

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No.
	)	2:17-cv-10055-DPH-MKM
v.	)	
	)	Denise Page Hood
DIEASHA DAVIS; TAX PIONEER CO.;	)	United States District Judge
all d/b/a Tax Pioneer,	)	
	)	
Defendants.	)	
_____	)	

**STIPULATION FOR ENTRY OF CONSENT JUDGMENT AND
PERMANENT INJUNCTION ORDER**

Plaintiff United States and Defendants Dieasha Davis and Tax Pioneer, Co.
d/b/a Tax Pioneer (the "Parties") stipulate and agree as follows:

1. On January 9, 2017, the United States filed a Complaint for Permanent Injunction and Other Relief pursuant to 26 U.S.C. §§ 7402, 7407, and 7408 against Defendants. Defendants filed their Answer on March 2, 2017.
2. The Defendants admit that this Court has subject-matter and personal jurisdiction over them.
3. The Parties stipulate to resolve this matter through a Consent Judgment and Permanent Injunction Order, and hereby consent to entry of final judgment and entry of the following Permanent Injunction Order in the above-captioned case.

4. Entry of this Consent Judgment and Permanent Injunction Order will resolve only this civil injunction action without factual admissions or findings as to the facts alleged in the Complaint, and neither precludes the government from pursuing any other current or future civil or criminal matters or proceedings, nor precludes Defendants from contesting liability in any such matter or proceeding, including any matter or proceeding based on the facts alleged in the Complaint.

5. The Parties waive the entry of findings of fact and conclusions of law under Rules 52 and 65 of the Federal Rules of Civil Procedure.

6. The Parties understand and agree that the Permanent Injunction Order will be entered under Federal Rule of Civil Procedure 65 and will constitute the final judgment in this matter. The Parties waive the right to appeal from this judgment and agree that they will bear their own respective costs, including any attorney's fees or other expenses of this litigation.

7. The Parties further understand and agree that the Court will retain jurisdiction over this matter for the purpose of implementing and enforcing the Permanent Injunction Order. Defendants understand that if they violate the Permanent Injunction Order, they may be subject to civil and criminal sanctions for contempt of court.

8. Defendants consent, without further proceedings, to immediate revocation of all Preparer Tax Identification Numbers ("PTINs") and Electronic

Filing Identification Numbers (“EFINs”) held by, assigned to, or used by Defendants. Defendants consent to disbarment from practice before the Internal Revenue Service in any capacity.

PERMANENT INJUNCTION ORDER

IT IS HEREBY ORDERED that Defendants Dieasha Davis and Tax Pioneer, Co. d/b/a Tax Pioneer, are **PERMANENTLY ENJOINED**, pursuant to 26 U.S.C §§ 7402(a), 7407, and 7408, effective from the date of entry of this Order, from directly or indirectly:

- a. Acting as federal tax return preparers, or filing, assisting in, or directing the preparation or filing of federal tax returns, amended returns, or other related tax documents or forms for any person other than Ms. Davis herself;
- b. Representing anyone, other than Ms. Davis herself, before the IRS ;
- c. Directly or indirectly owning, managing, controlling, working for, profiting from, investing in, consulting with, advertising for, or volunteering for any tax return preparation business;
- d. Transferring to any individual or entity for compensation or promise of compensation a list of tax return preparation customers, or any

other tax preparation customer information that Defendants obtained at any time;

e. Assigning, disseminating, providing, or giving to any person or entity, except to state or federal law enforcement agencies, a list of tax return preparation customers or any other customer information Defendants obtained at any time;

f. Filing, providing forms for, or otherwise aiding and abetting the filing of IRS Forms 1040, 1040X, 8867, 8863, Schedule C, or any other IRS forms containing false or fabricated information;

g. Advising others to violate internal revenue laws or unlawfully evade the assessment or collection of their federal tax liabilities, including the misuse of IRS Forms 1040, 1040X, Schedule C, or other IRS forms by inputting false or fabricated information;

h. Seeking permission or authorization (or helping or soliciting others to seek permission or authorization) to file tax returns with an IRS Preparer Tax Identification Number ("PTIN") and/or IRS Electronic Filing Identification Number ("EFIN"), or any other IRS service or program by which one prepares or files tax returns;

i. Using, maintaining, renewing, obtaining, transferring, selling, or assigning any PTIN(s) or EFIN(s);

j. Engaging in conduct subject to penalty under I.R.C. §§ 6694, 6695, or 6701, including: preparing and filing tax returns or other documents that understate the tax liabilities of others, preparing or assisting in preparing federal tax returns that they know or reasonably should know would result in an understatement of tax liability or the overstatement of a taxpayer's entitlement to a federal tax refund, failing to comply with required due diligence procedures, failing to furnish tax-return preparer identifying numbers, and promoting any false tax or tax return scheme

k. Engaging in any other conduct that is subject to penalty under the Internal Revenue Code or that interferes with the proper administration and enforcement of the internal revenue laws.

IT IS FURTHER ORDERED that Defendants shall, within 30 days of this Order, close all tax return preparation stores that they own directly or through any entity, whether those stores do business as Tax Pioneer, Co. or operate under any other name.

IT IS FURTHER ORDERED that Defendants shall, within 30 days of entry of this Permanent Injunction Order by the Court, send by United States mail and by e-mail if an e-mail address is known, a copy of this Permanent Injunction Order to all persons for whom Defendants employed or otherwise worked at Defendants' tax return preparation business from 2012 to the present, including

managers, employees, independent contractors, and volunteers, without enclosing any other documents or enclosures unless agreed to by counsel for the United States or approved by the Court. Defendants shall also: (a) produce a list of each such person to counsel for the United States in this action, including each person's contact information; and (b) file with the Court within 45 days of the Court's Permanent Injunction Order, a certification signed by both Defendants under penalty of perjury that they have provided a copy of this Permanent Injunction Order to each person who Defendants employed or otherwise worked at Defendants' tax preparation business from 2012 to the present.

IT IS FURTHER ORDERED that Defendants shall, within 30 days of the entry of this Permanent Injunction Order, provide to counsel for the United States in this action a list identifying any persons or entities that acquired or purchased (since January 1, 2017) any tax return customer list in Defendants' possession or tax return customer information in Defendants' possession or any assets used in the operation of Defendants' tax return preparation business if the purchaser paid in excess \$5,000 for the assets, including the date of the acquisition or purchase and the purchaser or recipient's address, and the assets acquired or purchased. Defendants shall: (a) notify any such purchaser or recipient of the entry of this Permanent Injunction Order by providing a copy of the Permanent Injunction Order by United States mail and by e-mail if an e-mail address is known, without

enclosing any other documents or enclosures unless agreed to by counsel for the United States or approved by the Court; and (b) file with the Court, within 45 days of the Court's Permanent Injunction Order, a certification signed by both Defendants under penalty of perjury that they have provided a copy of this Permanent Injunction Order to each person or entity that acquired or purchased (since January 1, 2017) any tax return customer list or tax return customer information in Defendants' possession, or any assets used in the operation of Defendants' tax return preparation business if the purchaser paid in excess \$5,000 for the assets.

IT IS FURTHER ORDERED that Defendants shall file with the Court and serve on counsel for the United States, within 45 days of the entry of this order, a certification signed under penalty of perjury by both Defendants stating that they have each received the executed copy of this order.

IT IS FURTHER ORDERED that the United States may engage in post-judgment discovery to monitor compliance with this injunction.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this action for purposes of implementing and enforcing the Permanent Injunction Order and any additional orders necessary and appropriate to the public interest.

IT IS FURTHER ORDERED that Defendants shall not make any statements, written or verbal, or cause or encourage others to make any statements, written or verbal, that misrepresent any of the terms of this injunction.

IT IS FURTHER ORDERED that the Clerk is directed to enter final judgment in favor of the United States and against Defendants.

THE FOREGOING STIPULATION FOR ENTRY OF CONSENT JUDGMENT AND PERMANENT INJUNCTION ORDER IS HEREBY APPROVED,

SO ORDERED this 25th day of September, 2017.

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

Approved as to form and content,

DAVID HUBBERT
Acting Assistant Attorney General

/s/ Russell J. Edelstein
RUSSELL J. EDELSTEIN
MA Bar No. 663227
NATALIE LOEBNER
WA Bar No. 44650
JULIAN T. A. LEE
NY Bar No. 4523684
Trial Attorneys, Tax Division
U.S. Department of Justice
P.O. Box 7238
Washington, D.C. 20044-0683
Facsimile: (202) 514-6770
Telephone: (202) 616-2704 (Edelstein)
Telephone: (202) 616-3865 (Loebner)
Telephone: (202) 307-6140 (Lee)
Russell.J.Edelstein@usdoj.gov
Natalie.M.Loebner@usdoj.gov
Julian.Lee@usdoj.gov

LOCAL COUNSEL:

DANIEL L. LEMISCH
Acting United States Attorney

PETER A. CAPLAN
Assistant U.S. Attorney
211 W. Fort Street, Ste. 2001
Detroit, MI 48226
(313) 226-9784
P30643
Email: peter.caplan@usdoj.gov
Attorneys for Plaintiff

DATED: 9/7/2017

HUSCH BLACKWELL LLP

/s/ Mark C. Milton
Mark C. Milton
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
(314) 480-1500
Mark.Milton@huschblackwell.com
Bar ID:63101

LOCAL COUNSEL:

BODMAN PLC
Thomas J. Rheume, Jr. (P74422)
6th Floor at Ford Field
1901 St. Antoine St.
Detroit, MI 48226
(313) 259-7777

DATED: 8/19/2017

/s/ Dieasha Davis
Dieasha Davis
Defendant

DATED: 8/19/2017

/s/ Dieasha Davis
Tax Pioneer, Co.
Dieasha Davis, President
Defendant

DATED: 8/19/2017