

UNITED STATES OF AMERICA
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 04 -
v. : 26 U.S.C. § 7201
ROSS CAPAWANA : INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges:

1. At all times relevant to this Information, defendant ROSS CAPAWANA, a resident of New Jersey, was employed by and received income from Wellesley Services LLC and Windham Associates, Inc., two related companies both located in Montvale, New Jersey.

2. From in or about August 1999 through in or about October 1999, Windham Associates, Inc. transferred approximately \$270,000 in company funds to an attorney and a realtor who were representing defendant ROSS CAPAWANA for the purpose of CAPAWANA purchasing real property located at 174 Tennis Court, Wall, New Jersey (“174 Tennis Court”). Windham Associates, Inc. provided this money as compensation to CAPAWANA for services that CAPAWANA had rendered to an individual who was an unnamed principal of Wellesley Services LLC.

3. From in or about August 1999 to in or about December 2001, defendant ROSS CAPAWANA:

- a. purchased the property located at 174 Tennis Court under his wife’s name;
- b. created a sham corporation and transferred the title for 174 Tennis Court to that corporation;
- c. failed to report as income to his tax return preparer the money received from

Windham Associates, Inc. to purchase 174 Tennis Court and did not report this income on a 1999 U.S. Individual Income Tax Return (“the Return”) for himself and his wife;

d. signed the Return in which he purported to report all of his individual income and which contained a written declaration that it was signed under the penalties of perjury; and

e. filed and caused to be filed the Return.

4. The Return did not include approximately \$270,000 in additional taxable income received by defendant ROSS CAPAWANA, upon which an additional tax of approximately \$82,594 was due and owing to the United States.

5. On or about April 4, 2000, in the District of New Jersey, and elsewhere, defendant

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did knowingly and willfully attempt to evade and defeat a substantial part of the income tax due and owing to the United States, in that he signed, filed and caused to be filed a false and fraudulent 1999 U.S. Individual Income Tax Return, Form 1040, described in paragraph 3, knowing it to be false and fraudulent as described in paragraph 4.

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

CHRISTOPHER J. CHRISTIE
United States Attorney