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FORMER CONDO-HOTEL DEVELOPER ARRESTED ON FEDERAL CHARGES ALLEGING EVASION OF MORE THAN \$1.75 MILLION IN INCOME TAXES

CHICAGO — A former real estate developer who attempted to convert hotels in Chicago, Miami Beach and elsewhere into condominium-hotels was arrested today on federal tax evasion charges alleging that he failed to pay more than \$1.75 million in taxes covering three years between 2004 and 2007. The defendant, **Robert D. Falor**, who was the chief operator and manager of The Falor Companies, Inc. (TFC), was charged with three counts of federal income tax evasion in an indictment that was returned by a federal grand jury on Tuesday and unsealed today following his arrest.

Falor, 43, of Chicago and formerly of Glencoe, pleaded not guilty at his arraignment this morning before U.S. District Judge Virginia Kendall, who scheduled a detention hearing for 10 a.m. tomorrow in Federal Court in Chicago.

The arrest and charges were announced by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois; Alvin Patton, Special Agent-in-Charge of the Internal Revenue Service Criminal Investigation Division in Chicago; and Thomas P. Brady, Inspector-in-Charge of the U.S. Postal Inspection Service in Chicago. The investigation is continuing, they said.

According to the indictment, Falor was an owner of multiple businesses, including limited liability companies, that he and others created to own and manage the affairs of various TFC condo-hotel properties. In converting hotels to condo-hotels, individual guest rooms would be sold to investors as separately titled condominium units and rented by a TFC-related hotel management company to guests when the owner was not in residence, with the owner receiving a percentage of the rental fee.

Falor operated multiple condo-hotel ventures in the mid-2000s, including the Blake Hotel, located at 500 S. Dearborn St., in Chicago, and the Tides Hotel on Ocean Drive in Miami Beach, but TFC ceased business operations in 2006, according to the indictment.

The tax evasion counts allege that Falor failed to pay the following amounts in federal income taxes: \$189,246 for calendar year 2004; \$494,261 for calendar year 2006; and \$1,091,216 for calendar year 2007, resulting in a total of \$1,774,723 in unpaid taxes. For 2006 and 2007, Falor allegedly evaded taxes, in part, by failing to file federal individual income tax returns. For 2004, he filed a tax return in October 2007 that allegedly under-reported his income and the amount of taxes he owed.

During 2007, the indictment alleges that Falor had two sources of unreported taxable income: more than \$2.3 million from the Blake Hotel and more than \$2.9 million in capital gains resulting from the dissolution of certain limited liability companies. Falor allegedly deposited the \$2.3 million of income from the Blake Hotel into various bank accounts through a series of more than 200 banking transactions. During 2007, he had taxable income of approximately \$4,837,308, on which he owed income tax of approximately \$1,091,216, the indictment charges, adding that he failed to file a return or pay any taxes by the deadline.

During 2006, Falor allegedly received taxable income of more than \$1.25 million from the Blake Hotel. In addition, more than \$1.65 million in loans from TFC became taxable income to Falor in 2006 because he failed to repay the loans when TFC ceased operations. The loans had accrued to Falor between 2003 and 2006 when he directed TFC employees to pay his personal expenses from company accounts and to record the payments as loans, the indictment states. During 2006, he had taxable income of approximately \$1,825,326, on which he owed income tax of approximately \$494,261, the indictment charges, adding that he failed to file a return or pay any taxes by the deadline.

During 2004, the indictment alleges that Falor had three sources of unreported taxable income: approximately \$1,294,424 in capital gains from the sale of certain interests in limited liability companies; approximately \$472,955 in capital gains from a distribution from a limited liability company that participate din the management of the Tides Hotel; and at least \$201,485 from certain companies that he deposited into a bank account he controlled. During 2004, he had taxable income of approximately \$1,332,391, on which he owed income tax of approximately \$189,246, the indictment charges. On Oct. 3, 2007, Falor allegedly filed an income tax return for 2004 that reported no capital gains and under-reported his income from various companies, resulting in a tax due of only \$2,102, when he actually owed the greater amount of approximately \$189,246.

The government is being represented by Assistant U.S. Attorneys Ryan S. Hedges and Barry Jonas.

Each count of tax evasion carries a maximum penalty of five years in prison and a \$250,000 fine. In addition, defendants convicted of tax offenses face mandatory costs of prosecution and remain civilly liable to the Government for any and all back taxes, as well as a civil fraud penalty

of 75 percent of the underpayment plus interest. If convicted, the Court, must impose a reasonable sentence under the advisory United States Sentencing Guidelines.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

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