

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA *2019 FEB 27 PM 4:41*
ORLANDO DIVISION

UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

v.

CASE NO. 6:19-cr-*44-OR-31TBS*
26 U.S.C. § 7201
26 U.S.C. § 7206(1)

DOUGLAS V. OAKES

INDICTMENT

The Grand Jury charges:

COUNT ONE

A. Introduction

At times material to this Indictment:

1. DOUGLAS V. OAKES ("OAKES") resided in Orange County, Florida, and Brevard County, Florida, in the Middle District of Florida.
2. Dealerindustry.com, LLC ("D.I.") d/b/a Automotive Capital Corporation was a Florida Limited Liability Company, doing business in the Middle District of Florida and elsewhere, in which OAKES had a financial interest.
3. Binx Property Group, LLC ("Binx") was a Delaware Limited Liability Company that was registered in the names of relatives of OAKES.

4. The Internal Revenue Service (“IRS”) was an agency within the Department of Treasury responsible for administering and enforcing the tax laws of the United States, and collecting taxes owed to the Treasury of the United States by its citizens and other various entities.

5. OAKES did not initially file tax returns for the 2002 to 2005 tax years. As a result, between 2006 and 2008, the IRS created and sent to OAKES substitute for returns (“SFRs”) for the 2002 to 2005 tax years based on the wages and earnings reported for OAKES by other companies. As of July 2015, OAKES had failed to respond to any of the SFRs that the IRS sent to him.

6. In September 2015, after the IRS notified OAKES of its intent to initiate collection enforcement actions, OAKES filed tax returns for the 2002 to 2005 tax years. Based on those returns, as of September 8, 2015, OAKES owed the following amounts of federal income taxes after accounting for employer withholdings, exemptions, and deductions:

Tax Year	Amount of Income	Amount of Taxes Due Including Interest and Penalties
2002	\$304,160	\$92,168
2003	\$292,392	\$66,849
2004	\$461,906	\$64,658
2005	\$415,605	\$94,609
TOTAL:	\$1,474,063	\$318,284

7. On June 21, 2016, OAKES paid \$129,687 of the amount due.

B. The Charge

8. Beginning at least as early as March 2008, and continuing through at least March 2018, in the Middle District of Florida, and elsewhere, the defendant,

DOUGLAS V. OAKES,

who was a resident of Orange County, Florida, and Brevard County, Florida, willfully attempted to evade and defeat the payment of substantial income tax due and owing by him to the United States of America for the years 2002 to 2005, by committing the following affirmative acts, among others:

(1) On or about March 14, 2008, OAKES had his daughters and other individuals registered with the Florida Department of State as D.I.'s managing members.

(2) On or about August 3, 2015, after learning of the IRS's intent to enforce collection on his unpaid taxes, OAKES had himself removed as a signatory for D.I.'s business bank account.

(3) In or about August 2015, OAKES had his name and title removed from D.I.'s website.

(4) In or about August 2015, OAKES had his public profile identifying himself as D.I.'s CEO removed from the website LinkedIn.

(5) On or about August 28, 2015, OAKES submitted a Collection Information Statement to the IRS in which he falsely represented that he was not employed or self-employed and earned no income, and that he did not have a financial interest in any business entities, when, in truth and in fact, as the defendant then and there well knew, he was working for and obtaining income from D.I. and had a financial interest in D.I.

(6) On or about September 1, 2015, OAKES submitted a sham rent agreement to the IRS in which it was represented that OAKES and his wife rented their home from D.I. for \$1 per month.

(7) On or about November 5, 2015, OAKES purchased a home on Pyber Ln. in Merritt Island in the name of Binx.

(8) In or about February 2017, OAKES caused a D.I. “Assignment of Membership Interest” and a D.I. “Assignment of Membership Interest and Bill of Sale” to be created, signed, and backdated to help conceal his financial interest in D.I.

(9) Between in or about July 2017 and in or about March 2018, OAKES and A.D. had tax returns prepared for OAKES’S deceased daughter, A.O., in which D.I.’s income was falsely claimed to be A.O.’s income.

In violation of 26 U.S.C. § 7201 and 18 U.S.C. § 2.

COUNT TWO

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2009, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said return he did not believe to be true and correct as to every material matter in that the said return reported a tax due and owing in the amount of \$0, whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

COUNT THREE

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2010, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said return he did not believe to be true and correct as to every material matter

in that the said return reported a tax due and owing in the amount of \$0, whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

COUNT FOUR

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2011, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said return he did not believe to be true and correct as to every material matter in that the said return reported a tax due and owing in the amount of \$0, whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

COUNT FIVE

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2012, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said return he did not believe to be true and correct as to every material matter in that the said return reported a tax due and owing in the amount of \$0, whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

COUNT SIX

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2013, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which

said return he did not believe to be true and correct as to every material matter in that the said return reported a tax due and owing in the amount of \$0, whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

COUNT SEVEN

On or about September 8, 2015, in the Middle District of Florida, the defendant,

DOUGLAS V. OAKES,

did willfully make and subscribe a U.S. Individual Income Tax Return for 2014, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which said return he did not believe to be true and correct as to every material matter in that the said return reported a tax due and owing in the amount of \$0,

whereas, as he then and there well knew and believed, his true tax due and owing was an amount substantially in excess of that amount.

In violation of 26 U.S.C. § 7206(1).

A TRUE BILL,

Jawie Leyhan
Foreperson

MARIA CHAPA LOPEZ
United States Attorney

By: Chauncey A. Bratt
Chauncey A. Bratt
Assistant United States Attorney

By: Roger B. Handberg
Assistant United States Attorney
Chief, Orlando Division

UNITED STATES DISTRICT COURT
Middle District of Florida
Orlando Division

THE UNITED STATES OF AMERICA

vs.

DOUGLAS V. OAKES

INDICTMENT

Violations: 26 U.S.C. § 7201
26 U.S.C. § 7206(1)

A true bill,

Laurie Belknap

Foreperson

Filed in open court this 27th day of February, 2019.

W. Roddy

Clerk

Bail \$ _____
