

FILED

2015 JUL 16 PM 3:07

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
ACC

SEALED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

June 2014 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARLA LYNN CUNNINGHAM,

Defendant.

Case No. '15CR 1885 GPC

I N D I C T M E N T

Title 26, U.S.C. Sec. 7206(2) -
Aiding and Assisting in the Filing
of False Tax Returns

The grand jury charges:

INTRODUCTORY ALLEGATIONS

1. Defendant MARLA LYNN CUNNINGHAM, owned and operated a tax return preparation business called Cunningham's Tax Service, which was located in El Cajon, California.

Counts 1-36

26 U.S.C. § 7206(2)

AIDING AND ASSISTING IN THE FILING OF FALSE TAX RETURNS

2. That on or about the dates hereinafter set forth, within the Southern District of California, and elsewhere, defendant MARLA LYNN CUNNINGHAM, a resident of San Diego, California, did willfully aid and assist in, and procure, counsel, and advise the preparation and

1 presentation to the Internal Revenue Service, of U.S. Individual
 2 Income Tax Returns, Forms 1040 and accompanying schedules, either
 3 individual or joint, for the taxpayers and calendar years hereinafter
 4 specified. The returns were false and fraudulent as to material
 5 matters, in that they represented that the taxpayers were entitled
 6 under the provisions of the Internal Revenue laws to report income and
 7 expenses, and to claim deductions, for items and in amounts
 8 hereinafter specified, whereas, as the defendant then and there knew,
 9 the taxpayers were not entitled to report income and expenses, and to
 10 claim deductions, in the amounts reported.

11 3. The allegations of paragraph 2 are repeated and re-alleged
 12 in Counts 1 through 36, inclusive, of this Indictment, as though fully
 13 set forth therein:
 14

COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)
1	2/17/10	R.A.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$2,355
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,719
2	2/26/11	R.A.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$6,855
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$8,610
3	3/24/11	E.B.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$8,955
				Sch. A, Line 17	Noncash Charitable Contributions	\$3,000
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$15,154
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,000
4	3/24/11	E.B.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$8,855
				Sch. A, Line 17	Noncash Charitable Contributions	\$2,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$11,707
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$2,500
5	1/24/12	E.B.	2011	Form 8863, Line 1(c)	Education Credits	\$1,285

COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)
6	3/10/10	K.B.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$3,850
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$11,143
7	1/26/11	K.B.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,265
				Sch. A, Line 17	Noncash Charitable Contributions	\$1,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,744
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$1,500
8	3/7/11	M.B.	2010	Sch. A, Line 1	Medical and Dental Expenses	\$6,500
				Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,525
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$7,100
9	1/26/12	M.B.	2011	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$2,875
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$6,828
10	4/11/11	L.C.	2010	Sch. A, Line 1	Medical and Dental Expenses	\$12,100
				Sch. A, Line 16	Charitable Contributions by Cash or Check	\$5,850
				Sch. A, Line 17	Noncash Charitable Contributions	\$500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$11,493
11	4/10/12	L.C.	2011	Sch. A, Line 1	Medical and Dental Expenses	\$12,840
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$1,870
12	3/20/10	R.F.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,285
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$9,733
13	2/26/11	R.F.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$8,525
				Sch. A, Line 17	Noncash Charitable Contributions	\$4,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$20,302
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$4,500
14	3/8/12	R.F.	2011	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$3,850
				Sch. A, Line 17	Noncash Charitable Contributions	\$2,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$7,221
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$2,500
15	1/26/10	J.G.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$1,265
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,286

COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)
16	2/28/11	J.G.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,855
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$6,328
17	2/16/12	J.G.	2011	Form 8863, Line 1(c)	Education Credits	\$1,850
18	6/30/10	M.H.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$3,850
19	3/22/11	M.H.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$6,850
20	3/29/12	M.H.	2011	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$2,267
21	2/24/10	D.M.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,430
22	2/16/11	D.M.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$5,988
23	4/2/11	T.R. A.R.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$5,885
				Sch. A, Line 17	Noncash Charitable Contributions	\$3,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$13,143
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,500
24	1/24/12	T.R. A.R.	2011	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$1,500
				Sch. A, Line 17	Noncash Charitable Contributions	\$2,500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$3,360
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$2,500
25	2/15/10	B.R. S.R.	2009	Sch. A, Line 1	Medical and Dental Expenses	\$9,055
				Sch. A, Line 19	Gifts to Charity	\$4,100
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,124
26	1/31/11	B.R. S.R.	2010	Sch. A, Line 1	Medical and Dental Expenses	\$12,055
				Sch. A, Line 16	Charitable Contributions by Cash or Check	\$6,855
				Sch. A, Line 17	Noncash Charitable Contributions	\$2,855
				Sch. A, Line 19	Gifts to Charity	\$9,710
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$11,020
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$2,855
27	2/6/12	B.R. S.R.	2011	Sch. A, Line 1	Medical and Dental Expenses	\$11,500
				Sch. A, Line 16	Charitable Contributions by Cash or Check	\$4,250
				Sch. A, Line 19	Gifts to Charity	\$4,000
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,263

COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)
28	3/4/11	D.S. P.S.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$10,741
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$7,223
29	2/27/12	D.S. P.S.	2011	Sch. A, Line 21	Unreimbursed Employee Expenses	\$6,897
30	3/14/11	J.T. L.N.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$3,500
				Sch. A, Line 17	Noncash Charitable Contributions	\$3,000
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$16,806
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,000
31	4/12/11	M.T.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$3,650
				Sch. A, Line 17	Noncash Charitable Contributions	\$1,650
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$10,943
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$1,650
32	3/14/12	M.T.	2011	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$1,000
				Sch. A, Line 17	Noncash Charitable Contributions	\$500
				Sch. A, Line 21	Unreimbursed Employee Expenses	\$12,367
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$500
33	8/10/10	T.A.	2008	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$10,580
				Sch. A, Line 17	Noncash Charitable Contributions	\$3,500
				Sch. C, Line 1	Gross Receipts or Sales	\$189,800
				Sch. C, Line 9	Car and Truck Expenses	\$9,001
				Sch. C, Line 22	Supplies	\$7,856
				Sch. C, Line 25	Utilities	\$4,285
				Sch. C, Line 27	Other Expenses	\$3,178
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,500

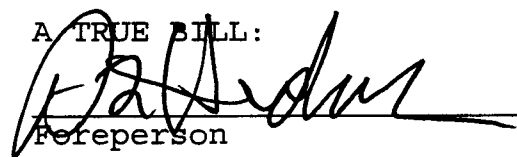
COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)	
1							
2	34	6/19/10	T.A.	2009	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$10,850
3					Sch. A, Line 17	Noncash Charitable Contributions	\$3,850
4					Sch. C, Line 1	Gross Receipts or Sales	\$101,501
5					Sch. C, Line 9	Car and Truck Expenses	\$18,068
6					Sch. C, Line 18	Office Expenses	\$855
7					Sch. C, Line 22	Supplies	\$24,850
8					Sch. C, Line 25	Utilities	\$11,616
9					Sch. C, Line 27	Other Expenses	\$8,495
10					Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,850
11	35	3/11/11	J.B	2009	Sch. A, Line 11	Home Mortgage Interest	\$5,040
12					Sch. A, Line 16	Charitable Contributions by Cash or Check	\$12,855
13					Sch. A, Line 17	Noncash Charitable Contributions	\$3,000
14					Sch. C, Line 1	Gross Receipts or Sales	\$158,025
15					Sch. C, Line 9	Car and Truck Expenses	\$10,189
16					Sch. C, Line 24b	Travel	\$5,629
17					Sch. C, Line 27	Other Expenses	\$2,440
18					Form 8829, Line 1	Area of Home Used for Business	480
19					Form 8829, Line 10	Deductible Mortgage Interest	\$8,760
20					Form 8829, Line 17	Insurance	\$1,035
21					Form 8829, Line 20	Utilities	\$10,680
22					Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$3,000
23							
24							
25							
26							
27							
28							

COUNT	DATE RECEIVED	TAX-PAYER(S)	CALENDAR YEAR	FALSE ITEM(S)		FALSE AMOUNT(S)
36	3/7/11	J.B.	2010	Sch. A, Line 16	Charitable Contributions by Cash or Check	\$9,025
				Sch. A, Line 17	Noncash Charitable Contributions	\$4,250
				Sch. C, Line 1	Gross Receipts or Sales	\$167,144
				Sch. C, Line 9	Car and Truck Expenses	\$9,271
				Sch. C, Line 24b	Travel	\$4,262
				Sch. C, Line 27	Other Expenses	\$1,285
				Form 8829, Line 1	Area of Home Used for Business	420
				Form 8829, Line 10	Deductible Mortgage Interest	\$8,760
				Form 8829, Line 18	Rent	\$6,000
				Form 8829, Line 19	Repairs and maintenance	\$50,000
				Form 8829, Line 20	Utilities	\$10,800
				Form 8283, Line 1(g)(A)	Noncash Charitable Contributions	\$4,250

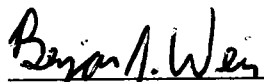
All in violation of Title 26, United States Code, Section 7206(2).

DATED: July 16, 2015.

A TRUE BILL:


 Laura E. Duffy
 Representative

LAURA E. DUFFY
 United States Attorney

By: 
 BENJAMIN J. WEIR
 Special Asst. U.S. Attorney

By: 
 MATTHEW R. HOFFMAN
 Special Asst. U.S. Attorney