

FILED
02-11-2021
Clerk of Circuit Court
Winnebago County, WI
2021CM000131
Honorable Scott C Woldt
Branch 2

STATE OF WISCONSIN	CIRCUIT COURT	WINNEBAGO COUNTY
STATE OF WISCONSIN Plaintiff, vs. RYAN P KOENIGS [REDACTED] APPLETON, WI 54915 DOB: [REDACTED] Sex/Race: M/W Eye Color: Brown Hair Color: Red Height: 5 ft 11 in Weight: 195 lbs Alias: Defendant.	DA Case No.: 2021WN000027 Assigned DA/ADA: Eric D. Sparr Agency Case No.: 17-C171-003 Court Case No.: CRIMINAL COMPLAINT	

For Official Use

CRIMINAL CHARGE

Count 1: MISDEMEANOR THEFT

The above-named defendant during or between 2015 and 2017, Winnebago County, Wisconsin, did intentionally transfer the movable property of V1, without consent and with intent to permanently deprive the owner of possession of the property, to wit: sturgeon eggs, contrary to sec. 943.20(1)(a)&(3)(a), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

The undersigned, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Wisconsin Department of Natural Resources kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past.

Summary

Over a period of multiple years, primarily from 2017 through January, 2020, the Wisconsin Department of Natural Resource (“DNR”) and U.S. Fish and Wildlife Service (“USFWS”) investigated reports that sturgeon eggs, or “roe,” were being illegally purchased, sold, or bartered in the Lake Winnebago area. Caviar produced from sturgeon eggs is estimated to have a retail value of upwards of

\$100/ounce, based on legal markets for caviar from similar species. The DNR allows for a limited harvest of Lake Sturgeon during the annual February ice spearing season. Lake Sturgeon and many sturgeon species are rare and are currently threatened, endangered, and even extinct in parts of the United States and world, making Wisconsin's harvest season unique. Sturgeon that have been speared must be registered so that DNR fisheries staff can closely monitor the harvest to prevent over-harvesting. The sale, trade, or barter of any part of a Lake Sturgeon is prohibited.

Lake Sturgeon and sturgeon related species are continually exploited in illegal commercial transactions because of the value of their flesh and caviar. Caviar is highly sought after in legal and illegal markets and significant effort has been put into these types of investigations across the world to protect caviar-bearing sturgeon species. Additionally, past US investigations have shown caviar ties to organized crime and traffickers that repackage roe as a higher-grade, more expensive caviar and then export it into Asian or European markets or sell it back into the US, reaping huge profits along the way. Because of this, it is important to ensure accountability with all aspects of our laws designed to prevent illegal commercialization of our natural resources.

The investigation revealed that a number of citizens were making caviar for others, and were accepting sturgeon roe or finished caviar in exchange for their services, which is an illegal barter. The investigation further revealed a concerted effort to funnel sturgeon roe to particular processors for caviar production by DNR staff. This included the illegal transfer of roe that had been collected from successful sturgeon speakers for the purpose of research, and was given to a few specific processors to make caviar, for the benefit of the caviar processors, DNR employees, and individuals connected to them. This operation was overseen, over a course of years, by DNR fisheries biologist **RYAN P. KOENIGS, D.O.B. [REDACTED]**. Koenigs' job duties included running the Lake Sturgeon program on the Winnebago system, which included coordinating activities at registration stations, coordinating research, and determining quotas for sturgeon allowed to be speared.

Koenigs allowed caviar producer, and former DNR fisheries biologist, Arthur F. Techlow III, D.O.B. [REDACTED], after hours access to the Oshkosh DNR Service Center, located in Oshkosh, Winnebago County, Wisconsin to take possession of sturgeon roe that had been collected by the DNR for research purposes, and pursuant to DNR policy were to be either returned to the speakers that

harvested them, or destroyed. The sturgeon roe would have been the property of the State of Wisconsin, and policies were in place indicating that the roe could not be transferred to someone else or utilized for personal gain. Techlow would use the roe to produce caviar, and Koenigs would then receive some of the finished product back from Techlow for his own personal use, and for the benefit of other DNR employees. Techlow's own estimates were that he obtained nearly 65 pounds of roe in this way in 2015, which, even after accounting for product lost in the production process, would leave close to an estimated \$100,000 worth of finished product. Techlow's records showed that in 2017, he provided Koenigs six 8 ounce jars and thirty 4 ounce jars of finished caviar, which would have an estimated market value in the vicinity of \$20,000.

This sort of arrangement had been established prior to Koenigs taking over a leadership role, and continued under Koenigs, despite a warning from DNR wardens in 2011 that DNR fisheries staff needed to be disposing of eggs or returning them to the speaker after research was completed. The arrangement had existed under Ronald Bruch, and initially involved Elizabeth C. Krizesky, D.O.B. [REDACTED]. Techlow later took over Krizesky's role after Techlow retired from the DNR. Techlow confirmed that he and Koenigs were aware of the issues with their arrangement, and discussed it, but did not stop.

For many years, DNR fisheries sturgeon registration contact lists provided to all registration workers included contact information for sturgeon roe processor Krizesky. The investigation showed that Krizesky, like many other sturgeon caviar producers, generally processed with the understanding that she would be able to keep 1/3 to 1/2 of the finished caviar as payment, rather than be compensated monetarily. DNR Investigative Warden R. Propson explained that this was an illegal barter. DNR staff recommended Krizesky's services to speakers for many years, through the 2019 spearing season. Investigators were able to locate registration station contact lists from 2012, 2013, and 2015, all of which contained Krizesky's contact information. In an interview, Koenigs estimated that he would receive 20-30 jars of caviar annually, from Krizesky. The smaller size of jars typically utilized by Krizesky would be 4 ounces.

Investigation details

On 2/10/18, speaker T.W. told undercover Wardens P. Dunn and B. Ezman that although it's illegal to buy or sell sturgeon caviar or eggs, DNR fisheries staff were not following the law. T.W. stated, "I'm not even going to tell you what they do with the eggs they get." T.W. told undercover wardens that if the undercover wardens got a sturgeon with eggs, the DNR would pressure them to give up the eggs. T.W. explained that when caviar is produced, the understanding is that the producer keeps about half of the finished product.

On 2/11/18, Investigative Warden E. Grudzinski and USFWS Special Agent L. Cannon, acting undercover, brought eggs to Krizesky for processing into caviar. Krizesky gave them the option of paying money for the processing, but said that "most speakers" instead give her a portion of the finished product. Investigators elected to pay cash, and observed Krizesky produce caviar from their sturgeon eggs. Investigators later spoke to at least six speakers that had taken eggs to Krizesky to be processed in 2018 and 2019, all of which were processed on a barter, where Krizesky kept some of the finished caviar in lieu of monetary payment.

Warden T. Sturdivant and Investigative Warden R. Propson spoke to Krizesky on 1/27/20. Krizesky explained that she began processing caviar in 2001, and later became familiar with Techlow, Koenigs, and other DNR officials. Krizesky said that she would be provided eggs that the DNR had collected for research purposes, and would use the eggs to produce caviar. Some of the caviar she was able to keep, and some she provided back to DNR staff. Krizesky said DNR staff had not provided her eggs in several years, which investigators learned was because they had begun providing the eggs to Techlow instead. However, DNR personnel continued to give Krizesky's contact information to successful speakers. Krizesky said that she would then retain some of the caviar she produced. Some of that she consumed, and some of it was distributed to friends and DNR staff, including Koenigs. Krizesky estimated that she would provide DNR employees 10-12 jars of caviar at a time when she would do that.

Investigative Warden Supervisor S. Fabian and USFWS Special Agent L. Cannon interviewed Koenigs on 1/27/20. Koenigs explained that he had become the sturgeon biologist in 2012, after working for the DNR in Oshkosh since 2008. Koenigs denied being aware of DNR staff collecting eggs

from speakers, other than for research purposes. Koenigs stated that he had harvested a sturgeon of his own in February, 2018, and had the eggs processed by Techlow. Koenigs indicated he did not barter, but rather "gifted" some of the caviar to Techlow after processing was complete. Koenigs confirmed that Krizesky's contact information is on their contact sheets, and that he receives caviar from Krizesky and Techlow each year. Koenigs stated that he distributes the caviar to DNR staff at the registration stations. Koenigs said that if eggs were taken for a study, and the speaker told the DNR to take the eggs to a caviar producer, they would do that. Koenigs said that each year, Krizesky gives Koenigs 20-30 jars of caviar, each being 4-8 ounces. Koenigs said that it was requested that he distribute some to the registration station workers, which included other DNR staff. Koenigs said that a similar thing occurs with Techlow.

Warden Supervisors T. Strelow and K. Trowbridge interviewed former DNR biologist and fishery supervisor Ronald Bruch on 1/27/20. Bruch was involved in the program until about 2015. Bruch said that when the DNR received sturgeon eggs for a study, and the speaker did not want the eggs back, the eggs would be processed into caviar. Bruch stated that when DNR employees would receive caviar from Krizesky, they would split it up, eat some at team meetings, take some for personal use, and provide some to local bars.

DNR fisheries supervisor Kendall Kamke told DNR Investigative Warden Supervisor S. Deeney and USFWS Special Agent D. Brandenburg on 1/27/20, that when a speaker didn't want to keep their eggs, fisheries staff would have caviar made. "Basically we distributed among ourselves and had a good old time with it." Kamke confirmed that they had been previously warned about keeping the eggs, and continued to do it. DNR fisheries employee Ryan Zernzach told Warden Supervisor T. Dremel and Warden K. Kernosky on 1/27/20 that he had removed eggs from sturgeon while on duty, with the purpose of having them processed into caviar, and that eggs taken in that way would be picked up by Koenigs or another individual.

DNR fisheries employee Thomas Schlavensky indicated that he collected eggs from speakers at the Stockbridge registration station in Calumet County, and that the eggs would then be taken to the DNR lab in Oshkosh. Schlavensky believed those eggs were for research purposes. DNR fisheries employee Jonathan Pyatskowit worked at numerous registration stations in Calumet County, and

confirmed that he had collected eggs from spearers, and that Koenigs had taken them to the Oshkosh lab. Pyatskowit's belief was that the eggs were for research. Other workers gave similar statements. On 3/17/20, Warden J. Higgins spoke with spearer J.L. regarding eggs J.L. had processed by Techlow in 2017. J.L. stated that after the sturgeon was speared, the "DNR boys" at Jerry's registration station in Oshkosh put them in a 5 gallon bucket. J.L. said Techlow picked up the eggs from the DNR staff and later processed them.

On 1/27/20, Warden Supervisors B. Harrenstein and C. Shea spoke to DNR Fisheries Technician Adv. Richard Klett, who supervises the Indian Point registration station. Klett stated that he and other employees collected eggs from spearers, bagged them, and the eggs would be taken to the lab in Oshkosh. Regarding eggs that spearers did not want back, Klett said, "Yeah I don't....I don't want to get anybody in trouble. I mean I think that they're free to give them to whoever they want." Klett stated Koenigs was in charge of that. Klett was asked whether DNR staff ask spearers for eggs that were not intended to be used for research purposes, and Klett said, "I think I have done that in the past." Klett expressed that if eggs were going to be thrown away, it would make sense to put them to good use.

On 1/28/20, Techlow spoke to Warden Supervisor T. Dremel and Warden K. Kernosky. Techlow was formerly a biologist with the DNR, and retired February 2, 2015. Techlow said he had been making caviar for years, and learned from Krizesky. Techlow said he would process on a barter where he kept 1/3 of the finished caviar. Techlow stated that DNR staff would request eggs from spearers that did not want them, separate from research purposes, so that they could be used to produce caviar. Techlow confirmed that he was involved in obtaining eggs in this way at the registration station at Jerry's Bar in Oshkosh, Winnebago County, Wisconsin. Techlow said that he and Krizesky would make caviar, keep some of it as payment, and give the remainder back to DNR staff. Techlow said the DNR staff would keep the eggs for personal use, eat some at team meetings, and put some out at registration stations or nearby bars.

Techlow confirmed he had processed caviar from a sturgeon Koenigs' personally harvested in 2018. His records showed that this was on 2/11/18, and that he provided 50 jars of caviar to Koenigs and kept 12 for himself in a barter. Techlow said that he would have told Koenigs something along the

lines of, "Here's your eggs back, of course it's a gift, but I kept some." Techlow's records showed other situations where he had processed speakers' eggs on a barter, keeping some for himself. Techlow explained that he was aware of the laws against bartering, so they had to be careful with language, explaining that someone would have to say, "You're giving me a gift, and I'm going to process these, but I'm a generous person and I'm probably going to give you a gift of processed eggs."

Techlow said that through the 2017 season, he was allowed to take unwanted research eggs from the Oshkosh DNR lab, with Koenigs' assistance. Techlow said they would meet after hours so that no one else would be there, and he would select the good eggs for caviar. Techlow said he would give most of the caviar back to the DNR staff and registration workers. Techlow's records showed that in 2017, Techlow gave back to Koenigs six 8 ounce jars and thirty 4 ounce jars of caviar from this arrangement. He indicated that he and Koenigs always felt uncomfortable about it, but did not actually stop the arrangement until the research slowed down. Techlow recalled being told that the research eggs needed to be destroyed (from a 2011 email and conversation between wardens and fisheries staff), and felt that most of them were destroyed after that, but Koenigs would still allow Techlow to take the good ones. Techlow said the most caviar he processed was 65 pounds in 2015, most of which came from the DNR lab in Oshkosh.

Techlow said that he and Koenigs had several discussions about the wardens telling them they had to discard the eggs after research. Techlow thought that the wardens were being "fussy." Techlow stated that in hindsight, the eggs should have been disposed of, and Techlow had remorse. Techlow said Koenigs had some discomfort about the arrangement too, but it just did not stop them.

On 2/2/20, DNR employee David Bartz told Investigative Warden Sup. S. Fabian that if speakers did not want their eggs returned after research, DNR staff would call Krizesky, Techlow, or Koenigs to take them, and the eggs would be made into caviar. Bartz said that, separate from research purposes, he would ask for and obtain eggs from speakers that didn't want them. Bartz explained that he had last done this in 2018, and brought them to Techlow, but had first called Koenigs to see whether Krizesky wanted to process them. Bartz recalled that one year, DNR fisheries "shit canned" all the eggs, because the wardens were asking so many questions.

On 10/8/20, Investigative Warden Supervisor S. Fabian spoke to retired DNR fisheries employee Bob Olynyk. Olynyk said he has continued to work at the registration station at Waverly Beach in Calumet County even after retiring. Olynyk stated that eggs would be collected from speakers for research purposes, and that if they did not want them back, DNR staff would have them made into caviar. Olynyk said that eggs were solicited with the intention of having them made into caviar. Olynyk named Koenigs, Techlow, and Bruch as individuals that had caviar made from research eggs. Olynyk said Krizesky would give him and other DNR workers at Waverly Beach jars of caviar each year, up to 2019. Olynyk said that sometimes Krizesky would drop off the caviar, and sometimes Koenigs would do it for her.

On 2/9/19, DNR Inv. Warden B. Herzfeldt and USFWS Special Agent Brandenburg, acting undercover, made observations at numerous registration stations around Lake Winnebago. At the Critters registration station, investigators observed a speaker that had harvested a female sturgeon with eggs. A DNR registration worker asked the speaker whether the speaker wanted to keep the eggs. The speaker indicated that he did not want to keep the eggs, and the worker went to get bags. Undercover investigators then had a conversation with the speaker, and the speaker agreed to give them some of the eggs. When the worker returned, undercover investigators advised the worker that the speaker was going to give them some of the eggs. The worker advised that the eggs were going to be taken by the DNR for research, and did not allow undercover investigators to have any of the eggs.

In 2020, investigators executed a search warrant at Krizesky's residence in Neenah, Winnebago County, Wisconsin, where her caviar production had occurred. Pursuant to that search warrant, investigators recovered text messages exchanged between Krizesky and Koenigs, including some about the two meeting at Krizesky's residence in 2019. Investigators also recovered photos from 2012 showing Koenigs and another individual in Krizesky's kitchen, making caviar.

In July, 2020, Inv. Warden Propson completed a review of data obtained from Koenigs' work cell phone. Koenigs was issued the DNR phone on 2/14/19, but the phone showed no user data (calls, texts, or browsing) between that date and 4/30/20. Inv. Warden Propson found evidence that an unapproved factory reset of the phone was done on 4/30/20, after Koenigs was interviewed by DNR investigators and aware of the investigation.

DNR policy applicable to disposition of research eggs states, "In disposing of excess fish, all Department staff must be sensitive to public perceptions. Every effort should be made to avoid a situation where the public would perceive that Department employees, their families or associates are personally benefitting from their position." The DNR Employee Code of Ethics states, "Personnel of the Department of Natural Resources will at all times refrain from using their official position to secure special privileges for themselves or others."

All of the above incidents occurred in Winnebago County, Wisconsin.

WHEREFORE, as said affiant verily believes and prays that the said **RYAN P KOENIGS** might be arrested and dealt with according to law.

Subscribed and sworn to before me on 02/11/21

Electronically Signed By:

Margaret J. Struve

Assistant District Attorney

State Bar #: 1096218

Electronically Signed By:

Inv. Steven Verwiel

Complainant