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NEWS RELEASE

Richard S. Hartunian, United States Attorney for the Northern District of New York, announced today the sentencing of a Liverpool man on tax charges.

Marc Zicaro, 38, had pled guilty on March 15, 2011 to being an accessory after the fact of the making of a false income tax return. The charge relates to Zicaro's involvement in a fraud perpetrated by Donald Geiss, Jr. from 2001 through 2007. Geiss was employed as the Director of Health and Safety at Intertek located in Cortland, New York. Geiss submitted vouchers to Intertek for payment on behalf of others who were identified as a medical doctor and certified industrial hygienists. In the case of Marc Zicaro, he was represented to be a medical doctor in the vouchers submitted to Intertek by Geiss. These vouchers sought payment for work that was never done. In fact, Zicaro is not a medical doctor. When

Geiss obtained the checks in payment of the fraudulent vouchers, he forged the endorsements and converted most of the proceeds to his own use.

During 2005, Geiss received Intertek checks payable to Marc Zicaro, M.D., in the total amount of \$152,000. Geiss endorsed these checks and kept the proceeds. Geiss did not report this income on his 2005 tax return. In July 2007, Marc Zicaro received a notice from the IRS concerning the fact that Intertek had reported a payment of \$152,000 to Zicaro that did not appear on Zicaro's 2005 tax return. In August 2007, after consulting with Geiss, Zicaro responded to the IRS in a signed written statement. The statement was false in that Zicaro stated that he notified Intertek that he did not receive the \$152,000 payment in 2005, when in fact Zicaro did not so notify Intertek. The statement was also false in that Zicaro stated Intertek issued a corrected 1099 which Zicaro enclosed in the correspondence to the IRS. This was false also in that Intertek did not issue the "corrected" 1099, and in fact Intertek knew nothing about it. Through this conduct, Zicaro assisted Geiss by hindering and preventing the IRS from the detection of Geiss' criminal conduct in the fact that Geiss' 2005 income tax return was false and fraudulent.

United States District Court Chief Judge Norman A. Mordue sentenced Zicaro to two years probation, 100 hours of community service and a \$100 special assessment. Donald Geiss pled guilty in February 2010 and is currently in federal prison serving a 78 month sentence.

This case was investigated by the Internal Revenue Service,
Criminal Investigation and the Federal Bureau of Investigation.
The case was prosecuted by AUSA Edward R. Broton.