

SEAL

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JUN 18 2015

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

UNITED STATES OF AMERICA

Criminal No. 6:15CR00008

v.

In violation of :

RICHARD ALEX

Title 26, U.S.C. § 7212(a)

Title 26, U.S.C. § 7201

Title 26, U.S.C. § 7203

INDICTMENT

THE GRAND JURY CHARGES THAT:

I. INTRODUCTION

At all times relevant to this Indictment:

1. RICHARD ALEX (hereinafter "ALEX"), the defendant, was a self-employed technician who performed low-voltage electrical work, including installation and repair of computer networks, credit card readers, and similar projects. ALEX resided in Cumberland, Virginia.

2. ALEX received payment for his work through dispatch companies, which typically receive work orders for projects from business owners or general contractors, and subcontract those projects to independent contractors.

3. Sun Cable LLC was a limited liability company established in Florida, which ALEX used as a nominee between approximately March 14, 2006 and January 16, 2007. ALEX was the sole member of Sun Cable LLC.

4. Cole Data Services was a sole proprietorship registered with the Clerk's Office of Cumberland County, Virginia, on September 11, 2006, which ALEX used as a nominee. Although an individual whose initials are M.C. was listed as the owner of Cole Data Services on the Certificate of Assumed or Fictitious Name, ALEX exercised and maintained control over Cole Data Services.

5. The Internal Revenue Service ("IRS") was and is an agency of the United States Department of the Treasury responsible for administering the tax laws of the United States, and collecting taxes owed to the United States.

COUNT ONE

(Corrupt Endeavor to Obstruct, Impede, and Impair
the Due Administration of the Internal Revenue Code)

1. The Introduction of this Indictment is re-alleged and incorporated into this Count of the Indictment.

2. On or about June 14, 1999, ALEX mailed or caused to be mailed to the IRS an Individual Federal Tax Return (IRS Form 1040) for tax year 1998 falsely claiming zero (\$0.00) as ALEX's income.

3. On or about February 2, 2005, ALEX filed or caused to be filed with the IRS Individual Federal Tax Returns (IRS Forms 1040) for tax years 2000 through 2003 on each of which ALEX reported that he earned zero (\$0.00) income.

4. On or about March 26, 2007, in response to a Notice of Federal Tax Lien filed against ALEX in the Circuit Court Clerk for Clay County, Florida, in the amount of \$281,005.71 for unpaid balances for tax years 1998 through 2003, ALEX sent the IRS a letter in which he falsely asserted, among other things that he did not owe or have any obligation to pay federal income taxes.

5. On or about May 10, 2010, in response to another Notice of Federal Tax Lien filed against ALEX in the Circuit Court Clerk for Clay County, Florida, in the amount of \$81,179.64 for unpaid balances for tax years 2003 through 2006, ALEX again sent the IRS a letter that falsely asserted that he did not owe or have any obligation to pay federal income taxes.

6. Beginning in or about December 2004, and continuing until at least on or about October 1, 2014, ALEX used nominee bank accounts, held in the names of M.C., D.A., Sun Cable, LLC, and M.C. d/b/a Cole Data Services, to receive payments from dispatch companies.

7. During calendar years 2007 and 2008, ALEX provided false information to a tax return preparer for the purpose of preparing federal tax returns for tax years 2006 and 2007 on behalf of M.C. and Cole Data Services.

8. Beginning on or about April 23, 2005, and continuing until at least on or about October 1, 2014, ALEX used a private mailbox service to conceal his actual residence.

9. For tax years 2004 through 2013, ALEX failed to file with the IRS any individual federal tax returns reporting his income although he earned gross income in each year well in excess of the minimum filing requirement.

10. Beginning on or about June 14, 1999, and continuing to the date of this indictment, in the Western District of Virginia and elsewhere, RICHARD ALEX did corruptly endeavor to obstruct or impede the due administration of the Internal Revenue laws of the United States concerning the ascertainment, computation, assessment and collection of federal taxes, by among other means:

- a) filing with the IRS false Individual Federal Tax Returns (IRS Forms 1040) for tax years 1998 and 2000 through 2003;
- b) establishing nominee businesses to conceal ALEX's gross income;

- c) using bank accounts held in the names of nominees to conceal ALEX's gross income;
- d) providing false information to a tax return preparer.

All in violation of Title 26, United States Code, Section 7212(a).

COUNT TWO
(Evasion of Payment)

1. The Introduction of this Indictment is re-alleged and incorporated into this Count of the Indictment.

2. Beginning on or about June 14, 1999, and continuing until at least on or about October 1, 2014, in the Western District of Virginia and elsewhere, RICHARD ALEX did willfully attempt to evade and defeat the payment of a substantial part of the income tax due and owing by him to the United States for the calendar years 1998 through 2006, by committing and causing to be committed affirmative acts of evasion, including, but not limited to, the following:

- a. filing with the IRS false Individual Federal Tax Returns (IRS Forms 1040) for tax years 1998 and 2000 through 2003;
- b. establishing nominee businesses to conceal ALEX's gross income;
- c. using bank accounts held in the names of nominees to conceal ALEX's gross income;
- d. providing false information to a tax return preparer.

All in violation of Title 26, United States Code, Section 7201 and Title 18, United States Code, Section 2.

COUNT THREE

(Willful Failure to File Individual Federal
Tax Return)

1. During the calendar year 2009, RICHARD ALEX, who was a resident of Cumberland, Virginia, had and received gross income of more than \$9,350. By reason of such gross income, he was required by law, following the close of the calendar year 2009 and on or before April 15, 2010, to make an income tax return to the Internal Revenue Service Center in Kansas City, Missouri, to a person assigned to receive returns at the local office of the Internal Revenue Service in Staunton, Virginia, in the Western Judicial District of Virginia, or to another Internal Revenue Service office authorized by the Commissioner of Internal Revenue, stating specifically the items of his gross income and any deductions and credits to which he was entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about April 15, 2010, in the Western District of Virginia and elsewhere, to make an income tax return.

All in violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

COUNT FOUR

(Willful Failure to File Individual Federal Tax Return)

1. During the calendar year 2010, RICHARD ALEX, who was a resident of Cumberland, Virginia, had and received gross income of more than \$9,350. By reason of such gross income, he was required by law, following the close of the calendar year 2010 and on or before April 18, 2011, to make an income tax return to the Internal Revenue Service Center in Kansas City, Missouri, to a person assigned to receive returns at the local office of the Internal Revenue Service in Staunton, Virginia, in the Western Judicial District of Virginia, or to another Internal Revenue Service office authorized by the Commissioner of Internal Revenue, stating specifically the items of his gross income and any deductions and credits to which he was

entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about April 18, 2011, in the Western District of Virginia and elsewhere, to make an income tax return.

All in violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

COUNT FIVE

(Willful Failure to File Individual Federal Tax Return)

1. During the calendar year 2011, RICHARD ALEX, who was a resident of Cumberland, Virginia, had and received gross income of more than \$9,500. By reason of such gross income, he was required by law, following the close of the calendar year 2011 and on or before April 17, 2012, to make an income tax return to the Internal Revenue Service Center in Kansas City, Missouri, to a person assigned to receive returns at the local office of the Internal Revenue Service in Staunton, Virginia, in the Western Judicial District of Virginia, or to another Internal Revenue Service office authorized by the Commissioner of Internal Revenue, stating specifically the items of his gross income and any deductions and credits to which he was entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about April 17, 2012, in the Western District of Virginia and elsewhere, to make an income tax return.

All in violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

COUNT SIX

(Willful Failure to File Individual Federal Tax Return)

1. During the calendar year 2012, RICHARD ALEX, who was a resident of Cumberland, Virginia, had and received gross income of more than \$9,750. By reason of such gross income, he was required by law, following the close of the calendar year 2012 and on or before April 15, 2013, to make an income tax return to the Internal Revenue Service Center in Kansas City, Missouri, to a person assigned to receive returns at the local office of the Internal

Revenue Service in Staunton, Virginia, in the Western Judicial District of Virginia, or to another Internal Revenue Service office authorized by the Commissioner of Internal Revenue, stating specifically the items of his gross income and any deductions and credits to which he was entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about April 15, 2013, in the Western District of Virginia and elsewhere, to make an income tax return.

All in violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

COUNT SEVEN

(Willful Failure to File Individual Federal Tax Return)

3. During the calendar year 2013, RICHARD ALEX, who was a resident of Cumberland, Virginia, had and received gross income of more than \$10,000. By reason of such gross income, he was required by law, following the close of the calendar year 2013 and on or before April 15, 2014, to make an income tax return to the Internal Revenue Service Center in Kansas City, Missouri, to a person assigned to receive returns at the local office of the Internal Revenue Service in Staunton, Virginia, in the Western Judicial District of Virginia, or to another Internal Revenue Service office authorized by the Commissioner of Internal Revenue, stating specifically the items of his gross income and any deductions and credits to which he was entitled. Well knowing and believing all of the foregoing, he did willfully fail, on or about April 15, 2014, in the Western District of Virginia and elsewhere, to make an income tax return.

All in violation of Title 26, United States Code, Section 7203 and Title 18, United States Code, Section 2.

A TRUE BILL this 18 day of June, 2015.

/s/ Grand Jury Foreperson
FOREPERSON


ANTHONY P. GIORNO
ACTING UNITED STATES ATTORNEY