

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon.
	:	
v.	:	Crim. No. 21-
	:	
DAVID KUSHNER	:	26 U.S.C. § 7201

INDICTMENT

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

COUNTS ONE THROUGH THREE
(Tax Evasion)

1. At all times relevant to this Indictment:
 - a. Defendant David Kushner ("Kushner") served as a partner of a real estate investment business, and partner and president of a property management business (collectively "the Businesses"). Based on his roles, Kushner received management fee income and additional payments from the Businesses.
 - b. Kushner controlled four bank accounts (collectively "the Accounts"). Kushner deposited payments and income from the Businesses and elsewhere into the Accounts. Kushner then used a majority of the funds in the Accounts for personal expenses, in the District of New Jersey and elsewhere.
 - c. Kushner failed to file any income tax returns, failed to make any estimated payments for the Accounts, and failed to declare a majority of the funds in the Accounts as income on his Individual Income Tax Returns.

d. The tax laws of the United States require every citizen and resident of the United States who receives income in excess of the minimum filing amount established by law for a particular tax year to make and file annually a Personal Tax Return, wherein a taxpayer reports items including income, deductions, and tax due and owing. United States taxpayers have an obligation to report to the IRS on a United States Individual Income Tax Return, Form 1040, all income received.

2. During the tax years 2014, 2015, and 2016, Kushner transferred funds directly from the Businesses into the Accounts and spent these funds on his own personal expenses. For tax years 2014, 2015, and 2016, Kushner failed to report this income on a Form 1040. During these years, Kushner knew that he had taxable income for the calendar years 2014, 2015, and 2016 that was greater than the amounts reported on the tax returns, and as a result of such additional taxable income, there was an additional tax due and owing to the United States of America.

3. For each of the tax years 2014, 2015, and 2016, Kushner authorized the filing of his personal tax returns, including a Form 1040, affirming that each was true and accurate, and caused those returns to be filed with the Internal Revenue Service.

4. Between in or around the dates set forth in the table below, in Bergen County, in the District of New Jersey, and elsewhere, defendant,

DAVID KUSHNER,

willfully did attempt to evade and defeat a substantial part of income tax due


and owing to the United States of America for the tax years set forth below, by preparing and causing to be prepared, by signing and causing to be signed, and by filing and causing to be filed United States Income Tax Returns, Form 1040, which were submitted to the Internal Revenue Service, knowing it to be false and fraudulent with respect to the amount of reported income on which the tax was due and owing, as set forth below, each false tax return constituting a separate count of this indictment:

Count	Tax Year	Approximate Date Tax Return Filed	Reported Taxable Income	Reported Amount Due and Owing	Approximate Unreported Taxable Income	Approximate Tax Due & Owing (Excluding Penalties and Interest)
One	2014	May 4, 2015; Amended November 20, 2017	\$0	\$0	\$634,444	\$266,971
Two	2015	October 17, 2016	\$0	\$4,226	\$777,789	\$260,157
Three	2016	October 19, 2017	\$0	\$16,761	\$377,778	\$146,311

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

A TRUE BILL

FOREPERSON


RACHAEL A. HONIG
Acting United States Attorney