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Miners may not face tax charges

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Just as the tide seems to have turned for the Miners on the football field, things could also be changing for them off the field.

Sources familiar with procedures for prosecuting tax offenders say the 30 former and current UTEP football players under investigation for tax fraud may not face serious legal repercussions.

"It isn't likely that the players will make it to trial," said Towner Leeper, an El Paso tax attorney. "Conspiracy is a matter of concern, but the government will probably target the IRS employee."

The situation began when an unnamed UTEP football player allegedly cashed a \$5,000 tax return check. The IRS was immediately suspicious and began investigating the individual. The investigation led to the suspicion of involvement of 30 other individuals linked to the team. The investigation also implicated an IRS employee as the source of the conspiracy.

Since the IRS scandal broke on cable sports network ESPN a few weeks ago, football players have been advised not to comment on the situation or their involvement in the case by athletic administrators and coaches.

"The IRS is investigating individuals," said Richard

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Adauto, assistant to UTEP President Diana Natalicio. "The institution has no control over how the individuals filled out their tax returns."

IRS officials said the agency has been investigating team members since June but has not filed any formal charges against any of the players.

The IRS employee who may have instigated the alleged tax fraud could face conspiracy charges equal to \$10,000 in fines and five years in prison, said IRS public affairs spokesman Kenneth Vargas.

"Depending on the information found in the investigation and on laws violated, it is up to a grand jury and the attorney general to indict," Vargas said.

Generally, cases of tax fraud are investigated by the IRS Criminal Investigation Department and could also involve government departments such as the FBI, DEA or U.S. Customs, Vargas said.

He said tax fraud is discovered by random and routine checks, informant leads and shared information from other parts of the government.

"The occurrences of tax

fraud are pretty low," Vargas said. "Most taxpayers comply with tax laws."

It is not clear if the university has a right to discipline the players. Leeper said the only way the university could intervene would be if there were a moral clause in the terms of players' scholarships.

If the players are cooperative with the government and willing to give up information, Leeper said, their charges may be dropped.

The IRS will work with the Department of Justice to prosecute individuals involved with the scheme.

Adauto said that university officials have taken no action against the team members and are leaving all investigations to the government.

Any discipline inflicted on the players depends on the outcome of the investigation by the government. The university has a "wait-and-see" attitude, Adauto said.

"It is unfair to speculate whether any action will be taken," Adauto said. "We will evaluate the situation in the end. If a (non-athletic) student had done this, we wouldn't be aware of the situation."