

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 1:23-22829-CIV-MARTINEZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE L. BRITO, LUIS G. BRITO,
individually, and doing business as:
BRITO AND BRITO
ACCOUNTING USA, INC.,

Defendants.

**PERMANENT INJUNCTION AGAINST DEFENDANTS
GEORGE L. BRITO, LUIS G. BRITO, AND BRITO AND BRITO ACCOUNTING, USA**

THIS CAUSE came before the Court on the Parties' Joint Motion for Entry of Stipulated Injunction against George L. Brito, Luis G. Brito, and Brito and Brito Accounting, USA (collectively, "Defendants"), (ECF No. 17-2). Good cause having been shown, the Court finds:

A. The United States of America filed a complaint for permanent injunction under 26 U.S.C. §§ 7402(a), 7407, and 7408 against the Defendants.

B. Defendants admit that, for purposes of this Injunction, the Court has jurisdiction pursuant to 28 U.S.C. §§ 1340 and 1345 and 26 U.S.C. § 7402(a).

C. Defendants, without admitting any allegations in the United States' complaint, waive the entry of findings of fact and conclusions of law under Rules 52 and 65 of the Federal Rules of Civil Procedure, consent to the entry of this Permanent Injunction, and agree to be bound by its terms.

- D. Defendants further understand and agree that:
- i. The Permanent Injunction will be entered under Fed. R. Civ. P. 65 and will result in the entry, without further notice, of a final judgment in this matter;
 - ii. Defendants waive the right to appeal from the Permanent Injunction;
 - iii. The parties will bear their own costs, including any attorneys' fees or other expenses of this litigation;
 - iv. The Court will retain jurisdiction over this matter for the purpose of implementing and enforcing the Permanent Injunction;
 - v. If Defendants violate the permanent Injunction, they may be subject to civil and criminal sanctions for contempt of court;
 - vi. In addition to the specific directives in the Permanent Injunction, the Defendants have an obligation to preserve all pertinent documents in their possession, including tax returns, informational returns, correspondence, working papers, or any other documents connected to their tax preparation activities, whether stored electronically or on paper, as required by the Internal Revenue Code;
 - vii. The United States may conduct full post-judgment discovery to monitor compliance with the permanent Injunction;
 - viii. Entry of the permanent Injunction resolves only this civil action, and neither precludes the government from pursuing any other current or future civil or criminal matters or proceedings, nor precludes the Defendants from contesting their liability in any matter or proceeding.

1. **IT IS HEREBY ORDERED AND ADJUDGED**, pursuant to 26 U.S.C. §§ 7402(a), 7407, and 7408, that Defendant George Brito, any entity through which the Defendant conducts business, and all persons and entities in active concert or participation with Defendant George Brito are **PERMANENTLY ENJOINED** from directly or indirectly:

- a. Preparing any and all tax returns for others;
- b. Working for or having any ownership stake in any tax preparation business;
- c. Assisting others (including family members) prepare tax returns or set up business as a preparer;
- d. Referring his former customers to any other preparer;
- e. Transferring or assigning customer lists to any other person or entity, regardless if they are engaged in the practice of preparing tax returns;
- f. Engaging in any conduct prohibited by IRC §§ 6694, 6695, 6701 and 7407;
- g. Applying for another PTIN or EFIN, whether under his own name or by proxy through a separate entity or individual; and
- h. Transferring or otherwise letting others use his PTIN or EFIN (except as expressly provided in paragraph 4(g), below).

2. **IT IS FURTHER ORDERED** that Defendant George Brito is required to:

- a. Immediately revoke of his PTIN and revocation of his EFIN effective July 15, 2024;
- b. Notify via email (or postal mail if email is unavailable) all customers for whom he prepared tax returns during the 2024, 2023, and 2022 filing seasons

that he has been permanently enjoined from preparing tax returns;

- c. File a sworn statement with the Court evidencing his compliance with the foregoing directives within sixty (60) days of entry of the final Injunction in this action.

3. **IT IS HEREBY ORDERED AND ADJUDGED**, pursuant to 26 U.S.C. §§ 7402(a), 7407, and 7408, that Defendant Luis Brito, any entity through which the Defendant conducts business, and all persons and entities in active concert or participation with Defendant Luis Brito are **PERMANENTLY ENJOINED** from directly or indirectly:

- a. Preparing any and all tax returns except for Forms 1120, 1120S, 1065, 1041, 990, 941, and 940.
- b. Assisting others (including family members) prepare tax returns covered by this injunction, or set up business as a preparer;
- c. Employing other tax return preparers;
- d. Referring his former customers to any other preparer;
- e. Transferring or otherwise letting others use his current or future PTINs or EFINs;
- f. Transferring or assigning customer lists to any other person or entity, regardless if they are engaged in the practice of preparing tax returns;
- g. Engaging in any conduct prohibited by IRC §§ 6694, 6695, 6701 and 7407; and
- h. Applying for another PTIN or EFIN, through any other entity or individual aside from his own name.

4. **IT IS FURTHER ORDERED**, that Defendant Luis Brito is required to:
- a. Notify via email (or postal mail if email is unavailable) all customers for whom he prepared tax returns during the 2024 and 2023 filing seasons that he has been permanently enjoined from preparing all tax returns except for Forms 1120, 1120S, 1065, 1041, 990, 941, and 940;
 - b. Post a notice on the front page of any websites or social media platforms (active or future) that he uses to promote his tax return preparation services. The notice must clearly state that Luis Brito has been permanently enjoined from preparing tax returns except those permitted by paragraph 3(a), above. The notice must contain a hyperlink to a copy of the copy of the complaint and injunction, as well as to any press release regarding the injunction that the Department of Justice may issue, and will be subject to the Department of Justice's approval;
 - c. Post a: (1) corresponding notice and (2) copy of the United States' complaint on the front door of any and all physical places of business (active or future) in a prominent location which is visible to the public.
 - d. Set all business email addresses (active or future) used for Defendant Luis Brito's tax preparation services to include a disclaimer that he has been permanently enjoined from the preparation of all tax returns except for Forms 1120, 1120S, 1065, 1041, 990, 941, and 940 and a hyperlink to any press release regarding the injunction that the Department of Justice may issue;
 - e. Change the voicemail message on all phone lines (active or future) used for Defendant Luis Brito's tax preparation services to a statement that his has been permanently enjoined from the preparation of tax returns except for

Forms 1120, 1120S, 1065, 1041, 941, and 940;

- f. Immediately cease using all PTINs that he has used to prepare returns prior to the date the Order on the Joint Motion for Entry of Injunction is entered, with the exception of the PTIN issued to him on January 18, 2022 (P****7732);
- g. Use George Brito's EFIN only until July 15, 2024, or until he is issued a new EFIN (whichever occurs first) to file returns permitted by paragraph 3(a) above.
- h. Consent to the IRS monitoring Luis Brito's tax preparation activities, including but not limited to selecting, inspecting, and reviewing tax returns as long as the IRS deems necessary to ensure that Luis Brito is in compliance with the Internal Revenue laws from the date an Order on the Joint Motion for Entry of Injunction is entered;
- i. Consent to unscheduled and random on-site visits by the Internal Revenue Service, whereby the Service would have unrestricted permission to inspect any and all of Luis Brito's physical and digital files, including returns, as necessary to ensure compliance with the Internal Revenue laws for a period of five years from the date an Order on the Joint Motion for Entry of Injunction is entered;
- j. Complete at least 24 hours of education regarding tax preparation by attending, either in person or on-line, an IRS Tax Forum or a Tax Practitioner Institute class, or some other similar program, before December 31, 2024;
- k. Complete the IRS's Paid Preparer Due Diligence Training course before December 31, 2024;

- l. Meet the requirements to receive an Annual Filing Season Program Record of Completion from the IRS by December 31, 2024;
- m. Provide the United States a record of completion of all training and court requirements within sixty (60) days of completion;
- n. Start all education requirements outlined in 4 (h)–(j) within sixty (60) days of entry of the final Injunction in this action;
- o. File a sworn statement with the Court evidencing his compliance with the foregoing directives within sixty (60) days of entry of the final Injunction in this action; and
- p. Promise to fully, and without objection, cooperate with any future IRS investigations, including but not limited to timely providing the IRS with all requested information (such as client files, bank records, bank product records, tax preparation fee records and receipts, payment processor reports, journal entries, ACH credit remittances, and other bank credit remittances).

5. **IT IS ALSO ORDERED AND ADJUDGED**, pursuant to 26 U.S.C. §§ 7402(a), 7407, and 7408, that Defendant Brito and Brito Accounting USA, is **PERMANENTLY ENJOINED** from directly or indirectly:

- a. Preparing any and all tax returns for others;
- b. Working for or having any ownership stake in any tax preparation business;
- c. Assisting others (including family members) prepare tax returns or set up business as a preparer;
- d. Referring former customers to any other preparer;

- e. Transferring or assigning customer lists to any other person or entity, regardless of if they are engaged in the practice of preparing tax returns; and,
- f. Engaging in any conduct prohibited by IRC §§ 6694, 6695, 6701 and 7407.

6. **IT IS HEREBY ORDERED AND ADJUDGED**, pursuant to 26 U.S.C. §§ 7402(a), 7407, and 7408 that Defendant Brito and Brito Accounting USA, and any of its successor entities, is required to:

- a. Consent to the IRS to monitor Brito and Brito Accounting USA's tax preparation activities, including but not limited to selecting, inspecting, and reviewing tax returns as long as the IRS deems necessary to ensure that Brito and Brito Accounting USA is in compliance with the Internal Revenue laws from the date an Order on the Joint Motion for Entry of Injunction is entered; and,
- b. Consent to unscheduled and random on-site visits by the Internal Revenue Service, whereby the Service would have unrestricted permission to inspect any and all of Brito and Brito Accounting USA's physical and digital files, including returns, as necessary to ensure compliance with the Internal Revenue laws for a period of five years from the date an Order on the Joint Motion for Entry of Injunction is entered.
- c. Promise to fully, and without objection, cooperate with any future IRS investigations, including but not limited to timely providing the IRS with all requested information (such as client files, bank records, bank product records, tax preparation fee records and receipts, payment processor reports,

journal entries, ACH credit remittances, and other bank credit remittances).

7. **IT IS FURTHER ORDERED** that:

- a. No individual or entity will be permitted to file returns using Defendant Brito and Brito Accounting USA's EFIN from the date an Order on the Joint Motion for Entry of Injunction is entered.
- b. Defendants have confirmed that Brito Accounting USA has ceased all operations and has been dissolved. Defendants have further confirmed that the office spaces, websites/ social media, voicemails, and emails associated with Brito Accounting USA are no longer active. Defendants agree that these spaces will permanently not be reinstated.
- c. The United States retains the right to conduct full post-judgment discovery, including depositions, to monitor compliance with the Injunction.

DONE AND ORDERED in Chambers in Miami, Florida this 14 day of August 2024.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies provided to:
All Counsel of Record