

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(KANSAS CITY, KANSAS, DOCKET)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 18-20021-01-JAR-TJJ

DAVID MONHOLLON,

Defendant.

INDICTMENT

The Grand Jury charges:

Introductory Allegations

1. At all times relevant to this Indictment, DAVID MONHOLLON lived in Jefferson County, Kansas, at an Ozawkie postal address.
2. At all times relevant to this Indictment, First Call Medical Group, LLC, (hereinafter “First Call”) was a limited liability company doing business in the District of Kansas. First Call was in the business of providing temporary medical-staffing services to health care providers.
3. In or about June 2010, DAVID MONHOLLON organized First Call in the state of Kansas by filing articles of incorporation with the office of the Kansas Secretary of State. In that filing, he was listed as the resident agent of First Call, with First Call’s office address being the same as DAVID MONHOLLON’s residential address.

4. Beginning in or about June 2010, and continuing at least until February 1, 2014, DAVID MONHOLLON was First Call's owner and president. He exercised control over First Call's business affairs, including payments by First Call and First Call's bank accounts.

5. Between 2012 and 2014, DAVID MONHOLLON caused First Call to make approximately \$144,367 in payments to him, approximately \$23,335 in check payments for a mortgage on his personal residence, and approximately \$61,381 in payments to Cruisin' Customs (an automobile-related entity that he controlled).

6. The Internal Revenue Service was 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.

Employment Tax Withholding

7. The Internal Revenue laws require employers to withhold taxes from their employees' paychecks, including federal income, Medicare, and Social Security taxes. This Indictment refers to these taxes collectively as "payroll taxes." At all times relevant to this Indictment, First Call withheld payroll taxes from its employees' paychecks.

8. First Call was required to make deposits of the payroll taxes to the IRS on a periodic basis, but no later than the last day of the month following the end of the calendar quarter. In addition, First Call was required to file, one month after the conclusion of the calendar quarter, an Employer's Quarterly Federal Tax Return (Form 941), setting forth the total amount of employee wages and other compensation subject to

withholding, the total amount of income taxes withheld, the total amount of Social Security and Medicare taxes withheld, and the total tax deposits.

9. As owner and president of First Call, DAVID MONHOLLON was a “responsible person,” that is, he had the corporate responsibility to collect, truthfully account for, and pay over First Call’s payroll taxes.

10. Throughout the calendar years 2011, 2012, and 2013, First Call withheld payroll taxes from its employees’ paychecks. However, for seven of the nine calendar year quarters beginning in the fourth quarter of 2011 and ending in the fourth quarter of 2013, First Call did not fully pay over the payroll taxes to the IRS.

Counts 1-7: Failure to Account For and Pay Over Payroll Taxes

11. Each of the foregoing allegations is incorporated herein by reference. On or about each of the dates as set forth below, in the District of Kansas, the defendant,

DAVID MONHOLLON,

willfully failed to pay over to the IRS federal income, Social Security, and Medicare taxes withheld from the wages of First Call employees that were then due and owing to the United States in the approximate amounts stated for each of the following quarters, with each quarter constituting a separate count of this Indictment:

<u>Count</u>	<u>Quarter Ending</u>	<u>Date Due And Owing</u>	<u>Withheld Payroll Taxes Outstanding</u>
1	December 31, 2011	January 31, 2012	\$8,967.42
2	June 30, 2012	July 31, 2012	\$6,841.67
3	September 30, 2012	October 31, 2012	\$2,323.30
4	December 31, 2012	January 31, 2013	\$16,579.94
5	March 31, 2013	April 30, 2013	\$15,585.59
6	June 30, 2013	July 31, 2013	\$14,891.98
7	December 31, 2013	January 31, 2014	\$3,071.43

Each of these counts is a separate violation of Title 26, United States Code, Section 7202.

A TRUE BILL.

Dated: April 11, 2018

s/ Foreperson
FOREPERSON

s/ Leon Patton, AUSA, 11782, and
s/ John T. Mulcahy, MA Bar #670606, for:
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(It is requested that trial of the above captioned case be held in Kansas City, Kansas.)

PENALTIES:

As to each of Counts 1-7, the maximum penalties are a term of imprisonment of not more than five years; a fine of not more than \$250,000 or twice the gross pecuniary gain from the offense or twice the gross pecuniary loss (whichever is greater); the costs of prosecution; a term of supervised release of not more than three years; and a special assessment of \$100.