



Bill Richardson
Governor
Rick Homans
Cabinet Secretary

STATE OF NEW MEXICO
Taxation and Revenue Department
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FOR IMMEDIATE RELEASE
January 27, 2009

**Espanola Woman Pleads Guilty to Unauthorized Computer Use
and State Income Tax Evasion**

SANTA FE – On Friday January 23, 2009, Judge Michael Vigil, of the First Judicial District Court, accepted the plea agreement of Ana K. Vivar. Vivar pleaded guilty to eleven counts of unauthorized computer use, fourth degree felonies, and one count of attempt to evade or defeat her State Personal Income Tax, a fourth degree felony. The plea agreement was entered in connection with Vivar's alleged embezzlement of over \$120,000 from Del Norte Credit Union. The tax evasion charge stems from Vivar's failure to report the fraudulent proceeds on her New Mexico Personal Income Tax Return. TRD Secretary Rick Homans remarked, "Most times individuals who embezzle funds commit a second crime, tax evasion. Our Tax Fraud Investigations Division stays alert to these types of cases and works to hold everyone accountable for reporting of income and payment of taxes."

Vivar was indicted on January 29, 2008 with eleven counts of embezzlement, and eleven counts of computer access with intent to defraud. On January 20, 2009, Vivar was charged by criminal information on two counts of tax evasion for failing to report the embezzlement proceeds on her 2005 and 2006 New Mexico Personal Income Tax Returns. According to the Plea and Disposition Agreement, Vivar agreed to pay restitution of \$129,617 to Del Norte Credit Union, and file amended New Mexico Personal Income Tax Returns for 2005 and 2006 and pay all taxes due. Sentencing has been set for February 6, 2009 at 2 p.m. before Judge Vigil.

According to information disclosed during the plea hearing, Vivar was an employee of Del Norte Credit Union. Vivar used her bank position to open and access accounts in family member's names and charged over \$120,000.

The case was a result of an investigation by the Los Alamos Police Department and the New Mexico Taxation and Revenue Department's Tax Fraud Investigations Division and was prosecuted by the First Judicial District Attorney's office in Santa Fe.

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To report suspected tax fraud against the State of New Mexico, call the Tax Fraud Hotline at 1-866-457-6789.

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