

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 14-
v. :
DOREEN GENTILE : 18 U.S.C. §§ 510(a)(1), 641, 1028A,
1341, and 2;
: 26 U.S.C. § 7206(1)

INDICTMENT

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

COUNTS 1 to 14
[18 U.S.C. § 1341 – Mail Fraud]

The Defendant and Other Entities

1. At all times relevant to this Indictment:

a. Defendant Doreen Gentile was a resident of Toms River, New Jersey, and owned and operated Doreen A. Gentile & Associates, LLC (“DAG & Associates”). DAG & Associates was an accounting practice based in Toms River. Gentile maintained personal bank accounts and business bank accounts in the name of DAG & Associates at TD Bank, N.A. (“TD Bank”).

b. Since in or about October 2000, defendant Doreen Gentile maintained a U.S. Post Office Box in Toms River, New Jersey. The name of the Post Office Box’s customer was “Doreen A. Gentile & Associates, LLC.” At various times, defendant Gentile received mail at the Post Office Box on behalf of DAG & Associates and her clients.

c. The Internal Revenue Service (“IRS”) was a constituent agency of the United States Department of Treasury and part of the Executive Branch of the Government, responsible for administering and enforcing the tax laws of the United States and collecting taxes owed to the Treasury of the United States, and providing refunds of taxes overpaid.

The Victims

2. Victim #1 was a resident of Pennsville, New Jersey, ran a corporation named AITZ, Inc. (“AITZ”) with his son (Victim #7) and hired DAG & Associates to handle his accounting work, manage properties that he owned and prepare income tax returns. In connection with work for AITZ, defendant Doreen Gentile opened and maintained a business bank account in the name of “Management Properties Solutions t/a AITZ” at TD Bank (the “AITZ Account”). Victim #1 died in September 2005.

3. Victim #2 was a resident of Brielle, New Jersey and hired DAG & Associates to prepare income tax returns for Victim #2 and his wife.

4. Victim #3 was a resident of Wall Township, New Jersey and hired DAG & Associates to prepare income tax returns for Victim #3 and business tax returns, including payroll tax returns, for his medical practice in Manasquan, New Jersey.

5. Victim #4 was a resident of Allenwood, New Jersey and hired DAG & Associates to prepare income tax returns for Victim #4 and her husband, as well as Victim #4’s mother (Victim #5, a resident of Manasquan) and brother (Victim #6, a resident of Howell, New Jersey).

6. Victim #7 was a resident of Ventnor City, New Jersey and Philadelphia, Pennsylvania and hired DAG & Associates to handle his accounting work, manage properties that he owned and prepare income tax returns.

7. Victim #8 was a resident of Millstone Township, New Jersey and hired DAG & Associates to prepare income tax returns for Victim #8 and his wife.

8. Victim #9 was a resident of Brick, New Jersey and hired DAG & Associates to prepare income tax returns. Victim #9 also had income tax returns prepared by DAG & Associates for her daughter, Victim #10, a resident of Brick, New Jersey.

The Scheme

9. From in or about 2005 through in or about March 2010, in Ocean County, in the District of New Jersey and elsewhere, defendant

DOREEN GENTILE

did knowingly and intentionally devise a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme and artifice was in substance as set forth below:

10. It was part of the scheme and artifice to defraud that defendant Doreen Gentile met with clients of DAG & Associates, including the Victims described above, and obtained necessary information and documents to prepare federal and state income tax returns.

11. It was further part of the scheme and artifice to defraud that defendant Doreen Gentile directed various clients, including some of the Victims, to pay to the IRS estimated tax payments.

12. It was further part of the scheme and artifice to defraud that defendant Doreen Gentile directed Victim #3 to pay to the IRS payroll tax withholding. Thereafter, defendant Gentile prepared Employer's Quarterly Federal Tax Return, Forms 941; forged Victim #3's signature; mailed those returns to the IRS; caused U.S. Treasury Refund Checks to be mailed to her Post Office Box and then forged Victim #3's signature on those checks when she deposited them into the DAG & Associates bank account.

13. It was further part of the scheme and artifice to defraud that defendant Doreen Gentile prepared one set of tax returns which she showed to her clients, including her Victims, that indicated that the clients had no tax or refund due, owed a minimal amount of tax (generally under \$40) or were due a refund that was far less than what was actually reported to the IRS.

14. It was further part of the scheme and artifice to defraud that defendant Doreen Gentile prepared a second set of tax returns which were submitted by U.S. Mail to the IRS that indicated her clients, including the Victims, were entitled to a tax refund. Defendant Gentile signed various tax returns without the Victims' authorization or permission.

15. It was further part of the scheme and artifice to defraud that, based on the second set of returns submitted by defendant Doreen Gentile, the IRS or the State of New Jersey issued tax refund checks which were sent

through the U.S. Mails to the client, including the Victims, “care of” DAG & Associates to the DAG & Associates’ Post Office Box in Toms River, New Jersey.

16. It was further part of the scheme and artifice to defraud that defendant Doreen Gentile forged her client’s signatures and deposited the tax refund checks into the DAG & Associates bank account at TD Bank without her clients’ permission. Thereafter, defendant Gentile used the money to pay personal expenses.

17. On or about the dates listed below, in the District of New Jersey and elsewhere, having devised and intending to devise the above-described scheme and artifice to defraud and for obtaining money and property by means of materially false and fraudulent pretenses, representations and promises, defendant

DOREEN GENTILE

did knowingly and with fraudulent intent place or caused to be deposited in a post office and authorized depository for mail to be delivered by the United States Postal Service certain mail matters as more fully described below which contained checks addressed “c/o DAG & Associates, P.O. Box 5066, Toms River, New Jersey” totaling approximately \$905,004, for the purpose of executing such scheme and artifice:

Count	Approximate Date	Description	Amount
1	7/9/2009	State of New Jersey Check paid to the order of Victim #5, c/o DAG & Associates	\$6,500
2	8/10/2009	State of New Jersey Check paid to the order of Victim #2, c/o DAG & Associates	\$11,806
3	9/1/2009	U.S. Treasury Check paid to the order of Victim #3, c/o DAG & Associates	\$5,600
4	9/18/2009	U.S. Treasury Check paid to the order of Victim #10, c/o DAG & Associates	\$1,388
5	9/7/2009	State of New Jersey Check paid to the order of Victim #9, c/o DAG & Associates	\$244
6	9/7/2009	State of New Jersey Check paid to the order of Victim #10, c/o DAG & Associates	\$27
7	10/23/2009	U.S. Treasury Check paid to the order of Victim #10, c/o DAG & Associates	\$504
8	10/29/2009	State of New Jersey Check paid to the order of Victim #10, c/o DAG & Associates	\$106
9	11/20/2009	U.S. Treasury Check paid to the order of Victim #6, c/o DAG & Associates	\$6,243
10	11/27/2009	U.S. Treasury Check paid to the order of Victim #9, c/o DAG & Associates	\$2,802
11	12/1/2009	U.S. Treasury Check paid to the order of Victim #3, c/o DAG & Associates	\$5,785
12	12/11/2009	U.S. Treasury Check paid to the order of Victim #9, c/o DAG & Associates	\$2,469
13	2/23/2010	U.S. Treasury Check paid to the order of Victim #3, c/o DAG & Associates	\$5,285
14	2/26/2010	U.S. Treasury Check paid to the order of Victim #8, c/o DAG & Associates	\$2,667

In violation of Title 18, United States Code, Section 1341, and Title 18, United States Code, Section 2.

COUNTS 15 to 23

[18 U.S.C. § 510(a)(1) – Forging Endorsements on Treasury Checks of the United States]

1. Paragraphs 1 through 8 and 10 through 16 of Counts 1 to 14 of this Indictment are incorporated as if set forth in full herein.

2. On or about the dates listed below, in Ocean County, the District of New Jersey and elsewhere, defendant

DOREEN GENTILE

with intent to defraud, did falsely make and forge on Treasury checks of the United States, listed below, the endorsement of the Victim, identified below, those checks representing the victim's tax refund checks:

Count	Approximate Date	Check	Amount
15	9/4/2009	U.S. Treasury Check paid to the order of Victim #3	\$5,600
16	9/21/2009	U.S. Treasury Check paid to the order of Victim #10	\$1,388
17	10/29/2009	U.S. Treasury Check paid to the order of Victim #10	\$504
18	11/23/2009	U.S. Treasury Check paid to the order of Victim #6	\$6,243
19	11/30/2009	U.S. Treasury Check paid to the order of Victim #9	\$2,802
20	12/7/2009	U.S. Treasury Check paid to the order of Victim #3	\$5,785
21	12/15/2009	U.S. Treasury Check paid to the order of Victim #9	\$2,469
22	3/2/2010	U.S. Treasury Check paid to the order of Victim #3	\$5,285
23	3/9/2010	U.S. Treasury Check paid to the order of Victim #8	\$2,667

In violation of Title 18, United States Code, Section 510(a)(1), and Title 18, United States Code, Section 2.

COUNT 24
[18 U.S.C. § 1028A – Aggravated Identity Theft]

1. Paragraphs 1 through 8 and 10 through 16 of Counts 1 to 14 of this Indictment are incorporated as if set forth in full herein.

2. From in or about April 2006 through in or about January 2010, in Ocean County, the District of New Jersey and elsewhere, defendant

DOREEN GENTILE

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name and employer or taxpayer identification number of Victim #3, during and in relation to a felony violation contained in Chapter 63, United States Code, to wit, the filing of forged Employee Quarterly Tax Returns by mailing them to the IRS and causing tax refund checks to be mailed to the defendant's Post Office Box, in violation of Title 18, United State Code, Section 1341.

In violation of Title 18, United States Code, Section 1028A(a)(1) and (c)(5).

COUNT 25
[18 U.S.C. § 641 – Theft of Government Funds]

1. Paragraphs 1 through 8 and 10 through 16 of Counts 1 to 14 of this Indictment are incorporated as if set forth in full herein.

2. The United States Social Security Administration ("SSA") was an agency of the Executive Branch of the United States. The SSA, among other things, maintained the Retirement Benefits under Title II, of the Social Security Act, Title 42, United States Code, Section 401 et seq., for eligible individuals. When a person worked and paid Social Security taxes, that person earned "credits" toward Social Security benefits. The number of credits required for retirement benefits depended upon one's year of birth. SSA did not pay any retirement benefits until a person had the required number of credits. Such benefits were not transferrable and could not be inherited.

3. In or about 1990, defendant Doreen Gentile was hired to be the accountant for Victim #7. In or about 1995, defendant Gentile started performing accounting work for Victim #7's father (Victim #1) and AITZ.

4. On August 15, 1990, Victim #1 filed for Retirement Benefits with the SSA.

5. Between August 1990 and April 2003, the SSA mailed Retirement Benefits in the form of U.S. Treasury Checks to Victim #1.

6. In April 2003, Victim #1's Retirement Benefits were paid by direct deposit into his account at The Bank.

7. Victim #1 died on September 2, 2005. The SSA was not notified of Victim #1's death and continued sending monthly electronic deposits into Victim #1's bank account at The Bank.

8. From in or about October 2005 through in or about July 2009, in Salem County, the District of New Jersey and elsewhere, defendant

DOREEN GENTILE

did knowingly and willfully embezzle, steal, purloin, and convert to her own use and the use of another, money of the United States and the SSA, that is, approximately \$105,437 in SSA program benefits, namely Retirement Benefits, to which she was not entitled.

The Scheme

9. Defendant DOREEN GENTILE was the accountant for Victim #1 and did not inform the SSA that Victim #1 had died in September of 2005, causing the SSA to issue direct deposits of benefit payments to Victim #1's bank account at The Bank until in or about July 2009.

10. At various times after the deposits, defendant Doreen Gentile wrote checks from Victim #1's bank account at The Bank made payable to AITZ or DAG & Associates. Thereafter, defendant Doreen Gentile wrote checks from AITZ's bank account to DAG & Associates, which were deposited into the DAG & Associates account or defendant Gentile's personal account, which she then used to pay personal expenses.

11. At various times, defendant Doreen Gentile used the debit card linked to the AITZ Account to pay personal expenses and purchase personal

items from various locations, including, among others, Bloomingdale's, Coach, Coldwater Creek, Best Buy, Urban Outfitters, Pottery Barn, J. Crew, Diamond Center, Nordstrom's and Victoria's Secret.

12. The total amount of benefits that defendant Doreen Gentile collected to which she was not entitled was approximately \$105,437.

In violation of Title 18, United States Code, Section 641, and Title 18, United States Code, Section 2.

COUNT 26
[18 U.S.C. § 1028A – Aggravated Identity Theft]

1. Paragraphs 1 through 8 and 10 through 16 of Counts 1 to 14 and paragraphs 2 through 7 and 9 through 12 of Count 25 of this Indictment are incorporated as if set forth in full herein.

2. From in or about September 2005 through in or about July 2009, in Salem County, the District of New Jersey and elsewhere, defendant

DOREEN GENTILE

did knowingly possess and use, without lawful authority, a means of identification of another person, that is, the name, social security number and bank account number of Victim #1, during and in relation to a felony violation contained in Chapter 47, United State Code, to wit, the theft of public money and property, that is the Social Security Retirement Benefits issued by the SSA to Victim # 1, in violation of Title 18, United States Code, Section 641 and to commit access device fraud, in violation of Title 18, United States Code, Section 1029(a)(5).

In violation of Title 18, United States Code, Section 1028A(a)(1), (c)(1) and (c)(4).

COUNTS 27 to 28
[26 U.S.C. § 7206(1) – Filing False Income Tax Returns]

1. Paragraphs 1 through 8 and 10 through 16 of Counts 1 to 14 and paragraphs 2 through 7 and 9 through 12 of Count 25 of this Indictment are incorporated as if set forth in full herein.

2. For tax years 2008 and 2009, defendant Doreen Gentile prepared and filed U.S. Individual Income Tax Returns, Forms 1040, for herself and her husband. The personal income tax returns, Forms 1040, for tax years 2008 and 2009 were signed by defendant Gentile and contained written declarations that they were signed under the penalties of perjury. For tax years 2008 and 2009, defendant Gentile:

a. prepared the Partnership Returns (Forms 1065) for DAG & Associates. The income on Forms 1065 was divided on Forms K-1 with 75% attributed to defendant Gentile and 25% attributed to her husband. The Form K-1 income was supposed to be carried over to Form 1040;

b. was required to report gross receipts received by DAG & Associates;

c. failed to report significant income generated from depositing and spending clients' federal and state income tax refunds, including Victim #2, Victim #3, Victim #5, Victim #6, Victim #7 and Victim #8, that were diverted to DAG & Associates without the clients' consent;

d. failed to report checks defendant Gentile embezzled from the AITZ Account payable to DAG & Associates and defendant Gentile's use of the AITZ debit card for personal purchases;

e. failed to report life insurance checks and other checks relating to Victim #1's estate which were deposited into the DAG & Associates and the AITZ Account; and

f. failed to report Victim #1's Social Security Benefits which defendant Gentile used to make personal purchases.

3. The personal income tax returns, Forms 1040, for tax years 2008 and 2009 were not true and correct as to every material matter in that the returns did not include approximately \$376,092 in taxable income which defendant Gentile stole from individuals for whom she performed accounting services and prepared tax returns.

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

DOREEN GENTILE

did knowingly and willfully make and subscribe a Form 1040, U.S. Individual Income Tax Return, which was verified by a written declaration by defendant Doreen Gentile that it was made under the penalties of perjury and which return the defendant did not believe to be true and correct as to every material matter, as follows:

Count	Date Return Filed	Calendar Tax Year	False Matter in Return	Tax Loss
27	05/11/2009	2008	<ul style="list-style-type: none">• Line 21 (adjusted gross income)	\$56,971
28	04/05/2010	2009	<ul style="list-style-type: none">• Line 21 (adjusted gross income)	\$38,849

In violation of Title 26, United States Code, Section 7206(1).

FORFEITURE ALLEGATION

1. The United States hereby gives notice to defendant Doreen Gentile that, upon her conviction of the offenses in violation of Title 18, United States Code, Section 1341 charged in Counts 1 through 14 of this Indictment, the Government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(2)(A), of all property, real and personal, involved in those offenses, and all property traceable thereto, including but not limited to a sum of money equal to at least approximately \$905,004 in United States currency, representing the amount of proceeds obtained as a result of the offenses.

2. If any of the above-described forfeitable property, as a result of any act or omission of defendant Doreen Gentile:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant Doreen Gentile up to the value of the forfeitable property described above.

Pursuant to Title 18, United States Code, Section 982(a)(2)(A), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON

Paul J. Fishman

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: 14-

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

DOREEN GENTILE

INDICTMENT FOR
18 U.S.C. § 510(a)(1)
18 U.S.C. § 641
18 U.S.C. § 1028A
18 U.S.C. § 1341
26 U.S.C. § 7206(1)
18 U.S.C. § 2

A True Bill,

Foreperson

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