

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.  
: :  
: Criminal No.  
v. :  
: 26 U.S.C. § 7206  
: 42 U.S.C. § 408  
PETER J. WAGAR : 18 U.S.C. § 2

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE

(Subscribing to False Tax Returns)

1. At all times relevant to this Information:
  - a. Defendant PETER J. WAGAR ("WAGAR") was a resident of Colts Neck, New Jersey;
  - b. Sawa Sushi Restaurant ("Sawa 1") was an Asian restaurant located in Eatontown, New Jersey;
  - c. Sawa Sushi Restaurant ("Sawa 2") was an Asian restaurant located in Long Branch, New Jersey;
  - d. Defendant WAGAR was a partner and manager of Sawa 1 and the general manager of Sawa 2; and
  - e. The United States Social Security Administration ("SSA") was an independent agency in the executive branch of the United States Government. The SSA was responsible for, among other things, administering the Disability Insurance

Benefit ("DIB") and Child's Insurance Benefit ("CIB") programs.

2. From in or about September 2006 through in or about September 2009, defendant WAGAR was the general manager of Sawa 2. In this position, defendant WAGAR managed the day-to-day operations of Sawa 2 and was paid cash and bonuses during this time period in the aggregate amount of approximately \$186,317.

3. From in or about May 2008 through in or about October 2009, defendant WAGAR was a partner and manager of Sawa 1. In this position, defendant WAGAR held a 13.33% ownership stake in Sawa 1 through the purchase of a liquor license for Sawa 1. On or about October 9, 2009, defendant WAGAR sold his ownership stake in Sawa 1 for approximately \$600,000, resulting in a long-term capital gain of approximately \$100,000.

4. In tax years 2006, 2007, 2008, and 2009, defendant WAGAR intentionally failed to provide his tax preparer with any information regarding the income that he earned from Sawa 1 and Sawa 2 in the aggregate amount of approximately \$286,317. Defendant WAGAR's intentional failure to provide this income information to the Internal Revenue Service resulted in a tax loss to the United States of approximately \$71,923.

5. On or about April 15, 2010, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

PETER J. WAGAR

did willfully subscribe to a Federal Income Tax Return for the tax year 2009, which contained and was verified by a written

declaration that it was made under the penalty of perjury, and which he did not believe to be true and correct as to every material matter.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

COUNT TWO

**(Social Security Benefits Fraud)**

1. Paragraph 1 of Count One of this Information is hereby reincorporated and alleged as if set forth in full herein.

2. On or about September 22, 1998, defendant WAGAR filed an application for DIB and CIB with the SSA, claiming that, as of in or about May 17, 1997, he was disabled and unable to work due to visual impairments and glaucoma. As part of his application, defendant WAGAR agreed to notify the SSA if there was any improvement in his medical condition, if he regained the ability to work, or if he returned to work.

3. Based on defendant WAGAR's applications, SSA determined that defendant WAGAR was eligible to receive DIB and CIB payments retroactive to November 1997, and SSA commenced paying defendant WAGAR between approximately \$2,100 and approximately \$2,800 on a monthly basis.

4. On or about February 27, 2007, defendant WAGAR completed a Work Activity Report - Employee, Form SSA-821-BK, in which he falsely represented to the SSA that he was still disabled and had not worked since May 1997. Defendant WAGAR further represented to the SSA that he had no earnings, had not been employed, had no special work conditions, and had received no special payments.

5. Defendant WAGAR failed to disclose to the SSA that he worked as the general manager at Sawa 2 between in or about

September 2006 through in or about September 2009, which would have made him ineligible for DIB and CIB benefits. Instead, defendant WAGAR continued to receive monthly disability payments for himself and his children, to which he was not entitled, which totaled approximately \$61,000.

6. From in or about September 2006 through in or about September 2009, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

PETER J. WAGAR,

having knowledge of events affecting his and his children's initial and continued right to Disability Insurance Benefits and Child's Insurance Benefits, concealed and failed to disclose such events to the United States Social Security Administration, with the intent to fraudulently secure payment in a greater amount than what was due and when no payment was authorized.

In violation of Title 42, United States Code, Section 408(a)(4), and Title 18, United States Code, Section 2.

  
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PAUL J. FISHMAN  
UNITED STATES ATTORNEY

CASE NUMBER: \_\_\_\_\_

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**United States District Court  
District of New Jersey**

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**UNITED STATES OF AMERICA**

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**PETER J. WAGAR**

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**INFORMATION FOR**

26 USC §§ 7206 and 2

42 USC §§ 408 AND 2

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**PAUL J. FISHMAN**

*UNITED STATES ATTORNEY, NEWARK, NEW JERSEY*

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