

FILED

SEP 13 2024

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JUDGE ANDREA WOOD
U.S. DISTRICT COURT**

UNITED STATES OF AMERICA)	
)	No. 22 CR 178
v.)	
)	Judge Andrea R. Wood
ADAM R. OLIVA)	

PLEA AGREEMENT

1. This Plea Agreement between the Acting United States Attorney for the Northern District of Illinois, MORRIS PASQUAL, and defendant ADAM R. OLIVA, and his attorney, LAWRENCE S. BEAUMONT, is made pursuant to Rule 11 of the Federal Rules of Criminal Procedure and is governed in part by Rule 11(c)(1)(A), as more fully set forth below. The parties to this Agreement have agreed upon the following:

Charges in This Case

2. The indictment in this case charges defendant with wire fraud, in violation of Title 18, United States Code, Section 1343 (Counts One to Seven), and preparing false tax returns, in violation of 26 U.S.C. § 7206(2) (Counts Eight and Nine).

3. Defendant has read the charges against him contained in the indictment, and those charges have been fully explained to him by his attorney.

4. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charges to Which Defendant Is Pleading Guilty

5. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to Count Three (wire fraud) and Count Nine (preparation of a false return) of the indictment.

Factual Basis

6. Defendant will plead guilty because he is in fact guilty of the charges contained in Counts Three and Nine. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt:

a. With respect to Count Three of the indictment:

Defendant ADAM R. OLIVA held himself out as a tax professional who did business under different names, including Oliva and Associates, LLC and The Oliva Group, LLC, and purportedly provided various tax-related services to clients, including the preparation and filing of federal and state tax returns, forwarding tax payments to the IRS and state revenue authorities on behalf of clients, and representing taxpayers in negotiations with the IRS to compromise tax liabilities.

Beginning in or around 2015, and continuing through in or around April 2020, defendant ADAM R. OLIVA devised, intended to devise, and participated in a scheme to defraud and to obtain money and property from clients of his tax-related business by means of materially false and fraudulent pretenses, representations, and promises. As part of this scheme, defendant fraudulently induced and attempted to induce clients to provide him with money for the purported purpose of paying income

taxes owed by those clients to the IRS and state revenue authorities even though defendant intended to keep the money for his own personal purposes. Defendant also caused the transmission of interstate wire communications, including the electronic transfer of funds to him from his clients, in furtherance of this scheme.

More specifically, as part of this scheme, defendant fraudulently obtained money from certain clients, including Clients MC, NS, and JB, by falsely representing that he would act on their behalf before the IRS in order to reach a compromise or settlement regarding income taxes that were due and owing as part of the IRS' Offer in Compromise program. This program allowed taxpayers who owed tax debts to settle with the IRS for less than the full amount owed if the taxpayer could not pay the full tax liability or if doing so created a financial hardship for the taxpayer. Defendant falsely told these clients that he was an enrolled agent for the Offer in Compromise program and that he could negotiate and had negotiated a compromise with the IRS regarding their past due tax liabilities as part of the program. Defendant made these representation when, in fact, he was not an enrolled agent in the program and had not come to any agreement with the IRS. Defendant then collected money from these clients under the false pretense that it would be used to payoff their past due tax liabilities even though he intended to and did keep the money for his own use.

For example, between approximately June 2018 and February 2020, defendant obtained approximately \$940,484 from Client MC under the false pretense that the

money would be paid to the IRS in order to payoff Client MC's past due and current tax liabilities. Defendant obtained this money from Client MC after falsely representing that he had contacts at the IRS and could negotiate a compromise with the IRS to significantly reduce Client MC's past due tax liabilities. Defendant then kept all of Client MC's for himself and did not provide any money to the IRS on behalf of Client MC. The payments made by Client MC to defendant based upon these false representations included a payment of \$50,000 made through an interstate transfer of funds as part of the Fedwire Funds Service on or about June 12, 2018.

Defendant also obtained money from clients as part of this scheme by falsely representing that he would prepare and file tax returns on their behalf. Defendant prepared federal and state income tax returns on behalf of these clients and represented to them that they owed specific amounts of income tax to the IRS and state revenue authorities. After reviewing the returns with these clients, defendant offered to pay the clients' tax liabilities on their behalf if they provided him with the amounts owed as reflected in the returns prepared by defendant. Defendant then obtained such amounts of money from his clients under the false pretense that the money would be used to make payments towards their tax liabilities even though defendant intended to keep and kept the money for his own use.

Further, in order to conceal his scheme, defendant occasionally filed false tax returns on behalf of the clients who had hired him to file their annual tax returns. The tax returns filed by defendant on behalf of these clients contained false

representations regarding, among other things, the clients' income and amount of income tax withheld in order to falsely lower or eliminate the amount of tax purportedly due and owing to the IRS by the client. Defendant filed these false returns reflecting no or lower tax liabilities on behalf of his clients in order to make it less likely that the IRS would contact the clients about any unpaid tax liabilities.

For example, in early 2018, Client AK hired defendant to prepare her federal and state income tax returns. Defendant thereafter prepared federal and state tax returns for Client AK reflecting that she owed approximately \$727 in federal tax and about \$2,000 in state income taxes for 2017 and, after presenting the returns to Client AK, represented that he had or would file these tax returns on her behalf with the IRS and state revenue authorities. Defendant then collected at least \$2,585 from Client AK under the false pretense that he would use the money to pay the taxes due and owing by Client AK to the IRS and state revenue authorities but, unbeknownst to Client AK, kept the money for himself and used it for his own personal purposes. Defendant also filed a tax return with the IRS that was different than the return that defendant had presented to Client AK. The return filed with the IRS by defendant on behalf of Client AK falsely underreported her income and altered the amount of tax withholding in order to make it fraudulently appear Client AK owed no income taxes to the IRS. Defendant filed this false return with the IRS in order to conceal his misappropriation of the amount paid to him by Client AK for use in paying in income taxes.

In total, defendant obtained more than \$1.1 million from more than 10 clients under the false pretense that he intended to use the money to make payments to the IRS and state revenue authorities for the tax liabilities of those clients even though defendant intended to keep the money for himself.

b. With respect to Count Nine of the indictment:

On or about January 28, 2019, in the Northern District of Illinois, Eastern Division and elsewhere, defendant ADAM R. OLIVA willfully aided and assisted in the preparation and presentation to the Internal Revenue Service of a U.S. Individual Income Tax Return, IRS Form 1040, on behalf of Client AK for calendar year 2017 that defendant knew was false and fraudulent as to a material matter in that defendant knew that the return underreported the amount of taxes owed by Client AK for 2017 on line 78.

Defendant prepared and filed the Form 1040 on behalf of Client AK knowing that it falsely underreported Client AK's wages and total income as \$40,688 on lines 7 and 22 of the return when her actual wages and total income significantly exceeded that amount. Defendant intentionally underreported the amount of wages and income on Client AK's tax return in order to make it falsely appear as though she owed no income taxes to the IRS when Client AK actually owed over \$700 in taxes to the IRS.

Maximum Statutory Penalties

7. Defendant understands that the charges to which he is pleading guilty carry the following statutory penalties:

a. Count Three carries a maximum sentence of 20 years' imprisonment. Count Three also carries a maximum fine of \$250,000, or twice the gross gain or gross loss resulting from that offense, whichever is greater. Defendant further understands that with respect to Count Three the judge also may impose a term of supervised release of not more than three years.

b. Defendant further understands that the Court must order restitution to the victims of the offense set forth in Count Three in an amount determined by the Court.

c. Count Nine carries a maximum sentence of 3 years' imprisonment. Count Nine also carries a maximum fine of \$250,000, or twice the gross gain or gross loss resulting from that offense, whichever is greater. The Court must also order costs of prosecution, estimated not to exceed \$500. Defendant further understands that with respect to Count Nine, the judge may impose a term of supervised release of not more than one year.

d. Pursuant to Title 18, United States Code, Section 3013, defendant will be assessed \$100 on each count to which he has pled guilty, in addition to any other penalty or restitution imposed.

e. Therefore, under the counts to which defendant is pleading guilty, the total maximum sentence is 23 years' imprisonment. In addition, defendant is subject to a total maximum fine of \$500,000, or twice the gross gain or gross loss resulting from the offenses of conviction, whichever is greater, a period of supervised release, costs of prosecution, and special assessments totaling \$200.

Sentencing Guidelines Calculations

8. Defendant understands that, in determining a sentence, the Court is obligated to calculate the applicable Sentencing Guidelines range, and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a), which include: (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to reflect the seriousness of the offense, promote respect for the law, provide just punishment for the offense, afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; (iii) the kinds of sentences available; (iv) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (v) the need to provide restitution to any victim of the offense.

9. For purposes of calculating the Sentencing Guidelines, the parties agree on the following points:

a. **Applicable Guidelines.** The Sentencing Guidelines to be considered in this case are those in effect at the time of sentencing. The following statements regarding the calculation of the Sentencing Guidelines are based on the Guidelines Manual currently in effect, namely the 2023 Guidelines Manual.

b. **Offense Level Calculations.**

i. The offense set forth in Count Three of the indictment (wire fraud) involves a separate harm from the offense set forth in Count Nine (preparation of a false return) of the indictment. Therefore, pursuant to Guideline § 3D1.2, the offense set forth in Count Three of the indictment should not be grouped with the offense set forth in Count Nine of the indictment.

Count Three

ii. The base offense level for the offense set forth in Count Three of the indictment is seven, pursuant to U.S.S.G. § 2B1.1(a)(1).

iii. Pursuant to Guidelines § 2B1.1(b)(1)(H), the offense level should be increased by fourteen levels because the loss for this offense is more than \$550,000 but less than \$1,500,000.

iv. Pursuant to Guidelines § 2B1.1(b)(2)(A), the offense level should be increased by two levels because there are more than ten victims.

v. Pursuant to § 3B1.3, the offense level should be increased by two levels because defendant abused a position of private trust in a manner that significant facilitated the commission or concealment of the offense.

Count Nine

vi. The base offense level for the offense set forth in Count Nine of the indictment and related conduct is 12, pursuant to Guideline §§ 2T1.4(a)(1) and 2T4.1(D), because the tax loss stemming from the offense of conviction and related conduct is more than \$15,000 but less than \$40,000.

vii. The base offense level is increased by 2 levels, pursuant to Guideline § 2T1.4(b)(1), because defendant was in the business of preparing or assisting in the preparation of tax returns.

Combined Offense level

viii. For purposes of determining the combined offense level, the total amount of units is one unit pursuant to Guidelines § 3D1.4. Specifically, the group for Count Three (offense level of twenty-five) receives one unit because it has the highest offense level and the group for Count Nine (offense level of fourteen) receives no units because it is nine or more levels less than the group for Count Three.

ix. The combined offense level for the offenses of conviction and related conduct is twenty-five, pursuant to Guideline § 3D1.4, because the number of units, namely, one, warrants no increase in the offense level.

x. If defendant continues to accept responsibility for his criminal conduct within the meaning of Guideline § 3E1.1(a), including by furnishing the United States Attorney's Office and the Probation Office with all requested

financial information relevant to his ability to satisfy any fine or restitution that may be imposed in this case, a two-level reduction in the offense level is appropriate.

xi. In accord with Guideline § 3E1.1(b), defendant has timely notified the government of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. Therefore, as provided by Guideline § 3E1.1(b), if the Court determines the offense level to be 16 or greater prior to determining that defendant is entitled to a two-level reduction for acceptance of responsibility, the government will move for an additional one-level reduction in the offense level.

xii. Based on the facts now known to the government, defendant does not receive any criminal history points from Chapter Four, Part A, and otherwise meets the criteria set forth in Guidelines § 4C1.1(a). Therefore, the offense level is decreased by 2 levels.

c. **Criminal History Category.** With regard to determining defendant's criminal history points and criminal history category, based on the facts now known to the government, defendant's criminal history points equal zero and defendant's criminal history category is I.

i. On or about June 8, 1999, defendant was sentenced to one-year of probation with conditional discharge for misdemeanor theft in the Circuit Court of Cook County. Defendant receives no criminal history points for this sentence pursuant to Guidelines § 4A1.2(e).

ii. On or about October 18, 2005, defendant was sentenced to one-year of probation with conditional discharge for misdemeanor disorderly conduct in the Circuit Court of Cook County. Defendant receives no criminal history points for this sentence pursuant to Guidelines § 4A1.2(c)(1) and (e).

d. **Anticipated Advisory Sentencing Guidelines Range.** Therefore, based on the facts now known to the government, the anticipated offense level, twenty, which, when combined with the anticipated criminal history category of I, results in an anticipated advisory sentencing guidelines range of thirty-three to forty-one months' imprisonment, in addition to any supervised release, fine, and restitution the Court may impose.

e. Defendant and his attorney and the government acknowledge that the above guidelines calculations are preliminary in nature, and are non-binding predictions upon which neither party is entitled to rely. Defendant understands that further review of the facts or applicable legal principles may lead the government to conclude that different or additional guidelines provisions apply in this case. Defendant understands that the Probation Office will conduct its own investigation and that the Court ultimately determines the facts and law relevant to sentencing, and that the Court's determinations govern the final guideline calculation. Accordingly, the validity of this Agreement is not contingent upon the probation officer's or the Court's concurrence with the above calculations, and defendant shall

not have a right to withdraw his plea on the basis of the Court's rejection of these calculations.

10. Both parties expressly acknowledge that this Agreement is not governed by Fed. R. Crim. P. 11(c)(1)(B), and that errors in applying or interpreting any of the sentencing guidelines may be corrected by either party prior to sentencing. The parties may correct these errors either by stipulation or by a statement to the Probation Office or the Court, setting forth the disagreement regarding the applicable provisions of the guidelines. The validity of this Agreement will not be affected by such corrections, and defendant shall not have a right to withdraw his plea, nor the government the right to vacate this Agreement, on the basis of such corrections.

Agreements Relating to Sentencing

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the sentencing judge is neither a party to nor bound by this Agreement and may impose a sentence up to the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea.

13. Regarding restitution, defendant acknowledges that pursuant to Title 18, United States Code, Section 3663A, the Court must order defendant to make full

restitution to the victims of Count Three in an amount to be determined at sentencing, which amount shall reflect credit for any funds repaid prior to sentencing.

14. Restitution shall be due immediately, and paid pursuant to a schedule to be set by the Court at sentencing. Defendant acknowledges that pursuant to Title 18, United States Code, Section 3664(k), he is required to notify the Court and the United States Attorney's Office of any material change in economic circumstances that might affect her ability to pay restitution.

15. Defendant agrees to pay the special assessment of \$200 at the time of sentencing with a cashier's check or money order payable to the Clerk of the U.S. District Court.

16. Defendant agrees that the United States may enforce collection of any fine or restitution imposed in this case pursuant to Title 18, United States Code, Sections 3572, 3613, and 3664(m), notwithstanding any payment schedule set by the Court.

17. After sentence has been imposed on the counts to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment, as well as the forfeiture allegation as to defendant.

Acknowledgments and Waivers Regarding Plea of Guilty

Nature of Agreement

18. This Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 22 CR 178.

19. This Agreement concerns criminal liability only. Except as expressly set forth in this Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Agreement are limited to the United States Attorney's Office for the Northern District of Illinois and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Agreement.

Waiver of Rights

20. Defendant understands that, by pleading guilty, he surrenders certain rights, including the following:

a. **Trial rights.** Defendant has the right to persist in a plea of not guilty to the charges against him, and if he does, he would have the right to a public and speedy trial.

i. The trial could be either a jury trial or a trial by the judge sitting without a jury. However, in order that the trial be conducted by the judge

sitting without a jury, defendant, the government, and the judge all must agree that the trial be conducted by the judge without a jury.

ii. If the trial is a jury trial, the jury would be composed of twelve citizens from the district, selected at random. Defendant and his attorney would participate in choosing the jury by requesting that the Court remove prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges.

iii. If the trial is a jury trial, the jury would be instructed that defendant is presumed innocent, that the government has the burden of proving defendant guilty beyond a reasonable doubt, and that the jury could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt and that it was to consider each count of the indictment separately. The jury would have to agree unanimously as to each count before it could return a verdict of guilty or not guilty as to that count.

iv. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded that the government had established defendant's guilt beyond a reasonable doubt.

v. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant.

Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them.

vi. At a trial, defendant could present witnesses and other evidence in his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court. A defendant is not required to present any evidence.

vii. At a trial, defendant would have a privilege against self-incrimination so that he could decline to testify, and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify in his own behalf.

b. **Appellate rights.** Defendant further understands he is waiving all appellate issues that might have been available if he had exercised his right to trial, and may only appeal the validity of this plea of guilty and the sentence imposed. Defendant understands that any appeal must be filed within 14 calendar days of the entry of the judgment of conviction.

21. Defendant understands that, by pleading guilty, he is waiving all the rights set forth in the prior paragraphs, with the exception of the appellate rights specifically preserved above. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Presentence Investigation Report/Post-Sentence Supervision

22. Defendant understands that the United States Attorney's Office in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing shall fully apprise the District Court and the Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, and related matters. The government will make known all matters in aggravation and mitigation relevant to sentencing.

23. Defendant agrees to truthfully and completely execute a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the probation officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to Guideline § 3E1.1 and enhancement of his sentence for obstruction of justice under Guideline § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001 or as a contempt of the Court.

24. For the purpose of monitoring defendant's compliance with his obligations to pay a fine and restitution during any term of supervised release or probation to which defendant is sentenced, defendant further consents to the disclosure by the IRS to the Probation Office and the United States Attorney's Office

of defendant's individual income tax returns (together with extensions, correspondence, and other tax information) filed subsequent to defendant's sentencing, to and including the final year of any period of supervised release or probation to which defendant is sentenced. Defendant also agrees that a certified copy of this Agreement shall be sufficient evidence of defendant's request to the IRS to disclose the returns and return information, as provided for in Title 26, United States Code, Section 6103(b).

Other Terms

25. Defendant agrees to cooperate with the United States Attorney's Office in collecting any ordered fine and restitution or which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

26. Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including one or more offenses to which defendant is pleading guilty. Indeed, because defendant is pleading guilty to an offense that is an "aggravated felony" as that term is defined in Title 8, United States Code, Section 1101(a)(43), removal is presumptively mandatory. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including his attorney or the Court, can predict to a certainty the effect of his conviction on his immigration

status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his guilty plea may entail, even if the consequence is his automatic removal from the United States.

Conclusion

27. Defendant understands that this Agreement will be filed with the Court, will become a matter of public record, and may be disclosed to any person.

28. Defendant understands that his compliance with each part of this Agreement extends throughout the period of his sentence, and failure to abide by any term of the Agreement is a violation of the Agreement. Defendant further understands that in the event he violates this Agreement, the government, at its option, may move to vacate the Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Agreement, or may move to resentence defendant or require defendant's specific performance of this Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Agreement, or defendant breaches any of its terms and the government elects to void the Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Agreement and the commencement of such prosecutions.

29. Should the judge refuse to accept defendant's plea of guilty, this Agreement shall become null and void and neither party will be bound to it.

30. Defendant and his attorney acknowledge that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this Agreement, to cause defendant to plead guilty.

31. Defendant acknowledges that he has read this Agreement and carefully reviewed each provision with his attorney. Defendant further acknowledges that he understands and voluntarily accepts each and every term and condition of this Agreement.

AGREED THIS DATE:

9/13/2024

MICHELLE
PETERSEN

Digitally signed by MICHELLE
PETERSEN
Date: 2024.09.11 13:23:26
-05'00'

for MP

MORRIS PASQUAL
Acting United States Attorney

RICK D. YOUNG
Assistant U.S. Attorney

ADAM R. OLIVA
Defendant

LAWRENCE S. BEAUMONT
Attorney for Defendant