

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA :

-v- :

INFORMATION

PATRICK WHITE, :

14 Cr.

Defendant. :

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COUNT ONE

(Failure to Pay Over Payroll Taxes)

The United States Attorney charges:

Background

1. At all times relevant to this Indictment, PATRICK WHITE, the defendant, resided in the State of New York.
2. At all times relevant to this Indictment, PATRICK WHITE, the defendant, owned and controlled R&L Construction, Inc., a commercial construction company located in Yonkers, New York.
3. Pursuant to the Internal Revenue Code and associated statutes and regulations, including the Federal Insurance Contributions Act ("FICA"), employers are required to withhold certain amounts from the paychecks of their employees and then remit these amounts over to the Internal Revenue Service ("IRS") on a quarterly basis, no later than the last day of the month following the end of the quarter. In addition to the amounts that employers must withhold

from the paychecks of their employees for income taxes and FICA, employers are also required to make contributions under FICA in an amount equal to the amounts withheld from their employees (collectively, “payroll taxes”). Payroll taxes are made up, therefore, of five components: withheld income taxes, the employer's and employee's equal shares of 6.2% for Social Security and 1.45% for Medicare taxes, totaling 15.3% of an employee's total wages.

4. A person is responsible for collecting, accounting for, and paying over payroll taxes to the IRS if he or she has the authority required to exercise significant control over the employer's financial affairs, regardless of whether the individual exercised such control in fact. More than one person can be considered a “responsible person” for the purpose of collecting, accounting for, and paying payroll taxes on behalf of an employer.

5. At all times relevant to this Indictment, PATRICK WHITE, the defendant, was the President of R&L Construction, Inc., and was the person responsible for signing and causing to be signed, and filing and causing to be filed, Employer's Quarterly Federal Tax Returns, Form 941, with the IRS, and depositing and paying over the federal and state payroll taxes for those entities.

Statutory Allegations

6. From in or about 2005 through 2011, R&L Construction, Inc. accumulated approximately \$3,758,000 in unpaid payroll tax liabilities.

7. For the quarters ending September 30, 2007 through December 31, 2011, PATRICK WHITE, the defendant, caused R&L Construction, Inc. to fail to collect the employees' federal income taxes and FICA taxes due and owing to the United States of America for the respective quarters. Thus, WHITE caused the payroll taxes of R&L Construction, Inc., not to be

paid over to the IRS as required.

8. From in or about September 2007 through in or about December 2011, in the Southern District of New York and elsewhere, PATRICK WHITE, the defendant, being the owner of R&L Construction, Inc., and a responsible person with respect to its payroll taxes, and thereby being required to collect, account for, and pay over to the IRS payroll taxes of the employees, among others, willfully and knowingly failed to pay over said payroll taxes to the Internal Revenue Service, for the quarters and in the approximate amounts set forth below:

Quarter Ending	Unpaid Income and FICA Taxes (Employees' Share)
9/30/07	\$69,989
12/31/07	\$243,202
3/31/08	\$220,397
6/30/08	\$173,660
9/30/08	\$59,729
12/31/08	\$154,500
3/31/09	\$107,253
6/30/09	\$108,675
9/30/09	\$132,933
12/31/09	\$107,727

Quarter Ending	Unpaid Income and FICA Taxes (Employees' Share)
3/31/10	\$106,950
6/30/10	\$121,794
9/30/10	\$116,146
12/31/10	\$110,433
3/31/11	\$92,224
6/30/11	\$98,842
9/30/11	\$139,859
12/31/11	\$160,984
Total	\$2,325,297

(Title 26, United States Code, Section 7202.)

PREET BHARARA
United States Attorney