



U.S. Department of Justice

*United States Attorney
Northern District of Illinois*

Joel R. Levin
Acting United States Attorney

Stanley J. Roszkowski United States Courthouse
327 South Church Street, Suite 3300
Rockford, Illinois 61101
(815)987-4444

FOR IMMEDIATE RELEASE

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**HUNTLEY BUSINESSMAN PLEADS GUILTY TO CAUSING
UNION BENEFIT FUNDS TO FILE FALSE STATEMENTS
AND FAILING TO PAY \$600,000 IN FEDERAL FICA TAXES**

ROCKFORD — A Huntley, Ill., businessman pleaded guilty today before U.S. District Judge Frederick J. Kapala to causing false statements to be made on forms required by the Employee Retirement Income Security Act (ERISA) to be filed, and failing to collect and pay Federal Insurance Contribution Act (FICA) taxes.

THOMAS MANNING, 60, president of T. Manning Concrete, Inc., located in Huntley, admitted in a written plea agreement that as president of T. Manning Concrete, Inc., he hired union laborers and cement masons in northern Illinois. The Unions provided benefits to their members through various employee benefit plans. Each benefit plan was required to file an annual report 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 pay over the company's contributions to those benefit plans. According to the plea agreement, since at least 2007, Manning defrauded 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. Manning admitted that in order to conceal the understatement of hours and defraud the benefit plans, he 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. Manning admitted that between 2007 and 2010 he failed to report and pay over almost \$2 million due to the employee benefit funds. Manning further admitted that by falsely reporting the number of hours worked by covered employees he caused the benefit plans to make false statements in their annual reports they were required by ERISA to file.

Manning also admitted that between 2007 and 2010, as president of T. Manning Concrete, he failed to collect, account for, and pay over \$600,680 for its employees’ share of FICA taxes due to the IRS on the wages paid using “under the table” checks.

The charge of filing a false statement and concealment of facts in relation to documents required by ERISA, and the charge of willful failure to collect or pay FICA taxes, each carry a maximum penalty of 5 years’ imprisonment and a \$250,000 fine. Each count also carries a maximum period of up to 3 years of supervised release following imprisonment. The actual sentence will be determined by the United States District Court, guided by the Sentencing Guidelines. Sentencing for Manning is set for Jan. 24, 2018, at 2:30 p.m.

The guilty plea was announced by Joel R. Levin, Acting 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, Regional Director for the Chicago Regional Office of the U.S. Department of Labor, Employee Benefits Security Administration; Gabriel L. Grchan, Special Agent-in-Charge of the Internal Revenue Service - Criminal Investigation Division in Chicago; and Craig Goldberg, 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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