

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>WAYNE M. GARVIN</b>	<b>:</b>	<b>VIOLATION:</b>
	<b>:</b>	<b>26 U.S.C. § 7201 (tax evasion – 3 counts)</b>
	<b>:</b>	<b>26 U.S.C. § 7212 (corrupt endeavor to obstruct IRS – 2 counts)</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this Indictment:

1. Defendant WAYNE M. GARVIN was a resident of Philadelphia, Pennsylvania. In or about 2016, defendant GARVIN moved to Columbia, South Carolina.
2. Between in or about 1990 and in or about 2016, defendant WAYNE M. GARVIN was employed by the Internal Revenue Service (“IRS”). Beginning in or about 2004, defendant GARVIN worked as a Supervisory Associate Advocate with the IRS’s Taxpayer Advocate Service in Philadelphia, Pennsylvania.
3. Between in or about 1989 and in or about 2013, defendant WAYNE M. GARVIN served as a member of the U.S. Army Reserves. However, defendant GARVIN did not perform U.S. Army Reserve duty during calendar year 2013.

**False Tax Returns**

4. For the calendar years 2012 through 2016, defendant WAYNE M. GARVIN prepared and filed with the IRS, Forms 1040, U.S. Individual Income Tax Returns (“Forms 1040”), on which he reported his wages from the IRS and income from other sources. On these returns, defendant GARVIN claimed false and fraudulent deductions and expenses.

5. During these years, defendant WAYNE M. GARVIN owned three properties in New Jersey that he claimed were rental properties despite reporting little or no rental income on his tax returns. On Schedules E, Supplemental Income and Loss (“Schedules E”), attached to his 2012 through 2016 Forms 1040, defendant GARVIN claimed substantial expenses associated with these properties, including insurance, taxes, repairs, and utilities. Defendant GARVIN was not entitled to deduct these expenses in the amounts claimed because he did not pay the amounts reported on the Schedules E.

6. On the Schedules A, Itemized Deductions (“Schedules A”), attached to his 2012 through 2016 Forms 1040, defendant WAYNE M. GARVIN claimed a deduction for real estate taxes associated with his personal residence. In fact, defendant GARVIN did not pay real estate taxes during those years for his personal residence in the amounts listed on the Schedules A.

7. On the Schedules A attached to his 2012 through 2014 Forms 1040, defendant WAYNE M. GARVIN claimed deductions for charitable contributions to which he was not entitled because he did not make charitable contributions in the amounts reported on the Schedules A.

8. On a Form 2106, Employee Business Expenses (“Form 2106”), attached to his 2013 Form 1040, defendant WAYNE M. GARVIN claimed \$15,972 in unreimbursed employee

expenses associated with his employment with the U.S. Army Reserves, including vehicle expenses. Defendant GARVIN did not perform any reserve duty during 2013 and therefore was not entitled to deduct expenses associated with reserve duty in the amounts claimed on the Form 2106.

**Obstruction of IRS Audit**

9. In or about April 2015, the IRS initiated an examination of defendant WAYNE M. GARVIN's 2013 and 2014 Forms 1040 and assigned a revenue agent to audit those returns.

10. After defendant WAYNE M. GARVIN failed to respond to notices from the revenue agent about the examination, the IRS disallowed expenses and deductions that defendant GARVIN claimed on his 2013 and 2014 returns, including, but not limited to, rental property expenses, charitable contributions, and unreimbursed employee expenses. On or about August 24, 2015, the IRS notified defendant GARVIN that the IRS intended to assess \$89,869 in additional taxes for these years.

11. On or about September 23, 2015, after the IRS notified him of the proposed additional tax liability for 2013 and 2014, defendant WAYNE M. GARVIN submitted false and fraudulent documents to the revenue agent in an attempt to substantiate the deductions and expenses claimed on his returns. Among other bogus documents, defendant GARVIN submitted:

- a. Invoices purportedly from a contractor and utility bills from a municipality regarding rental property expenses claimed on Schedules E attached to his 2013 and 2014 Forms 1040;
- b. Receipts purportedly from a church regarding charitable contribution

deductions claimed on the Schedule A attached to his 2013 and 2014 Forms 1040; and

- c. A letter purportedly from the Department of the Army regarding unreimbursed employee expenses claimed on the Form 2106 attached to his 2013 Form 1040.

12. The invoices, receipts, and letters described in paragraph 11 were false and fraudulent. Defendant WAYNE M. GARVIN created the fraudulent documents in paragraph 11 in an attempt to convince the IRS that he was entitled to claim certain deductions and expenses on his 2013 and 2014 tax returns that he knew he was not entitled to claim. Defendant GARVIN submitted these fraudulent documents to the revenue agent to prevent the IRS from assessing additional income taxes against him for these years.

#### **Obstruction of Criminal Investigation**

13. In or about early 2016, the IRS initiated a criminal investigation of defendant WAYNE M. GARVIN relating to defendant GARVIN's false tax returns and the false and fraudulent documents that defendant GARVIN submitted to the IRS revenue agent. On or about May 19, 2016, special agents of IRS Criminal Investigation ("IRS-CI") notified defendant GARVIN that he was under criminal investigation and served defendant GARVIN with a summons directing him to produce records relating to his 2011 through 2015 tax returns.

14. On or about June 1, 2016, defendant WAYNE M. GARVIN provided IRS-CI with a compact disc that contained documents relating to his 2011 through 2015 tax returns and hard copy records relating to his 2013 through 2015 tax returns. Among the electronic and hard copy documents that defendant GARVIN provided to IRS-CI were the same false and fraudulent

documents that defendant GARVIN previously provided to the IRS revenue agent, including, but not limited to, the false and fraudulent invoices and bills relating to rental property expenses, the false and fraudulent church donation receipts, and the false and fraudulent letter purporting to be from the Department of the Army.

15. Between on or about March 31, 2014 and on or about June 1, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**WAYNE M. GARVIN**

willfully attempted to evade and defeat a large part of the income tax due and owing by him to the United States of America for the calendar year 2013, by committing the following affirmative acts, among others:

- a. Filing and causing to be filed with the IRS a false and fraudulent Form 1040 for the calendar year 2013; and
- b. Providing false and fraudulent documents to the IRS in an attempt to substantiate deductions and expenses claimed on his 2013 Form 1040.

All in violation of Title 26, United States Code, Section 7201.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. The allegations in Paragraphs 1 through 14 of Count One are re-alleged and incorporated as if fully set forth herein.

2. Between on or about April 9, 2015 and on or about June 1, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**WAYNE M. GARVIN**

willfully attempted to evade and defeat a large part of the income tax due and owing by him to the United States of America for the calendar year 2014 by committing the following affirmative acts, among others:

- a. Filing and causing to be filed with the IRS a false and fraudulent Form 1040 for the calendar year 2014; and
- b. Providing false and fraudulent documents to the IRS in an attempt to substantiate deductions and expenses claimed on his 2014 Form 1040.

All in violation of Title 26, United States Code, Section 7201.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. The allegations in Paragraphs 1 through 14 of Count One are re-alleged and incorporated as if fully set forth herein.
2. On or about March 2, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**WAYNE M. GARVIN**

willfully attempted to evade and defeat a large part of the income tax due and owing by him to the United States of America for the calendar year 2015 by committing the following affirmative act, among others: filing and causing to be filed with the IRS a false and fraudulent Form 1040 for the calendar year 2015.

All in violation of Title 26, United States Code, Section 7201.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. The allegations in Paragraphs 1 through 12 of Count One are re-alleged and incorporated as if fully set forth herein.

2. Between on or about May 31, 2015 and on or about September 23, 2015, in the Eastern District of Pennsylvania and elsewhere, defendant

**WAYNE M. GARVIN,**

knowing of and reasonably foreseeing the IRS civil examination described in Paragraph 9 of Count One, corruptly obstructed and impeded, and corruptly endeavored to obstruct and impede, the due administration of the internal revenue laws, that is, an IRS civil examination of his 2013 and 2014 Forms 1040, U.S. Individual Income Tax Returns, by committing and causing to be committed various acts, each act having a nexus to the IRS civil examination, including but not limited to the following:

- a. Creating and causing to be created false and fraudulent documents in an attempt to substantiate deductions and expenses claimed on his 2013 and 2014 Forms 1040; and
- b. Providing the false and fraudulent documents to the IRS revenue agent conducting an examination of his 2013 and 2014 Forms 1040.

All in violation of Title 26, United States Code, Section 7212(a).



**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. The allegations in Paragraphs 1 through 14 of Count One are re-alleged and incorporated as if fully set forth herein.
2. Between on or about May 19, 2016 and on or about June 1, 2016, in the Eastern District of Pennsylvania, defendant

**WAYNE M. GARVIN,**

knowing of and reasonably foreseeing the IRS criminal investigation described in Paragraph 13, corruptly obstructed and impeded, and corruptly endeavored to obstruct and impede, the due administration of the internal revenue laws, that is, an IRS criminal investigation concerning false and fraudulent deductions and expenses on his Forms 1040, U.S. Individual Income Tax Returns, by committing and causing to be committed various acts, each such act having a nexus to the IRS criminal investigation, including but not limited to, providing false and fraudulent documents to IRS-CI in an attempt to substantiate deductions and expenses claimed on his 2012, 2013, and 2014 Forms 1040.

All in violation of Title 26, United States Code, Section 7212(a).

**A TRUE BILL:**

  
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GRAND JURY FOREPERSON

*Ronald Barock for*

\_\_\_\_\_  
**JENNIFER ARBITTIER WILLIAMS  
ACTING UNITED STATES ATTORNEY**

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

Eastern District of Pennsylvania

Criminal Division

**THE UNITED STATES OF AMERICA**

vs.

**WAYNE M. GARVIN**

**INDICTMENT**

Counts

21 U.S.C. § 7201 (tax evasion - 3 counts)  
26 U.S.C. § 7212 (corrupt endeavor to obstruct IRS – 2 counts)

bill.

Foreman

Filed in open court this \_\_\_\_\_ day,

Of \_\_\_\_\_ A.D. 20\_\_\_\_

Clerk

Bail, \$ \_\_\_\_\_