

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ORIGINAL FILED  
MAY 16 2012  
WILLIAM T. WALSH, CLERK

UNITED STATES OF AMERICA : Honorable Michael A. Shipp  
v. : Case No. 12-6038  
TODD P. HALPERN : **CRIMINAL COMPLAINT**

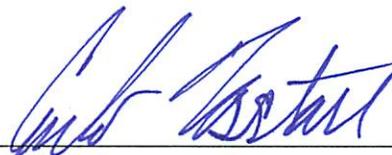
I, Carlo M. Nastasi, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Carlo M. Nastasi, Special Agent  
Internal Revenue Service-Criminal Investigation

Sworn to before me and subscribed in my presence,  
on May 16, 2012 at Newark, New Jersey



HONORABLE MICHAEL A. SHIPP  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**COUNT 1**  
**(Tax Fraud)**

From at least as early as June 2009, through in or about August 2009, in the District of New Jersey and elsewhere, defendant

TODD HALPERN

did knowingly and intentionally make and present and cause to be made and presented to the Internal Revenue Service, an agency of the Department of Treasury, claims against the United States for payment, by preparing and causing to be prepared, and filing and causing to be filed, what purported to be United States Individual Income Tax Returns in the names of individual taxpayers, wherein claims for income tax refunds were made, with knowledge that such claims were false, fictitious, and fraudulent.

In violation of Title 18, United States Code, Section 287.

**COUNT 2**  
**(Identity Theft)**

From at least as early as June 2009, through in or about August 2009, in the District of New Jersey and elsewhere, defendant

TODD HALPERN

knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person with the intent to commit, and to aid and abet, and in connection with, any unlawful activity that constitutes a violation of Federal law, and that constitutes a felony under any applicable State or local law, namely, filing false and fictitious claims against the United States, contrary to Title 18, United States Code, Section 287.

In violation of Title 18, United States Code, Section 1028(a)(7).

## **ATTACHMENT B**

I, Carlo M. Nastasi, have been a Special Agent of the Internal Revenue Service-Criminal Investigation ("IRS-CI") for approximately 3 years, and I have been personally involved in the investigation of this matter. The information contained in this Complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information relating to TODD P. HALPERN, the defendant; (c) documents obtained from various sources; and (d) discussions with other law enforcement officials. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### **BACKGROUND**

1. At all times relevant to this Complaint:

(a) Defendant HALPERN resided in or near Livingston, New Jersey.

(b) Defendant HALPERN was the sole owner and operator of A & V Financial ("A & V"), a tax preparation business.

(c) Defendant HALPERN was also the sole owner and operator of TGB Realty Services LLC ("TGB"), which was a shell company with no operations, employees, or assets other than a bank account, over which HALPERN had sole signatory authority.

### **TAX FRAUD**

#### **Introduction**

2. From at least as early as June 2009, through in or about August 2009, HALPERN prepared and caused to be filed fraudulent federal income tax returns with the Internal Revenue Service ("IRS") using the Electronic Filing Identification Number (EFIN) of a deceased tax return preparer. HALPERN prepared and filed the tax returns using stolen identities of actual taxpayers, without their knowledge. The tax returns contained fraudulent income and deduction amounts, which allowed HALPERN to personally receive tax refunds for the returns deposited directly into his TGB bank account.

#### **The Fraud**

3. In late 2008, HALPERN purchased A & V, which was located in Guttenberg, New Jersey, from the wife of the prior owner, V.R., who had passed away on March 8, 2008. As part of HALPERN's purchase of A & V, he received the company's computers and all of its client records.

4. As part of the purchase agreement, HALPERN was to obtain a new EFIN number in his own name for A & V. Instead, he continued to file tax returns using V.R.'s EFIN number, even though V.R. was deceased, because HALPERN's criminal record prevented him from obtaining an EFIN. From 2009 through 2010, HALPERN filed approximately 657 federal income tax returns using V.R.'s EFIN number.

5. For example, on or about June 24, 2009, HALPERN prepared and filed a fraudulent 2008 Form 1040 U.S. Individual Income Tax Return for an individual referred to herein as "B.G." HALPERN used the name V.R. at A & V in the preparer portion of the tax return. The tax return contained fraudulent income and deductions, which generated a refund that was directly deposited into HALPERN's TGB bank account.

6. IRS agents interviewed B.G., who explained that she does not file tax returns as she does not have any income. B.G.'s son, however, used HALPERN to prepare his tax returns. B.G. explained that her social security number ("SSN") appeared on her son's tax return, since she is a dependent of her son. B.G.'s son stated that HALPERN was aware that B.G. did not file tax returns and that she spoke very little English.

7. As another example, on or about July 29, 2009, HALPERN prepared and filed a fraudulent 2008 Form 1040 U.S. Individual Income Tax Return for an individual referred to herein as "J.P." HALPERN again used the name V.R. at A & V in the preparer portion of the tax return. The tax return contained fraudulent income and deductions, which again generated a refund that was directly deposited into HALPERN's TGB bank account.

8. IRS agents interviewed J.P., who explained that he had never heard of HALPERN and did not authorize HALPERN to prepare and file his tax returns. He explained that his taxes were prepared by the same individual, B.D., for the past 35 years. J.P. further explained that, unlike the fraudulent return prepared and filed by HALPERN, J.P.'s actual return was filed jointly with his wife and had an updated current address.

9. IRS agents determined that refunds from fraudulent tax returns were wired into HALPERN's TGB bank account between in or about July 2009 through in or about August 2009. The total amount of fraudulent tax refunds received by HALPERN was approximately \$373,938. HALPERN used these funds to support his lavish lifestyle, including to make purchases at Prada, Chanel, Saks Fifth Avenue, and Bloomingdales, to acquire season tickets to the New York Giants, to purchase thousands of dollars in jewelry, gold coins, and silver certificates, to make car payments on multiple luxury vehicles, including a 2007 Cadillac Escalade and a 2008 Lexus GX-470, and to buy car parts for his classic 1957 Chevy Bell Air.

## **IDENTITY THEFT**

### **Introduction**

10. As described in the above paragraphs, HALPERN stole identities of individuals, which was facilitated by his purchase and operation of A & V. Specifically, HALPERN obtained A & V taxpayer client information and access to these taxpayers' prior year tax returns. In so doing,

HALPERN possessed these individuals' names, SSNs, addresses, and other pertinent information related to their tax returns, including their dependents' names and SSNs.

### **The Theft**

11. As described above, HALPERN stole the identities of B.G. and J.P., and he filed fraudulent tax returns in their names.

12. In addition, IRS agents interviewed A.R., who was V.R.'s daughter. She explained that V.R. never met HALPERN. She further explained that HALPERN was made aware of V.R.'s death when HALPERN purchased A & V.

13. IRS agents interviewed B.G., who explained through her son that she did not authorize HALPERN to file a tax return for her, nor did she authorize him to use her address and other personal identifying information, including her SSN, on the fraudulent tax return.

14. IRS agents also interviewed J.P., who explained that he did not know HALPERN, did not authorize HALPERN to file a tax return for J.P., and did not authorize HALPERN to use J.P.'s former address and other personal identifying information, including J.P.'s SSN, on the fraudulent tax return.