

FILED
10-21-2021
Circuit Court
St. Croix County, WI
2021CM000599
Honorable R. Michael
Waterman
Branch 4

STATE OF WISCONSIN CIRCUIT COURT IA - 10/21/2021
ST. CROIX COUNTY

STATE OF WISCONSIN DA Case No.: 2021SC002715
Plaintiff, Assigned DA/ADA: Michael J. Becker
Agency Case No.: NR202104051

vs.

SHAWN PHILLIP WEISEN
377 Paquin Dr
Somerset, WI 54025
DOB: 03/01/1975
Sex/Race: M/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 11 in
Weight: 230 lbs
Alias:

Court Case No.: 2021CF000____
ATN:

Defendant.

CRIMINAL COMPLAINT

For Official Use

The undersigned Complainant, being first duly sworn, states that:

Count 1: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant from on or between 06/15/2020 and 07/15/2020, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec. 941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

Count 2: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant from on or between 08/15/2020 and 09/15/2020, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec. 941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

Count 3: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant on or about Monday, June 7, 2021, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec. 941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

Count 4: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant on or about Thursday, June 24, 2021, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec.

941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

Count 5: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant on or about Friday, July 30, 2021, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec. 941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

Count 6: FRAUDULENT TAPPING OF WIRES/METERS/PIPES(OTHER)

The above-named defendant on or about Thursday, August 12, 2021, in the Village of Somerset, St. Croix County, Wisconsin, with the intent to defraud any vendor of water, did connect or disconnect the meters, pipes or conduits of the vendor, or in any other manner tamper or interfere with the meters, pipes or conduits, without permission and for the purpose of obtaining water, contrary to sec. 941.36(1)(b), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

PROBABLE CAUSE:

Your complainant is a Law Enforcement Officer with the St. Croix County Sheriff's Department who in that capacity has read and reviewed the official law enforcement agency reports of Detective Carlos de la Cruz of the New Richmond Police Department, required by law to be made and kept and proved to be true, accurate and reliable in the past as concerns the individual Shawn Weisen, d.o.b. 03/01/1975 and which reports indicate as follows:

Primary Narrative By Carlos De La Cruz, 09/16/21 10:26

The following report reflects the activities of Detective de la Cruz in the investigation of New Richmond case number NR202104051.

On August 24, 2021, I was tasked by Chief Craig Yehlik to assist the Somerset Police Department with a fraud complaint. The complaint involved the Village President Shawn Weisen. Due to the conflict of interest, Somerset Chief Joel Trepczyk did request assistance. I contacted Trepczyk who agreed to send me the information he had received. I did review his initial report along with the various data logs he had received. The information received from Trepczyk has been added to my case file. After reviewing the reports, I contacted the complainant Village of Somerset Public Works Director Robert Gunther. We agreed to meet on August 31, 2021 to discuss the complaint.

Gunther explained there were some concerns regarding water meter readings at 377 Paquin Drive in Somerset. This was the residence of the Village President Shawn Weisen. Gunther prepared a file documenting historical meter readings from 2005 to 2021. He also had an hourly breakdown of usage from data logging from April 30, 2021 to August 19, 2021. There were some notes in the documents pointing out the anomalies and possible reasons for them. The file also included emails between Weisen, Gunther and Utility Clerk Amy Briggs.

Gunther began looking at meter readings at Weisen's residence after the meters were read in the village on July 15, 2021. Briggs was preparing the bills on July 16, 2021 and observed a negative consumption at the residence. She asked Gunther about the issue. Initially he believed it was a plumbing issue, perhaps a new residence and the meter was installed backwards. Briggs showed

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Gunther the meter read information sheet showing the residence of Shawn Weisen at 377 Paquin Drive. Gunther believed Weisen had lived there since 2005 and was currently living alone after going through a divorce in 2018. The meter reading showed a negative 5410 gallons from June 15, 2021 to July 15, 2021. Historical data did not show any other monthly readings that registered negative. Due to the negative reading, Gunther initiated the investigation.

Gunther believed the meter history showed the meter was not malfunctioning due to the consistency of the past data. He was concerned the meter had been tampered with in some manner. Mostly likely, Gunther believed the meter was removed and reinstalled backwards. Reviewing the Data Logging Report, he pointed out the meter began reading "0" usage on June 7, 2021. I did observe the consumption reading on June 7, 2021 at 22:42 hours of "0." The "0" reading continued until June 24, 2021. The reading at 1442 hours showed a "0" reading, however the next reading at 1542 hours showed a reading of -0.7 gallons. Gunther explained the daily usage of water in a residence should never read "0." A home with water service would have daily usage, regardless of how minor, from items such as a toilet or hot water heater.

Gunther pointed out the negative readings continued from June 24, 2021 until July 30, 2021 at 1642 hours. At that time, the reading was "0" and continued until August 12, 2021 at 2042 hours. He believed the meter was removed or bypassed during the "0" readings. The meter was then reinstalled, however it was backwards which would give the negative reading. This would account for the reading on July 15, 2021 of -5410 gallons and the reading on August 17, 2021 of -5110 gallons.

From July 30, 2021 until August 12, 2021 at 1942 hours, the meter continued to read "0." On August 12, 2021 at 2042 hours, the meter read 28.8 gallons. It would appear the meter was secured correctly as the meter was again reading properly. Gunther said the meters don't operate in that manner. The meter is either working properly, doesn't work at all or any anomalies would be caused by human interference. From his investigation, Gunter believed the issues may have been going on for quite some time.

Gunther reviewed the historical meter readings at 377 Paquin Drive from 2005 to 2021. I did review the reports that had an emphasis on the 2nd and 3rd quarters from 2005 to 2015. From 2016 to 2021, the breakdown emphasized the 6 month summer total but did show most of the monthly readings for each year. Gunther explained the summer months were typically higher meter readings due to the warmer weather. Below is the meter readings from the 2nd and 3rd quarters combined.

2005- 102, 000 gallons
2006- 125, 000 gallons
2007- 150, 000 gallons
2008- 109, 000 gallons
2009- 111, 000 gallons
2010- 70, 000 gallons
2011- 99, 000 gallons
2012- 118, 000 gallons
2013- 57, 000 gallons
2014- 39, 990 gallons- **customer received running water credit due to extreme cold weather
2015- 22, 790 gallons- note on report "tampering may have started"

From 2016 to 2021 the report emphasized the six month summer totals. 2016 showed six different meter readings. 2017 through 2020 showed twelve meter readings each year. Below is the six month summer totals including any hand written notes documented on the report.

2016- 20, 140 gallons - July 20, 2016 reading "0" - "meter removed by owner?"
2017- 22, 120 gallons - June 19, 2017 reading "0" - "meter removed by owner?"
2018- 38, 990 gallons - January 22, 2018 "314 new meter-neptune"

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2019- 30, 360 gallons
2020- 14, 150 gallons - July 15, 2020 - 460 gallons "meter removed by owner"
September 15, 2020 - "0" - "meter removed by owner"
2021- contained the monthly readings including July 15, 2021 negative 5410 gallons "meter removed by owner"
August 17, 2021 - negative 5110 gallons "meter reinstalled in put in backward by owner"

Gunther was not sure why the "0" reading months were not flagged by their system. He detailed his activities during his investigation into this matter. That report has been added to my case file. Gunther discussed the issue with Somerset Police Chief Joel Trepczyk on July 22, 2021. They both agreed Gunther should continue gathering more information. Due to the conflict of interest, Trepczyk advised he would not engage in any investigation but did agree to pursue other avenues if law enforcement was needed.

Gunther continued monitoring the meter readings as he gathered more information. On July 30, 2021 at 1628 hours, the meter readings showed hourly zero consumptions instead of the negative readings it was showing since June 24, 2021. Gunther believed this was an indication that the meter had been removed. Gunther and his staff continued to monitor the meter readings. He showed me a series of emails commencing on August 11, 2021 between him and Weisen. Gunther inquired as to when Weisen would be available as they needed to make arrangements to have the meter replaced in his home. Weisen stated he was not available until after 2000 hours. Briggs also began emailing Weisen in hopes of schedules a time to replace the meter. The emails continued back and forth for several days with no success in scheduling the meter replacement including Weisen cancelling on one occasion.

Gunther noted the meter at Weisen's residence began registering positive consumption commencing at 2039 hours on August 12, 2021. Gunther did find this suspicious as he was certain the meter readings would not go from one extreme to another without being tampered. With Weisen now knowing Gunther wanted to replace the meter, Gunther believed Weisen had put the meter back into operation. The emails continued back and forth with no success in scheduling the meter change.

On August 17, 2021, Gunther reached out to the Wisconsin Public Service Commission and was informed he had the right to send a 10 day disconnection notice to Weisen due to his meter replacement cancellation. Gunther instructed Briggs to draft the shut off notice and mail it certified to Weisen. The notification was delivered that afternoon, August 17, 2021. On August 23, 2021, Weisen emailed Gunther and said he could be available at 1:00 pm. Gunther did respond advising public works supervisor Jim Thanig would be available at that time.

Thanig and seasonal employee Bennett Baillargeon went to Weisen's residence and replaced the water meter. Thanig secured the meter in a brown paper evidence bag with chain of custody information completed and stapled the bag shut. They left the residence at 1311 hours and drove directly to the Village Hall, arriving at 1315 hours. The meter was handed over to the Somerset Police Department.

Thanig told Gunther the brass connection bolts were rounded and shiny which was indicative that there had been wrenches on the connections more frequently than what is commonly found in connections from that time period. The connections were also very tight which is not typical of water utility staff when installing meters. Thanig also noted the work area around the meter was free of any cobwebs.

I asked Gunther if removing the meter was "easy." He told me it consisted of removing two nuts that keep the meter in place. The meters were sometimes removed temporarily by plumbers or homeowners working on various plumbing issues. Gunther estimated it would take less than five minutes to remove the meter. The meter could be removed and a piece of pipe could be used to connect the two pipes in order to avoid any meter usage. There was no specific manner to police the removal of the meter other than referring to historical meter readings. Meter readings did go up and down based on the amount of persons in a home as well as adding a pool or sprinkler system.

Gunther did not believe Weisen had a sprinkler system on his property however did note Weisen's lawn was always thick and green. With this year being relatively dry, Gunther knew it would take a fair amount of water to keep Weisen's yard green and healthy. Gunther knew Weisen was proud of his yard and recalled Weisen making various comments of how nice he kept his lawn. Gunther believed Weisen was in the golf industry and perhaps took care of the greens and grass at the golf course he worked at. Gunther admitted the motivation of the complaint would be questioned. Gunther became the Public Works Director in 2011. He was also named the Economic Development Director in 2019. He acknowledged having a difficult relationship with Weisen however assured me this was not a personal attack on Weisen. Due to the system "flagging" the negative meter readings, it was Gunther's job to investigate further. During his investigation, Gunther was told by the Public Service Commission (PSC) that he could request up to two years of restitution if Weisen was found to have committed a crime. Gunther estimated the water meter fraud on the village was in excess of \$10, 000. The PSC also told Gunther that it would be the Village Board's responsibility to determine who would actually determine the amount lost by the village. A restitution amount, if appropriate, would be determined at a later date.

End of report

Detective de la Cruz/4210

Supplemental Narrative By Carlos De La Cruz, 09/21/21 07:47

The following report reflects the activities of Detective de la Cruz in the investigation of New Richmond case number NR202104051.

On September 16, 2021, I met with certified water operator for the City of New Richmond, Patrick Howell. He agreed to assist by testing the Neptune water meter removed from the home of Shawn Weisen. From reviewing the "Meter Information" sheet provided by the Village of Somerset, I did verify the "Register ID" number (1547784076) on the water meter installed on January 22, 2018 was the same ID number with the Neptune water meter I received.

I was present as Howell tested the water meter. He tested two meters simultaneously, the Neptune and a new meter, to compare the results. He explained what he was doing as he went through the four tests. Once complete, he told me the Neptune water meter was functioning properly. We reviewed the meter reading history information provided by the Village of Somerset. Howell believed the inconsistent water meter readings were not due to the meter being faulty but more consistent with human interference. Howell's report has been added to the case file.

From the information gathered throughout this investigation, I am referring charges of Fraudulent tapping of electric wires or gas or water meter or pipes, Wisconsin State Statute 941.36, on Shawn Weisen.

Case closed

Detective de la Cruz/4210

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This is on information and belief of the undersigned Complainant based on information given to him/her by the following reliable informants: Detective Carlos de la Cruz, New Richmond Police Department.

Subscribed and sworn to before me on 10/21/21

Electronically Signed By:

Michelle P. Brekken

Assistant District Attorney

State Bar #: 1121345

Electronically Signed By:

Deputy Jason Sykora

Complainant