



PRESS RELEASE

Internal Revenue Service - Criminal Investigation *Chief Richard Weber*

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IRS – Criminal Investigation

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Colorado Man Pleads Guilty to Conspiracy to File Fraudulent Tax Refund Claims

Sought More than \$1 Million in Bogus Refunds

A Loveland, Colorado businessman, who owned a delicatessen franchise in Fort Collins, pleaded guilty today to conspiring to file fraudulent claims for tax refunds, announced Acting Deputy Assistant Attorney General Stuart M. Goldberg of the Justice Department's Tax Division and Bob Troyer, Acting U.S. Attorney for the District of Colorado.

According to documents filed with the court, Daryl Brent Giesking, conspired with his return preparer, Teresa Marty, the owner of Advanced Financial Services (AFS), a Placerville, California tax return preparation business, to claim fraudulent refunds. With Marty's help, Giesking filed three individual tax returns claiming more than \$1 million in refunds based on falsely reported income tax withholdings. As a result, the Internal Revenue Service (IRS) paid out a \$350,765 fraudulent refund to Giesking. Within months of receiving the refund, Giesking spent the funds on precious metals and coins, a truck, jewelry, luxury travel and sporting equipment. After discovering the refund should not have been paid, the IRS levied Giesking's bank accounts and recovered approximately \$40,503. Following the IRS's levies, Giesking took steps to liquidate a number of his assets to include selling the truck he bought with the fraudulent proceeds and withdrawing all of the funds in his retirement account. He then relocated to Ecuador, where he was arrested in June 2016, on a warrant issued in this case.

Sentencing is scheduled for July 13. Giesking faces a statutory maximum sentence of 10 years in prison, a period of supervised release, restitution and monetary penalties.

Other AFS clients and employees have been prosecuted in Arizona, California, Colorado, Florida, Georgia, Missouri, Oregon and Washington for filing false claims for refunds. Marty was indicted in June 2013 and is scheduled to be sentenced in the Eastern District of California on April 26.

Acting Deputy Assistant Attorney General Goldberg and Acting U.S. Attorney Troyer commended special agents of IRS–Criminal Investigation, who conducted the investigation, and Trial Attorney Erin S. Mellen and Assistant U.S. Attorney Kenneth M. Harmon, who are prosecuting the case.

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