

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

Case No. 15-C-518

GERARDO GARCIA,
aka GERRY GARCIA, and
GARCIA ENTERPRISES LLC,

Defendant(s).

**STIPULATED ORDER OF PERMANENT INJUNCTION AND FINAL JUDGMENT
AGAINST GERARDO (GERRY) GARCIA AND GARCIA ENTERPRISES, LLC**

Pursuant to the Stipulation for Entry of an Order of Permanent Injunction and Final Judgment against Gerardo Garcia, a/k/a Gerry Garcia, and Garcia Enterprises, LLC, (“Defendants”),

IT IS ORDERED that:

A. Gerry Garcia, Garcia Enterprises, LLC, and their representatives, agents, servants, employees, attorneys, independent contractors, and anyone in active concert or participation with them, shall be permanently enjoined under 26 U.S.C. §§ 7402, 7407 and 7408 from directly or indirectly:

- (1) Acting as federal tax return preparers, or assisting in or directing the preparation or filing of federal tax returns, amended returns or other related documents or forms for any person or entity other themselves (or, in the case of Garcia, other than for Garcia himself and his spouse, if filing a joint federal income tax return);

- (2) Preparing or assisting in preparing federal tax returns that they know or reasonably should know would result in an understatement of tax liability or the overstatement of federal tax refund(s) as penalized by I.R.C. § 6694;
- (3) Failing to exercise diligence in determining eligibility for the earned income tax credit, as penalized by I.R.C. § 6695(g);
- (4) Aiding or assisting, or procuring or advising with respect to the preparation or presentation of any part of a federal tax return or other related document that they know, or have reason to believe, that document will result in an understatement of another person's tax liability if used in connection with a material matter under the internal revenue laws, as penalized by I.R.C. § 6701;
- (5) Owning, operating, managing, working in, controlling, licensing, consulting with or franchising, or profiting from a tax return preparation business;
- (6) Training, instructing, teaching, and providing direction pertaining to the preparation of federal tax returns;
- (7) Maintaining, assigning, holding, using, renewing, transferring, selling, or obtaining a Preparer Tax Identification Number (PTIN) or an Electronic Filing Identification Number (EFIN), or seeking others to obtain the same;
- (8) Representing others before the Internal Revenue Service;
- (9) Engaging in any activity subject to penalty under I.R.C. §§ 6694, 6695 and/or 6701, or any other provision in the Internal Revenue Code;
- (10) Engaging in conduct that substantially interferes with the proper administration and enforcement of the internal revenue laws.

B. Within 30 days of the entry of the Court's Order of Permanent Injunction and Final Judgment, Defendants shall contact, by United States mail or by e-mail, all persons and entities for whom Defendants prepared federal tax returns or claims for a refund for tax years 2010 and continuing through the date of the final judgment in this litigation to inform them of the permanent injunction entered against them. Defendants may contact each person and entity by both United States mail or by e-mail or by only one method. Defendants shall keep a record of each contact made, including what method was used to contact each person and entity. If Defendants choose to contact any person or entity by only one method of communication and that notification is returned to Defendants as undeliverable, Defendants shall use the other method to contact such person or entity. When contacting those persons and entities by mail or e-mail and advising them of the permanent injunction, Defendants shall send to each person and entity a copy of the Order of Permanent Injunction and Final Judgment and shall not include any other documents or enclosures unless agreed to by counsel for the United States or approved by the Court;

C. Within 30 days of the entry of the Court's Order of Permanent Injunction and Final Judgment, Defendants shall post a copy of the Court's Order of Permanent Injunction and Final Judgment at a conspicuous location both at their physical business address or home office (if they receive customers or solicit business at their home office) and on any website that they (or their agents, employees, or any other individual or entity acting in concert with them) control or maintain directly or indirectly and which advertises bookkeeping, payroll, or other financial services. Defendants shall post an obvious hyperlink to the Court's Order of Permanent Injunction and Final Judgment to the homepage of the website(s) and as a link in the menu bar. The text of the hyperlink shall read "Federal Court Bars Garcia and Garcia Enterprises from preparing tax returns" and shall be displayed immediately before the content of the homepage (immediately below any menu banner and/or graphics) and shall be in bold font type and in a font

size larger than the remaining content of the homepage. The link may also be included in a drop-down menu from the menu banner on each webpage on the website(s). Within 45 days of the entry of the Court's Order, Defendants shall file with the Court an affidavit, signed under penalty of perjury, that they have complied with the terms of this paragraph. The affidavit shall include the Uniform Resource Locators of the website(s) on which they have posted the Court's Order of Permanent Injunction and Final Judgment.

D. If Defendants have ceased operating their website or ceased providing bookkeeping, payroll, or other financial services to customers, then the affidavit, signed under penalty of perjury, shall reflect the date on which Defendants ceased operating. If Defendants reopen their bookkeeping, payroll, or other financial services operations, whether directly or through another individual or entity, Defendants shall post a copy of this permanent injunction in accordance with paragraph C above within 30 days of resuming operations and execute another affidavit, signed under penalty of perjury, of compliance with this paragraph and file it with the Court.

E. Defendants shall produce to counsel for the United States, within 30 days of the Court's order, any updates to the list produced in accordance with the Stipulation for Entry of Order of Preliminary Injunction that identifies by name, Social Security or other taxpayer identification number, address, e-mail address, telephone number and tax period(s), all persons and entities for whom Defendants prepared federal tax returns for tax years beginning in 2010 and continuing through the date of final judgment in this litigation;

F. The Court shall retain jurisdiction to enforce the Court's Order of Permanent Injunction and Final Judgment. The United States is permitted to engage in post-judgment

discovery in accordance with the Federal Rules of Civil Procedure to ensure compliance with the Court's Order of Permanent Injunction and Final Judgment.

SO ORDERED on September 21, 2015.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court

Judgment entered September 21, 2015.

JON W. SANFILIPPO
Clerk of Court

s/ Terri Lynn Ficek
(By) Deputy Clerk