

United States District Court

E-filing

FOR THE
NORTHERN DISTRICT OF CALIFORNIA 18 P 1:19

VENUE: SAN JOSE

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

UNITED STATES OF AMERICA,

v.

CR 12 750

FIDENCIO MORENO, ARTURO
MORENO, and ELENA MORENO

**LHK
PSG**

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 371 - Conspiracy to Defraud the United States

26 U.S.C. § 7206(1) - Filing False Tax Returns

A true bill.

[Signature]
Foreman

Filed in open court this 18th day of

October, 2012
[Signature] KAREN L. B. J.
Clerk

Bail, \$ Summons for Nov 6 2012
[Signature] at 9:30
for each defendant

DOCUMENT NO.	CSA'S INITIALS
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DISTRICT COURT CRIMINAL CASE PROCESSING	

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MELINDA HAAG (CABN 132612)
United States Attorney

FILED

2012 OCT 18 P 1:19

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FIDENCIO MORENO,
ARTURO MORENO, and
ELENA MORENO,

Defendants.

Case No. **CR 12**

750

**LHK
PSG**

VIOLATIONS:
18 U.S.C. § 371 - Conspiracy to Defraud the
United States; 26 U.S.C. § 7206(1) - Filing
False Tax Returns

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

At all times relevant to this Indictment,

INTRODUCTORY ALLEGATIONS

1. FIDENCIO MORENO and ARTURO MORENO were part owners of Quality Assurance Travel, Inc., located in Santa Clara, California.
2. ELENA MORENO was employed as the bookkeeper of Quality Assurance Travel, Inc.
3. FIDENCIO MORENO and ELENA MORENO were spouses.
4. Quality Assurance Travel, Inc., is a charter bus company located in Santa Clara, California, that provides transportation services in the Bay Area.

1 Travel, Inc.

2 13. Quality Assurance Travel, Inc., reported the check payments on its U.S. Income
3 Tax Returns, Form 1120S, for all relevant years but failed to report the cash receipts.

4 14. Cash receipts were paid to FIDENCIO MORENO, ARTURO MORENO, and
5 ELENA MORENO.

6 15. FIDENCIO MORENO and ELENA MORENO failed to disclose cash receipts to
7 their tax return preparer and caused their joint U.S. Individual Tax Returns, Form 1040, to
8 underreport their Schedule E non-passive income for tax years 2006, 2007, 2008, and 2009.

9 16. ARTURO MORENO failed to disclose cash receipts to his tax return preparer,
10 which caused his joint U.S. Individual Tax Returns, Form 1040, to underreport his Schedule E
11 non-passive income for tax years 2006, 2007, 2008, and 2009.

12 17. FIDENCIO MORENO, ARTURO MORENO, and ELENA MORENO failed to
13 disclose cash receipts to Quality Assurance Travel, Inc.'s tax return preparer, which caused
14 Quality Assurance Travel, Inc.'s U.S. Income Tax Returns, Form 1120S, to underreport its gross
15 receipts in the following amounts:

Tax Year	Unreported Cash Receipts
2006	\$228,780
2007	\$251,680
2008	\$236,700
2009	\$234,900

21 OVERT ACTS

22 18. In furtherance of the conspiracy, and to effect the objects thereof, the following
23 overt acts were committed in the Northern District of California and elsewhere:

24 A. From June 3, 2007, through August 19, 2007, defendant ARTURO MORENO
25 maintained a separate set of books for cash receipts that was not reported to Quality Assurance
26 Travel Inc.'s tax return preparer.

27 ///

28 ///

1 B. Defendant ARTURO MORENO provided profit and loss statements for each tax
2 year 2006, 2007, 2008, and 2009 to Quality Assurance Travel Inc.'s tax return preparer, that
3 underreported Quality Assurance Travel Inc.'s income.

4 C. Defendant ELENA MORENO produced QuickBooks accounting records for each
5 tax year 2006, 2007, 2008, and 2009 to Quality Assurance Travel Inc.'s tax return preparer, that
6 underreported Quality Assurance Travel Inc.'s income.

7 D. Defendants FIDENCIO MORENO, ARTURO MORENO, and ELENA
8 MORENO caused to be filed with the Internal Revenue Service corporate tax return Forms
9 1120S that underreported Quality Assurance Travel, Inc.'s gross receipts for tax years 2006,
10 2007, 2008, and 2009.

11 E. Defendants FIDENCIO MORENO, ARTURO MORENO, and ELENA
12 MORENO caused to be filed with the Internal Revenue Service U.S. Individual Tax Returns,
13 Form 1040, for tax years 2006, 2007, 2008, and 2009 that underreported their Schedule E non-
14 passive income.

15 All in violation of Title 18, United States Code, Section 371.

16 COUNT TWO: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

17 19. On or about March 16, 2007, in the Northern District of California, defendants,
18 FIDENCIO MORENO and
19 ELENA MORENO,
20 residents of San Jose, California, did willfully make and subscribe a joint U.S. Individual Income
21 Tax Return, Form 1040, for the tax year 2006, which was verified by a written declaration that it
22 was made under the penalties of perjury and which they did not believe to be true and correct as
23 to every material matter. That joint U.S. Individual Income Tax Return, Form 1040, for the tax
24 year 2006, which was prepared and signed in the Northern District of California and was filed
25 with the Internal Revenue Service, stated that their Schedule E non-passive income was \$34,576,
26 whereas, as they then and there knew and believed, their Schedule E non-passive income
27 exceeded the amount reported.

28 All in violation of Title 26, United States Code, Section 7206(1).

1 COUNT THREE: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

2 20. On or about March 21, 2008, in the Northern District of California, defendants,

3 FIDENCIO MORENO and
4 ELENA MORENO,

5 residents of San Jose, California, did willfully make and subscribe a joint U.S. Individual Income
6 Tax Return, Form 1040, for the tax year 2007, which was verified by a written declaration that it
7 was made under the penalties of perjury and which they did not believe to be true and correct as
8 to every material matter. That joint U.S. Individual Income Tax Return, Form 1040, for the tax
9 year 2007, which was prepared and signed in the Northern District of California and was filed
10 with the Internal Revenue Service, stated that their Schedule E non-passive income was \$41,190,
11 whereas, as they then and there knew and believed, their Schedule E non-passive income
12 exceeded the amount reported.

13 All in violation of Title 26, United States Code, Section 7206(1).

14 COUNT FOUR: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

15 21. On or about April 1, 2009, in the Northern District of California, defendants,

16 FIDENCIO MORENO and
17 ELENA MORENO,

18 residents of San Jose, California, did willfully make and subscribe a joint U.S. Individual Income
19 Tax Return, Form 1040, for the tax year 2008, which was verified by a written declaration that it
20 was made under the penalties of perjury and which they did not believe to be true and correct as
21 to every material matter. That joint U.S. Individual Income Tax Return, Form 1040, for the tax
22 year 2008, which was prepared and signed in the Northern District of California and was filed
23 with the Internal Revenue Service, stated that their Schedule E non-passive income was \$65,658,
24 whereas, as they then and there knew and believed, their Schedule E non-passive income
25 exceeded the amount reported.

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

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1 **COUNT FIVE: (26 U.S.C. § 7206(1) – Filing a False Tax Return)**

2 22. On or about April 15, 2010, in the Northern District of California, defendants,

3 FIDENCIO MORENO and
4 ELENA MORENO,

5 residents of San Jose, California, did willfully make and subscribe a joint U.S. Individual Income
6 Tax Return, Form 1040, for the tax year 2009, which was verified by a written declaration that it
7 was made under the penalties of perjury and which they did not believe to be true and correct as
8 to every material matter. That joint U.S. Individual Income Tax Return, Form 1040, for the tax
9 year 2009, which was prepared and signed in the Northern District of California and was filed
10 with the Internal Revenue Service, stated that their Schedule E non-passive income was
11 \$219,662, whereas, as they then and there knew and believed, their Schedule E non-passive
12 income exceeded the amount reported.

13 All in violation of Title 26, United States Code, Section 7206(1).

14 **COUNT SIX: (26 U.S.C. § 7206(1) – Filing a False Tax Return)**

15 23. On or about March 16, 2007, in the Northern District of California, defendant,

16 ARTURO MORENO,

17 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual
18 Income Tax Return, Form 1040, for the tax year 2006, which was verified by a written
19 declaration that it was made under the penalties of perjury and which he did not believe to be true
20 and correct as to every material matter. That joint U.S. Individual Income Tax Return, Form
21 1040, for the tax year 2006, which was prepared and signed in the Northern District of California
22 and was filed with the Internal Revenue Service, stated that his Schedule E non-passive income
23 was \$34,576, whereas, as he then and there knew and believed, his Schedule E non-passive
24 income exceeded the amount reported.

25 All in violation of Title 26, United States Code, Section 7206(1).

26 ///

27 ///

28 ///

INDICTMENT
CR 12-

1 COUNT SEVEN: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

2 24. On or about March 21, 2008, in the Northern District of California, defendant,
3 ARTURO MORENO,
4 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual
5 Income Tax Return, Form 1040, for the tax year 2007, which was verified by a written
6 declaration that it was made under the penalties of perjury and which he did not believe to be true
7 and correct as to every material matter. That joint U.S. Individual Income Tax Return, Form
8 1040, for the tax year 2007, which was prepared and signed in the Northern District of California
9 and was filed with the Internal Revenue Service, stated that his Schedule E non-passive income
10 was \$41,191, whereas, as he then and there knew and believed, his Schedule E non-passive
11 income exceeded the amount reported.

12 All in violation of Title 26, United States Code, Section 7206(1).

13 COUNT EIGHT: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

14 25. On or about March 31, 2009, in the Northern District of California, defendant,
15 ARTURO MORENO,
16 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual
17 Income Tax Return, Form 1040, for the tax year 2008, which was verified by a written
18 declaration that it was made under the penalties of perjury and which he did not believe to be true
19 and correct as to every material matter. That joint U.S. Individual Income Tax Return, Form
20 1040, for the tax year 2008, which was prepared and signed in the Northern District of California
21 and was filed with the Internal Revenue Service, stated that his Schedule E non-passive income
22 was \$65,658, whereas, as he then and there knew and believed, his Schedule E non-passive
23 income exceeded the amount reported.

24 All in violation of Title 26, United States Code, Section 7206(1).

25 COUNT NINE: (26 U.S.C. § 7206(1) – Filing a False Tax Return)

26 26. On or about April 14, 2010, in the Northern District of California, defendant,
27 ARTURO MORENO,
28 a resident of San Jose, California, did willfully make and subscribe a joint U.S. Individual

1 Income Tax Return, Form 1040, for the tax year 2009, which was verified by a written
2 declaration that it was made under the penalties of perjury and which he did not believe to be true
3 and correct as to every material matter. That joint U.S. Individual Income Tax Return, Form
4 1040, for the tax year 2009, which was prepared and signed in the Northern District of California
5 and was filed with the Internal Revenue Service, stated that his Schedule E non-passive income
6 was \$219,662, whereas, as he then and there knew and believed, his Schedule E non-passive
7 income exceeded the amount reported.

8 All in violation of Title 26, United States Code, Section 7206(1).

9 A True Bill.

10
11 Dated: October 18, 2012


FOREPERSON

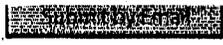
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13
14 MELINDA HAAG
United States Attorney

15 *M. Haag*
16 MIRANDA KANE

17 Assistant United States Attorney
Chief, Criminal Division

18 Approved as to Form

19 
20 CHARLES PARKER
Special Assistant United States Attorney



AO 257 (Rev. 8/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 - Conspiracy to Defraud the United States Petty
26 U.S.C. § 7206(1) - Filing False Tax Returns Felony
 Minor
 Misdemeanor

PENALTY:

18 U.S.C. § 371 - 5 years prison, \$250,000 fine, 3 years supervised release, \$100 assessment; 26 U.S.C. § 7206(1) - 3 years prison, \$250,000 fine, 1 year supervised release, \$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) FRCrP 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 THIS FORM

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty (if assigned) CHARLES PARKER, SAUSA, Tax Division

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

2012 OCT 18 PM 1:19
DEFENDANT - U.S.

RICHARD W. WIEKING
U.S. DISTRICT COURT
SAN JOSE, CALIFORNIA

DISTRICT COURT NUMBER

CR 12 750

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)

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 Ball 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: Nov. 6, 2012 @ 9:30 A.M.

Before Judge: Magistrate Judge Paul S. Grewal

Comments: _____

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Submitted/Filed

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 - Conspiracy to Defraud the United States Petty Minor Misdemeanor Felony
26 U.S.C. § 7206(1) - Filing False Tax Returns

PENALTY:

18 U.S.C. § 371 - 5 years prison, \$250,000 fine, 3 years supervised release, \$100 assessment; 26 U.S.C. § 7206(1) - 3 years prison, \$250,000 fine, 1 year supervised release, \$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) FRCrP 20, 21 or 40. Show District

this is a reprosecution 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 THIS FORM MELINDA HAAG

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty (if assigned) CHARLES PARKER, SAUSA, Tax Division

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

2012 OCT 18 1:20
DEFENDANT - U.S.

RICHARD W. WIEKING
ASTORO MORENO
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR 12 750
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)

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: Nov. 6, 2012 @ 9:30 AM.

Before Judge: Magistrate Judge Paul S. Grewal

Comments:

Δ2

Submitted by: [Redacted]

AO 257 (Rev. 6/78)

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

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 371 - Conspiracy to Defraud the United States Petty
 26 U.S.C. § 7206(1) - Filing False Tax Returns Minor Misdemeanor Felony

PENALTY:

18 U.S.C. § 371 - 5 years prison, \$250,000 fine, 3 years supervised release, \$100 assessment; 26 U.S.C. § 7206(1) - 3 years prison, \$250,000 fine, 1 year supervised release, \$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) FRCrP 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 MELINDA HAAG THIS FORM

U.S. Atty Other U.S. Agency

Name of Asst. U.S. Atty (if assigned) CHARLES PARKER, SAUSA, Tax Division

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

DEFENDANT - U.S.

ELENA MORENO

DISTRICT COURT NUMBER

CR 12 LHK 750

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)

PSG

IS IN CUSTODY

- 4) On this charge
- 5) On another conviction } Fed'l State
- 6) Awaiting trial on other charges
- If answer to (5) 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

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT Ball 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: Nov. 6, 2012 @ 9:30 A.M.

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Comments: _____

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