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2012 MAR 26 AM 11:18

CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA	)	Case No. 11-CV-0403-WQL-POR
	)	
Plaintiff,	)	
	)	<b>STIPULATED ORDER AND JUDGMENT</b>
v.	)	<b>OF PERMANENT INJUNCTION</b>
	)	<b>(ROBERT O. JENSEN)</b>
SCOTT A. WAAGE and	)	
ROBERT O. JENSEN	)	Date:
	)	Time:
Defendants.	)	Courtroom: 4
	)	Judge: Hon. William Q. Hayes

Plaintiff, United States of America, and Defendant, Robert O. Jensen, stipulate as follows:

1. The United States of America has filed a Complaint for Permanent Injunction and Other Relief under 26 U.S.C. §§ 7401, 7402, 7407 and 7408 of the Internal Revenue Code ("I.R.C.") against Robert O. Jensen ("Jensen").

2. Jensen admits that the Court has subject matter and personal jurisdiction over him but denies the wrongdoing alleged in the complaint.

1           3.     The Parties stipulate to resolve this matter through a Stipulated Order and Judgment of  
2 Permanent Injunction. This stipulation does not establish any fact other than the existence and the  
3 terms of the Permanent Injunction, nor does it constitute an admission of any kind by either party.

4           4.     Entry of this Stipulated Order of Permanent Injunction resolves only this civil  
5 injunction action, and neither precludes the government from pursuing any other current or future civil  
6 or criminal matters or proceedings, nor precludes Jensen from contesting his liability in any such  
7 matter or proceeding.

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

10          6.     The Parties understand and agree that the Order of Permanent Injunction will be entered  
11 under Fed. R. Civ. P. 65 and will constitute the final judgment in this matter. The Parties waive the  
12 right to appeal from this judgment, and agree that they will bear their respective costs, including any  
13 attorneys' fees or other expenses of this litigation.

14          7.     The Parties further understand and agree that the Court will retain jurisdiction over this  
15 matter for the purpose of implementing and enforcing the Injunction, and Jensen understands that if he  
16 violates the Injunction, he may be subject to civil and criminal sanctions for contempt.

17          8.     The United States may conduct post-judgment discovery, in accordance with the  
18 Federal Rules of Civil Procedure, for the purpose of monitoring good faith compliance with the  
19 Injunction.

20          9.     On the above basis, and subject to the mutual protections herein, Jensen consents to the  
21 entry of this Stipulated Order and Judgment of Permanent Injunction without further notice and agrees  
22 to be bound by its terms.  
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**ORDER**

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2 **IT IS HEREBY ORDERED** pursuant to I.R.C. §§ 7401, 7402, 7407 and 7408 that Defendant  
3 Robert O. Jensen, and his employees, agents and/or the employees or agents of Robert O. Jensen, an  
4 Accountancy Corporation, and anyone acting in active concert or participation with them are  
5 **HEREBY PERMANENTLY ENJOINED** from directly or indirectly, by use of any means or  
6 instrumentalities:

7 A. providing tax advice or preparing federal tax returns that (or helping others to provide  
8 tax advice or prepare federal tax returns that):  
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- 10 i. attempt to reduce a customer's taxable income through the deduction of  
11 consulting fees paid to a consulting company that provides no consulting  
12 services;  
13 ii. attempt to reduce a customer's taxable income by improperly deducting  
14 the personal expenses of the customer;  
15 iii. attempt to reduce a customer's taxable income through the use of  
16 pension plans, stock ownership plans and/or employee benefit plans that  
17 benefit the customer without providing the same benefits to the  
18 employees as required by applicable provisions of the Internal Revenue  
19 Code; and  
20 iv. attempt to reduce a customer's taxable income through the use of  
21 pension plans, stock ownership plans and/or retirement plans that  
22 purchases life insurance contracts that have a cash surrender value that is  
23 temporarily depressed to a level significantly below the premiums paid.

24 B. providing tax advice or preparing the federal tax returns of any individual or entity that  
25 Jensen knows or reasonably should know is a customer of co-defendant Scott A. Waage, or that has  
26 received or is receiving tax advice from co-defendant Scott A. Waage;

27 C. organizing, promoting, marketing or advising with respect to (or helping others to  
28 organize, promote, market or advise with respect to) the tax schemes described in the complaint, and  
any other tax shelter, plan, or arrangement, that incites or assists customers to attempt to violate the

1 internal revenue laws or evade the assessment or collection of their federal tax liabilities or claim  
2 improper tax refunds;

3 D. engaging in conduct subject to penalty under I.R.C. § 6700, including making, in  
4 connection with the organization or sale of any plan or arrangement, any statement about the securing  
5 of any tax benefit that Jensen knows or has reason to know is false or fraudulent as to any material  
6 matter;

7 E. engaging in conduct subject to penalty under I.R.C. § 6701, including preparing or  
8 assisting in the preparation of, or advising with respect to a document related to a material matter under  
9 the internal revenue laws that includes a position that Jensen knows will, if used, result in an  
10 understatement of tax liability;

11 F. engaging in conduct subject to penalty under I.R.C. §§ 6694 or 6695, including, but not  
12 limited to, preparing or assisting in the preparation of tax returns that understate tax liabilities that  
13 Jensen knows, or reasonably should know, are based on unreasonable, frivolous, or reckless positions;

14 G. representing taxpayers before the IRS in any manner; except that Jensen is permitted to  
15 (i) prepare and file tax returns and related forms with the IRS (subject to the restrictions contained in  
16 this injunction), (ii) correspond with the IRS regarding tax returns he does prepare, and (iii) represent  
17 taxpayers for whom he has prepared returns at IRS audits of such tax returns;

18 H. engaging in conduct designed or intended to obstruct an IRS investigation or audit; and

19 I. engaging in any other fraudulent or deceptive conduct that substantially interferes with  
20 the proper administration and enforcement of the internal revenue laws.  
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22  
23 **IT IS FURTHER ORDERED** that Jensen or his attorneys shall to produce to counsel for the  
24 United States a list, to the extent Jensen has possession, custody or control of such information,  
25 identifying (by name, address, e-mail address, phone number, and Social Security or other tax  
26 identification number) all of the customers who, for any of the tax years 2001 to the present, have used  
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1 the tax planning and/or tax preparation services of Jensen and/or his businesses as they are known  
2 under any of their names, including Robert O. Jensen, an Accountancy Corporation, and Jensen shall  
3 file with the Court, within 20 days of the date on which the permanent injunction is entered, a  
4 certification signed under penalty of perjury that he has done so;

5 **IT IS FURTHER ORDERED** that, within 15 days of entry by the Court, Jensen or his  
6 attorneys shall provide a copy of this Stipulated Order and Judgment of Permanent Injunction to all of  
7 the customers to whom he provided tax advice or prepared federal tax returns, to the extent Jensen has  
8 possession, custody or control of such persons' addresses; and within 30 days Jensen or his attorneys  
9 shall file with the Court a certification signed under penalty of perjury that Jensen's clients were  
10 provided a copy of this Order in accordance with this paragraph;  
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12 **IT IS FURTHER ORDERED** that the United States will be allowed full post-judgment  
13 discovery to monitor compliance with the injunction; and  
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1 **IT IS FURTHER ORDERED** that the Court will retain jurisdiction over this action for the  
2 purpose of implementing and enforcing the final judgment and any additional orders necessary and  
3 appropriate to the public interest.

4  
5 Consented to and submitted by,

6 LAURA E. DUFFY  
7 United States Attorney

8  
9 /s/ Gregory S. Seador  
10 GREGORY S. SEADOR  
11 D.C. Bar No. 478236  
12 RUSSELL J. EDELSTEIN  
13 M.A. Bar No. 663227  
14 Trial Attorneys, Tax Division  
15 U.S. Department of Justice  
16 Post Office Box 7238  
17 Ben Franklin Station  
18 Washington, D.C. 20044  
19 Tel: (202) 307-2182  
20 Fax: (202) 514-6770  
21 gregory.s.seador@usdoj.gov  
22 russell.j.edelstein@usdoj.gov

9 /s/ Christopher L. Ludmer  
10 CHRISTOPHER L. LUDMER  
11 Law Offices of Andrew B. Kaplan  
12 3563 Fourth Avenue  
13 San Diego, CA 92103-4912  
14 Tel: (619) 232-1991, ext. 129  
15 Fax: (619) 232-1989  
16 chris.ludmer@akaplanlawfirm.com

17 **Attorneys for Defendant**  
18 **Robert O. Jensen**


19 Dated: February 14, 2012

20 **Attorneys for United States of America**

21 Dated: February 16, 2012

22 **IT IS SO ORDERED**

23 Signed this 26 day of March, 2012.

24   
25 WILLIAM Q. HAYES  
26 United States District Judge