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**For Immediate Release**

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## **FLORIDA DOCTOR SENTENCED TO PRISON FOR TAX EVASION**

United States District Court Judge G. Kendall Sharp sentenced Frank P. Filiberto, M.D., of Malabar, Florida, to four months in Federal prison and restitution of \$17,040.92, on three counts of tax evasion. Judge Sharp granted the defendant's request for a stay of the sentence pending an appeal.

A jury in Orlando found Dr. Filiberto guilty on October 7, 2002.

Dr. Filiberto, who is board certified in ear, nose, and throat surgery, as well as cosmetic surgery, was indicted by a grand jury in Orlando in May 2002. He was charged with evading Federal income taxes in three tax years, 1994 through 1996.

According to the evidence presented at the trial, Dr. Filiberto maintained two offices for his medical practice, but reported the income from only one of the offices to the Internal Revenue Service on his tax returns. Dr. Filiberto opened his medical office in Palm Bay in 1982 and then opened a second office in Sebastian, Florida, several years later. He

opened a new bank account for the Sebastian office in 1989 but never sent the Sebastian bank records to his accountant. The accounting firm prepared Dr. Filiberto's corporate and personal tax returns based solely on his Palm Bay office income. Judge Sharp noted during his sentence that he was convinced that Dr. Filiberto evaded and avoided paying taxes, and that it was not the responsibility of his tax preparer to dig into everything to ensure a completely accurate tax return was prepared.

Dr. Filiberto is a former mayor of Palm Bay, Florida, and he currently is President of the Florida Amateur Boxing Association. Three witnesses testified on Dr. Filiberto's behalf during the sentencing hearing, describing to the Court Dr. Filiberto's charitable work and public service in the Palm Bay community.

The case was investigated by the Tampa Field Office of the Internal Revenue Service. Assistant United States Attorney Bruce S. Ambrose prosecuted the case.