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PRESIDENT OF SOFTWARE DEVELOPMENT COMPANY SENTENCED TO 12 MONTHS IN PRISON FOR TAX EVASION

Ordered To Pay \$115,657 In Restitution

SAN FRANCISCO – United States Attorney Scott N. Schools announced that Brian Troy Aberle was sentenced yesterday to 12 months in prison, and ordered to pay a \$3,000 fine and \$115,657 in restitution for income tax evasion and willfully making and subscribing a false tax return. This sentence is the result of an investigation by the Internal Revenue Service's Criminal Investigation Division.

Mr. Aberle pleaded guilty on February 9, 2007 to one count of willfully attempting to evade and defeat a large portion of the income taxes due and owing by him for the calendar year 1999, in violation of 26 U.S.C. § 7201, and to one count of willfully making and subscribing a false U.S. Corporation Income Tax Return on behalf of United Business Technologies, Inc. for the fiscal year ended June 30, 1999, in violation of 26 U.S.C. § 7206(1). According to the plea agreement, Mr. Aberle admitted to a scheme by which he diverted cash from United Business Technologies, a software development company of which he was the president and the sole shareholder. He diverted \$486,207 in 1999 and \$172,877 in 2000. Mr. Aberle stopped paying himself wages from the corporation. Instead, he wrote checks payable to cash which he had his wife cash and use to purchase cashier's checks payable to a dummy entity which he created. Mr. Aberle's wife then exchanged these cashier's checks for other cashier's checks that were either deposited into their personal bank account or used to pay personal expenses. The evasion scheme resulted in a tax loss to the government in the amount of \$115,657.

Mr. Aberle, 34, formerly of Antioch, California, was indicted by a federal grand jury on March 9, 2006. He was charged with two counts of income tax evasion with respect to his 1999 and 2000 tax years in violation of 26 U.S.C. § 7201, and two counts of making and subscribing false corporate income tax returns on behalf of United Business Technologies for the fiscal years ended June 30, 1999 and June 30 2000, in violation of 26 U.S.C. § 7206(1).

The sentence was handed down by U.S. District Court Judge Martin Jenkins following a guilty plea on one count each of income tax evasion and making and subscribing a false tax return. Judge Jenkins also sentenced the defendant to a three year period of supervised release. The defendant is presently incarcerated.

David L. Denier is the Assistant U.S. Attorney who is prosecuting the case with the assistance of Kathy Tat. The prosecution is the result of a two year investigation by the Internal Revenue Service's Criminal Investigation Division.

Further Information:

Case #: CR 06-0148 MJJ

A copy of this press release may be found on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Natalya LaBauve at (415) 436-7055 or by email at Natalya.LaBauve@usdoj.gov.

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