

NEWS

United States Department of Justice
U.S. Attorney, District of New Jersey
401 Market Street, Fourth Floor
Camden, New Jersey 08101



Paul J. Fishman, U.S. Attorney

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Assistant U.S. Attorneys
JASON M. RICHARDSON
856-968-4869

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Sicklerville Man Admits Conspiring to Defraud the IRS

(More)

Greg Reinert, PAO
Public Affairs Office

856-757-5233
973-645-2888

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CAMDEN – A Sicklerville man pleaded guilty today to a one-count Information that charges him with conspiracy to defraud the IRS, admitting he participated in a scheme to shield income generated from the sale of a business called Municipal Code Inspections, Inc., U.S. Attorney Paul J. Fishman announced.

Lucianno Di Salvatore, 72, made his first appearance in federal court and pleaded guilty before U.S. District Judge Jerome B. Simandle. Judge Simandle released the defendant on a \$50,000 bond pending sentencing, which is scheduled for March 5.

According to the Information, Di Salvatore and individuals identified only as “G.D.” “A.S.” and “M.S.” each had a business interest in Municipal Code Inspections, Inc., (“MCI”), located in Washington Township, Gloucester County. In 2003 through 2004, the Information alleges that Di Salvatore, G.D., A.S., M.S. and Victor Fabietti, Jr., 45, of Linwood, devised a scheme to shield payments made to A.S. and M.S. in exchange for their shares in the business.

At his plea hearing, Di Salvatore admitted that he met with Fabietti in 2004 to discuss the payment of \$165,000 from MCI to M.S. Di Salvatore admitted that Fabietti discussed the tax consequences upon M.S. as result of the \$165,000 payment and that it would be more favorable to M.S., for income tax purposes, for the payment to be reported as a loan.

As a result of the conversation, Di Salvatore agreed that the MCI payment to M.S. should be characterized as a loan, he admitted. Di Salvatore admitted that he intended for M.S. to receive taxable income in the amount of \$165,000, without having to pay taxes on the amount.

Fabietti, who performed accounting duties for MCI, pleaded guilty before Judge Simandle on Dec 5, 2008, to one count each of conspiracy to defraud the United States and making a false statement. Fabietti is schedule to be sentenced on March 13.

At his plea hearing, Fabietti admitted that in 2003, he met with two individuals who owned a portion of MCI regarding their intention to purchase a third person’s interest in the business. Fabietti admitted that various options were discussed about how to structure the buyout payment. Ultimately, the two owners determined that they would pay the third owner \$150,000 for his share in the business and that they would falsely characterize the buyout payment as a “loan” to that person. By characterizing the payment as a loan, Fabietti admitted that the two owners, along with his’s assistance, enabled the third individual to evade payment of taxes on the payment.

Furthermore, Fabietti admitted that in 2004 he again assisted the two individuals to purchase a forth person’s interest in the business. Once again, in consultation with Fabietti, the owners falsely characterized the buyout payment as a loan to the forth individual in the amount of \$165,000.

The charge of conspiracy to defraud the United States carries a maximum statutory penalty of 5 years in prison and fine of \$250,000.

Fishman credited Special Agents with IRS's Mays Landing and Trenton Posts of Duty, under the direction of Special Agent in Charge William P. Offord, for the ongoing investigation of the case.

The government is represented by U.S. Attorney Jason M. Richardson of the Criminal Division in Camden.

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Defense Attorney: Rocco C. Cipparone, Esq. Haddon Heights