



DEPARTMENT OF TAXATION

News Release

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For Immediate Release: September 9, 2008

REAL ESTATE AGENT GETS JAIL TERM FOR TAX VIOLATIONS

HONOLULU — Michelle J. Matusek, aka Michelle J. Matusek Boucher, pled guilty to multiple tax violations and was sentenced before the Honorable Elizabeth A. Strance in Kailua-Kona, on August 18, 2008.

Matusek was granted a deferred acceptance of guilty plea with a five-year deferral and ordered to pay court fees and probation costs in the amount of \$465. She was also given a 60-day jail term of which 45 days will be suspended if she remains in full compliance with other terms and conditions of her deferral. She must however, serve 15 days active jail and will do so with a home electronic monitoring device. She is allowed out of her home up to three hours per week and must begin serving her time within 90 days of sentencing. She must also perform 250 hours of community service at a rate of 75 hours per year and must complete her service hours in four years. No restitution was ordered since it was paid prior to sentencing.

In all the criminal tax cases that the department has done relating to those in the real estate industry, Matusek was the first to receive a jail term as part of their sentence. She is also the first in any of the department's tax cases to serve a jail term with an

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electronic monitoring device. The law does allow for periods of incarceration for misdemeanor and felony tax violations but incarceration is rarely imposed even when argued for valid reasons. Being placed under house arrest with this device is an alternative way of serving a jail term without having to spend actual time in a cellblock. It is hopeful that this type of sentence can create a deterrence to tax crimes and promote further tax compliance in the community. The sentence sends a clear message that a tax crime is a violation of law and can result in incarceration and other punishments.

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