. Often,

the fact that the customer does not fit into any of these categories is evident on the return or the customer's Form W-2.

60. Even if Antwi's customers had qualified to use Form 2106 (which they did not), Antwi fraudulently used Form 2106 to deduct commuting mileage, which is not a deductible expense. Antwi prepared false Form 2106s that claimed vehicle expenses with inflated numbers of miles driven, after asking customers about their commuting mileage. These improper and fraudulent vehicle expense deductions led to Antwi calculating an improperly reduced adjusted gross income.
61. Specifically, Antwi would ask his customers how many miles they drove to and from work each day, and then use that number to claim a total mileage deduction, even though commuting miles do not count as business miles. Antwi's customers did not know why he was asking them for their mileage nor that the amount was used to claim an EBE. In some cases, the miles claimed exceeded the actual miles driven by the customer during the year.
62. The IRS interviewed 13 customers during its investigation of Antwi's tax return preparation who included Form 2106 in their tax return, and all 13 customers underreported their taxable income, in part, because of improper deductions on Form 2106.

### ***The "Filing Status Scheme"***

63. Title 26 of the U.S. Code sets forth income tax rate schedules based on a taxpayer's filing status.
64. As part of Antwi's preparation of false and fraudulent Form 1040s, Antwi prepared returns claiming false filing status.

65. Antwi knowingly prepared returns falsely claiming “Head of Household” filing status for customers who did not qualify for it. Filing as Head of Household usually means that individuals have a lower tax rate than if they filed single or married filing separately, and allows individuals a higher standard deduction than if they filed as Single or Married Filing Separately.
66. In some cases, Antwi prepared returns for customers that claimed Single or “Head of Household” filing statuses when he knew those customers were married or otherwise did not qualify for the filing status.
67. In some instances, Antwi prepared returns for both a husband and wife who lived at the same address but claimed a Single filing status for both spouses.
68. Antwi used the filing status scheme to improperly reduce his customers’ tax liabilities, exploit the EITC, and/or inflate the amount of a tax refund his customers would be eligible to receive.
69. The IRS interviewed 7 customers who were married, but where Antwi improperly reported the filing status of Single or Head of Household on their return.

### **Specific Examples of Preparation of False Federal Tax Returns**

#### **CUSTOMER A**

70. CUSTOMER A, of Fairfield, Ohio, has been a customer of Antwi and his businesses since 2019. CUSTOMER A was referred to Antwi by a friend.
71. Antwi prepared CUSTOMER A’s 2019, 2020, and 2021 tax returns.
72. During the 2019, 2020, and 2021 years, CUSTOMER A earned wages as an employee and did not operate a business. However, Antwi prepared CUSTOMER A’s 2019, 2020,

and 2021 returns with fabricated Schedule Cs that named CUSTOMER A's W-2 employer as the name of the customer's purported business.

73. The fabricated Schedule Cs included with CUSTOMER A's 2019, 2020, and 2021 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss that Antwi reported on CUSTOMER A's Forms 1040, which improperly reduced CUSTOMER A's taxable income.
74. The amounts of false Car and Truck Expenses reported in 2019, 2020, and 2021 was \$8,977, \$12,565, and \$8,859 respectively.
75. CUSTOMER A did not tell Antwi that he operated a business or lost money in a business.
76. CUSTOMER A's 2019 return that Antwi prepared also included a Form 8283, Noncash Charitable Contributions, which lists three different in-kind donations to an organization called Vietnam Veterans of America, totaling more than \$14,000. CUSTOMER A did not donate to an organization called Vietnam Veterans of America in 2019 and did not tell Antwi that he did. CUSTOMER A noted to the IRS that he did donate some items to Goodwill, but that the value of that property could not have exceeded \$3,500.
77. Antwi prepared CUSTOMER A's return improperly claiming the fabricated charitable contributions as an itemized deduction, instead of using the smaller standard deduction, which fraudulently decreased CUSTOMER A's total taxable income in 2019 and improperly increased CUSTOMER A's refund.
78. Antwi's Schedule C Scheme alone improperly reduced CUSTOMER A's total taxable income in 2019, 2020, and 2021 by \$30,401 and improperly increased CUSTOMER A's refunds.

79. After speaking with the IRS during its investigation, CUSTOMER A had a friend speak to Antwi about the errors on CUSTOMER A's returns. Antwi then called CUSTOMER A and urged CUSTOMER A to come to Antwi's house to resolve the matter. CUSTOMER A told Antwi that he was going to go to the IRS to fix the problem, and Antwi told CUSTOMER A that he should not go to the IRS or speak to the IRS.

### **CUSTOMER B**

80. CUSTOMER B, of Hamilton, Ohio, has been a customer of Antwi and his businesses since 2012. Antwi prepared CUSTOMER B's 2019, 2020, and 2021 returns.
81. CUSTOMER B was married, but told Antwi that she wanted to file her tax returns separately from her spouse. Antwi also prepared CUSTOMER B's spouse's returns.
82. Antwi reported CUSTOMER B's filing status on her 2019, 2020, and 2021 returns as Single, rather than Married Filing Separately, despite CUSTOMER B getting married in 2019. Because Antwi falsely reported CUSTOMER B's filing status as Single, CUSTOMER B appeared to qualify for the EITC each of those years. CUSTOMER B's accurate filing status of Married—either Filing Jointly or Filing Separately—would have disqualified CUSTOMER B from receiving the EITC in all 3 years.
83. The amounts of EITC that CUSTOMER B improperly received in 2019, 2020, and 2021 were \$3,997, \$4,805, and \$5,579, respectively.
84. CUSTOMER B and her spouse have 3 children and live together. On CUSTOMER B's return, Antwi claimed 2 of the children as dependents, and CUSTOMER B's spouse claimed the other child as his dependent. CUSTOMER B does not know how Antwi determined how to split their dependents.

85. During the 2019, 2020, and 2021 years, CUSTOMER B earned wages as an employee and did not earn any self-employment income. However, Antwi improperly included in CUSTOMER B's returns for each of those years a fabricated Schedule C that named CUSTOMER B's W-2 employer as the name of the customer's purported business.
86. The fabricated Schedule Cs Antwi included with CUSTOMER B's 2019, 2020, and 2021 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER B's Form 1040 and improperly reduced CUSTOMER B's taxable income.
87. CUSTOMER B did not know that Antwi included a Schedule C with her tax returns.
88. The amounts of false Car and Truck Expenses reported in 2019, 2020, and 2021 were \$4,179, \$8,862, and \$10,373, respectively.
89. When CUSTOMER B's return was being prepared, Antwi asked CUSTOMER B how long it took to drive to work, apparently requesting an estimate of her commuting mileage, which is not a proper deductible expense.
90. Antwi's Schedule C Scheme alone improperly reduced CUSTOMER B's total taxable income over 2019, 2020, and 2021 by \$23,414.
91. Antwi's Filing Status and EITC Schemes improperly increased CUSTOMER B's EITC by \$14,381 over 2019, 2020, and 2021.
92. The false information on CUSTOMER B's 2019, 2020, and 2021 returns that Antwi prepared improperly reduced CUSTOMER B's taxable income and improperly increased CUSTOMER B's EITC and refund.

### CUSTOMER C

93. CUSTOMER C, of Cincinnati, Ohio, has been a customer of Antwi and his businesses for around 5 years. Antwi prepared CUSTOMER C's 2019, 2020, and 2021 returns.
94. CUSTOMER C's returns for 2020 and 2021 improperly claimed her son—who lived abroad—as a dependent. Antwi knew that CUSTOMER C's son lived abroad but told CUSTOMER C that her son could be claimed as a dependent if he has a social security number.
95. Antwi reported CUSTOMER C's filing status on her 2019 and 2021 returns as Single, despite CUSTOMER C getting married in 2019. Antwi knew CUSTOMER C was married.
96. During the 2019, 2020, and 2021 years, CUSTOMER C earned wages as a nurse assistant and did not earn any self-employment income. However, Antwi included with CUSTOMER C's returns for each of those years a fabricated Schedule C that named her W-2 employer as the name of the customer's purported business.
97. The fabricated Schedule Cs included with CUSTOMER C's 2019, 2020, and 2021 returns reported no income. The only expense Antwi reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER C's Form 1040 and improperly reduced CUSTOMER C's taxable income.
98. The amounts of false Car and Truck Expenses Antwi reported in 2019, 2020, and 2021 were \$5,714, \$7,389, and \$5,685, respectively.
99. When CUSTOMER C's return was being prepared, Antwi asked how far she drove to and from work each day, and then computed the total miles driven.

100. Antwi's Schedule C Scheme alone improperly reduced CUSTOMER C's total taxable income over 2019, 2020, and 2021 by \$18,788.

101. The false information on CUSTOMER C's 2019, 2020, and 2021 returns improperly reduced CUSTOMER C's taxable income and improperly increased CUSTOMER C's refund and EITC.

#### **CUSTOMER D**

102. CUSTOMER D, of Fairfield, Ohio, has been a customer of Antwi and his businesses for at least 5 years. Antwi prepared CUSTOMER D's 2019 return.

103. During the 2019 year, CUSTOMER D earned wages as a technician, and did not earn any self-employment income. However, Antwi included in CUSTOMER D's returns a fabricated Schedule C that named CUSTOMER D's W-2 employer as the name of the customer's purported business.

104. The fabricated Schedule C Antwi included with CUSTOMER D's 2019 return reported no income. The only expense reported was \$14,584 in Car and Truck Expenses, resulting in a fictitious loss of \$14,584 that was improperly reported on CUSTOMER D's Form 1040 and improperly reduced CUSTOMER D's taxable income.

105. Antwi's Schedule C Scheme improperly reduced CUSTOMER D's taxable income and improperly increased CUSTOMER D's refund.

#### **CUSTOMER E**

106. CUSTOMER E, of Cincinnati, Ohio, has been a customer of Antwi and his businesses since 2015. Antwi prepared CUSTOMER E's 2019 and 2020 returns.

107. During the 2019 and 2020 years, CUSTOMER E earned wages as an employee and did not earn any self-employment income. However, Antwi included in CUSTOMER E's

returns for each of those years a fabricated Schedule C that used a name very similar to the name of her W-2 employer as the name of the customer's purported business.

108. The fabricated Schedule Cs Antwi included with CUSTOMER E's 2019 and 2020 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss that was improperly reported on CUSTOMER E's Form 1040 and improperly reduced CUSTOMER E's taxable income.

109. The amounts of false Car and Truck Expenses Antwi reported in 2019 and 2020 were \$8,208 and \$10,651 respectively.

110. When CUSTOMER E's returns were being prepared, CUSTOMER E explained to Antwi that she drove for work but that she submitted her mileage every 2 weeks to her employer and was reimbursed for the mileage.

111. Antwi's Schedule C Scheme improperly reduced CUSTOMER E's total taxable income over 2019 and 2020 by \$18,859 and improperly increased CUSTOMER E's refunds.

#### **CUSTOMER F**

112. CUSTOMER F, of Cincinnati, Ohio, has been a customer of Antwi and his businesses for a long time, and was referred by her father. Antwi prepared CUSTOMER F's 2019 and 2020 tax returns.

113. In 2019 and 2020, CUSTOMER F was married, though CUSTOMER F's spouse lived in another country. Antwi never asked CUSTOMER F if she was married.

114. Antwi reported CUSTOMER F's filing status in 2019 and 2020 as Single, which was incorrect.

115. During the 2020 year, CUSTOMER F earned wages working as an employee at UPS and did not earn any self-employment income. However, Antwi included in

CUSTOMER F's 2020 return a fabricated Schedule C that named CUSTOMER F's W-2 employer as the name of the customer's purported business.

116. The fabricated Schedule C Antwi included with CUSTOMER F's 2020 return reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER F's Form 1040 and improperly reduced CUSTOMER F's taxable income.

117. The amount of false Car and Truck Expenses reported in 2020 was \$10,684.

118. CUSTOMER F recalled Antwi asking what miles CUSTOMER F drove during the year.

119. Antwi's Schedule C Scheme improperly reduced CUSTOMER F's total taxable income in 2020 by \$10,684 and improperly increased CUSTOMER F's refund.

#### **CUSTOMER G**

120. CUSTOMER G, of Cincinnati, Ohio, has been a customer of Antwi and his businesses since 2016. Antwi prepared CUSTOMER G's 2020 tax return.

121. CUSTOMER G was married and filed joint returns with CUSTOMER G's spouse for 2020.

122. During the 2020 year, CUSTOMER G's spouse earned wages as an employee and did not operate a business. However, Antwi included in CUSTOMER G's 2020 return a fabricated Schedule C for CUSTOMER G's spouse that named one of CUSTOMER G's spouse's W-2 employers as the name of the purported business.

123. The fabricated Schedule C Antwi included with CUSTOMER G's 2020 return reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER G's Form 1040 and improperly reduced CUSTOMER G and CUSTOMER G's spouse's taxable income.

124. The amounts of false Car and Truck Expenses reported in 2020 was \$8,769.

125. CUSTOMER G reported to Antwi that CUSTOMER G had a hair braiding business in 2020, but nothing on the return mentions or relates to the hair braiding business.

126. Antwi's Schedule C Scheme improperly reduced CUSTOMER G's total taxable income in 2020 and improperly increased CUSTOMER G's refund.

#### **CUSTOMER H**

127. CUSTOMER H, of Dayton, Ohio, has been a customer of Antwi and his businesses since at least 2019. CUSTOMER H's family referred him to Antwi.

128. Antwi prepared CUSTOMER H's 2019, 2020, and 2021 tax returns.

129. During the 2019, 2020, and 2021 years, CUSTOMER H earned wages as an employee and did not operate a business. However, Antwi included in CUSTOMER H's 2019, 2020, and 2021 returns fabricated Schedule Cs that named CUSTOMER H's W-2 employer as the name of the purported business.

130. The fabricated Schedule Cs Antwi included with CUSTOMER H's 2019, 2020, and 2021 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER H's Form 1040 and improperly reduced CUSTOMER H's taxable income.

131. The amounts of false Car and Truck Expenses reported in 2019, 2020, and 2021 were \$5,907, \$10,625, and \$7,818 respectively.

132. CUSTOMER H did not tell Antwi that he operated a business and was not aware that his returns included a business with a loss.

133. CUSTOMER H told Antwi that he had to drive a long way to get to work but does not remember providing an amount of miles to Antwi.

134. Antwi's Schedule C Scheme improperly reduced CUSTOMER H's total taxable income in 2019, 2020, and 2021 by \$24,350 and improperly increased CUSTOMER H's refunds.

### **CUSTOMER I**

135. CUSTOMER I, of Cincinnati, Ohio, has been a customer of Antwi and his businesses since 2019. CUSTOMER I was referred to Antwi by someone who told him that Antwi could prepare taxes better than other preparers. Once CUSTOMER I switched to Antwi from his prior preparer, his refund got bigger.

136. Antwi prepared CUSTOMER I's 2019, 2020, and 2021 tax returns.

137. During the 2019, 2020, and 2021 years, CUSTOMER I earned wages as an employee. However, Antwi included in CUSTOMER I's 2019, 2020, and 2021 returns fabricated Schedule Cs that named CUSTOMER I's W-2 employer as the name of the customer's purported business. CUSTOMER I never operated a business with that name and does not know why it is on his return.

138. The fabricated Schedule Cs Antwi included with CUSTOMER I's 2019, 2020, and 2021 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER I's Form 1040 and improperly reduced CUSTOMER I's taxable income.

139. The amounts of false Car and Truck Expenses reported in 2019, 2020, and 2021 was \$4,399, \$10,433, and \$12,085 respectively.

140. CUSTOMER I is required to submit his mileage for his W-2 job to his employer for reimbursement, and he provided that information to Antwi.

141. Antwi's Schedule C Scheme improperly reduced CUSTOMER I's total taxable income in 2019, 2020, and 2021 by \$26,917 and improperly increased CUSTOMER I's refunds.

### **CUSTOMER J**

142. CUSTOMER J, of Cincinnati, Ohio, has been a customer of Antwi and his businesses since 2019. Antwi prepared CUSTOMER J's 2019 and 2020 tax returns.

143. During the 2019 and 2020 years, CUSTOMER J earned wages as an employee.

However, Antwi included in CUSTOMER J's 2019 and 2020 returns fabricated Schedule Cs that named CUSTOMER J's W-2 employer as the name of the customer's purported business. CUSTOMER J stated that he did not operate a business with a loss, did not tell Antwi that he did, and was not aware that this was on his return.

144. The fabricated Schedule Cs Antwi included with CUSTOMER J's 2019 and 2020 returns reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER J's Form 1040 and improperly reduced CUSTOMER J's taxable income.

145. The amounts of false Car and Truck Expenses reported in 2019 and 2020 were \$5,951 and \$7,199 respectively.

146. CUSTOMER J was not familiar with the number of miles reported on his Schedule C and did not provide that number to Antwi.

147. Antwi's Schedule C Scheme improperly reduced CUSTOMER J's total taxable income in 2019 and 2020 by \$13,150 and improperly increased CUSTOMER J's refunds.

### **CUSTOMER K**

148. CUSTOMER K, of Mason, Ohio, has been a customer of Antwi and his businesses on and off for about 5 years. Antwi prepared CUSTOMER K's 2020 return.

149. Antwi reported CUSTOMER K's filing status on his 2020 return as Head of Household, despite CUSTOMER K being married, living with his spouse the entire year, and telling Antwi that he was married. CUSTOMER K did not tell Antwi to claim Head of Household filing status.
150. During the 2020 year, CUSTOMER K earned wages as an employee and did not earn any self-employment income. However, Antwi included in CUSTOMER K's return a fabricated Schedule C.
151. The fabricated Schedule C Antwi included with CUSTOMER K's 2020 return reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER K's Form 1040 and improperly reduced CUSTOMER K's taxable income.
152. The amount of false Car and Truck Expenses Antwi reported in 2020 was \$17,337.
153. Antwi's Schedule C Scheme improperly reduced CUSTOMER K's total taxable income by \$17,337.

#### **CUSTOMER L**

154. CUSTOMER L, of Cincinnati, Ohio, had his 2019, 2020, and 2021 tax returns prepared by Antwi.
155. Antwi included in CUSTOMER L's 2019, 2020, and 2021 returns Forms 2106, reporting \$8,265, \$10,610, and \$5,530 in EBEs respectively—specifically vehicle expenses. However, for 2019, 2020, and 2021, CUSTOMER L worked as a machinist, specifically a forklift operator and a contract driver, and did not have any Form W-2 or 1099 accompanying his 2019, 2020, or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government

official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER L's employment and status did not qualify him to use Form 2106.

156. Even if CUSTOMER L were qualified to use Form 2106, CUSTOMER L did not keep a mileage log for the years at issue.

157. For 2021, Antwi included in CUSTOMER L's return a Schedule C, stating that he drove 38,958 for business purposes—specifically for his work as a contracted delivery driver. This mileage amounted to \$21,816 in total expenses under Schedule C. However, CUSTOMER L did not maintain a mileage log and stated that this mileage was an estimate. Additionally, CUSTOMER L was reimbursed for this claimed mileage.

158. Antwi also falsely reported CUSTOMER L's 2019, 2020, and 2021 filing status as Single, despite CUSTOMER L being married during those periods and despite preparing tax returns for both spouses and using the same address for each spouse. Based on this incorrect Single filing status, Antwi improperly claimed two children on CUSTOMER L's returns for purposes of the EITC. However, CUSTOMER L was ineligible for this credit as he was not separated from his spouse at the relevant times.

159. Because of Antwi's Form 2106 and Schedule C schemes, CUSTOMER L's taxable income was improperly reduced by \$46,221 over the three-year period and improperly increased CUSTOMER L's refunds.

### **CUSTOMER M**

160. CUSTOMER M, of Cincinnati, Ohio, had his 2020 and 2021 tax returns prepared by Antwi.

161. CUSTOMER M would drop off his information and Antwi would call when the returns were completed.

162. During the 2020 tax year, CUSTOMER M earned wages as an employee. However, Antwi included in CUSTOMER M's 2020 return a fabricated Schedule C that named CUSTOMER M's W-2 employer as the name of the purported business.

163. The fabricated Schedule C Antwi included with CUSTOMER M's 2020 return reported no income, and the only expense reported was Car and Truck Expenses, resulting in a fictitious loss reported on CUSTOMER M's Form 1040 and improperly reduced CUSTOMER M's taxable income.

164. The amounts of false Car and Truck Expenses reported in 2020 was \$8,386.

165. When CUSTOMER M's return was being prepared, Antwi and CUSTOMER M discussed how many miles CUSTOMER M drove to and from work, and Antwi estimated a total amount. CUSTOMER M did not maintain a mileage log, and his only mileage was commuting.

166. Antwi's Schedule C Scheme improperly reduced CUSTOMER M's total taxable income in 2020 by \$8,386.

167. Antwi included in CUSTOMER M's 2021 return a fabricated Form 2106, reporting \$10,376 in EBEs—specifically vehicle expenses. However, CUSTOMER M's 2021 return did not include any Form W-2 or 1099 showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, even though CUSTOMER M's only incurred mileage was for commuting, which is not deductible. Even if there were deductible business mileage, it is generally not an impairment-related work expense.

Therefore, CUSTOMER M's employment and status did not qualify him to use Form 2106.

168. Antwi's Form 2106 Scheme improperly reduced CUSTOMER M's total taxable income in 2021 by \$10,376, and improperly increased CUSTOMER M's refund.

#### **CUSTOMER N**

169. CUSTOMER N, of Bristol, Connecticut, had her 2020 return prepared by Antwi.

170. Antwi included in CUSTOMER N's 2020 return a Form 2106 reporting \$11,583 in EBEs—specifically vehicle expenses. However, CUSTOMER N was a licensed practical nurse who did not have any Form W-2 or 1099 accompanying her 2020 return showing that she was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER N's employment and status did not qualify her to use Form 2106.

171. Even if CUSTOMER N was qualified to use Form 2106, her only miles were commuting miles, which do not qualify as EBEs.

172. Antwi asked how many miles CUSTOMER N drove to and from work, then computed the number of miles, which was listed on CUSTOMER N's Form 2106.

173. Antwi's Form 2106 Scheme improperly reduced CUSTOMER N's total taxable income by \$11,583 and improperly increased CUSTOMER N's refund.

#### **CUSTOMER O**

174. CUSTOMER O, of Cincinnati, Ohio, had her 2020 and 2021 returns prepared by Antwi.

175. Antwi included in CUSTOMER O's 2020 and 2021 returns false Forms 2106 reporting \$18,660 and \$11,129 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER O was a solutions engineer who did not have any Form W-2 or 1099 accompanying her 2020 or 2021 returns showing that she was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER O's employment and status did not qualify her to use Form 2106.

176. Antwi's Form 2106 Scheme improperly reduced CUSTOMER O's taxable income by \$29,789 and improperly increased CUSTOMER O's refunds.

#### **CUSTOMER P**

177. CUSTOMER P, of Cincinnati, Ohio, had his 2019, 2020, and 2021 returns prepared by Antwi.

178. Antwi included in CUSTOMER P's 2020 and 2021 returns false Forms 2106 reporting \$6,010 and \$12,013 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER P was a nursing assistant who did not have any Form W-2 or 1099 accompanying his 2020 or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER P's employment and status did not qualify him to use Form 2106.

179. Even if CUSTOMER P was qualified to use Form 2106 for mileage expenses, CUSTOMER P did not keep a mileage log for the years at issue and did not know how Antwi calculated the mileage for purposes of completing the Forms 2106.
180. Antwi's Form 2106 Scheme improperly reduced CUSTOMER P's taxable income by \$18,023.

### **CUSTOMER Q**

181. CUSTOMER Q, of Hamilton, Ohio, had her 2019, 2020, and 2021 returns prepared by Antwi.
182. Antwi included in CUSTOMER Q's 2019, 2020, and 2021 returns false Forms 2106 reporting \$8,422, \$6,987, and \$11,281 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER Q was a machine operator who did not have any Form W-2 or 1099 accompanying his 2019, 2020, or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER Q's employment and status did not qualify him to use Form 2106.
183. Even if CUSTOMER Q was qualified to use Form 2106, CUSTOMER Q did not keep a mileage log for the years at issue and did not know how Antwi calculated the mileage for purposes of completing the Forms 2106.
184. Antwi's Form 2106 Scheme improperly reduced CUSTOMER Q's taxable income by \$26,290 and improperly increased CUSTOMER Q's refunds.

### **CUSTOMER R**

185. CUSTOMER R, of Cincinnati, Ohio, had his 2020 and 2021 returns prepared by Antwi.

186. Antwi included in CUSTOMER R's 2020 and 2021 returns false Forms 2106 reporting \$8,349 and \$10,384 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER R was a machine operator at two manufacturing companies who did not have any Form W-2 or 1099 accompanying his 2020 or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER R's employment and status did not qualify him to use Form 2106.

187. Even if CUSTOMER R was qualified to use Form 2106, CUSTOMER R did not keep a mileage log for the years at issue.

188. Antwi's Form 2106 Scheme improperly reduced CUSTOMER R's taxable income by \$18,733 and improperly increased CUSTOMER R's refund.

### **CUSTOMER S**

189. CUSTOMER S, of Cincinnati, Ohio, had his 2020 tax return prepared by Antwi.

190. Antwi included in CUSTOMER S's 2020 return a false Form 2106, reporting \$5,819 in EBEs—specifically vehicle expenses. However, CUSTOMER S was a student working part-time jobs at a department store and restaurant in 2020 who did not have any Form W-2 or 1099 accompanying his 2020 return showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official.

Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER S's employment and status did not qualify him to use Form 2106.

191. Even if CUSTOMER S was qualified to use Form 2106, CUSTOMER S did not keep a mileage log for the year at issue and did not know how Antwi calculated the mileage for purposes of completing the Forms 2106.

192. Antwi's Form 2106 Scheme improperly reduced CUSTOMER S's taxable income by \$5,819 and improperly increased CUSTOMER S's refund.

#### **CUSTOMER T**

193. CUSTOMER T, of Cincinnati, Ohio, had his 2020 and 2021 tax returns prepared by Antwi.

194. Antwi included in CUSTOMER T's 2020 and 2021 returns false Forms 2106, reporting \$9,460 and \$11,281 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER T was a warehouse worker who did not have any Form W-2 or 1099 accompanying his 2020 or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER T's employment and status did not qualify him to use Form 2106.

195. Even if CUSTOMER T was qualified to use Form 2106, CUSTOMER T did not keep a mileage log for the years at issue.

196. Antwi's Form 2106 Scheme improperly reduced CUSTOMER T's taxable income by \$20,741 and improperly increased CUSTOMER T's refunds.

#### **CUSTOMER U**

197. CUSTOMER U, of Cincinnati, Ohio, had his 2020 and 2021 tax returns prepared by Antwi.

198. Antwi included in CUSTOMER U's 2020 and 2021 returns false Forms 2106, reporting \$10,649 and \$3,540 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER U was worker in several warehouses during the relevant periods and did not have any Form W-2 or 1099 accompanying his 2020 or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER U's employment and status did not qualify him to use Form 2106.

199. Even if CUSTOMER U was qualified to use Form 2106, CUSTOMER U did not keep a mileage log for the years at issue.

200. Because of the improper deduction for mileage under Form 2106 for 2021, CUSTOMER U qualified for Earned Income Credit that year.

201. Antwi's schemes improperly reduced CUSTOMER U's taxable income by \$14,189 for the 2020 and 2021 tax years and improperly increased CUSTOMER U's refunds.

### **CUSTOMER V**

202. CUSTOMER V, of Fairfield, Ohio, had his 2020 and 2021 tax returns prepared by

Antwi.

203. CUSTOMER V never spoke with Antwi about the preparation of his 2020 or 2021 tax returns.

204. Antwi included in CUSTOMER V's 2020 and 2021 returns false Forms 2106 reporting \$8,349 and \$5,312 in EBES—specifically vehicle expenses, respectively. However, CUSTOMER V did quality control for a manufacturing company during the relevant periods and did not have any Form W-2 or 1099 accompanying his 2020 or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER V's employment and status did not qualify him to use Form 2106.

205. Even if CUSTOMER V was qualified to use Form 2106, CUSTOMER V did not keep a mileage log for the years at issue.

206. Antwi's 2106 scheme improperly reduced CUSTOMER V's taxable income by \$13,661 for the 2020 and 2021 tax years and improperly increased CUSTOMER V's refunds.

### **CUSTOMER W**

207. CUSTOMER W, of Cincinnati, Ohio, had his 2019, 2020, and 2021 tax returns prepared by Antwi.

208. Antwi included in CUSTOMER W's 2019, 2020, and 2021 returns false Forms 2106 reporting \$6,294, \$17,333, and \$16,232 in EBEs—specifically vehicle expenses, respectively. However, CUSTOMER W was a home health aid and did not have any Form W-2 or 1099 accompanying his 2019, 2020, or 2021 returns showing that he was an Armed Forces reservist, qualified performing artist, or fee-basis state or local government official. Additionally, the only reported expense was mileage, which is both not deductible if the only mileage is for commuting and, even if there were deductible business mileage, is generally not an impairment-related work expense. Therefore, CUSTOMER W's employment and status did not qualify him to use Form 2106.

209. Even if CUSTOMER W was qualified to use Form 2106, CUSTOMER W did not keep a mileage log for the years at issue.

210. Antwi's Form 2106 Scheme improperly reduced CUSTOMER W's taxable income by \$39,993 for the 2019, 2020, and 2021 tax years and improperly increased CUSTOMER W's refunds.

### **Harm Caused by Antwi and His Businesses**

211. The false returns that Antwi prepared and filed have caused—and continue to cause—substantial harm to the United States by falsely reducing his customers' reported tax liabilities, helping customers avoid paying their fair share of tax, and producing refunds to which customers are not entitled.

212. Antwi's customers have been harmed because they paid Antwi fees to prepare proper tax returns, but instead Antwi prepared false and fraudulent returns that substantially

underreported and underpaid the customers' correct tax liabilities, potentially exposing the customers to statutory penalties.

213. The United States has been harmed financially because it has not received, and may never collect, the taxes lawfully due and owing from Antwi's customers.

214. During its investigation, the IRS mailed letters to 100 of Antwi's customers, consisting of 50 customers who were randomly selected out of all customers whose returns contained a Schedule C and 50 customers who were randomly selected out of all customers whose returns contained Form 2106.

215. The IRS interviewed 34 of those customers—all individuals whose tax returns were prepared by Antwi during the 2020, 2021, and/or 2022 calendar years (generally preparing tax returns for the 2019, 2020, and 2021 tax years, respectively).

216. Of the 18 customers interviewed whose returns contained a Schedule C, 16 customers' returns required an adjustment in favor of the government.

217. Of the 13 customers interviewed whose returns contained Form 2106, all 13 customers' returns required an adjustment in favor of the government.

218. Seven customers who were interviewed were married but had filed their returns with the Single or Head of Household filing status.

219. Based on those interviews and the customers' returns, the total estimated loss to the United States due to returns prepared by Antwi and filed in 2020 is \$1,098,186.00. This estimate was calculated by taking the average tax harm per interview conducted and multiplying it by the total number of returns in the sampled population (either Schedule C or Form 2106). Because there are two separate issues sampled, a tax harm was calculated for each population and then added together to equal the total tax harm.

220. For the Schedule C sampled population, the 18 interviews uncovered \$45,214.00 in tax harm, or an average of \$2,511.89 in tax harm per return. Multiplying that average by the total number of tax returns that Antwi prepared in 2020 that contained a Schedule C—383—results in an estimated total annual Schedule C Scheme harm of \$962,053.
221. For the Form 2106 sampled population, the 13 interviews uncovered \$21,322.00 in tax harm, or an average of \$1,640.15 in tax harm per return. Multiplying that average by the total number of tax returns that Antwi prepared in 2020 that contained a Form 2106—83—results in an estimated total annual Form 2106 Scheme harm of \$136,133.
222. Adding the 2020 Schedule C Scheme total harm and the Form 2106 Scheme total harm constitutes the total estimated tax harm for 2020: \$1,098,186.00.
223. It is likely that the total underreporting and underpayments caused by Antwi are much greater—this estimate only factors in harm from two of Antwi’s four identified schemes.
224. Antwi has been preparing federal tax returns since around 2005. While no examinations were conducted as part of this investigation, historically, 69 examinations have been conducted of Antwi’s customers’ returns and only 10 of those resulted in no change to the taxpayer’s liability or a refund to the taxpayer. Of the other 59 examinations conducted of Antwi’s customers’ returns, the average change was more than \$4,000 and the total tax adjustment was more than \$280,000.
225. Antwi and his businesses further harm the United States because the IRS must devote some of its limited resources to investigating Antwi’s misconduct as a tax return preparer, including ascertaining his customers’ correct tax liabilities, recovering any refunds erroneously issued, and attempting to collect any additional taxes and penalties, some of which may not be collectible.

226. On May 25, 2022, the IRS interviewed Antwi over the phone as a part of its investigation into his fraudulent tax preparation business. Antwi terminated the interview by hanging up the phone and did not answer the phone when the IRS Agent attempted to call him back.

227. Since the May 25, 2022, interview with the IRS, Antwi has continued to prepare tax returns that appear to utilize the same schemes. For example, in 2023, Antwi prepared at least 609 tax returns, more than 96% of which resulted in a refund to the taxpayer, 42% of which contained a Schedule C, and 48% of which contained a Form 2106.

228. In addition to the direct harm Antwi and his businesses have caused the United States by preparing false and fraudulent tax returns, Antwi's activities undermine public confidence in the administration of the federal tax system and encourage noncompliance with the internal revenue laws.

229. Antwi and his businesses also cause intangible harm to honest tax return preparers, over whom Antwi gains an unfair competitive advantage by preparing returns that falsely generate or inflate tax refunds for their customers. Customers who are satisfied with the tax refunds that they receive—but who are often unaware of Antwi's illegal tax return preparation practices—return to Antwi and his businesses for subsequent tax seasons.

**Count I: Injunction Under 26 U.S.C. § 7407 for Violations of 26 U.S.C. §§ 6694 and 6695 for Deceptive or Fraudulent Conduct that Interferes with the Administration of the Internal Revenue Code**

230. The United States incorporates by reference the allegations in all preceding paragraphs above, as though fully set forth herein.

231. 26 U.S.C. § 7407 authorizes a district court to enjoin any tax return preparer from further engaging in conduct subject to penalty under 26 U.S.C. §§ 6694 or 6695, or any other fraudulent or deceptive conduct that substantially interferes with the proper

administration of the internal revenue laws, if injunctive relief is appropriate to prevent the recurrence of such conduct. Section 7407 also authorizes a district court to enjoin any tax return preparer from further acting as a preparer.

232. 26 U.S.C. § 7701(a)(36) defines a “tax return preparer” as a person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return or a substantial portion thereof. This definition includes Antwi and his businesses. *See United States v. Elsass*, 978 F. Supp. 2d 901, 901-11 (S.D. Ohio 2013), *aff’d*, 769 F.3d 390 (6th Cir. 2014); *United States v. Stinson*, Case No. 6:14-cv-1534-Orl- 22TBS, 2016 WL 8488240, at \*5 (M.D. Fla. Aug. 26, 2016); *see also* 26 U.S.C. § 7701(a)(1) (defining person to include partnerships, associations, companies, and corporations).

233. Antwi and his businesses are tax return preparers within the meaning of 26 U.S.C. § 7701(a)(36).

234. 26 U.S.C. § 6694(a) penalizes a tax return preparer if: (1) the preparer prepared a return or claim for refund that included an understatement of liability due to a position for which there was not substantial authority; and (2) the preparer knew (or reasonably should have known) of such position.

235. 26 U.S.C. § 6694(e) defines “understatement of liability” to include any understatement of tax due or “overstatement of the net amount creditable or refundable.”

236. In violation of 26 U.S.C. § 6694(a), Antwi and his businesses prepared returns that understated his customers’ tax liabilities, and that he knew or should have known contained positions for which there was no substantial authority or reasonable basis.

237. 26 U.S.C. § 6694(b) penalizes a tax return preparer who prepares a return or claim with an understatement of liability: (1) in a willful attempt to understate the liability; or (2) with a reckless and intentional disregard of rules or regulations.

238. In violation of 26 U.S.C. § 6694(b), Antwi and his businesses prepared tax returns for his customers that he knew or reasonably should have known understated his customers' liabilities and/or overstated his customers' refunds through, at least, the Schedule C Scheme, the 2106 Scheme, the Earned Income Tax Credit Scheme, and the Filing Status Scheme.

239. 26 U.S.C. § 6695(g)(2) penalizes a tax return preparer who fails to comply with due diligence requirements with respect to determining eligibility for (or the amount of) the Earned Income Tax Credit.

240. In violation of 26 U.S.C. § 6695(g)(2) Antwi and his businesses routinely prepared returns claiming the Earned Income Tax Credit but failed to comply with due diligence requirements for those determinations.

241. An injunction against Antwi and his businesses is necessary and appropriate to prevent the recurrence of this conduct subject to penalty under 26 U.S.C. §§ 6694 and 6695.

242. Additionally, under 26 U.S.C. § 7407, if this Court finds that a return preparer has continually or repeatedly engaged in conduct subject to penalty under 26 U.S.C. § 6694 or 6695 or that substantially interferes with the proper administration of the internal revenue laws, and if this Court further finds that a narrower injunction prohibiting the enumerated conduct would not be sufficient to prevent further interference with the proper administration of the internal revenue laws, this Court may enjoin that person from further acting as a federal income tax return preparer.

243. Given the variety, duration, and duplicity of Antwi and his businesses' return preparation activities, anything less than a permanent injunction and complete bar on the preparation of tax returns for others is unlikely to stop Antwi and his businesses from preparing false tax returns.

**Count II: Injunction under 26 U.S.C. § 7408 for Violations of 26 U.S.C. § 6701**

244. The United States incorporates by reference the allegations in all preceding paragraphs above, as though fully set forth herein.

245. 26 U.S.C. § 7408 authorizes a district court to enjoin any person from engaging in conduct subject to penalty under 26 U.S.C. § 6701 if injunctive relief is appropriate to prevent recurrence of such conduct.

246. 26 U.S.C. § 6701(a) imposes a civil penalty on any person who aids or assists in the preparation of tax returns that the person knows will result in an understatement of tax liability.

247. Antwi and his businesses, as described above, engaged in conduct subject to penalty under 26 U.S.C. § 6701 by preparing tax returns that claimed deductions and/or credits that he knew to be improper or false and thus would result in an understatement of his customers' tax liabilities.

248. If the Court does not enjoin Antwi and his businesses, they are likely to continue to engage in conduct subject to penalty under 26 U.S.C. § 6701. The preparation of tax returns claiming improper expenses and deductions is widespread over many customers, various tax schemes, and multiple tax and filing years.

249. Injunctive relief is therefore appropriate under 26 U.S.C. § 7408 to prevent the recurrence of the conduct complained of above.

**Count III: Injunction under I.R.C. § 7402(a) for Unlawful Interference with Enforcement of the Internal Revenue Laws and General Appropriateness of Injunctive Relief**

250. The United States incorporates by reference the allegations in all preceding paragraphs above, as though fully set forth herein.

251. Pursuant to 26 U.S.C. § 7402(a), this Court is authorized to issue orders of injunction as may be necessary or appropriate to enforce the internal revenue laws.

252. 26 U.S.C. § 7402(a) expressly provides that its injunction remedy is “in addition to and not exclusive of” other remedies for enforcing the internal revenue laws.

253. Antwi and his businesses’ activities described above substantially interfere with the enforcement of the internal revenue laws because he prepares and files numerous false tax returns that result in customers not paying their true federal tax liabilities and receiving tax refunds they are not entitled to.

254. An injunction prohibiting Antwi and his businesses from preparing or assisting in the preparation of tax returns is needed to stop him from preparing and filing false tax returns and to prohibit him from otherwise interfering with the proper administration and enforcement of the internal revenue laws. By contrast, Antwi and his businesses will not suffer any cognizable harm by being enjoined from acting as a tax return preparer given that, when acting as a tax return preparer, they prepare false returns that harm the United States.

255. If Antwi and his businesses are not enjoined, the United States will continue to suffer irreparable harm from the underpayment of taxes, the payment of refunds based on false tax returns and the exhaustion of resources to enforce the internal revenue laws. In addition, these actions by tax preparers such as Antwi and his businesses undermine

public confidence in the administration of the federal tax system and encourage noncompliance with the internal revenue laws.

256. The public interest would be advanced by enjoining Antwi and his businesses because an injunction will stop his illegal conduct and the harm it is causing to the United States Treasury and the public.

257. An injunction is necessary and appropriate because the United States has no adequate remedy at law.

#### **Count IV: Disgorgement of Ill-Gotten Gains**

258. The United States incorporates by reference the allegations in all preceding paragraphs above, as though fully set forth herein.

259. 26 U.S.C. § 7402(a) authorizes a court to issue orders of injunction as may be necessary or appropriate for the enforcement of the internal revenue laws.

260. Antwi and his businesses' conduct substantially interferes with the enforcement of the internal revenue laws. Specifically, Antwi and his businesses caused and continue to cause the United States to issue tax refunds to individuals not entitled to receive them. Without Antwi and his businesses' conduct, the United States would not have issued inflated refunds to Antwi's customers.

261. Antwi and his businesses were enriched based on refunds generated or inflated by the false returns he prepared and filed.

262. Antwi and his businesses unjustly profit from his misconduct at the expense of the United States by charging customers fees for preparing and filing false returns that understated the customers' tax liability.

263. Antwi and his businesses are not entitled to these ill-gotten gains. But for Antwi and his businesses' conduct, the refunds issued would have been smaller or no refunds would have been issued at all.

264. Under the Court's broad authority under § 7402(a), an order of disgorgement against Antwi and his businesses is appropriate to prevent them from profiting from their violations of the internal revenue laws.

WHEREFORE, the United States seeks the following relief:

- A. That the Court find that Antwi and his businesses have continually and repeatedly engaged in conduct subject to penalty under I.R.C. § 6694 and § 6695; that, pursuant to I.R.C. § 7407, an injunction merely prohibiting conduct subject to penalty would be insufficient to prevent Antwi and his businesses' interference with the proper administration of the tax laws; and that Antwi and his businesses should be permanently enjoined from acting as tax return preparers;
- B. that the Court find that Antwi and his businesses have repeatedly and continually engaged in conduct subject to penalty under 26 U.S.C. § 6701 and that injunctive relief is appropriate under 26 U.S.C. § 7408 to prevent recurrence of that conduct;
- C. that the Court find that Antwi and his businesses have interfered with the enforcement of the internal revenue laws and that injunctive relief is appropriate to prevent the recurrence of that conduct pursuant to I.R.C. § 7402(a) and under the Court's inherent equity powers;
- D. that this Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter a permanent injunction enjoining Antwi, Manny Travel Agency & Business Services Inc., and Manny Financial, Insurance & Accounting Firm, LLC, their officers, agents, servants,

employees, and attorneys, and anyone in concert or participation with Antwi and his businesses, from directly or indirectly:

1. preparing or assisting in the preparation or filing, or directing the preparation, of federal tax returns, amended returns, and other related documents and forms for anyone other than themselves;
2. advising, counseling, or instructing anyone about the preparation of a federal tax return;
3. owning, managing, controlling, working for, assisting or volunteering for an entity that is in the business of preparing federal tax returns or other federal tax documents or forms for other persons;
4. working or volunteering for a division of an entity in which that division is in the business of preparing federal tax returns or other federal tax documents or forms for other persons;
5. advertising tax return preparation services through any medium, including print, online, and social media;
6. maintaining, assigning, transferring, holding, using, obtaining, or renewing a PTIN or an EFIN;
7. representing any person in connection with any matter before the IRS;
8. employing any person to work as a federal tax return preparer to prepare returns for someone other than themselves;
9. providing office space, equipment, or services for, or in any other way facilitating, the work of any person or entity that is in the business of preparing or filing federal tax documents or forms for others or representing persons before the IRS;

10. referring any person to a tax preparation firm or a tax return preparer, or otherwise suggesting that a person use any particular tax preparation firm or tax return preparer;
  11. selling, providing access, or otherwise transferring to any person some or all of the proprietary assets of Antwi and his businesses' generated by their tax return preparation activities, including, but not limited to, customer lists; and,
  12. engaging in any conduct subject to penalty under 26 U.S.C. §§ 6694, 6695, or 6701 or engaging in any other conduct that substantially interferes with the administration and enforcement of the internal revenue laws;
- E. that the Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter an order requiring Antwi and his businesses to prominently post at all physical locations where he conducts any type of business, at his own expense and within 30 days of the Court's order, a copy of this order of permanent injunction, as well as a sign (with dimensions of at least 12 by 24 inches) saying as follows: "Antwi, Manny Travel Agency & Business Services Inc., and Manny Financial, Insurance & Accounting Firm, LLC, will no longer be serving as federal tax return preparers, per Court order";
- F. that the Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter an order requiring Antwi to prominently post an electronic copy of the permanent injunction on any website or social media site or social media profile that Antwi maintains or creates over the next five years, so long as that profile was or is used to advertise tax preparation services;
- G. that the Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter an order requiring Antwi to produce to counsel for the United States, within 30 days of the Court's order, a

list that identifies by name, social security number, address, email address, and telephone number and tax period(s) all persons for whom Antwi and his businesses prepared federal tax returns or claims for a refund, for tax years beginning with 2019 and continuing through this litigation;

- H. that the Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter an order requiring Antwi, within 30 days of receiving the Court's order, to email, if an email address is known, or otherwise send by U.S. mail to, all persons for whom Antwi and his businesses have prepared federal tax returns, amended tax returns, or claims for refund since January 1, 2019, as well as all employees or independent contractors Antwi has hired since January 1, 2019, a copy of the order of permanent injunction, with no other text, enclosures, or attachments unless approved in writing by the Department of Justice, and a copy of the complaint setting forth the allegations as to how Antwi and his businesses fraudulently prepared federal tax returns;
- I. that the Court, pursuant to I.R.C. §§ 7402(a), 7407 and/or 7408, enter an order requiring Antwi, within 45 days of receiving the Court's order, to file a declaration, signed under penalty of perjury, confirming that Antwi has received a copy of the Court's order and is in compliance with the terms described in Paragraphs C through H of this Complaint;
- J. that this Court permit the United States to conduct post-judgment discovery to ensure Antwi and his businesses' compliance with the permanent injunction;
- K. that this Court retain jurisdiction over Antwi and his businesses and over this action to enforce any injunction entered against him;
- L. that this Court enter an order of disgorgement against Antwi and his businesses in an amount to be decided by the Court; and

M. that this Court grant the United States such other and further relief as the Court deems appropriate.

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