

TIMOTHY M. BURGESS
United States Attorney

LEA A. CARLISLE
Trial Attorney
Department of Justice, Tax Division

THOMAS C. BRADLEY
Assistant U.S. Attorney
Federal Building and U.S. Courthouse
222 West 7th Avenue, #9, Room 253
Anchorage, AK 99513-7567
Phone: 907-271-5071

FILED

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UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA
By  Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN THOMAS HARPOLE,

Defendant.

) No. **A 04 - 025 CR**

) COUNTS 1- 6:
) **ATTEMPTED TAX EVASION**
) Vio. of 26 U.S.C. § 7201

) COUNTS 7 - 12:
) **FAILURE TO FILE INCOME TAX**
) **RETURN**
) Vio. of 26 U.S.C. § 7203

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all times relevant to this Indictment:

1. Defendant JOHN THOMAS HARPOLE (DEFENDANT) was a resident of Anchorage, Alaska.
2. During the years 1997, 1998, and 1999, DEFENDANT was employed by VECO Corporation (VECO) as an electrician on the North Slope and earned gross income of at least \$ 75,000 per year.
3. In May 1999, DEFENDANT filed a petition with the United States Tax Court disputing he owed income taxes for the 1995 and 1996 tax years. DEFENDANT was employed by VECO and earned gross income in excess of \$50,000 during 1995 and 1996.
4. During the year 2000, DEFENDANT changed employment from VECO to British Petroleum (BP) and earned gross income in excess of \$ 80,000. During the years 2001 and 2002, DEFENDANT was employed by BP as an electrician on the North Slope. DEFENDANT earned gross income of at least \$ 80,000 per year.
5. DEFENDANT failed to file federal individual income tax returns and failed to pay federal income tax during the years 1997, 1998, 1999, 2000, 2001, and 2002.

Counts 1 through 6

6. Paragraphs one through five of the Introduction are incorporated as though fully set out herein.

COUNT 1

7. During the calendar year 1997, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$ 62,739; that upon said taxable income there was owing to the United States of America an income tax of \$ 12,207; that well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 15, 1998, in the District of Alaska did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year 1997 by failing to make an income tax return on or before April 15, 1998, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Employee's Withholding Allowance Certificate, Form W-4, which claimed that he was exempt from income tax withholding, with his employer, VECO, on or about May 19, 1996 and which clearly remained in effect for the 1997 tax year; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by intentionally filing with the Internal Revenue Service, on or about July 6, 2000, a false and fraudulent and misleading document, in response to an IRS request that he file his 1997 individual income tax return; and by other means.

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

COUNT 2

8. During the calendar year 1998, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$70,115; that upon said taxable income there was owing to the United States of America an income tax of \$ 17,452; that well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 15, 1999, in the District of Alaska did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year 1998 by failing to make an income tax return on or before April 15, 1999, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Withholding Exemption Certificate in Lieu of Form W-4, on which he claimed that he incurred no liability for federal income tax for the preceding year and anticipated no liability for federal income tax for the current year, with his employer, VECO, on or about February 23, 1998; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, VECO, on or about April 2, 1998; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by intentionally filing with the Internal Revenue Service, on or about July 6, 2000, a false and fraudulent and misleading document, in response to an IRS request that he file his 1998 individual income tax return; and by other means.

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

COUNT 3

9. During the calendar year 1999, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$ 67,089; that upon said taxable income there was owing to the United States of America an income tax of \$ 16,434; that well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 17,2000, in the District of Alaska did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year 1999 by failing to make an income tax return on or before April 17,2000, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, VECO, on or about March 12, 1999; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by filing with the Internal Revenue Service, on or about July 10, 2000, a false and fraudulent and misleading document, in response to an IRS request that he file his 1999 individual income tax return; and by other means.

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

COUNT 4

10. During the calendar year 2000, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$ 71,313; that upon said

taxable income there was owing to the United States of America an income tax of \$ 17,671; that well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 16,2001, in the District of Alaska did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year 2000 by failing to make an income tax return on or before April 16,2001, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, VECO, on or about March 17, 2000; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, BP, on or about June 8, 2000; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by filing a document entitled "Report and Return verifying non-liability for revenue taxes and NONTAXPAYER status for the year 2000" addressed to the United States Department of the Treasury and sent to the IRS on or about February 26,2003; and by other means.

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

COUNT 5

11. During the calendar year 2001, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$ 88,297; that upon said taxable income there was owing to the United States of America an income tax of \$ 22,411; that

well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 15,2002, in the District of Alaska did willfully attempt to evade and defeat the said income tax due and owing by him to the United States of America for said calendar year 2001 by failing to make an income tax return on or before April 15,2002, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, BP, on or about February 14,2001; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by filing, with his false Form W-4, on or about February 14,2001, a false document entitled "NOTICE," containing false statements regarding the nature of his relationship with and the money paid to him by BP, addressed to the Internal Revenue Service, which he signed under penalties of perjury; and by other means.

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

COUNT 6

12. During the calendar year 2002, JOHN THOMAS HARPOLE, a resident of Anchorage, Alaska, had and received taxable income in the sum of \$ 105,050; that upon said taxable income there was owing to the United States of America an income tax of \$ 25,830; that well-knowing and believing the foregoing facts, JOHN THOMAS HARPOLE, on or about April 15,2003, in the District of Alaska did willfully attempt to evade and defeat the said income tax

due and owing by him to the United States of America for said calendar year 2002 by failing to make an income tax return on or before April 15,2003, as required by law, to any proper officer of the Internal Revenue Service; by failing to pay to the Internal Revenue Service said income tax; by filing a false Form W-4, which claimed that he was exempt from income tax withholding, with his employer, BP, on or about January 30,2002; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by filing, with his false Form W-4, on or about January 30,2002, a false document entitled "NOTICE," containing false statements regarding the nature of his relationship with and the money paid to him by BP, addressed to the Internal Revenue Service, which he signed under penalties of perjury; by concealing and attempting to conceal from all proper officers of the United States of America his true and correct income by sending a letter, on or about February 26, 2003, addressed to an Internal Revenue Service employee, who, in her position as a Tax Examiner, was conducting an investigation regarding his false Form W-4, in which he stated that the employee was at risk for continuing her duties through the following statement: "Government employees who operate under color of law or without any lawful authority do so at there [sic] own risk;" and by other means.

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

Counts 7 through 12

13. Paragraphs one through five of the Introduction are incorporated as though fully set out herein.

COUNT 7

14. During the calendar year 1997, JOHN THOMAS HARPOLE had and received gross income of approximately \$ 78,000; that by reason of such gross income he was required by law, following the close of the calendar year 1997, and on or before April 15, 1998, to make an income tax return to the District Director of the Internal Revenue Service for the Pacific Northwest District, at Seattle, Washington, in the District of Washington, or to the Director, Internal Revenue Service Center, at Ogden, Utah, or other proper officer of the United States; stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said District Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.

COUNT 8

15. During the calendar year 1998, JOHN THOMAS HARPOLE had and received gross income of approximately \$78,000; that by reason of such gross income he was required by law, following the close of the calendar year 1998, and on or before April 15, 1999, to make an income tax return to the District Director of the Internal Revenue Service for the Pacific Northwest District, at Seattle, Washington, in the District of Washington, or to the Director, Internal Revenue Service Center, at Ogden, Utah, or other proper officer of the United States;

stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said District Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.

COUNT 9

16. During the calendar year 1999, JOHN THOMAS HARPOLE had and received gross income of approximately \$ 75,000; that by reason of such gross income he was required by law, following the close of the calendar year 1999, and on or before April 17,2000, to make an income tax return to the District Director of the Internal Revenue Service for the Pacific Northwest District, at Seattle, Washington, in the District of Washington, or to the Director, Internal Revenue Service Center, at Ogden, Utah, or other proper officer of the United States; stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make an income tax return to said District Director of the Internal Revenue Service, to said Director of the Internal Revenue Service Center, or to any other proper officer of the United States on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.

COUNT 10

17. During the calendar year 2000, JOHN THOMAS HARPOLE had and received gross income of approximately \$ 82,000; that by reason of such gross income he was required by law, following the close of the calendar year 2000, to make and file with the Internal Revenue Service, on or before April 16, 2001, a federal individual income tax return stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make and file an individual income tax return with the Internal Revenue Service in the judicial District of Alaska or elsewhere on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.

COUNT 11

18. During the calendar year 2001, JOHN THOMAS HARPOLE had and received gross income of approximately \$ 97,000; that by reason of such gross income he was required by law, following the close of the calendar year 2001, to make and file with the Internal Revenue Service, on or before April 15,2002, a federal individual income tax return stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make and file an individual income tax return with the Internal Revenue Service in the judicial District of Alaska or elsewhere on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.


COUNT 12

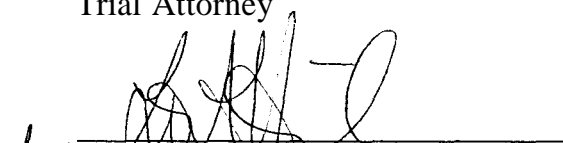
19. During the calendar year 2002, JOHN THOMAS HARPOLE had and received gross income of approximately \$ 112,000; that by reason of such gross income he was required by law, following the close of the calendar year 2002, to make and file with the Internal Revenue Service, on or before April 15,2003, a federal individual income tax return stating specifically the items of his gross income and any deductions and credits to which he was entitled; that well-knowing and believing all of the foregoing, he did willfully fail to make and file an individual income tax return with the Internal Revenue Service in the judicial District of Alaska or elsewhere on or before that date.

All of which is in violation of Title 26, United States Code, Section 7203.

A TRUE BILL.


GRAND JURY FOREPERSON


LEA A. CARLISLE
Trial Attorney


THOMAS C. BRADLEY
Assistant U.S. Attorney


TIMOTHY M. BURGESS
United States Attorney

DATED: 2-19-04