

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-
: :
: 18 U.S.C. § 152(2)
v. : 26 U.S.C. § 7206(1)
: :
JOSEPH CARSILLO : **INFORMATION**

The defendant having waived in open court prosecution by indictment, the United States Attorney for the District of New Jersey charges:

COUNT ONE
(Bankruptcy Fraud)

1. At all times relevant to this Information, defendant JOSEPH CARSILLO (“defendant CARSILLO”) was a resident of East Hanover, New Jersey, and was an employee of Chimento Construction, Chimento Construction Services, and FAC Construction, interrelated and commingled companies specializing in commercial masonry and concrete work (collectively, the “Chimento Companies”). The Chimento Companies were initially located in Belleville, New Jersey but relocated to Parsippany, New Jersey in or about the spring/summer of 2011.

2. Defendant CARSILLO started working for the Chimento Companies in approximately 2007. During the years 2009, 2010, and 2011, he was paid

cash wages.

3. On or about February 18, 2011, defendant CARSILLO and his wife filed for individual Chapter 7 bankruptcy protection, under Case No. 11-18827. The bankruptcy petition (hereinafter the "Petition") listed approximately \$169,356 in unsecured debt to creditors. Defendant CARSILLO and his wife failed to accurately report in the Petition their combined current monthly income as well as their monthly average wages based on the prior six months.

4. Specifically, in the Petition, defendant CARSILLO and his wife claimed that their combined monthly income was approximately \$2,200, and that their monthly average gross wages based on the prior six months was approximately \$2,250, resulting in an annualized income of approximately \$27,000.

5. Defendant CARSILLO's and his wife's combined income for the month of January 2011 and for the period from February 1 through 18 of 2011, however, was approximately \$6,000 and \$4,500, respectively. Further, his monthly gross wages based on the prior six months was approximately \$7,448 and therefore, his annualized income should have been calculated as approximately \$89,470.

6. On or about April 28, 2011, a Section 341 bankruptcy hearing was conducted by the Chapter 7 bankruptcy trustee regarding the Petition. Defendant CARSILLO was placed under oath, affirmed his signature on the

Petition, and falsely stated that he had made sure to include all his assets and debts in the Petition.

7. On or about April 28, 2011, in the District of New Jersey and elsewhere, the defendant

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did knowingly and fraudulently make a material false oath and account in a case under Title 11 of the United States Code, by testifying under oath that he had included all assets in his Chapter 7 joint bankruptcy petition, when, in fact, he failed to report a significant amount of his available monthly income and average gross wages.

In violation of Title 18, United States Code, Section 152(2).

COUNT TWO
(Subscribing to a False Tax Return)

1. The allegations set forth in paragraphs 1 and 2 of Count One of this Information are realleged and reincorporated herein.

2. At various times relevant to Count Two of this Information, defendant CARSILLO:

a. provided and caused to be provided false and fraudulent information to a tax preparer in connection with the preparation of his 2010 U.S. Individual Income Tax Return, Form 1040; specifically, defendant CARSILLO intentionally understated the amount of income that he obtained in that tax year by approximately \$66,865, by not disclosing to the tax preparer a portion of the cash payments that he received from the Chimento Companies;

b. signed an IRS Form 8879 authorizing the tax preparer to file his tax returns electronically using CARSILLO's personal identification number; and

c. caused the tax preparer to underreport the amount of income obtained by defendant CARSILLO during tax year 2010 when the tax preparer electronically filed CARSILLO's 2010 Form 1040, which form contained a written declaration that it was filed under the penalties of perjury.

3. On or about April 6, 2011, in the District of New Jersey and elsewhere, defendant

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did knowingly and willfully make and subscribe, and cause to be made and subscribed, a 2010 U.S. Individual Income Tax Return, Form 1040, which contained and was verified by a written declaration that it was made under penalties of perjury, and which defendant CARSILLO did not believe to be true and correct as to every material matter, in that the return did not include approximately \$66,865 in taxable income.

In violation of Title 26, United States Code, Section 7206(1) and Title 18, United States Code, Section 2.

A handwritten signature in black ink, appearing to read "Paul J. Fishman", written over a horizontal line.

PAUL J. FISHMAN
United States Attorney
District of New Jersey

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UNITED STATES OF AMERICA

v.

JOSEPH CARSILLO

INFORMATION FOR

18 U.S.C. § 152(2) and 26 U.S.C. § 7206(1)

PAUL J. FISHMAN

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