



Tony Evers
Governor

Peter W. Barca
Secretary of Revenue

For Immediate Release

April 20, 2020

CONTACT: Patty Mayers, Communications Director
608.266.2300 or DORCommunications@wisconsin.gov

Madison Business Owner Charged with Theft of Over \$360,000 of Sales Tax and Other Crimes

David W. Henry, owner of Dave's Auto Service, was charged with theft of sales tax, operating as a seller without a permit or after a seller's permit has been revoked, three counts of failure to file income tax returns, and possession of a firearm by a felon.

According to the [criminal complaint](#), from January 1, 2004 through February 28, 2018, Dave's Auto Service had sales subject to sales tax totaling over \$7.8 million. Henry, and associated entities, reported a little over \$2.6 million in taxable sales during this same time and failed to report over \$5.2 million in taxable sales. Henry failed to pay not only the tax he reported as due but also the underreported sales tax. In total, Henry collected \$424,020 in sales tax, while only making sales tax payments of \$63,270. Henry was charged with one count of theft of sales tax over \$100,000, a class G felony.

Failing to file returns and pay the proper sales tax and income tax led to the revocation of his seller's permit in 2016 – a second revocation. When notified of the revocation, Henry stated that he would fight tooth and nail and continue to play these games. He then attempted to conceal his activity by using out-of-state shell companies. Henry continued to operate without a valid permit for over three years. Henry has also not filed a corporate return for any of the corporate entities used to operate Dave's Auto Service.

The Wisconsin Department of Revenue's Office of Criminal Investigation discovered a handgun in Henry's possession while conducting a search warrant. Because of previous felony convictions of forgery and theft by a contractor, Henry was not allowed to possess a firearm, so he was also charged with possession of a firearm by a felon.

Criminal charges were filed in Dane County on March 25, 2020 by the Wisconsin Department of Justice, Attorney General's Office following an investigation by the Wisconsin Department of Revenue's Office of Criminal Investigation. If convicted, Henry may be fined over \$80,000 or imprisoned for over 22 years, or both.

To report tax fraud, go to the DOR website at www.revenue.wi.gov and click the "Report tax fraud" link under Quick Links.

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