



United States Attorney District of New Jersey

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November 30, 2011

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NEW JERSEY ASIAN RESTAURANT OWNERS SENTENCED FOR FAILING TO PAY TAXES, HARBORING UNLAWFUL ALIENS

NEWARK, N.J. – Brothers-in-law and owners of Sawa Sushi Asian restaurants in Long Branch and Eatontown, N.J., were sentenced today for their respective roles in failing to pay payroll taxes to the IRS and harboring unlawful aliens, U.S. Attorney Paul J. Fishman announced.

Mou Chor Tung, a/k/a “Kenny Tung,” 45, of Colts Neck, N.J., was sentenced to 20 months in prison and Sin Ching Chang, a/k/a “Alton Chang,” 35, of Long Branch, N.J., was sentenced to 24 months probation. Both defendants previously pleaded guilty to separate Informations charging them with one count each of failing to collect, truthfully account for, and pay over payroll taxes to the IRS. Tung also pleaded guilty to one count of harboring unlawful aliens, whom he employed at his Sawa Sushi restaurant in Eatontown (Sawa 1).

Tung and Chang entered their guilty pleas before U.S. District Judge Claire C. Cecchi, who also imposed the sentences today in Newark federal court.

According to documents filed in this case and statements made during Tung and Chang’s guilty plea proceedings:

Tung was the owner and manager of Sawa 1; Chang was the owner and manager of Sawa Sushi (Sawa 2) in Long Branch. Tung and Chang were responsible for collecting, accounting for, and paying over to the IRS withholdings from the restaurants’ employees for Social Security, Medicare, and income taxes – collectively referred to as “payroll taxes.” In the tax years 2007 through 2010, Tung failed to collect from Sawa 1 employees and pay these taxes, in the aggregate amount of \$263,523. Chang failed to collect payroll taxes for tax year 2007 from Sawa 2’s employees, failing to pay over \$57,048 to the IRS.

As the owner and manager of Sawa 1, Tung was also responsible for verifying the identity and employment eligibility of all employees hired to work at the restaurant. Tung provided employment at Sawa 1 to individuals unlawfully present in the United States, allowing several of them to use Social Security numbers issued to other individuals and providing payment in the identities of the numbers’ true holders. Tung purchased two properties in Long Branch, where he housed his unlawful alien employees, providing transportation between the properties and Sawa 1 in vehicles belonging to the restaurant.

In addition to the prison terms, Judge Cecchi sentenced Tung to two years of supervised release and fined \$10,000. Chang was fined \$3,000.

U.S. Attorney Fishman credited special agents of IRS – Criminal Investigation, under the direction of Special Agent in Charge Victor W. Lessoff; U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) in Newark under the direction of Acting Special Agent in Charge Andrew McLees; the U.S. Department of Labor, Office of Inspector General, under the direction of Special Agent in Charge Robert L. Panella; and the Social Security Administration, Office of the Inspector General, New York Field Division, under the direction of Special Agent in Charge Edward J. Ryan, with the investigation leading to the sentences.

The government is represented by Assistant U.S. Attorney Aaron Mendelsohn of the U.S. Attorney's Office Economic Crimes Unit in Newark.

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Defense counsel:

Tung: Joel Cohen Esq., New York

Chang: Scott Tulman Esq., New York