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FOR IMMEDIATE RELEASE

March 24, 2015

**HUNTLEY CONTRACTOR CHARGED WITH MAIL FRAUD, CAUSING
FALSE STATEMENTS TO BE MADE ON FORMS REQUIRED BY ERISA,
AND FAILING TO COLLECT AND PAY OVER \$600,000 IN FEDERAL TAXES**

ROCKFORD — A Huntley, Ill., concrete contractor was charged today by a federal grand jury in a twenty-seven count indictment. THOMAS MANNING, 58, president of T. Manning Concrete, Inc., located in Huntley, was charged with five counts of mail fraud, five counts of causing false statements to be made on forms required by ERISA, sixteen counts of failing to collect and pay FICA taxes from employee wages, and one count of obstructing the IRS by causing false W-2s and Form 941s to be filed with the IRS.

As alleged in the indictment, Manning, as president of T. Manning Concrete, Inc., hired laborers and cement masons from Unions in Northern Illinois. The Unions provided benefits to their members through various employee benefit plans. Each benefit plan was required to file annual reports stating the total contributions received. T. Manning Concrete was required, by collective bargaining agreements, to submit monthly reports to the benefit plans that stated the number of hours each covered employee worked and to turn over the company's contributions to those benefit plans. According to the indictment, beginning in 2006, Manning devised a scheme to defraud the benefit plans by understating the number of hours worked by T. Manning Concrete's covered employees in the monthly reports, and under-paying the monthly contributions that were required on behalf of its covered employees. The indictment also alleges

that in order to conceal the understatement of hours and to defraud the benefit plans, Manning caused the covered employees to be paid for the additional hours “under the table,” using checks drawn upon non-payroll bank accounts under Manning’s control. It is alleged that Manning used the U.S. Mail to send the reports and contribution checks to the benefit plans.

By falsely reporting the number of hours worked by covered employees, the indictment claims, Manning caused the benefit plans to make false statements in their annual reports they were required by ERISA to file. The indictment further charges that between 2007 and 2010, Manning, as president of T. Manning Concrete, failed to collect, account for, and pay over a total of approximately \$600,680.12 for the employees’ share of Federal Insurance Contribution Act (FICA) taxes due to the IRS on the wages paid using “under the table” checks. Further, it is alleged that from January 2007 through December 2010, Manning obstructed the administration of the internal revenue laws by using the non-payroll bank accounts to pay wages without reporting those wages or withholding and paying over FICA or federal income taxes on those wages to the IRS, thereby causing false W-2s and Form 941s to be filed with the IRS.

Each count of mail fraud carries maximum penalties of 20 years in prison and a \$250,000 fine, or an alternate fine of twice the loss or twice the gain derived from the offense, whichever is greater. Each count of a false statement in the benefit plans’ annual reports carries maximum penalties of 5 years’ imprisonment and a \$250,000 fine. Each count of willful failure to collect or pay taxes carries a maximum sentence of 5 years’ imprisonment, and a \$10,000 fine. Each count also carries a maximum period of up to 3 years of supervised release following imprisonment. If convicted, the court must impose a reasonable sentence under federal sentencing statutes and the advisory United States Sentencing Guidelines.

Manning will be arraigned before United States Magistrate Judge Iain D. Johnston on March 31, 2015, at 11:00 a.m. in U.S. District Court in Rockford.

The public is reminded that an indictment contains only charges and is not evidence of guilt. The defendant is presumed innocent and is entitled to a fair trial at which the government has the burden of proving guilt beyond a reasonable doubt.

The indictment was announced by Zachary T. Fardon, United States Attorney for the Northern District of Illinois; James Vanderberg, Special Agent-In-Charge of the Chicago Region of the U. S. Department of Labor, Office of Inspector General; Jeffrey A. Monhart, Director for the Chicago Region of the U.S. Department of Labor - Employee Benefits Security Administration; Stephen Boyd, Special Agent-in-Charge of the Internal Revenue Service - Criminal Investigation Division in Chicago; and Tony Gomez, Postal Inspector-in-Charge of the Chicago Division of the U.S. Postal Inspection Service.

The government is represented by Assistant U.S. Attorney Scott R. Paccagnini.

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