

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

ROBERT SCHAEFER

INFORMATION FOR

26 U.S.C. § 7201

PAUL J. FISHMAN

UNITED STATES ATTORNEY, NEWARK, NEW JERSEY

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NEWARK, NEW JERSEY

973-645-2789

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No.
ROBERT SCHAEFER : 26 U.S.C. § 7201

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 Robert Schaefer, a resident of Montville, New Jersey, owned and operated Asphalt Maintenance and Stripping, Inc. ("Asphalt Maintenance"), an asphalt installation, maintenance, and snow removal company, also located in Montville, New Jersey and formed as a sub-chapter S corporation.

2. The income earned by Asphalt Maintenance, as a sub-chapter S corporation, flowed through as earned income to defendant Robert Schaefer, who was required to include this income on his Individual Income Tax Return, IRS Form 1040. Although Asphalt Maintenance was not itself required to pay federal income taxes, Asphalt Maintenance was required to file an informational return so that the Internal Revenue Service ("IRS") could reconcile the income that was flowed through to defendant Robert Schaefer.

3. During the calendar years 2007 through 2011, defendant Robert Schaefer diverted to himself approximately \$303,000 in income earned by Asphalt Maintenance by arranging for Asphalt's customers to pay for service via checks payable to "cash" or to "Robert Schaefer," thereby concealing income earned by Asphalt Maintenance and diverting that income directly to himself.

4. Defendant Robert Schaefer then cashed these checks, retained the proceeds for his personal use, and failed to include the proceeds derived from these checks on both the Informational Returns filed by Asphalt Maintenance and the Individual Tax Returns, Form 1040, signed and filed by defendant Robert Schaefer.


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

ROBERT SCHAEFER

knowingly and willfully did attempt to evade and defeat a substantial part of the income tax due and owing to the United States in that he signed and caused to be filed with the Internal Revenue Service the tax returns listed below, knowing them to be false and fraudulent with respect to the matter of reported income, on which the tax due and owing was as described below:

Tax Year	Approximate Date Tax Return Filed	Approximate Unreported Income	Approximate Tax Due and Owing
2007	April 15, 2008	\$ 44,651	\$ 11,665
2008	April 15, 2009	74,754	22,618
2009	April 15, 2010	77,180	23,236
2010	April 15, 2011	54,508	8,495
2011	April 15, 2012	51,866	12,555
TOTAL		\$302,959	\$ 78,569

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



PAUL J. FISHMAN
UNITED STATES ATTORNEY