

To: Interested Media  
From: Bud Cummins, United States Attorney  
Date: January 28, 2004  
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Little Rock, Arkansas -- U.S. Attorney Bud Cummins announced today that Little Rock attorney Bobby Keith Moser waived indictment and agreed to be charged by an Information which charges him with engaging in a conspiracy with an unnamed Little Rock executive to defraud the United States by impeding, impairing, obstructing and defeating the lawful government function of the Internal Revenue Service in violation of Title 18 U.S.C. § 371. The statute carries a maximum penalty of five years imprisonment, a \$250,000 fine, or both. The conspiracy alleged in the Information was designed to defeat the payment of taxes due and owing to the Internal Revenue Service for capital gains realized from the executive's sale of a communications company to Southwestern Bell Corporation for an amount in excess of \$9 million.

According to the Information filed today, it was part of the plan that Moser would formulate a plan of complicated transactions falsely demonstrating that the sale price for the company was only \$2.8 million. The balance of the \$9 million was funneled into a trust represented as a tax qualified retirement plan which would, in theory, owe no taxes on the trust money until it was distributed. The trust funds were made to appear to be in

the control of a third party, when in fact, they were controlled and accessible by the executive. It is alleged that Moser intended the plan to be sufficiently complex that the Internal Revenue Service would not be able to trace the funds back to the executive.

Prosecutors advised Chief United States District Judge Susan Webber Wright that following the waiver, the matter would be transferred to the Eastern District of Michigan where other charges of money laundering, conspiracy, and obstruction of justice are pending against Moser.

“Under this administration, the Department of Justice has established a track record of enforcing the laws governing the wealthy and the privileged with the same energy we use to go after terrorists and violent criminals. This information alleges that Mr. Moser has abused an important privilege granted to him by the State of Arkansas in the form of a law license. We owe it to every hard working and honest attorney, and every taxpayer to uncover these tax dodge conspiracies and prosecute them,” stated U.S. Attorney Bud Cummins.

The investigation was conducted by agents of the Criminal Investigation Division of the Internal Revenue Service. The case is being prosecuted for the government by Robert A Kemins, Trial Attorney for the Department of Justice and First Assistant United States Attorney Sandra Cherry of the Eastern District of Arkansas.

An Information or an Indictment is only an allegation of wrongdoing. The person or persons named therein are presumed innocent unless and until they are found guilty in a court of competent jurisdiction.

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