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12
13 UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

14 THE UNITED STATES OF AMERICA) Case No. 11-CV-0403-WQH-DHB
15)
16 Plaintiff,)
17 v.) **STIPULATED ORDER AND JUDGMENT**
18) **OF PERMANENT INJUNCTION**
SCOTT A. WAAGE and) **(SCOTT A. WAAGE)**
19 ROBERT O. JENSEN)
20 Defendants.) Date:
Time:
Courtroom: 4
Judge: Hon. William Q. Hayes

21 Plaintiff, United States of America, and Defendant, Scott A. Waage, stipulate as follows:

22 1. The United States of America has filed a Complaint for Permanent Injunction and Other
23 Relief under 26 U.S.C. §§ 7401, 7402, 7407 and 7408 of the Internal Revenue Code ("I.R.C.") against
24 Scott A. Waage ("Waage").
25

26 2. Waage admits that the Court has subject matter and personal jurisdiction over him but
27 denies the wrongdoing alleged in the complaint.
28

1 3. The Parties stipulate to resolve this matter through a Stipulated Order and Judgment of
2 Permanent Injunction.

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

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

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

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

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

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

ORDER

IT IS HEREBY ORDERED pursuant to I.R.C. §§ 7401, 7402, 7407 and 7408 that Defendant Scott A. Waage, and his employees, agents and/or the employees or agents of Strategic Law Group, The Waage Law Firm, or of any entity in which Defendant Scott A. Waage has an ownership interest, and anyone acting in active concert or participation with them are **HEREBY PERMANENTLY ENJOINED** from directly or indirectly, by use of any means or instrumentalities:

A. providing any individual or entity with any advice relating to federal taxes or representing taxpayers before the IRS;

B. preparing or filing, or assisting in the preparation or filing of tax returns or other related tax forms or documents for any individual or entity other than preparing and filing Waage's own personal tax return(s);

C. organizing, promoting, selling, marketing or advising with respect to (or helping others to organize, promote, sell, market or advise with respect to):

- i. plans, arrangements or services that attempt to reduce a customer's taxable income by using a consulting company that provides no consulting services;
- ii. plans, arrangements or services that attempt to reduce a customer's taxable income by using a consulting company to pay for and improperly deduct the personal expenses of the customer;
- iii. pension plans, stock ownership plans and/or employee benefit plans that benefit the customer without providing the same benefits to the employees as required by applicable provisions of the Internal Revenue Code; and
- iv. pension plans, stock ownership plans and/or retirement plans that purchase life insurance contracts that have a cash surrender value that is temporarily depressed to a level significantly below the premiums paid.

D. organizing, promoting, selling, marketing or advising with respect to (or helping others to organize, promote, sell, market or advise with respect to) the tax schemes described in the

1 complaint, and any other tax shelter, plan, or arrangement, that incites or assists customers to attempt
2 to violate the internal revenue laws or evade the assessment or collection of their federal tax liabilities
3 or claim improper tax refunds;

4 E. engaging in conduct subject to penalty under I.R.C. § 6700, including making, in
5 connection with the organization or sale of any plan or arrangement, any statement about the securing
6 of any tax benefit that Waage knows or has reason to know is false or fraudulent as to any material
7 matter;
8

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

13 G. engaging in conduct designed or intended to obstruct an IRS investigation or audit; and

14 H. engaging in any other fraudulent or deceptive conduct that substantially interferes with
15 the proper administration and enforcement of the internal revenue laws.
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17 **IT IS FURTHER ORDERED** that Waage or his attorneys shall produce to counsel for the
18 United States a list identifying (by name, address, e-mail address, phone number, and Social Security
19 or other tax identification number) all of the customers who, for any of the tax years 2001 to the
20 present, have used the tax planning and/or tax preparation services of Waage and/or his businesses as
21 they are known under any of their names, including The Waage Law Firm, Strategic Law Group PC,
22 Tax Advisors Group, and Pensions By Design, and Waage shall file with the Court, within 20 days of
23 the date on which the permanent injunction is entered, a certification signed under penalty of perjury
24 that he has done so;
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26 **IT IS FURTHER ORDERED** that, within 15 days of entry of the Judgment of Permanent
27 Injunction by the Court, Waage or his attorneys shall provide a copy of this Stipulated Order and
28

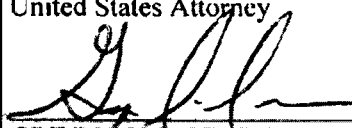
1 Judgment of Permanent Injunction to all of the customers whom he advised with respect to any of his
2 tax planning and/or tax preparation strategies and services; and within 30 days Waage or his attorneys
3 shall file with the Court a certification signed by Waage under penalty of perjury that Waage's
4 customers were provided a copy of this Order in accordance with this paragraph;
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6 **IT IS FURTHER ORDERED** that the United States will be allowed full post-judgment
7 discovery to monitor compliance with the injunction subject to the attorney/client privilege, if asserted
8 by any of Waage's clients; and
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1 IT IS FURTHER ORDERED that the Court will retain jurisdiction over this action for
2 purpose of implementing and enforcing the final judgment and any additional orders necessary and
3 appropriate to the public interest.

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5 Consented to and submitted by,

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7 LAURA E. DUFFY
8 United States Attorney

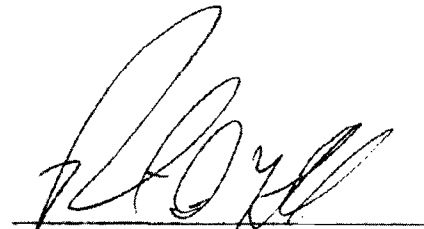
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23 Attorneys for Plaintiff
24 The United States of America

25 Dated: August 21, 2012

26 IT IS SO ORDERED.

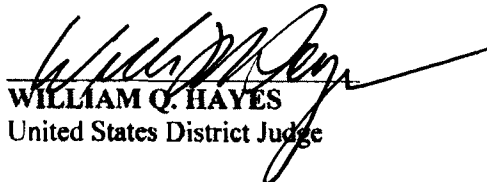
27 Signed this 24 day of August, 2012.



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Attorneys for Defendant
Scott A. Waage

Dated: August 8, 2012

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WILLIAM Q. HAYES
United States District Judge