

STATE OF WISCONSIN CIRCUIT COURT CHIPPEWA COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2017CH001525
Assigned DA/ADA: CHAD D VERBETEN
Agency Case No.: 17-06-300
Court Case No.:

vs.

MELISSA S CHRISTIANSON
N47065 CTH Y
ELEVA, WI 54738
03/12/1983

Defendant.

CRIMINAL COMPLAINT

Tiffany DePriest, being first duly sworn, states that on information and belief that:

Count 1: OPERATE WITHOUT SELLER PERMIT

The above-named defendant on or about Wednesday, May 31, 2017, in the Village of Lake Hallie, Chippewa County, Wisconsin, operated as a seller in this state without a permit or after a permit had been revoked or has expired, contrary to sec. 77.52(12), 939.61(2) Wis. Stats., an unclassified Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days or both.

Count 2: OPERATE WITHOUT SELLER PERMIT

The above-named defendant on or about Monday, June 05, 2017, in the Village of Lake Hallie, Chippewa County, Wisconsin, operated as a seller in this state without a permit or after a permit had been revoked or has expired, contrary to sec. 77.52(12), 939.61(2) Wis. Stats., an unclassified Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days or both.

Count 3: OPERATE WITHOUT SELLER PERMIT

The above-named defendant on or about Wednesday, June 07, 2017, in the Village of Lake Hallie, Chippewa County, Wisconsin, operated as a seller in this state without a permit or after a permit had been revoked or has expired, contrary to sec. 77.52(12), 939.61(2) Wis. Stats., an unclassified Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days or both.

Count 4: OPERATE WITHOUT SELLER PERMIT

The above-named defendant on or about Thursday, June 08, 2017, in the Village of Lake Hallie, Chippewa County, Wisconsin, operated as a seller in this state without a permit or after a permit had been revoked or has expired, contrary to sec. 77.52(12), 939.61(2) Wis. Stats., an unclassified Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days or both.

Count 5: VIDEO GAMBLING - FIVE MACHINES

The above-named defendant on or about Wednesday, May 31, 2017, in the Village of Lake Hallie, Chippewa County, Wisconsin, being the person in control of a Class 'B' or Class 'C' licensed premises did intentionally and unlawfully permit five video gambling machines to be set up for use for the purpose

of gambling in a place under her control, contrary to sec. 945.04(1m)(b), 945.04(2m)(e) Wis. Stats., a Forfeiture, and upon conviction may be required to forfeit not more than \$2,500.

PROBABLE CAUSE: MELISSA S CHRISTIANSON

Complainant is a Legal Secretary for the Chippewa County District Attorney's Office and bases this complaint upon the report and investigation of MARIO ALTUZAR. Complainant and MARIO ALTUZAR are presumed reliable because of the positions of trust they hold as Legal Secretary for the District Attorney and Law Enforcement Officer, respectively.

Timeline of Events:

On Thursday, February 2, 2017, Agent Paul Walters sent the WI Seller's Permit revocation warning letter to the defendant Melissa Christianson the owner of Missy's Bar & Grill (hereinafter the bar) located at 1703 County Hwy OO in the Village of Lake Hallie, Chippewa County.

On Tuesday, May 16, 2017, Christianson's WI Seller's Permit # 456-1024679055-04 was revoked.

On Wednesday, May 17, 2017. Agent Walters informed Special Agent Altuzar Christianson's seller's permit was revoked.

On Friday, May 19, 2017, Agent Walters informed Special Agent Altuzar he conducted field surveillance of the bar and observed it was open and saw customers going into it.

On Monday, May 22, 2017 Agent Walters sent alcohol suppliers' hold letters to the alcohol distributors and a letter to the Village of Lake Hallie Clerk's Office informing that Christianson did not have a valid seller's permit.

On Thursday, May 25, 2017 Agent Walters sent a "Cease Operations" letter in the mail to Christianson at the bar.

On Wednesday, May 31, 2017, Agent Walters made a field stop at the bar and found it open and in operation. Agent Walters told Special Agent Altuzar he met with owner Melissa Christianson at the bar and personally served a copy of a "Final Warning" letter explaining to Christianson it was unlawful for her to be open to the public and in operation without having a valid seller's permit. Further, Agent Walters included Special Agent Altuzar in an electronic correspondence (email) he sent to Christianson on the same day at 4:18 p.m. reiterating to her it was a criminal offense to sell taxable goods or services unless she held a valid and active seller's permit. Agent Walters provided Christianson with Wisconsin State Statue 77.52(12) and informed her that potential fines, imprisonment or both may stem from her continuation and operation of the bar.

On or around Tuesday, June 5, 2017, Special Agent Altuzar conducted field surveillance of the bar in the afternoon. Special Agent Altuzar observed the bar in operation by witnessing customers going into the establishment. There were also vehicles parked in the bar's parking lot. Special Agent Altuzar saw Christianson exit the bar from a side door and walk to a car. Special Agent Altuzar then saw Christianson retrieving six packs of beer which she took inside the bar. Christianson exited the bar again and walked to the garbage dumpsters, disposed of the empty beer beverage carriers, and returned to the bar.

On Wednesday, June 07, 2017, Agent Walters and Special Agent Altuzar conducted field surveillance of the bar in the afternoon; both observed the bar open and saw customers going into the establishment. Special Agent Altuzar and Agent Walters also observed Christianson exit the bar from a side door, walk to garbage cans and dispose of some boxes. Christianson then walked to a car where

they observed her retrieve items from inside brown paper bags which they could not identify. Christianson returned to the bar with the paper bags through the same side door they saw her exit.

At Special Agent Altuzar's direction, WI DOR Agent Jason Solberg, in an undercover capacity, entered the establishment in an attempt to purchase food June 8, 2017. Special Agent Altuzar gave Agent Solberg a pre-recorded, US Twenty Dollar bill to purchase food.

Agent Solberg was equipped with a video surveillance recorder to videotape the transaction. Based on his training and experience, Special Agent Altuzar knew that prepared meals were subject to Wisconsin sales & use tax. Therefore, a valid seller's permit is required to be possessed by any person who sells such meals. At approximately 1:33 p.m. Special Agent Altuzar observed Agent Solberg arrive in his vehicle and park in the bar's parking lot. At approximately 1:35 p.m., Special Agent Altuzar saw Agent Solberg enter the bar through the front door. At approximately 1:38 p.m., Agent Solberg sent a text to Special Agent Altuzar's work phone advising he placed his food order. A subsequent text from Agent Solberg reported three additional male subjects were eating and drinking inside the bar. At approximately 1:42 p.m. Special Agent Altuzar observed a Caucasian female exit the bar from a side door and walk to the dumpsters to dispose of trash. The female returned to the bar. Near this same time, Special Agent Altuzar observed a Caucasian male exit the bar through the front door and walk to a white car; moments later he returned to the bar. At approximately 1:44 p.m. Agent Solberg reported he had paid for the food. At approximately 1:52 p.m., Special Agent Altuzar observed Agent Solberg exit the bar through the front door carrying a bag and walk to his car. Special Agent Altuzar met with Agent Solberg in the bar's parking lot and asked him if he purchased food inside the bar. Agent Solberg said, "Yes" and said he purchased a "chicken wrap with fries."

On Thursday, June 08, 2017, at approximately 1:55 p.m., SA William Gray and Special Agent Altuzar, working with the WI Alcohol & Tobacco Enforcement Unit (ATE Office) along WI Department of Revenue Compliance Agents, Paul Walters and Jason Solberg, entered the bar to conduct the inspection and to execute the tax warrant for Melissa Christianson's alcohol licensed establishment, aka Missy's Bar & Grill. The business was consequently closed for operating with a revoked Wisconsin Seller's Permit.

During the course of the inspection, Christianson was also found to be in possession of five video gambling machines (VGMs) which were operational at her Class "B" fermented malt beverage and "Class B" intoxicating liquor licensed establishment. Having previous professional experiences with the identification of video gambling machines, Special Agent Altuzar recognized these five machines as such. Each machine had a currency detector or money slots that validate the money inserted to play. The machine then is activated by means of distinct buttons on the front panel to spin the virtual reel to display and determine results when a button is pushed. Each machine had its own monitor that allowed the player to see the virtual reel and their various combinations of symbols displayed on the screen. According to the rule of the game, the machine allowed the player to match a combination of symbols and credits in the form of cash, paid out at the bar, or some other sort of value, such as a free spins or extra games were won. Due to Special Agent Altuzar's familiarity with these machines, and machines of similar nature he knew that the machines contained adjustable odds (payout ratios) that can be adjusted by the machine owner or operator. After recognizing these machines as video gambling machines and within the authority and scope of a lawful inspection, the motherboards were removed and seized from each of the five machines pursuant to Wis. Stat. §968.10(4) and Wis. Stat. §968.13(1). A removal order for these machines had previously been issued to Christianson on November 13, 2015, pursuant to Wis. Stat. §968.13(1). However, Christianson failed to follow through with the order, and did not remove the machines.

Employee and bar tender on duty, Cadmus made phone contact with Christianson. Special Agent Altuzar spoke with Christianson on the phone. Special Agent Altuzar verbally identified himself to her and gave her the reason for the visit. Christianson said she was aware her seller's permit was revoked and would meet with Special Agent Altuzar at the bar in forty-five minutes to discuss this matter in

person. Special Agent Altuzar asked Christianson if the five video gambling machines (VGMs) in the bar were the same machines Special Agent Altuzar ordered removed during the last tax warrant we executed at her bar on 11/13/2015. Christianson stated if the VGMs were from Northwest Coin Machine Co., then "Yes."

Special Agent Altuzar spoke with Cadmus and asked her if the five video gambling machines (VGMs) on the premises are the same machines we ordered removed during the last tax warrant we executed on the bar on 11/13/2015. Cadmus said, "Yes." Cadmus said the machines were never removed from the bar.

Agent Solberg was able to find and retrieve the pre-recorded twenty dollar bill he used to purchase the food. This bill was found inside the bar's cash register. Agent Solberg returned this money to Special Agent Altuzar.

Special Agent Altuzar made contact with the bar's cook, M. L.K., DOB 11/22/1980. Special Agent Altuzar identified himself using his credentials and explained to her the reason for the visit. When asked about her work schedule, M.L.K. stated she was the cook and at times, when needed, she worked as a bartender as well. M.L.K. said she worked this past Saturday, Sunday, Monday, Tuesday and today Thursday, having Wednesday as the only day off. M.L.K. said the bar had been open for business.

Officer Straszowski assisted Special Agent Altuzar with retrieving several empty six packs of beer beverage carriers found inside the bar's dumpster which were believed to be the same boxes that Special Agent Altuzar saw Christianson carrying in to the bar on or around Tuesday, June 05, 2017. Special Agent Altuzar asked Christianson if the dumpster outside the bar in her parking lot belongs to her. Christianson said, "Yes." Special Agent Altuzar then confronted Christianson about the empty beer beverage carriers and his observations the date he conducted surveillance. Christianson admitted to purchasing beer at the Holiday Station on Eddy Lane and some liquor. Christianson said she knew she could not purchase alcohol from local retailers, but was having trouble getting alcohol from her distributors and was resorting to purchasing some of her alcohol from the local stores. Christianson said she owes money to some of her alcohol wholesalers and said she was "cut off."

The unauthorized alcohol was itemized on a property receipt and seized for violation of the alcohol laws.

Special Agent Altuzar told Christianson that they would be seizing the VGMs' motherboards. A removal order was issued to Christianson for the second time and explained. Christianson said she understood and signed the removal order. A copy of the removal order was given to her as record. Christianson said she remembered the first VGM removal order Special Agent Altuzar issued to her in the past by him, but did not follow through with the order and never removed the VGMs. Special Agent Altuzar asked Christianson to tell him the reason for not removing the VGMs as ordered before, but she did not have an excuse and said the "VGMs owner never removed them." Christianson confirmed again these five VGMs are the same machines Special Agent Altuzar ordered removed on November 13, 2015.

Special Agent Altuzar spoke with Christianson regarding her revoked seller's permit in the presence of SA Gray. Special Agent Altuzar explained to Christianson the WI Department of Revenue Compliance Agents had made numerous attempts to work with her in an attempt to bring her current on delinquent taxes owed to the State. To this, Christianson stated, "They (Compliance Agents) have been good to work with" and that "they have helped me a lot." SA Gray asked Christianson why she continued to be open knowing her seller's permit was revoked. Christianson, at first, did not have an answer, but stated "I needed the money." Special Agent Altuzar told Christianson the bar was closed until she is able to satisfy all requirements with the WI Department of Revenue and her seller's permit is reinstated. Christianson said she understood.

Subscribed and sworn to before me on 09/29/17

Electronically Signed By:

CHAD D VERBETEN

Assistant District Attorney

State Bar #: 1033734

Electronically Signed By:

Tiffany DePriest

Complainant