

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

FILED

JAN 15 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 09

0052

E-filing

ABDOL HOSSEIN NOVIN and
ZOHREH AHGHARI,

RMW

DEFENDANT(S).

PVT

INDICTMENT

26 U.S.C. § 7206(1) – False Tax return

26 U.S.C. § 7206(2) - Aid or Assisting in Preparation of False Tax
Return

CR09-0052 RMW (PVT)
JC
Bml

INDICT

A true bill.

[Signature]

Foreman

Filed in open court this 15 day of JANUARY
2009

[Signature]

Clerk

Bail, \$ no answer
[Signature]

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JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

FILED
JAN 15 2009
RICHARD W. WIERKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ABDOL HOSSEIN NOVIN,
ZOHREH AHGHARI,

Defendants.

CR-09

0052

VIOLATIONS:
26 U.S.C. § 7206(1): False Tax Return;
26 U.S.C. § 7206(2): Aid or Assisting
in Preparation of False Tax Return
(SIX COUNTS)

SAN JOSE VENUE

RMW

PVT

INDICTMENT

The Grand Jury charges:

COUNT ONE: (26 U.S.C. § 7206(1) - Fraud and False Statements)

That on or about the fifteenth day of April, 2003, in the Northern District of California,
ABDOL HOSSEIN NOVIN,
a resident of Watsonville, California, did willfully make and subscribe a U.S. Individual Income
Tax Return, Form 1040, for 2002, which was verified by a written declaration that it was made
under the penalties of perjury and was filed with the Internal Revenue Service, which said Form
1040 he did not believe to be true and correct as to every material matter in that the said Form
1040 reported that the cost of goods sold by Mountain Food & Vending in 2002 was \$303,570,

INDICTMENT

1 whereas, as he then and there well knew and believed, the cost of goods sold by Mountain Food
2 and Vending Service in 2002 was in fact \$780,658.

3 In violation of Title 26, United States Code, Section 7206(1).

4 COUNT TWO: (26 U.S.C. § 7206(1) - Fraud and False Statements)

5 That on or about the fifteenth day of April, 2003, in the Northern District of California,

6 ZOHREH AHGHARI,

7 a resident of Watsonville, California, did willfully make and subscribe a U.S. Individual Income
8 Tax Return Form 1040, for 2002, which was verified by a written declaration that it was made
9 under the penalties of perjury and was filed with the Internal Revenue Service, which said Form
10 1040 she did not believe to be true and correct as to every material matter in that the said Form
11 1040 reported that the cost of goods sold by Mountain Food & Vending in 2002 was \$303,570,
12 whereas, as she then and there well knew and believed, the cost of goods sold by Mountain Food
13 & Vending in 2002 was in fact \$780,658.

14 In violation of Title 26, United States Code, Section 7206(1).

15 COUNT THREE: (26 U.S.C. § 7206(1) - Fraud and False Statements)

16 That on or about the twenty-third day of December, 2004, in the Northern District of
17 California,

18 ZOHREH AHGHARI,

19 a resident of Watsonville, California, did willfully make and subscribe a U.S. Corporate Income
20 Tax Return Form 1120, for Mountain Food & Vending, Inc. for 2003, which was verified by a
21 written declaration that it was made under the penalties of perjury and was filed with the Internal
22 Revenue Service, which said Form 1120 she did not believe to be true and correct as to every
23 material matter in that the said Form 1120 reported that the cost of goods sold by Mountain Food
24 & Vending in 2003 was \$396,174, whereas, as she then and there well knew and believed, the
25 cost of goods sold by Mountain Food & Vending in 2003 was in fact \$764,111.

26 In violation of Title 26, United States Code, Section 7206(1).

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INDICTMENT

1 COUNT FOUR: (26 U.S.C. § 7206(2) - Aiding and Abetting Preparation of a False Return)

2 That on or about the twenty-third day of December, 2004, in the Northern District of
3 California,

4 ABDOL HOSSEIN NOVIN,

5 a resident of Watsonville, California, did willfully aid and assist in, procure, counsel, or advise
6 the preparation or presentation to the Internal Revenue Service, of a U.S. Corporate Income Tax
7 Return, Form 1120, for Mountain Food Vending, Inc. for the calendar year 2003, which was false
8 and fraudulent as to a material matter, in that it represented that the cost of goods sold by
9 Mountain Food & Vending in 2003 was \$396,174, whereas, as he then and there well knew and
10 believed, the cost of goods sold by Mountain Food & Vending in 2003 was in fact \$764,111.

11 In violation of Title 26, United States Code, Section 7206(2).

12 COUNT FIVE: (26 U.S.C. § 7206(1) - Fraud and False Statements)

13 That on or about the fifteenth day of April, 2005, in the Northern District of California,

14 ABDOL HOSSEIN NOVIN,

15 a resident of Watsonville, California, did willfully make and subscribe a U.S. Corporate Income
16 Tax Return Form 1120, for Mountain Food & Vending, Inc. for 2004, which was verified by a
17 written declaration that it was made under the penalties of perjury and was filed with the Internal
18 Revenue Service, which said Form 1120 he did not believe to be true and correct as to every
19 material matter in that the said Form 1120 reported that the cost of goods sold by Mountain Food
20 & Vending in 2004 was \$321,029, whereas, as he then and there well knew and believed, the cost
21 of goods sold by Mountain Food & Vending in 2004 was in fact \$837,959.

22 In violation of Title 26, United States Code, Section 7206(1).

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INDICTMENT

1 COUNT SIX: (26 U.S.C. § 7206(2) - Aiding and Abetting Preparation of a False Return)

2 That on or about the fifteenth day of March, 2005, in the Northern District of California,
3 ZOHREH AHGHARI,
4 a resident of Watsonville, California, did willfully aid and assist in, and procure, counsel, and
5 advise the preparation or presentation to the Internal Revenue Service, of a U.S. Individual
6 Income Tax Return, Form 1120 for Mountain Food & Vending, Inc. for 2004, which was false
7 and fraudulent as to a material matter, in that it represented that the cost of goods sold by
8 Mountain Food & Vending in 2004 was \$321,029, whereas, as she then and there well knew and
9 believed, the cost of goods sold by Mountain Food & Vending in 2004 was in fact \$837,959.

10 In violation of Title 26, United States Code, Section 7206(2).

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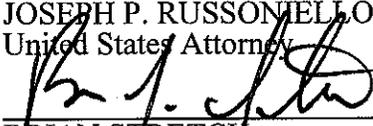
A True Bill

Dated: 1-15-09



FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney



BRIAN STRETCH
Chief, Criminal Section

Approved as to Form



THOMAS M. NEWMAN
Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

- 1) 26 U.S.C. § 7206(1) - False Tax return Petty
- 2) 26 U.S.C. § 7206(2) - Aid or Assisting in Preparation of False Tax Return Minor Misdemeanor Felony

E-filing

PENALTY:

- 1) 3 year imprison, \$250,000 fine, 1 year Sup. Rel., \$100 assessment;
- 2) 3 year imprison, \$250,000 fine, 1 year Sup. Rel., \$100 assessment;

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

INTERNAL REVENUE SERVICE

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person

Furnishing Information on JOSEPH P. RUSSONIELLO

THIS FORM

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty

(if assigned)

THOMAS NEWMAN, AUSA, TAX DIV.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE

JAN 15 2009

DEFENDANT - U.S.

ABDOL HOSSEIN NOVIN and ZOHREH AHMADI

DISTRICT COURT NUMBER

CR 09

0052

DEFENDANT

IS NOT IN CUSTODY

- 1) Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction
- 6) Awaiting trial on other charges

Fed'l State

If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:
