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San Jose CPA Sentenced To Forty-One Months In Prison For Tax Fraud

FOR IMMEDIATE RELEASE   March 18, 2014

SAN JOSE – Steven Frank Boitano was sentenced yesterday to forty-one months in prison, and ordered to pay $181,910 in restitution, for filing false tax returns for several years, and failing to file tax returns for several other years, announced United States Attorney Melinda Haag and Assistant Attorney General Kathryn Keneally of the Justice Department's Tax Division.

Boitano, 58, of San Jose, was indicted on August 25, 2011. On August 9, 2013, Boitano pleaded guilty to counts four, five, and six of the indictment, charging him with failing to file federal income tax returns for 2005, 2006, and 2007. On August 19, 2013, a jury convicted Boitano of the three remaining counts in the indictment, charging him with filing false tax returns for 2001, 2002, and 2003.

According to evidence presented at trial, Boitano was a certified public accountant and partner with the accounting firm of Boitano, Sargent & Lily. In this role, Boitano provided tax return preparation and other accounting related services to his clients, and was also responsible for preparing the tax returns for his accounting firm. Boitano's gross annual income from 2001 through 2007 was at least $275,000. Between 1991 and 2007, Boitano failed to timely file his individual federal income tax returns. Instead, he submitted requests for extensions of time, frequently along with partial payments. Thereafter, as the extended due dates for each year passed, Boitano failed to file his tax returns. Boitano was audited by the IRS at least twice between 1991 and 2007. Nevertheless, Boitano continued to fail to file income tax returns.

In June, 2009, the case was assigned to an IRS revenue agent. During a meeting with the revenue agent on September 4, 2009, Boitano filed federal income tax returns for 2001, 2002, and 2003. On each of these tax returns, Boitano fraudulently reported making estimated tax payments of $26,000, $38,000, and $57,000, respectively, which he never actually made. As a result of these fabricated estimated tax payments, each return claimed a refund to which Boitano was not entitled.

The sentence was handed down by the Honorable Edward J. Davila, United States District Court Judge. Judge Davila also sentenced the defendant to a one-year period of supervised release and a $10,000 fine. The defendant will begin serving the sentence on May 29, 2014.

Assistant United States Attorney Michael G. Pitman and Trial Attorney Charles O'Reilly of the Justice Department Tax Division are prosecuting the case. The prosecution is the result of an investigation by the IRS, Criminal Investigation.

(Boitano unsealed indictment 📄)

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