

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 1:10-cv-01107-WSD
)	
SALOUM A. NJIE and MIAAS)	
ASSOCIATES, LLC,)	
)	
)	
Defendants.)	

**JUDGMENT AND PERMANENT INJUNCTION ORDER
AGAINST SALOUM A NJIE AND MIAAS ASSOCIATES, LLC**

Upon consideration of the United States' Motion for Default Judgment, the Memorandum and Declarations in its support, and the Clerk's entry of default on June 28, 2010 against defendants Saloum A. Njie ("Njie") and MIAAS Associates, LLC ("MIAAS"), the Court makes the following findings of fact and conclusions of law:

- (1) Njie and MIAAS have failed to plead or otherwise defend this action. The Court deems both Njie and MIAAS to have admitted the allegations in the United States' Complaint.
- (2) Facts deemed admitted in the Complaint and presented in the declarations of Kelley Stephens and Patrick Hannon establish that Njie, through MIAAS, serves as a tax return preparer in Atlanta,

Georgia. Njie is a Certified Public Accountant with significant knowledge of the internal revenue laws. In 1993, Njie received a Bachelor of Science degree in accounting from Georgia State University. Njie then worked as a corporate accountant with GTE and became a certified public accountant in 1995. Njie started MIAAS in 1998, which specializes in the preparation of tax returns. Njie is not an infant, incompetent person, or on active duty with the U.S. armed services.

- (3) Facts deemed admitted in the Complaint and presented in the declarations of Kelley Stephens and Patrick Hannon establish that Defendants have continuously prepared tax returns containing material misrepresentations of fact, which Defendants knew or should have known were false.
- (4) Facts deemed admitted in the Complaint and presented in the declarations of Kelley Stephens and Patrick Hannon establish that Defendants have repeatedly prepared returns for taxpayers in which they have failed to be diligent in determining the taxpayer's eligibility for the credit under 26 U.S.C. § 32, i.e. the Earned Income Tax Credit ("EITC").

- (5) Defendants' actions cause harm to the United States and to the public by unlawfully understating their customer's tax liabilities.
- (6) The Court has authority to grant injunctive relief under 26 U.S.C. § 7407 if a tax return preparer has engaged in conduct subject to penalty under 26 U.S.C. §§ 6694 and 6695, and if the injunctive relief is appropriate to prevent the recurrence of that conduct. The court must also find that a narrower injunction prohibiting only specific misconduct would be insufficient.
- (7) The facts in this case establish that Defendants engaged in conduct that repeatedly violated 26 U.S.C. §§ 6694 and 6695, and that an injunction under § 7407 that enjoins Defendants from acting as a tax return preparer is necessary to prevent Defendants' interference with the proper administration of the internal revenue laws.
- (8) The record reveals that Defendants have regularly engaged in conduct subject to penalty under 26 U.S.C. § 6694(a). In preparing federal tax returns to submit to the IRS, Defendants consistently understated customers' true tax liabilities based upon unreasonable positions that they knew or should have known were not supported by substantial authority. Moreover, Defendants prepared these returns with

Defendants have thus engaged in conduct subject to penalty under 26 U.S.C. § 6694(a).

- (9) The United States has also demonstrated that the false returns prepared by Defendants were prepared with a reckless or intentional disregard of applicable rules and regulations. Defendants have thus engaged in conduct subject to penalty under 26 U.S.C. § 6694(b).
- (10) Defendants knew, or had reason to know, that information they used in determining their customers' eligibility for, or the amount of, the EIC was incorrect. Defendants failed to make reasonable inquiries regarding information that appeared to be incorrect, inconsistent and/or incomplete. Defendants have thus engaged in conduct subject to penalty under 26 U.S.C. § 6695(g).
- (11) The United States has demonstrated that Defendants have continually and repeatedly engaged in conduct that violates 26 U.S.C. §§ 6694 and 6695(g). An injunction merely prohibiting Defendants from engaging in conduct subject to penalty under 26 U.S.C. §§ 6694 and 6695(g) would not be sufficient to prevent their interference with the proper administration of the tax laws. Accordingly, only a permanent injunction is sufficient to prevent future harm.

- (12) In addition to the injunctive relief available under 26 U.S.C. § 7407, 26 U.S.C. § 7402 authorizes a court to issue orders of injunction as may be necessary or appropriate for the enforcement of the internal revenue laws.
- (13) The Court finds that Defendants have engaged in conduct that substantially interferes with the enforcement of the internal revenue laws.
- (14) The Court finds that Defendants' conduct causes irreparable harm to the United States and their customers.
- (15) Thus, the United States is entitled to injunctive relief under 26 U.S.C. § 7402 (as well as § 7407) for the reasons described above.

WHEREFORE, based on the foregoing factual findings and for good cause shown, entry of default judgment and a permanent injunction is appropriate.

Accordingly,

IT IS HEREBY ORDERED that judgment is entered in favor of the United States and against defendants Saloum A. Njie and MIAAS Associates, LLC;

IT IS HEREBY FURTHER ORDERED that defendants Saloum A. Njie and MIAAS Associates, LLC, having been found to have continually and repeatedly engaged in conduct subject to penalty under 26 U.S.C. §§ 6694 and 6695(g), and

that, pursuant to 26 U.S.C. § 7407, an injunction prohibiting such conduct would not be sufficient to prevent Defendants' interference with the proper administration of the Internal Revenue and tax laws, Defendants should be permanently enjoined from acting as tax return preparers pursuant to 26 U.S.C. § 7402(a), and the Court's inherent authority.

IT IS HEREBY FURTHER ORDERED that defendants Saloum A. Njie, individually and doing business under any other name or using any other entity, and MIAAS Associates, LLC and their representatives, agents, servants, employees, attorneys, and all persons in active concert or participation with them, are permanently enjoined from directly or indirectly:

1. Preparing, filing or assisting in the preparation or filing of any federal tax return for any other person or entity;
2. Providing any tax advice or tax services for compensation, including preparing or filing returns, providing consultative services, or representing customers in connection with any matter before the Internal Revenue Service;
3. Engaging in conduct subject to penalty under 26 U.S.C. §§ 6694 or 6695(g); or
4. Engaging in any conduct that interferes with the proper administration and enforcement of the internal revenue laws through the preparation or filing of false tax returns;

IT IS HEREBY FURTHER ORDERED that defendants Saloum A. Njie and MIAAS Associates, LLC, shall, at their own expense, send by certified mail, return receipt requested, a copy of the final injunction entered against them in this action to each person for whom they, or anyone at their direction or in their employ, prepared federal income tax returns or any other federal tax forms after January 1, 2005.

IT IS HEREBY FURTHER ORDERED that defendants Saloum A. Njie and MIAAS Associates, LLC and anyone who prepared tax returns at their direction of or in their employ, turn over to the United States copies of all returns or claims for refund that they prepared (or helped prepare) for customers after January 1, 2005;

IT IS HEREBY FURTHER ORDERED that defendants Saloum A. Njie and MIAAS Associates, LLC and anyone who prepared tax returns at their direction of or in their employ, turn over to the United States a list with the name, address, telephone number, e-mail address (if known), and social security number or other taxpayer identification number of each customer for whom they prepared returns or claims for refund after January 1, 2005;

IT IS HEREBY FURTHER ORDERED that the United States may monitor Defendants' compliance with this injunction, and may engage in post-judgment discovery in accordance with the Federal Rules of Civil Procedure.

Dated this 20th day of August, 2010.



United States District Judge