

FILED
07-18-2019
Clerk of Circuit Court
Outagamie County
2019CF000567

STATE OF WISCONSIN	CIRCUIT COURT	OUTAGAMIE COUNTY
STATE OF WISCONSIN	DA Case No.: 2018OU005084	
Plaintiff,	Assigned DA/ADA: Daniel J. Tombasco	
	Agency Case No.: 18-5950	
vs.	Court Case No.:	
	ATN:	
KATHLEEN F. PASCH		
302 Wittlin Drive		
Black Creek, WI 54106		
DOB: 08/23/1958		
Sex/Race: F/W		
Defendant.		
	CRIMINAL COMPLAINT	
		<i>For Official Use</i>

The undersigned, being first duly sworn, states that:

Count 1: THEFT - MOVABLE PROPERTY (>\$100,000)

The above-named defendant on or about Friday, August 17, 2018, Outagamie County, Wisconsin, did intentionally take and carry away, transfer, or use movable property of Black Creek Rescue Services to wit: money, having a value that exceeds \$100,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(cm), 939.50(3)(f), 973.047(1f), 973.046(1r) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 2: FORGERY

The above-named defendant on or about Monday, January 22, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.046(1r), 973.047(1f) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

Count 3: FORGERY

The above-named defendant on or about Saturday, March 3, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 4: FORGERY

The above-named defendant on or about Friday, March 9, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 5: FORGERY

The above-named defendant on or about Tuesday, April 3, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon

conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 6: FORGERY

The above-named defendant on or about Saturday, April 28, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 7: FORGERY

The above-named defendant on or about Friday, May 18, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.046(1r), 973.047(1f) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a

biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

Count 8: FORGERY

The above-named defendant on or about Friday, May 25, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 9: FORGERY

The above-named defendant on or about Friday, June 1, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 10: FORGERY

The above-named defendant on or about Wednesday, June 13, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 11: FORGERY

The above-named defendant on or about Wednesday, June 27, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 12: FORGERY

The above-named defendant on or about Saturday, July 21, 2018, Outagamie County, Wisconsin, with intent to defraud, did alter a check so that it purported to have been made by authority of one who did not give such authority, to wit: Chief James, contrary to sec. 943.38(1), 939.50(3)(h), 973.047(1f), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is an investigator with the Outagamie County District Attorney's Office and bases this Complaint upon the report and investigation of Special Agent Kust of the Wisconsin Department of Justice and Chief James of the Black Creek Police Department, who are presumed truthful and reliable as sworn law enforcement officials. Complainant further relies upon the statements of Jenni Court and Ryan Schomisch, which are presumed truthful and reliable because they were made as citizen witnesses. Complainant also relies upon the statements of Kathleen Pasch, the defendant, which are presumed truthful and reliable because they were made against her penal interests.

Special Agent Bradley Kust with the Wisconsin Department of Justice (DOJ) reports that on August 16, 2018, he received information that Black Creek Police Chief Lowell James had sought the DOJ's Division of Criminal Investigation (DCI) in investigating a possible employee theft case involving the treasurer of the Black Creek Rescue Service. Chief James advised that the suspect had been identified as Kathleen Pasch, who is referred to hereafter as the defendant.

Chief James explained that the defendant was the co-coordinator and treasurer for the Black Creek Rescue Service, had served on the Black Creek Village Board, and was the Emergency Government Director for the Village. Chief James stated that both he and other members of the Rescue Service discovered that the defendant had made numerous ATM withdrawals against the Rescue Service account that totaled over \$90,000 and was also suspected of utilizing both the Rescue Service checking and credit accounts to illegally obtain additional funds. Moreover, Chief James suspected that the defendant had forged his signatures on some of the checks. Your Complainant is aware based on personal knowledge that the Village of Black Creek is located in Outagamie County, State of Wisconsin.

Chief James further reports that on August 15, 2018, at approximately 11:10 a.m., he met with Jenni Court and Ryan Schomisch at the BMO Harris Bank, which is located at 101 N. Main St., in the Village of Black Creek, Outagamie County, Wisconsin. Jenni was the secretary and Ryan was the co-coordinator for the Black Creek Rescue Service. Jenni explained that on August 14, 2018, the defendant was confronted by the officers of the Black Creek Rescue Service about some missing funds from their account. At that time, according to Jenni, the defendant admitted that she had a gambling problem and that she had taken funds from the Rescue Service to support her addiction. The defendant acknowledged that what she did was wrong and claimed that she always intended to repay the money that she stole.

Jenni estimated that over the past four years, the amount of money missing totaled over \$100,000.00. Special Agent Kust also reports that in an interview with both Chief James and Jenni, it was communicated to him that it was common knowledge among those who worked with the defendant that she liked to gamble and that she would spend approximately \$60.00 per day on scratch lottery tickets and was known to frequent casinos.

Special Agent Kust further reports that in addition to speaking with Black Creek Rescue Service Officers, he reviewed bank statements corresponding to the Rescue Service's

accounts for 2015-2018, which was the timeframe in which the defendant served as the co-coordinator and treasurer for the Rescue Service. After completing that review, Special Agent Kust made the following findings for the fiscal year 2015:

- 32 ATM withdrawals totaling \$10,908 (including fees)
- 16 checks equal to or divisible by 350 totaling \$11,200
- 7 debit card purchases at Walmart, Sal's Foods, Black Creek Convenience, Office Depot, China Garden, and Copps Foods totaling \$448.94 that were identified as not related to the Rescue Service

In addition, Special Agent Kust made the following findings for the fiscal year 2016:

- 103 ATM withdrawals totaling \$36,968.50 (including fees)
- 13 checks equal to or divisible by 350 totaling \$10,250
- 7 debit card purchases totaling \$659.36 at Office Depot, Sam's Club, Big Lots, Walmart, U.S. Postal Service, and Don's Quality Market that were identified as not related to the Rescue Service

Special Agent Kust made the following findings with respect to fiscal year 2017:

- 113 ATM withdrawals totaling \$32,307.50 (including fees)
- 10 checks equal to or divisible by 350 totaling \$11,850.
- 7 debit card purchases totaling \$698.29 at Walmart, Hobby Lobby, Menard's, U.S. Postal Service, Sam's Club, Don's Quality Market, and Sal's Foods that were identified as not related to the Rescue Service
- One payment to a Capitol One Credit Card for \$200.00

Finally, in regards to fiscal year 2018, Special Agent Kust found the following:

- 47 ATM withdrawals totaling \$12,214
- 12 checks equal or divisible by 350 totaling \$9,450
- 4 debit card purchases totaling \$308.39 to Amazon Marketplace, Walmart, and Sam's Club that were identified as not related to the Rescue Service
- 9 payments to a Capitol One Credit Card

Special Agent Kust reports that with respect to the checks, there was no consistent pattern because some of the checks were issued once per month, while some were issued two days in a row. Specifically, in June 2018, only three checks totaling \$2,800 were issued. Jenni indicated that the defendant was supposed to be paid \$350.00 per month for her position with the Rescue Service; therefore, the defendant should have received \$4,200 in legitimate pay. However, Jenni identified instances in the account where the defendant had paid herself for overlapping months. Jenni further advised that the Rescue Service did not have a Capitol One Credit Card nor did any officers authorize any payment to be made to a Capital One account. According to Jenni, the only purchase made on the debit card that may have been legitimate was to Sam's Club -- possibly for candy to be given away at parades.

Special Agent Kust further reports that he also interviewed Ryan about the incident. Ryan said that both he and others had questioned for some time why the Rescue Service did not have more money. According to Ryan, every time either he or someone else questioned the defendant about the funds, the defendant told them that there were outstanding accounts receivable for budget shortages. Ryan could not think of any reason why anyone affiliated with

the Rescue Services would be making ATM withdrawals on the Service's account. Ryan also stated that the defendant was in charge of the finances for the Rescue Service.

Special Agent Kust, Ryan, and Jenni reviewed copies of checks written to the defendant in 2018. Jenni said that on all but one of the checks, Chief James's signature had been forged, which was confirmed by Chief James. Upon reviewing copies of all the checks, Special Agent Kust discovered that they were written and cashed out of sequence. The list of the forged checks and their respective dates were as follows:

- Check #5326 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 1/22/18
- Check #5367 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 3/3/18
- Check #5375 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 3/9/18
- Check #5368 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 4/3/18
- Check #5369 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 4/28/18
- Check #5374 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 5/18/18
- Check #5372 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$1,050.00 on 5/25/18
- Check #5370 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 6/1/18
- Check #5371 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$1,050.00 on 6/13/18
- Check #5376 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$1,050.00 on 6/27/18
- Check #5392 made payable to "Kathy Pasch" endorsed by her and signed in the name of "Lowell James" for \$700.00 on 7/21/18

Subscribed and sworn to before me on 07/18/19

Electronically Signed By:

Chuck M. Stertz

Assistant District Attorney

State Bar #: 1072938

Electronically Signed By:

Daniel Running

Complainant