

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

**FILED**

MAR 26 2024

AT 8:30 2:20 PM  
CLERK, U.S. DISTRICT COURT - DNJ

UNITED STATES OF AMERICA : Hon.  
 :  
 v. : Crim. No. 24-  
 :  
 JOHN CONSTANTINO : 26 U.S.C. § 7201  
 : 26 U.S.C. § 7203

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting at Newark, charges as follows:

COUNTS ONE THROUGH SIX  
(Tax Evasion)

1. At various times relevant to this Indictment:
  - a. Defendant John Constantino ("CONSTANTINO") was a resident of Ridgewood, New Jersey.
  - b. The Internal Revenue Service ("IRS") was an agency of the United States Department of the Treasury. The IRS was responsible for administering and enforcing the tax laws of the United States and collecting the taxes that were due and owing to the Treasury of the United States by its citizens and residents.
  - c. The tax laws of the United States required every citizen and resident of the United States who received income in excess of the minimum filing amount established by law for a particular tax year to make and file annually a U.S. Individual Income Tax Return, Form 1040 ("Form 1040"), wherein a taxpayer reported items, including income, deductions, and tax due and owing. Generally, individuals were required by law to prepare and file a Form 1040 with the IRS, and

pay any tax liability, by on or about April 15 of each year for the preceding calendar year unless the taxpayer obtained an extension to file the return.

d. The tax laws of the United States also required every C Corporation to make and annually file a U.S. Corporation Income Tax Return, Form 1120 (“Form 1120”) reporting, among other items, its ordinary or net business income.

e. CONSTANTINO owned and operated a New Jersey-based company that provided painting and fireproofing services (the “Company”). CONSTANTINO was the sole owner and president of the Company. CONSTANTINO incorporated the Company with the New Jersey Department of Treasury on or about April 7, 1989, and then again on or about July 9, 2015. CONSTANTINO operated the Company as a “C Corporation” under the Internal Revenue Code.

f. From at least in or around 2015, CONSTANTINO paid for Company expenses in cash and used check cashing facilities to cash checks received from entities that had business dealings with the Company. In addition, from at least in or around August 2014, CONSTANTINO maintained a bank account in which he intentionally structured cash deposits to avoid triggering the generation of Currency Transaction Reports.

g. From at least in or around 2015 through in or around 2022, the Company earned income. From in or around 2015 through in or around 2022, CONSTANTINO also earned income through the Company.

h. As a citizen and resident of the United States who received income in excess of the minimum filing amount established by law for each tax year, CONSTANTINO was required to make and file annually a Form 1040.

CONSTANTINO was responsible for accurately reporting on the Form 1040, among other items, his total income, whatever sources derived from, including income CONSTANTINO earned from the Company.

i. As a C Corporation operating in the United States, the Company was required to report income on a Form 1120. As the sole owner and president of the Company, CONSTANTINO was responsible for filing the Form 1120 and accurately reporting on the Form 1120 the income earned by the Company, and also for paying any taxes due and owing from the Company's net taxable income.

j. According to records obtained from both the Company and other entities who conducted business with the Company, as well as records showing CONSTANTINO's personal expenditures, CONSTANTINO's total net taxable income from the Company for the tax years 2017 through 2022 was approximately \$641,927.00, and the Company's total net taxable income for the tax years 2017 through 2022 was \$3,275,093.12.

k. For the tax years 2017 through 2022, CONSTANTINO earned net taxable income in excess of the threshold that would require him to file an individual income tax return. Yet CONSTANTINO failed to file a Form 1040 for each of those years with the IRS, and CONSTANTINO affirmatively evaded substantial taxes due and owing for those years.

l. For the tax years 2017, 2018, 2020, 2021, and 2022, the Company, which was owned and operated by CONSTANTINO, earned net taxable income. Yet CONSTANTINO failed to file a Form 1120 with the IRS for the Company for each of

those years, or for the tax year 2019, and CONSTANTINO affirmatively evaded substantial taxes due and owing for those years.

m. For the tax year 2017, CONSTANTINO earned a net taxable income of approximately \$96,200.00 through the operation of the Company, and the Company earned a net taxable income of approximately \$548,925.85. For the tax year 2017, CONSTANTINO owed both personal and corporate income tax of approximately \$203,830.00 to the United States of America.

n. For the tax year 2018, CONSTANTINO earned a net taxable income of approximately \$125,950.00 through the operation of the Company, and the Company earned a net taxable income of approximately \$112,309.77. For the tax year 2018, CONSTANTINO owed both personal and corporate income tax of approximately \$45,223.00 to the United States of America.

o. For the tax year 2019, CONSTANTINO earned a net taxable income of approximately \$112,657.00 through the operation of the Company, and the Company incurred a business loss of approximately \$132,524.00. For the tax year 2019, CONSTANTINO owed personal income tax of approximately \$18,284.00 to the United States of America.

p. For the tax year 2020, CONSTANTINO earned a net taxable income of approximately \$64,200.00 through the operation of the Company, and the Company earned a net taxable income of approximately \$840,851.37. For the tax year 2020, CONSTANTINO owed both personal and corporate income tax of approximately \$183,771.00 to the United States of America.

q. For the tax year 2021, CONSTANTINO earned a net taxable income of approximately \$71,900.00 through the operation of the Company, and the Company earned a net taxable income of approximately \$319,896.20. For the tax year 2021, CONSTANTINO owed both personal and corporate income tax of approximately \$75,615.00 to the United States of America.

r. For the tax year 2022, CONSTANTINO earned a net taxable income of approximately \$88,420.00 through the operation of the Company, and the Company earned a net taxable income of approximately \$686,546.79. For the tax year 2022, CONSTANTINO owed both personal and corporate income tax of approximately \$156,012.00 to the United States of America.

s. The amount of taxes due and owing by CONSTANTINO (as a result of net taxable income earned by both the Company and CONSTANTINO) for the tax years 2017 through 2022 are summarized in the below chart:

Count	Tax Year	Approximate Income Not Reported	Approximate Tax Due and Owing (Excluding Penalties and Interest)
One	2017	\$645,125.85	\$203,830.00
Two	2018	\$238,259.77	\$45,223.00
Three	2019	\$112,657.00	\$18,284.00
Four	2020	\$905,051.37	\$183,771.00
Five	2021	\$391,796.20	\$75,615.00
Six	2022	\$774,966.79	\$156,012.00
<b>Total:</b>			<b>\$682,735.00</b>

2. From on or about January 1, 2017, through on or about March 26, 2024, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

**JOHN CONSTANTINO,**

a resident of Ridgewood, New Jersey, received taxable income (on behalf of himself and the Company), upon which there was income tax due and owing to the United States of America. Knowing the foregoing facts and failing to file income tax returns for the tax years 2017 through 2022 on or before the dates required by law for each such tax year, to any proper officer of the IRS, the defendant willfully attempted to evade and defeat the substantial personal and corporate income tax due and owing by him to the United States for the tax years 2017 through 2022 by committing the following affirmative acts of evasion, among others:

a. Between on or about January 9, 2015, through December 22, 2022, CONSTANTINO used a check cashing facility to cash approximately \$13,438,978.24 in checks received from entities that had business dealings with the Company;

b. Between on or about January 5, 2016, and on or about May 25, 2023, CONSTANTINO paid the Company's expenses, such as labor, supplies, and materials, in cash;

c. Between on or about May 5, 2016, and on or about June 26, 2023, CONSTANTINO intentionally structured cash deposits into his and the Company's bank accounts to avoid triggering the generation of Currency Transaction Reports;

d. Between on or about January 31, 2016, through December 2022, the Company through CONSTANTINO employed employees and contractors but

failed to report their respective wages to the IRS, as required under the U.S. tax laws;  
and

e. From at least on or about January 9, 2015, through on or about March 26, 2024, CONSTANTINO took affirmative steps to conceal his whereabouts and assets from the IRS, including but not limited to, maintaining a false address on his New Jersey Driver License and maintaining assets in the name of a nominee.

In violation of Title 26, United States Code, Section 7201.

**COUNTS SEVEN THROUGH TWELVE**  
**(Failure to File U.S. Individual Income Tax Returns, Forms 1040,  
for the Tax Years 2017 through 2022)**

3. Paragraphs 1 and 2 of Count One through Six of this Indictment are re-alleged and incorporated as if fully set forth herein.

4. During the calendar years 2017, 2018, 2019, 2020, 2021, and 2022, CONSTANTINO, a resident of Ridgewood, New Jersey, had and received gross income in excess of the minimum filing amounts established by law for each calendar year, which are set forth in the table below. By reason of such gross income, he was required by law, on or before the due dates set forth below, to file an income tax return, Form 1040, to any proper officer of the United States, stating specifically the items of his gross income and any deductions and credits to which he was entitled.

5. On or about the dates set forth below, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

**JOHN CONSTANTINO,**

knowing and believing the foregoing facts, did willfully fail to make a federal income tax return, Form 1040, to the IRS for each of the calendar years set forth below:

<b>Count</b>	<b>Tax Year</b>	<b>Filing Due Date</b>	<b>Minimum Gross Income Required for Filing (Filing Single)</b>
Seven	2017	April 17, 2018	\$10,400
Eight	2018	April 15, 2019	\$12,000
Nine	2019	July 15, 2020	\$12,200
Ten	2020	May 17, 2021	\$12,400
Eleven	2021	April 18, 2022	\$14,250
Twelve	2022	April 18, 2023	\$14,700

In violation of Title 26, United States Code, Section 7203.



**COUNTS THIRTEEN THROUGH EIGHTEEN**  
**(Failure to File U.S. Corporation Income Tax Returns, Forms 1120,  
for the Tax Years 2017 through 2022)**

6. Paragraphs 1 and 2 of Count One through Six of this Indictment are re-alleged and incorporated as if fully set forth herein.

7. During the calendar years 2017 through 2022, CONSTANTINO was the sole owner and president of the Company, a corporation not expressly exempt from tax, and therefore, CONSTANTINO was required by law, after the close of the calendar years cited above and on or before April 15 of the subsequent calendar year, to make an income tax return, for and on behalf of the Company, to any proper officer of the United States, stating specifically the items of the Company's gross income and any deductions and credits to which the Company was entitled.

8. On or about the dates set forth below, in Bergen County, in the District of New Jersey, and elsewhere, the defendant,

**JOHN CONSTANTINO,**

knowing and believing the foregoing facts, did willfully fail to make a federal corporate income tax return to the Internal Revenue Service for each of the calendar years set forth below:

<b>Count</b>	<b>Tax Year</b>	<b>Filing Due Date</b>
Thirteen	2017	April 17, 2018
Fourteen	2018	April 15, 2019
Fifteen	2019	April 16, 2020
Sixteen	2020	April 15, 2021
Seventeen	2021	April 18, 2022
Eighteen	2022	April 18, 2023

In violation of Title 26, United States Code, Section 7203.

A TRUE BILL

FOREPERSON

  
PHILIP R. SELLINGER  
United States Attorney