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### **\$11 MILLION STATE TAX EVASION CHARGES FILED AGAINST** WEALTHY ORANGE COUNTY ENERGY EXECUTIVE AND HIS FORMER WIFE

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aff Exhibit No. 264 Date 2-17-11 Reporter 79 File No. ER-2010-0356



## **Orange County District Attorney** Press Release

Tony Rackauckas, District Attorney 401 Civic Center Drive West Santa Ana, CA 92701

For Immediate Release

September 5th, 2003

Contact:

Susan Kang Schroeder Deputy District Attorney (714) 347-8408 (O)

(714) 292-2718 (C)

SANTA ANA - Richard G. Engel, 59, the owner and CEO of Powerplant Maintenance Specialists, Inc. (PMSI) located in Costa Mesa, was charged with five (5) felony counts of failing to file tax returns and three (3) felony counts of filing false tax returns. His ex-wife, Jolene S. Engel, 52, was charged with seven (7) felony counts of failure to file tax returns and one (1) felony count of filing a false tax return.

Both defendants were arraigned this morning in Harbor Justice Center in Newport Beach where they entered a plea of not guilty. Their next court appearance is scheduled on October 10, 2003, for pre-trial. If convicted of all charges, each defendant faces up to sixteen (16) years and eight (8) months in state prison.

Richard and Jolene Engel are charged with failing to report more than \$190 million in income and failing to pay the state around \$11 million in delinquent income taxes, penalties, and cost of investigation from 1998 to 2001. This information was derived from analyzing and investigating bank account records, computer records and other relevant documents.

"California has 'zero tolerance' for tax cheats," said State Controller and Franchise Tax Board Chair Steve Westly. "Taxpayers in this state pay a high price for tax evasion."

"Everyone has to pay his or her fair share of taxes. No one has the right to refuse to pay their taxes and spend their money on luxury goods," said Orange County District Attorney Tony Rackauckas. "It is especially necessary for us to vigorously pursue prosecutions such as these when local governments are forced to make painful choices to cut governmental services for people who really need them."

Senior Deputy District Attorney William Overtoom has been assigned to this case. Bail for each defendant was set at \$500,000.

Case Number:

OC Pay Number: 2166541

Originating Court: Harbor - Newport Beach Facility

Defendant:

÷

Engel, Richard G

Demographics:

Eyes: Hair: Height(ft/in):

Blue Blond 5'8"

Weight (lbs):

170

Names:

Last Name First Name Middle Name Type Engel Richard G Real Name

Case Status:

Status:

Open

Case Stage:

Release Status:

Released on Bail

Warrant:

DMV Hold: Ν

Charging Document: Information

Mandatory Appearance: Y

Owner's Resp:

Ν

Amendment #:

Counts:

	Seq	5/A	Violation Date	Section Statute	O	-10121011	Plea	Plea Date Disposition Disposition Date
	1 (	)	10/15/1999	19706 RT	F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
	1 :	L	10/15/1999	(1) PC	Г	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
	1 2	<u> </u>	10/15/1999	(2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
	1 3	3	10/15/1999	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	, DENIED	11/30/2004
	1 4	: :	10/15/1999	1203,045 PC	F	Convicted Theft Exceeding Statuatory Limit		11/30/2004
	1 5		10/15/1999	1203.045 PC	F	Convicted Theft Exceeding Statuatory Limit		
	2 0	1	10/15/2000	19706 RT	F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
	2 1	1	10/15/2000	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
	2 2	1	0/15/2000	186.11(a) (2) PC	۴	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
;	2 3	1	.0/15/2000	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
;	2 4	1	0/15/1999	1203.045 PC	E	Convicted Theft Exceeding Statuatory Limit	DENIED	11/30/2004
:	3 0	1	0/15/2001		F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
	3 1	1	0,13,2001	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
;	3 2	1		186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
3	3 3	1	U/ 15/2001	12022,6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
4	ه ۱	1	0/15/2002	19706 RT	F :	Failure to file any return or supply any information with	NOT GUILTY	11/30/2004
4	1	10	77 ± 37 & UU &	186.11(a) (1) PC	- 1	ENH-Aggravated white collar	DENIED	11/30/2004

4	2	10/15/2002	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
4	3	10/15/2002	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
5	0	11/27/2000	19705(a) (1) RT	F	File False Tax Return	NOT GUILTY	11/30/2004
5	1	11/27/2000	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
5	2	11/27/2000	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
5	3	11/27/2000	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
6	0	11/27/2000	19705(a) (1) RT	F	File False Tax Return	NOT GUILTY	11/30/2004
6	1	11/27/2000	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000		11/30/2004
6	2	11/27/2000	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
6	3	11/27/2000	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
7	0	07/13/2001	19705(a) (1) RT	F	File False Tax Return	NOT GUILTY	11/30/2004
7	1	07/13/2001	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
7	2	07/13/2001	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
7	3	07/13/2001	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
8	0	10/15/2002	19706 RT	F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
8	1	10/15/2002	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
8	2	10/15/2002	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
8	3	10/15/2002	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
fenda	nts:						
					lease Status Status Date		
		Engel :	lolene	Rel	eased on Bond 09/13/2007		
ipant:	s:						

#### Co Defe

#### Participants:

Role	Badge Agency	Name \	/acation Start Vacation End
District Attorney	OCDA	Jackson, Debbie	
Retained Attorney	RETAT	Cole, Walter Jr	
Retained Attorney	RETAT	Hanson, Roger	
Retained Attorney	RETAT	Hansen, Roger S.	
District Attorney	OCDA	Overtoom, William	
Retained Attorney	RETAT	Perez, Dennis L	
Retained Attorney	RETAT	Robbins, Edward Morris Jr	

#### Scheduled Hearing:

#### Date Hearing Type - Reason Courtroom

05/13/2011 Pre Trial -C40 06/13/2011 Jury Trial -C40

#### Heard Hearings:

Date	Hearing Type - Reason	Courtr	oom Hearing St	atus Special Hearing Result
09/05/2003	Arraignment -	H2	Heard	
09/05/2003	Arraignment -	H2	Cancel	
09/18/2003	Chambers Work -	H2	Heard	
10/03/2003	Motion -	C5	Heard	
10/09/2003	Hearing -	H2	Heard	10 court/60 calendar days
10/10/2003	Pre Trial -	H2	Cancel	,
12/18/2003	Hearing -	H2	Heard	
12/19/2003	Pre Trial -	H2	Heard	
01/09/2004	Pre Trial -	H2	Cancel	
03/12/2004	Motion -	C5	Heard	
03/19/2004	Pre Trial -	H2	Heard	

05/14/2004 Pre Trial -	H2	Heard	
	H2	Heard	
09/07/2004 Pre Trial -	H2	Heard	
09/07/2004 Preliminary Hearing -	H2	Cancel	
09/21/2004 Preliminary Hearing -	H2	Cancel	
10/20/2004 Pre Trial -	H2	Heard	
11/19/2004 Preliminary Hearing -	H2	Heard	
	C5	Heard	
01/07/2005 Pre Trial Trial Setting Conference	C40	Heard	
04/01/2005 Pre Trial Trial Setting Conference		Heard	
04/08/2005 Pre Trial Trial Setting Conference		Cancel	
05/13/2005 Pre Trial Trial Setting Conference	C40	Heard	
06/17/2005 Pre Trial Trial Setting Conference	C40	Heard	
07/08/2005 Pre Trial Trial Setting Conference	C40	Heard	
	C40	Cancel	
	C40	Heard	
		Heard	
		Heard	
	C40	Heard	
		Cancel	
	C40	Heard	
	C40	Heard	
		Heard	
	C40	Cancel	
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	C40	Heard	
	C40	Cancel	
	C40	Heard	
A-1		Heard	
		Cancel	
	C40	Heard	
	C40 C5	Cancel	
		Heard	
	C40 C40	Heard	
		Heard	waives statutory time for
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	C40 C40	Heard	
· ·	C40	Heard Heard	waives statutory time for
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	C40	Heard	waives statutory time for
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	C40	Heard	waives statutory time for
03/20/2009 Pre Trial Trial Setting Conference		Heard	waives statutory time for
· · · · · · · · · · · · · · · · · · ·	C40	Heard	waives statutory time for
	C40	Cancel	waives statutory time for
	C40	Heard	
		Cancel	
	C40	Heard	
	C40	Heard	waives statutory time for
	C40	Heard	
	C40	Heard	
	C40	Heard	waives statutory time for
04/26/2010 Jury Trial -	C40	Cancel	,
09/10/2010 Motion Discovery	C40	Heard	waives statutory time for

	0	9/10/2010	Pre Trial -		C40	Heard					
	1	0/04/2010	Bury Trial -		C40	Cance	l				
	1	0/15/2010	Motion Discov	very	C40	Heard					
	1	2/10/2010	Motion Discov	very	C40	Heard					
	01/21/2011 Pre Trial -					Heard	v	waives statutory time for			
			Jury Trial -		C40	Cance	i		•		
Bail:		, .				1					
	ail Date Po	ost Amou	nt Avialable A	Amount Dep	ositor De	positor Ad	dress	Detail	s		
								n Action Da	- ate Amount		
01/	07/2008 30	00000	300000	Perez.	Dennis L nu	il	,				
<b>,</b>				,			Active	01/07/200	000000		
Bond:								. , . , ,			
- •	Bail Date	Post Amount	Bondsman	Bondsman Address	Su	rety	Surety Address		Details		
								Action	Action	Amount	
									Date		
						,		Active	09/08/2003	500000	
09	9/08/2003	500000.0	ACME Bail	null	Harco Nati		null	Active			
09	9/08/2003	500000.0	ACME Bail Bonds	null	Harco Nati		រាប្ប	Active	09/08/2003	500000	
05	9/08/2003	500000.0		null			null	Active Exonerated Reinstate	09/08/2003 01/05/2004 01/05/2004	500000 500000	
	9/08/2003 0/24/2005			nuli		Company nal Fidelity	null	Active Exonerated Reinstate	09/08/2003 01/05/2004	500000 500000 500000	

# **Case Summary**

Case Number: 03HF1207

OC Pay Number: 2166542

Originating Court: Harbor - Newport Beach Facility Engel, Jolene S

Defendant: Demographics:

> Eyes: Hair:

Height(ft/in): Weight (lbs):

Names:

Last Name First Name Middle Name Type

Engel Jolene

Real Name

Case Status:

Status:

Open

Case Stage:

Release Status:

Released on Bond

Warrant:

DMV Hold:

Charging Document:

Mandatory Appearance: Y 'Owner's Resp:

Information

Amendment #:

N 0

Counts:

Seq	S/A	Violation Date	Section Statute	OL	Violation	Plea	Plea Date Disposition Date
1	0	10/15/1999	19706 RT	F	SUDDIV ADV IDTORMATION WITH	NOT GUILTY	11/30/2004
1	i	10/15/1999	186.11(a) (1) PC	-	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
1	2	10/15/1999	186.11(a) (2) PC	+	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
1	3	10/15/1999	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
1	4	10/15/1999	1203.045 PC	F	Convicted Theft Exceeding Statuatory Limiit	DENIED	11/30/2004
2	0	10/15/2000	19706 RT	F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
2	1	10/15/2000	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
2	2	10/15/2000	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
2	3	10/15/2000	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
2	4	10/15/2000	1203.045 PC	F	Convicted Theft Exceeding Statuatory Limit	DENIED	11/30/2004
3	0	10/15/2001	19706 RT	F	Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
3	1	10/15/2001	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
3	2	10/15/2001	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004
3	3	10/15/2001	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruction of property	DENIED	11/30/2004
4	0	10/15/2002			Failure to file any return or supply any information with intent to evade any tax	NOT GUILTY	11/30/2004
4	1	10/15/2002	186.11(a) (1) PC	F	ENH-Aggravated white collar crime over \$100,000	DENIED	11/30/2004
4	2	10/15/2002	186.11(a) (2) PC	F	ENH: Fraud or embezzlement exceeding \$500,000	DENIED	11/30/2004

. <b>4</b>	3	11/15/2002	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destructi		DENIED	11/30/2004
9	0	10/15/1999	19706 RT	F	Failure to file any n supply any informa intent to evade any	ition with	NOT GUILTY	11/30/2004
. 9	1	10/15/1999	186.11(a) (1) PC	F	ENH-Aggravated w crime over \$100,00	00	DENIED	11/30/2004
9	2	10/15/1999	186.11(a) (2) PC	F	ENH: Fraud or emb exceeding \$500,00		DENIED	11/30/2004
9	3	10/15/1999	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruct		DENIED	11/30/2004
9	4	10/15/1999	1203.045 PC	F	Convicted Theft Ex- Statuatory Limit	ceeding	DENIED	11/30/2004
10	0	10/15/2000	19706 RT	F	Failure to file any r supply any informa intent to evade any	ition with	NOT GUILTY	11/30/2004
10	1	10/15/1999	186.11(a) (1) PC	F	ENH-Aggravated w crime over \$100,00		DENIED	11/30/2004
10	2	10/15/1999	186.11(a) (2) PC	F	ENH: Fraud or emb exceeding \$500,00		DENIED	11/30/2004
10	3	10/15/1999	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruct	ion of property	DENIED	11/30/2004
10	4	10/15/1999	1203.045 PC	F	Convicted Theft Ex Statuatory Limiit	_	DENIED	11/30/2004
11	0	10/15/2001	19706 RT	F	Failure to file any r supply any informa intent to evade any	ition with	NOT GUILTY	11/30/2004
11	1	10/15/2001	186.11(a) (1) PC	F	ENH-Aggravated w crime over \$100,00		DENIED	11/30/2004
11	2	10/15/2001	186.11(a) (2) PC	F	ENH: Fraud or embedded street exceeding \$500,00		DENIED	11/30/2004
11	3	10/15/2001	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruct	tion of property	DENIED	11/30/2004
12	0	10/15/2002	19705(a) (1) RT	F	File False Tax Retu	ırn	NOT GUILTY	11/30/2004
12	1	10/15/2002	186.11(a) (1) PC	F	ENH-Aggravated w crime over \$100,0		DENIED	11/30/2004
12	2	10/15/2002	186.11(a) (2) PC	F	ENH: Fraud or embedded \$500,00		DENIED	11/30/2004
12	3	10/15/2002	12022.6 (a)(4) PC	F	ENH: Taking, damaging/destruct	tion of property	DENIED	11/30/2004
Co Defenda	ints:							
			Fi <b>rst Name</b> Richard		<b>lease Status Statu</b> leased on Bail 01/07			
Participant	:s:	enger .	(ICHAI G	140	icased on bon 51/67	,2000		
		Role	Badge A	ge	ncy Name	Vacation S	tart Vaca	ation End
	Re	tained Attorn	-		AT Pohlson, Gary M			
		strict Attorne		CD	•	9		
		tained Attorn	•		AT Cole, Walter Jr	200		
Scheduled		strict Attorne ring:	y C	CD	A Overtoom, Willi	dill		
Scheduled	· ica	Date	e Hearin	a 1	ype - Reason Cou	rtroom		
			011 Pre Tria	_	C40			
		06/13/2	011 Jury Tr	ial ·	- C40			
Heard Hea	rings						_	
		Date						atus Special Hearing Result
		09/05/2003	-	nt -			ard	
		10/03/2003					ard	10 count/CD color-d-u-d-v-
		10/09/2003 10/10/2003					ard ncel	10 court/60 calendar days
		10, 10, 200.						

H2

H2

C5

H2

H2

H2

Heard

Cancel

Heard

Heard

Heard

Heard

12/19/2003 Pre Trial -

01/09/2004 Pre Trial -

03/19/2004 Pre Trial -

05/14/2004 Pre Trial -

08/13/2004 Pre Trial -

03/12/2004 Motion -

Bail Date	Post Amount	Bondsman	Bondsman Address	Surety	Surety Addres		
:	_,,	- / 1 1 1 1			Carreer		
	02/14/2011			C40 C40	Heard Cancel	waives statutory time for	
	10/04/2010 : 01/21/2011			C40	Cancel	umicos statutam timos 5-	
	09/10/2010			C40	Heard	waives statutory time for	
	09/10/2010		•	C40	Heard		
	09/10/2010			C40	Heard		
	04/26/2010	•		C40	Cancel	·	
	04/16/2010	Рге Trial -		C40	Heard	waives statutory time for	
	03/05/2010	_		C40	Heard		
		Hearing Failure	to Appear	C40	Heard		
	02/16/2010			C40	Heard		
	12/17/2009			C40	Heard		
	11/20/2009	Chambers Work Pre Trial -	<b>(</b> -	C40 C40	Heard Cancel		
	10/13/2009	-	<b>.</b> –	C40	Cancel		
	09/18/20091			C40	Heard	waives statutory time for	
			etting Conference		Heard	waives statutory time for	
			etting Conference		Heard	waives statutory time for	
	01/20/2009	•		C40	Heard		
	12/19/2008				Heard		
	10/24/2008				Heard		
	08/22/2008			C40	Heard		
	08/04/2008			C40	Heard	waives statutory time for	
	08/04/2008	Jury Trial -			Heard		
	04/01/2008	•			Heard	waives statutory time for	
	02/25/2008				Heard	waives statutory time for	
	02/22/2008				Heard		
	02/04/2008				Heard	maires statutory time for	
	01/14/2008	•		C40	Heard	waives statutory time for	
	01/14/2008	•		C40 C40	Cancel Heard		
	10/01/2007			C40 C40	Heard Cancel		
	09/14/2007	_			Heard		
	07/09/2007 I 08/02/2007 I	•			Cancel		
	06/01/2007				Heard		
	04/27/2007				Heard		
	02/26/2007	•			Heard		
	02/16/2007				Heard		
	07/24/2006	•			Cancel		
		Further Proceed	lings -	C40	Heard		
	06/23/2006	Pre Trial -			Heard		
	05/15/2006	Jury Trial -			Heard		
	01/23/2006				Cancel		
	12/09/2005				Heard		
	11/18/2005				Heard		
	10/21/2005			C40	Heard		
	08/26/2005			C40 C40	Cancel Heard		
	08/19/2005		econg conterence		Heard Cancel		
			etting Conference etting Conference		Heard		
			etting Conference		Heard		
			etting Conference		Cancel		
	04/01/2005	rre Irial Trial S	etting Conference	C40	Heard		
			etting Conference		Heard		
		Arraignment -		C5	Heard		
		Preliminary Hea	iring -	H2	Heard		
	10/20/2004			H2	Heard		
		Preliminary Hea		H2	Cancel		
	09/07/2004	Preliminary Hea	iring -	H2	Cancel		
	09/07/2004	Pre Trial -		H2	Heard		

 $https://ocapps.occourts.org/Vision\_Public/PrintCase.do$ 

Bond:

					Action	Date	Amount
09/05/2003 500000.0	Don's Bail Bonds	null	International Fidelity Insurance Company	null	Active	09/05/2003	500000
	DURUS		madiance company		Exonerated	07/20/2006	500000
11/07/2005 300000.0	Penny Bail Bonds	null	International Fidelity Insurance Company	null	Active	11/07/2005	300000
- ·· <b>,</b>	Bonds		instrance company		Exonerated	09/25/2007	300000
09/13/2007 100000.0	Penny Bail Bonds	null	International Fidelity Insurance Company	null			
, ,	bullus		modulee company		Active	09/13/2007	100000