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## Man wins \$150K victory over tax preparer

articles

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From left, attorney Leslie O'Neal, Attorney Justin O'Dell and plaintiff Howard Lincoln of Marietta in the law offices of Cauthorn, Nohr & O'Dell on Monday. Photo by Samantha M. Shal

MARIETTA — Despite being awarded a judgment worth more than \$150,000 against his tax preparer, Howard Lincoln of Marietta says his story is not one of victory, but rather a cautionary tale.

A jury in Cobb Superior Court under Judge Dorothy Robinson awarded the grandfather of nine \$71,394 to pay IRS fines plus \$80,203 in attorneys fees and \$3,787 in punitive damages on Oct. 6 against Beaumont Tax Services, located in Marietta off Sandtown Road, for bungling his taxes.

Lincoln said he got to know Edwin L. Nelson, stepson of Beaumont Tax Service owner Charles Beaumont,

when he helped him on his campaign a decade ago in challenging then-state Rep. Don Wix (D-Mableton). Lincoln's accountant was entering retirement, so when he learned that Nelson did tax work, he moved his account over to him in 2004.

Lincoln said the first time he realized something was wrong was when he received a letter from the IRS three years later, saying they hadn't received his taxes for 2005 and 2006. Lincoln then spent months trying to get Nelson on the phone, but by October 2007, he was forced to hire an attorney to collect his records.

It wasn't until he was held in contempt and jailed that Nelson turned over Lincoln's tax records. In the meantime, the IRS hit Lincoln with more than \$70,000 in fines for missed deadlines.

During the discovery phase of the lawsuit, Lincoln's legal team learned that Beaumont had received some tax training while in the military, but he was not a certified public accountant, said Justin O'Dell, one of Lincoln's lawyers. Moreover, Nelson merely took an online course and didn't have a college degree in accounting.

"I feel totally betrayed by someone that I literally trusted," Lincoln said. "And it got to the point that what was turning in my mind was 'My integrity, my name — it's mud. It's mud with the IRS.'"

Neither Beaumont, Nelson, nor their attorney, Jeffery Haskin, returned calls for comment.

While Nelson was clearly over his head in preparing Lincoln's taxes, he never revealed that to him, said Leslie Dean O'Neal, another one of Lincoln's lawyers.

"They never said 'We can't handle this. You need to go elsewhere. You need to hire a CPA,'" O'Neal said. "They continued to reassure him that 'We can handle it. We've got it under control. You don't need to worry.' Meanwhile, deadlines are coming and going, and he's being notably penalized very greatly by the IRS and the Georgia Department of Revenue."

Having someone prepare your taxes doesn't protect you when something goes wrong, O'Dell said.

"Of course the IRS isn't interested in whose fault it is that you didn't file," O'Dell said. "If you didn't file on time, it's on you, and they penalize you, and they tack interest on you, and they hold you accountable for your taxes."

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Lincoln said he's fortunate to have had the money to take the matter to court.

"I guess the only thing is to deal with a CPA, don't deal with H&R Block, don't deal with folks that aren't fully informed in how to do this stuff so that you're fully protected," he said.

O'Dell said it was only this month that the IRS began requiring tax preparers to take a course it runs.

"In this state, we regulate hair dressers," O'Dell said. "The Secretary of State's office licenses and regulates people that cut hair. And yet anybody can put up a shingle and take an online course and do somebody's taxes, and in my mind there's just something fundamentally wrong with that. I don't believe everybody needs to be a CPA. But to simply state that you can complete an online course and then take over a fiduciary responsibility for somebody else's taxes without being regulated by either the federal government or the state of Georgia is shocking."

When considering someone to do your taxes, O'Dell said it's critical to review their degrees and certification. And if they won't show those to you, find someone else.

"People need to recognize that there are organizations that pop up and start doing taxes very quickly and overnight, and even if your returns are very simple, even if you're just a W-2 filer, those tax organizations have no incentive to help you," O'Dell said. "Their incentive is to get you in and out and on your way as fast as possible. And they're taking advantage of people that either can't afford accountants, can't afford a CPA or are in such a hurry that they just don't care."