



DEPARTMENT OF TAXATION

**News Release**

**LINDA LINGLE**  
GOVERNOR

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**CRIMINAL COMPLAINT FILED ON OWNER  
OF OHANA HEARING COMPANY**

HONOLULU — A criminal complaint has been filed against Don Thomas Smith of Ohana Hearing Care. The 16-count complaint charges Smith with two counts of theft in the second degree, five counts each for failing to file the company's general excise and withholding returns for tax years 2002 through 2006, and four counts of failing to file his individual income tax returns for 2003 through 2006.

The two theft counts are for tax years 2005 and 2006 in which Smith failed to pay over the taxes withheld from his employee's wages. These are class "C felonies subject to a maximum fine up to \$10,000 per violation and five years in prison. Failing to file a tax return is a misdemeanor subject to a fine up to \$25,000 per violation, one year in prison or both. Smith will be arraigned in Circuit Court on Thursday, February 5, 2009.

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