

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

BELKIS M. GUZMAN,
Defendant.

Criminal Case No. 16 345

In violation of 26 U.S.C § 7206(2), and 18
U.S.C. § 1343, § 641, §§ 1028A(a)(1) and
(c)(1) and (c)(5), and § 510(a)(1).

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. The Internal Revenue Service ("IRS") is a constituent agency of the United States Treasury responsible for administering and enforcing the tax laws of the United States and collecting the taxes owed to the Treasury of the United States by its citizens.
2. BELKIS M. GUZMAN was a Rhode Island resident and employee at El Centro Multiservicios, LLC ("El Centro"), a Rhode Island LLC that provided income tax services for various clients ("Guzman Tax Clients"). GUZMAN would prepare U.S. Individual Income Tax Returns, Forms 1040, for Guzman Tax Clients and then use her employer's Electronic Filing Identification Number ("EFIN") to file the returns with the IRS.
3. A U.S. Individual Income Tax Return, Form 1040 ("Form 1040") is an income tax return filed with the IRS by citizens and residents of the United States that

reports, among other things, income and deductions to determine the amount of tax owed or the amount to be refunded to the taxpayer.

4. A Schedule A, Itemized Deductions ("Schedule A"), is an IRS form that is attached to a Form 1040 when applicable and is used by taxpayers to claim certain permissible deductions from taxable income. Deductions claimed on a Schedule A include, among other things: gifts to charity; job-related and other miscellaneous expenses, such as unreimbursed employee expenses; and tax preparation fees.

5. A Schedule C, Profit or Loss from Business (Sole Proprietorship) ("Schedule C"), is an IRS form that is attached to a Form 1040 when applicable and is used by taxpayers to report gross receipts, expenses, and profit or loss from a business operated by the taxpayer as a sole proprietorship.

6. A Form 8863 ("Form 8863") is used to compute certain deductible education expenses which are then entered on lines 49 and 66, on Form 1040.

7. A Schedule EIC or Earned Income Credit ("E.I.C.") is used to compute any applicable earned income tax credit which is a refundable tax credit for low and moderate income taxpayers who qualify. The E.I.C. is then entered on line 64 of the Form 1040.

8. An Exemption on the Form 1040 ("Exemption") is a deduction based upon, among other things, the number of qualifying dependents entered on Form 1040.

9. A Standard Deduction is a Form 1040 deduction entered on line 40 and is based on the filing status of the taxpayer.

10. For the tax years 2009, 2010, and 2011, defendant, BELKIS M. GUZMAN , knowingly and willfully created and filed false Form 1040s on behalf of her clients. The defendant created and falsified, among other things, the number of client dependents, false tax credits, false exemptions, false expenses and false deductions. By filing these false returns, the defendant generated fraudulent income tax refunds for Guzman’s Tax Clients for which they were not entitled.

COUNTS 1-33

(Preparing False Income Tax Returns)

11. The allegations contained in paragraphs 1 through 10 above are re-alleged and incorporated by reference as though fully set forth herein.

12. On or about the dates set forth below, in the District of Rhode Island, the defendant, BELKIS M. GUZMAN, a resident of Providence, Rhode Island, did willfully aid and assist in, and procure, counsel, and advise the preparation and presentation to the Internal Revenue Service, of U.S. Individual Income Tax Returns, Forms 1040, either individual or joint, for the taxpayers and tax years listed below, which were false and fraudulent as to material matters, in that they represented that the taxpayers were entitled under the provisions of the Internal Revenue laws to claim deductions for items and in amounts that the defendant then and there knew the taxpayers were not entitled to claim:

<u>COUNT</u>	<u>DATE OF OFFENSE</u> <u>(on or about)</u>	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
1	March 25, 2010	A.M.B.	2009	Education Credit, Line	\$600.00

<u>COUNT</u>	<u>DATE OF OFFENSE</u> <u>(on or about)</u>	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
				66, Form 1040	
2	February 15, 2010	M.M.	2009	Education Credit, Line 66, Form 1040; Schedule A, Job Expenses Line 27	E.C., \$200; Schedule A, \$4,167
3	March 11, 2010	R. and M., M.	2009	Education Credits, Lines 49 and 66, Form 1040; Schedule A, Gifts, Line 16, Employee Expenses, Line 21, Other Expenses, Line 23	E.C. \$900; G. \$500; E.E. \$9,854.00; O.E.\$1,740
4	April 21, 2010	M.L.	2009	Education Credit, Line 66, Form 1040	\$600
5	February 20, 2011	C.P.	2010	Education Credits, Lines 49 and 66, Form 1040	\$1,548
6	April 8, 2011	D.M.	2010	Education Credit, Line 66, Form 1040	\$850

<u>COUNT</u>	<u>DATE OF OFFENSE</u> <u>(on or about)</u>	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
7	March 5, 2011	E.M.	2010	Education Credits, Lines 49 and 66, Form 1040; Schedule A, Employee Expenses, Line 21, Other Expenses, Line 23	E.C. \$1,898; E.E. \$1,200; O.E. \$800
8	August 1, 2011	J.L.	2010	Education Credits, Lines 49 and 66, Form 1040	\$1,243
9	February 7, 2011	G. and L., D-M.	2010	Exemption, Line 42, Education Credits, Lines 49 and 66, Form 1040	Exemption \$18,250; E.C. \$1,263
10	February 1, 2011	M.C.	2010	Business Income, Line 12, Earned Income Credit, Line 64, Education Credit, Line 66, Form 1040	B.I. \$10,592; E.I.C. \$3,050; E.C. \$850
11	April 28, 2011	M.E.N.	2010	Education Credits, Lines 49 and 66, Form 1040	\$2,200
12	March 11, 2011	R.J. and L., B.R.	2010	Education Credits, Lines 49 and 66, Form 1040	\$2,875

<u>COUNT</u>	<u>DATE OF OFFENSE</u> (on or about)	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
13	March 4, 2011	R.D.O.	2010	Education Credits, Lines 49 and 66, Form 1040	\$2,050
14	March 17, 2011	T.O.O.	2010	Schedule A Other Expenses, Line 23	\$5,200
15	March 24, 2011	W.A.	2010	Schedule A, Job Expenses, Line 27	\$6,418
16	March 8, 2011	W.G. and M.M.	2010	Education Credits, Lines 49 and 66, Form 1040	\$1,678
17	June 16, 2011	J.M.	2010	Education Credit, Lines 49 and 66, Form 1040	\$2,000
18	March 10, 2011	D.R. and P.C.	2010	Education Credits, Lines 49 and 66, Form 1040	\$2,801
19	January 29, 2011	P.R. and J.E.R.	2010	Education Credit, Line 66, Form 1040	\$920
20	February 7, 2012	C.A.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,500
21	February 27, 2012	E.H.	2011	Education Credit, Lines 49 and 66, Form 1040	\$2,000
22	February 13, 2012	E.U.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,200

<u>COUNT</u>	<u>DATE OF OFFENSE</u> <u>(on or about)</u>	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
23	February 24, 2012	E. and I., C	2011	Education Credits, Lines 49 and 66, Form 1040	\$4,479
24	January 30, 2012	F.V.M. and K.D.V.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,500
25	February 13, 2012	J.C.S-D.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,800
26	April 6, 2012	L.A.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,800
27	January 30, 2012	M.F.	2011	Education Credit, Line 66, Form 1040	\$400
28	February 8, 2012	P.P.	2011	Education Credits, Lines 49 and 66, Form 1040	\$1,198
29	January 20, 2012	R.F.	2011	Standard Deduction, Line 40, Exemptions Line 42, Education Credit, Line 49, Form 1040	S.D. \$8,500; E. \$11,100; E.C. \$900
30	May 28, 2012	R.M.	2011	Education Credits, Lines 49 and 66, Form 1040	\$2,025
31	January 30, 2012	D. and A., D.	2011	Business Income, Line 12, Earned	B.I. \$16,800 E.I.C. \$5,112

<u>COUNT</u>	<u>DATE OF OFFENSE</u> (on or about)	<u>TAXPAYER(S)</u>	<u>CALENDAR</u> <u>TAX YEAR</u>	<u>FALSELY</u> <u>CLAIMED</u> <u>ITEM(S)</u>	<u>TOTAL</u> <u>AMOUNT</u> <u>CLAIMED</u>
				Income Credit, Line 64, Form 1040	
32	February 13, 2012	V. and W., G.	2011	Education Credits, Lines 49 and 66, Form 1040	\$2,025
33	March 1, 2012	Y.A.	2011	Education Credits, Lines 49 and 66, Form 1040	\$2,250

All in violation of 26 U.S.C. § 7206(2).

COUNTS 34-41
(Wire Fraud)

Object and Scheme to Defraud

13. The allegations made in Paragraphs 1 and 2 above are re-alleged and incorporated by reference as though fully set forth herein.

14. From in or about September 2009, and continuing until in or about November 2011, the exact dates being unknown to the Grand Jury, within the District of Rhode Island and elsewhere, the defendant, BELKIS M. GUZMAN, and others, known and unknown to the Grand Jury, knowingly and willfully devised and intended to devise a scheme and artifice to defraud and for obtaining money owned and belonging to the United States Treasury, to which she was not entitled, by means of false and fraudulent pretenses, representations, and promises.

Manner and Means

15. It was part of the scheme to defraud that defendant, BELKIS M. GUZMAN, did without lawful authority, deposit checks obtained from the United States Treasury into her personal checking account at Bank of America ending in account number 0397 ("Guzman's checking account"), for the unlawful purpose, use and benefit of herself and others. On various dates between 2009 and 2011, a total of \$686,823.65, more or less, was deposited into Guzman's checking account.

16. It was also part of the scheme that false income tax returns would be filed with the IRS which generated income tax refunds which were then deposited into Guzman's checking account. Once deposited, BELKIS M. GUZMAN would write personal checks from Guzman's checking account and make other withdrawals from the same account and give a portion of the money to third parties as their share of the unlawfully obtained funds.

17. It was also part of the scheme that BELKIS M. GUZMAN would make deposits into Guzman's checking account through Bank of America ATM machines to avoid detection of the scheme by others.

18. It was also part of the scheme that BELKIS M. GUZMAN would personally sign names appearing on the fraudulently obtained tax refund checks which she then deposited into her personal checking account.

The Execution of the Scheme

19. On or about the dates set forth below, in the District of Rhode Island and elsewhere, the defendant, BELKIS M. GUZMAN, for the purpose of executing the

aforementioned scheme and artifice to defraud and for obtaining money, knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, writings, signs, signals, pictures and sounds as set forth below and representing a transfer of funds into her personal checking account from the United States Treasury.

COUNT	DATE (on or about)	AMOUNT	PAYEE
34	September 14, 2009	\$10,058.83	A.L.A.
35	November 17, 2009	\$7,703.00	L.T.G.
36	December 1, 2009	\$2,224.00	P.N.J.
37	January 7, 2010	\$8,984.49	B.L.D.
38	April 5, 2011	\$6,149.03	M.J.
39	June 1, 2011	\$ 6,562.00	A.O.O.
40	September 1, 2011	\$5,894.00	J.Z.R.
41	November 2, 2011	\$6,876.81	M.G.R.

All in violation of 18 U.S.C. § 1343.

COUNT 42

(Theft of Government Funds)

20. The allegations made in Paragraphs 1 and 2 and 13 through 19 above are re-alleged and incorporated by reference as though fully set forth herein.

21. Between in or about April 4, 2011, through in or about November 2, 2011, in the District of Rhode Island and elsewhere, the defendant, BELKIS M. GUZMAN, willfully and knowingly did steal and purloin money, in the amount of \$629,900.23, more or less, by depositing United States Treasury checks into Guzman’s checking account at Bank of America,

All in violation of 18 U.S.C. § 641.

COUNT 43 through 46
(Aggravated Identity Theft)

22. The allegations made in Paragraphs 1 and 2, and 13 through 21 above are re-alleged and incorporated by reference as though fully set forth herein.

23. On or about the dates set forth below, in the District of Rhode Island and elsewhere, the defendant, BELKIS M. GUZMAN, during and in relation to the commission of the offenses set forth below, did knowingly possess and use without lawful authority the means of identification of another person, that is, the name of the person set forth below:

<u>COUNT</u>	<u>DATE (on or about)</u>	<u>NAME</u>	<u>RELATED COUNT(S)</u>
43	November 17, 2009 (wire fraud)	L.T.G.	35 (wire fraud)
44	June 1, 2011 (wire fraud) June 1, 2011 (theft of government property)	A.O.O.	39 (wire fraud) 42 (theft of government property)
45	September 1, 2011 (wire fraud)	J.Z.R.	40 (wire fraud)

	September 1, 2011 (theft of government property)		42 (theft of government property)
46	November 2, 2011 (wire fraud) November 2, 2011 (theft of government property)	M.G.R.	41 (wire fraud) 42 (theft of government property)

All in violation of 18 U.S.C. §§ 1028A(a)(1), (c)(1), and (c)(5).

COUNTS 47- 70

(Forgery)

24. The allegations made in Paragraphs 1 and 2, and 13 through 23 above are re-alleged and incorporated by reference as though fully set forth herein.

25. On or about the dates set forth below, in the District of Rhode Island and elsewhere, the defendant, BELKIS M. GUZMAN, with intent to defraud, did falsely make and forge an endorsement on a Treasury check of the United States with a face value greater than \$1,000 as indicated below:

<u>COUNT</u>	<u>NAME/ENDORSEMENT</u>	<u>DATE</u>	<u>FACE VALUE/AMOUNT</u>
47	A.O.O.	June 1, 2011	\$6,562.00
48	N.M.A.	July 1, 2011	\$5,668.00
49	I.C.A.	July 26, 2011	\$5,815.00
50	J.Z.R.	September 1, 2011	\$5,984.00
51	J.M.M.	September 12, 2011	\$3,046.02
52	J.R.R.	September 13, 2011	\$6,042.03
53	L.R.C.	September 13, 2011	\$7,174.61

<u>COUNT</u>	<u>NAME/ENDORSEMENT</u>	<u>DATE</u>	<u>FACE VALUE/AMOUNT</u>
54	M.D.M.	September 13, 2011	\$6,265.24
55	A.B.P.	September 29, 2011	\$6,014.12
56	E.F.T.	October 6, 2011	\$7,359.61
57	I.C.A.	October 11, 2011	\$6,909.77
58	H.R.C.	October 13, 2011	\$6,579.85
59	A.Z.C.	October 17, 2011	\$6,305.00
60	M.A.G.	October 18, 2011	\$5,715.00
61	R.G.L.	October 19, 2011	\$7,242.00
62	E.D.V.	October 24, 2011	\$1,722.62
63	L.M.M.	October 24, 2011	\$6,446.30
64	B.L.N.	October 25, 2011	\$5,612.00
65	M.L.S.	October 25, 2011	\$5,499.00
66	J.M.M.	October 26, 2011	\$2,798.40
67	B.L.V.	October 28, 2011	\$5,644.00
68	R.A.F.	November 1, 2011	\$6,356.22
69	C.R.P.	November 2, 2011	\$6,861.37
70	M.G.R.	November 2, 2011	\$6,876.81

All in violation of 18 U.S.C. § 510(a)(1).

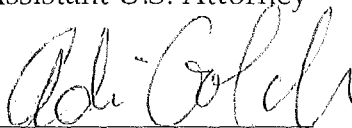
A TRUE BILL

REDACTED

PETER F. NERONHA
United States Attorney



RICHARD W. ROSE
Assistant U.S. Attorney



ADI GOLDSTEIN
Assistant U.S. Attorney
Criminal Division Chief

Dated: March 29, 2016

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. _____

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Counts Added
 Information

USA vs.

Defendant: Belkis M. Guzman

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF RHODE ISLAND Divisional Office

Address

REDACTED

Name and Office of Person Furnishing Information on THIS FORM
 PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. (401) 709-5043

Name of Asst. U.S. Attorney (if assigned)
 RICHARD W. ROSE

Birth Date

Alien (applicable)

Social Security

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
 Internal Revenue Service

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Issue: Warrant Summons

Location Status:

Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody

Writ Required

Currently on bond

Fugitive

Defense Counsel (if any): Tara I. Allen, Esq.

FPD CJA RET'D

Appointed on Target Letter

Place of offense: RHODE ISLAND County

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 70

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
	See Attached Sheet.	See Attached Sheet.	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
		Estimated Trial Days: 4	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor

United States v. Belkis M. Guzman
INDICTMENT COVER SHEET ATTACHMENT

Counts 1-33: (Preparing False Income Tax Returns, 26 U.S.C. § 7206(2))

MAX PENALTY FOR EACH COUNT

- a. 3 years imprisonment;
- b. \$100,000 fine;
- c. cost of prosecution;
- d. 3 years supervised release; and
- e. \$100 special assessment.

Counts 34-41: (Wire Fraud, 18 U.S.C. § 1343)

MAX PENALTY FOR EACH COUNT

- a. 20 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

Count 42: (Theft of Government Funds, 18 U.S.C. § 641)

- a. 10 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.

Count 43-46: (Aggravated Identity Theft, 18 U.S.C. § 1028A(a)(1), (c)(1) and (c)(5))

MAX PENALTY FOR EACH COUNT

- a. 2 consecutive years imprisonment; and
- b. \$100 special assessment.

Counts 47-70: (Forgery, 18 U.S.C. § 510(a)(1))

MAX PENALTY FOR EACH COUNT

- a. 10 years imprisonment;
- b. \$250,000 fine;
- c. 3 years supervised release; and
- d. \$100 special assessment.