

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No. 2010ML023602

Plaintiff,

vs.

Complaining Witness:

Special Agent Christina McNichol

Brown, Kimberly
6868 N. Green Bay Avenue
Glendale, WI 53209
DOB: 02/09/1970

Court Case No.

Glass, Marcus M.
4617-A N. 56th Street
Milwaukee, WI 53218
DOB: 01/09/1986

Court Case No.

Defendants,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: THEFT BY FRAUD (VALUE EXCEEDING \$10,000) - PTAC, AS A PARTY TO A CRIME (As to defendants Kimberly Brown and Marcus M. Glass)

The above-named defendants between April 2007 and April 2010, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did obtain title to property of Wisconsin Department of Children & Families, having a value exceeding \$10,000, by intentionally deceiving that person with a false representation known by defendants to be false, made with intent to defraud and which did defraud that person, contrary to sec. 943.20(1)(d) and (3)(c), 939.50(3)(g), 939.05 Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Your complaining witness states that she is a special agent employed by the State of Wisconsin Department of Justice Division of Criminal Investigation. Complaining witness states that she makes this complaint based upon her own investigation and based upon statements made to her by adult citizens whom she believes to be reliable.

Your complaining witness states that as part of her duties as a special agent with the State of Wisconsin Department of Justice, she has been assigned to the State of Wisconsin Child Care Anti-Fraud Task Force. During the course of carrying out her duties as a special agent assigned to the Child Care Anti-Fraud Task Force, she has been involved in the investigation of a day care center known as Kid's Place which most recently did business at 4919 West Good Hope Road in the City and County of Milwaukee. The business operated at that location from approximately April 2008 until the center was closed in 2010. Prior to operation at 4919 West Good Hope Road in the City and County of Milwaukee the center had operated on 19th Place in the City and County of Milwaukee.

Your complaining witness states that during the time period from 2007 until the center was closed in 2010 the center participated in the Wisconsin Shares program. Wisconsin Shares program is a subsidized child care program that allows child care centers to receive payment from the State of Wisconsin for providing child care to the children of low income parents.

During the course of her investigation your complaining witness learned that the defendant Marcus Glass was the license holder of the center with the State of Wisconsin Department of Children and Families. The defendant Kimberly Brown was employed as a director at the facility.

Complaining witness states that during the course of her investigation she received information from the Department of Children and Families showing that, from 12/08/2009 to 01/05/2010, over 100 children were authorized to attend the facility. However, your complaining witness states that she spoke an employee of the center who had worked there for 2 years, Tsenrae Washington. Ms. Washington, who was shown the list of 101 children who were authorized to attend the center from 12/08/2009 to 01/05/2010, recognized three of the names on the list. Ms. Washington indicated that during her daytime hours there were normally approximately five children who attended the center. Complaining witness also spoke with Rochelle Sims, another employee who worked for the center since August 2009. Ms. Sims informed your complaining witness that although there were multiple children on the authorization list with Hispanic surnames, there were no Hispanic children that actually attended the center. An additional former Kid's Place employee was also interviewed by your complaining witness: Margaret Allen, who worked at the day care from approximately July 2009 – January 2010. Ms. Allen identified one Hispanic family associated with the day care, but stated that there were no other Hispanic families associated with the day care.

Your complaining witness states that during the course of her investigation she spoke with no fewer than five mothers who informed her that although their children did not attend the day care center, they received payments from defendant Brown and defendant Glass in exchange for allowing the defendants to report their children as attending the day care center. An additional three mothers were interviewed as well. These mothers did not report receiving payments from the defendants, but did identify periods of time during which the center billed for their children despite the fact their children were not attending day care. Based upon these interviews, your complaining witness determined that between 2007 and 2010 the center received more than \$260,000 from the State of Wisconsin for providing care to children who did not actually attend the center.

Your complaining witness states that during the course of her investigation she spoke to an adult citizen Meelashy White. Ms. White informed your complaining witness that she has five children between the ages of 12 and seven and that all of her children were enrolled at Kid's Place Learning Academy sometime in 2009. Ms. White informed your complaining witness that her children attended the day care center no more than twice per week during the school year from around 3:00 p.m. to 8:00 p.m. Ms. White informed your complaining witness that when she enrolled her children at Kid's Place, she received a \$350 signing bonus from the center. She stated that thereafter on four or five occasions she called defendant Brown at Kid's Place and told defendant Brown that she needed a little extra money. On all those occasions defendant Brown paid Ms. White \$100 to \$200 in cash. Ms. White stated that the cash would be counted out in an envelope that defendant Brown would either bring to her house or that White would pick up at Kid's Place. Ms. White stated that around Christmas of 2009 defendant Brown gave White \$500 or \$100 for each of her children.

Ms. White stated that she first heard of Kid's Place through friends of her children and their mother who is a former co-worker of White. Ms. White identified this individual as Tina. Ms. White stated that she believes Tina's own children were older and did not need day care.

Your complaining witness states that when she reviewed billing records from the day care center, she saw that the center was billing for Ms. White's children far more than the 10 hours per week that they actually attending. Complaining witness calculated that the center billed the State of Wisconsin for more than \$5,500 worth of care for Ms. White's children that the center did not actually provide.

Complaining witness states that during the course of her investigation she spoke to an adult citizen Vanessa Rosas. Ms. Rosas informed your complaining witness that she was employed by Pathfinders and that prior to that she had worked part time at Kid's Place. Ms. Rosas stated that she had three children. During the course of an interview with Ms. Rosas, Ms. Rosas admitted that her children were not attending the day care on any regular basis and that she was not working the number of hours that she was supposed to have been working. Ms. Rosas stated that when the center was located on North 19th Place, her children would go for approximately 50 hours per month. She stated when the center switched to it's location on West Good Hope Road, her children stopped going 50 hours per month and dropped to 25 hours per month. Ms. Rosas stated that her children stopped going to the day care entirely in June 2009. Ms. Rosas acknowledged that she herself would go to the center only for a few hours a month to pick up her cash payment. Ms. Rosas stated that she had been informed by Annette Martinez, another parent who had children enrolled at Kid's Place about the possibility of enrolling her children at the day care center and receiving payments to keep them enrolled. Ms. Rosas stated that she knew that Martinez as well another woman, Farrah Rodriguez, was also participating in the scam. Ms. Rosas stated that sometimes she went to the day care center to pick up her payments and other times Annette Martinez picked them up for her. Ms. Rosas stated that defendant Brown was the one who was running the day care center and that she would receive the majority of her cash payments from defendant Brown. Ms. Rosas stated that when defendant Brown was not at the day care center, then defendant Glass was in charge and would give Rosas her envelope of pre-counted cash. Ms. Rosas also stated that she received false employment authorizations on the company letterhead from defendant Brown to take to her W-2 worker to obtain child care authorizations. Ms. Rosas stated that she believed defendant Brown ran the day care and referred to defendant Glass as Brown's "guppy."

Your complaining witness states that she reviewed billing records maintained by the State of Wisconsin Department of Children and Families. Those records show that from 2007 through May 2010 the day care center billed the State of Wisconsin for more than \$51,000 for providing care for Rosas' children which was not actually provided.

Complaining witness states that during the course of her investigation she spoke to an adult citizen Tameka Fabre. Ms. Fabre informed her that she had four minor children. During the course of two interviews Ms. Fabre informed your complaining witness that her children had in fact been enrolled at Kid's Place when it was still located on 19th Place in Milwaukee. Ms. Fabre stated that while the children were at the 19th Place location they attended for 25 to 30 hours per week. She stated that this lasted for approximately six months. Then the children stopped attending altogether until the larger group day care center opened in March 2008. Ms. Fabre stated that her children then transferred to Kid's Place at their Good Hope Road location and from March until approximately July they attended 12 to 20 hours per week. From July to October the children attended approximately 10 hours per week. She stated that from approximately November 2008 until March 2010 her children did not attend Kid's Place Learning Academy at all. Ms. Fabre stated that in April 2010, presumably after DCF and Child Care Anti-

Fraud Task Force personnel visited the center on April 14, 2010, she got a call from defendant Brown telling her that she needed to bring her kids to the center a couple times per week. She stated that in April 2010 she and her boyfriend then began to take the children to the day care center again.

Ms. Fabre also admitted that she was receiving cash payments from Kid's Place every other Tuesday in exchange for keeping her children enrolled at the center but not sending them to day care. Ms. Fabre stated that she was receiving \$300 bi-weekly and that to receive this payment she would meet with either defendant Brown or defendant Glass. She stated that she mostly met with defendant Brown but met with defendant Glass about a quarter of the time to get her money. Ms. Fabre explained that the money was often in a white Guaranty Bank envelope with her name written on it. She stated there were three or four times that she met defendant Brown in the parking lot of the Guaranty Bank located on Brown Deer Road. Ms. Fabre stated that she also met with defendant Brown and defendant Glass in places such as a nearby Walgreens parking lot and that she would just call the center prior to arriving in the area of Kid's Place and then either defendant Glass or defendant Brown would meet her with her money. She stated that she recalled receiving 12 to 15 envelopes of cash while the children were enrolled at the 19th Place location. This number supported Fabre's earlier assertion that the children attended the 19th Place location for approximately six months as Fabre also noted she did not receive cash payments when the children were actually using the center. Ms. Fabre stated she received her last envelope of cash from Kid's Place in April 2010. Ms. Fabre stated that she became involved in the scheme when her sister Farah Rodriguez suggested to her that defendant Brown would pay Fabre a percentage of what the day care center received each week for Fabre's children.

Your complaining witness states that she then reviewed billing records submitted by the defendants to the State of Wisconsin in connection with the care of Fabre's children. She then determined that the defendants billed the State of Wisconsin for more than \$57,000 worth of care for Fabre's children which they did not actually provide.

Your complaining witness states that during the course of her investigation she spoke to an adult citizen Stephanie Trotter. Ms. Trotter informed your complaining witness that she had three minor children who were enrolled at Kid's Place Learning Academy. Ms. Trotter acknowledged to your complaining witness that she was receiving an envelope of cash every other week from Kid's Place in exchange for keeping her children enrolled at the center. She stated that she received \$200 in a plain envelope with her name on it sometimes from defendant Glass and sometimes from a black female who she described as dark skinned with short hair and a thin build, perhaps 5 foot, 6 inches tall. Ms. Trotter stated that sometimes she would go to center to pick up her money and other times she would meet defendant Glass somewhere off site. She stated she received her last envelope sometime in April 2010. Ms. Trotter stated that she first became aware of the possibility of this arrangement from her friend Tiffany McAfee. She said that McAfee suggested to her that Trotter would have to send her kids to day care for awhile but after a little bit defendant Glass would be willing to split the money he was making off the kids with Trotter if the children did not attend. Ms. Trotter stated that after her children transferred to defendant Glass' bigger Good Hope Road center she approached him about sending her children less and receiving some money. She said that defendant Glass did not agree at first and that Trotter's older two children attended day care for two to three days for the first week they were enrolled at the Good Hope Road location and then did not attend at all. Ms. Trotter stated she then again asked defendant Glass about the possibility of an arrangement of splitting the money that defendant Glass received for her children and defendant Glass agreed.

Complaining witness states that she reviewed billing records from the State of Wisconsin Department of Children and Families and determined that the day care center billed the State of Wisconsin for over \$22,000 worth of care for Trotter's children that was not actually provided.

Your complaining witness states that during the course of her investigation she spoke to an adult citizen Annette Martinez. During this interview Ms. Martinez informed your complaining witness that she has six children and that she was approximately two and ½ months pregnant. Ms. Martinez informed your complaining witness that her children had been enrolled in day cares run by defendant Brown since approximately 2002 when Martinez was pregnant with her youngest son. She explained that she first met defendant Brown when defendant Brown was on a Chuck E. Cheese field trip with her day care and defendant Brown saw Martinez with her four children and pregnant with her fifth. Defendant Brown offered day care services to Martinez. Ms. Martinez stated that shortly after this meeting she enrolled her children in a day care center called Koality Kiddie Kare which was defendant Brown's day care center. She stated that her children moved from day care to day care when defendant Brown switched day care centers or locations. Ms. Martinez initially stated that her children regularly attended the day care centers throughout the years. At that point investigators explained they had spoken to a number of teachers and other mothers of children enrolled at the center and the investigators knew that Martinez's children had not attended the day care center recently. Ms. Martinez then admitted that since approximately the time that Koality Kiddie Kare had become Kid's Place and moved to 19th Place, her children had attended the center on very rare occasions. She stated that she had a conversation with defendant Brown in which she asked defendant Brown if Brown could help her out because the minimum wage she was earning at Best Buy was not enough to care for her children. Ms. Martinez stated that defendant Brown initially offered her part-time work at the day care center but that arrangement did not work out. She stated that after approximately two weeks of working at Kid's Place on North 19th Place Martinez suggested to defendant Brown that Martinez keep the Wisconsin Shares enrollment authorization for her children current and that defendant Brown give Martinez money she received from the State. Ms. Martinez stated that defendant Brown agreed to do this but only to give Martinez a percentage of the money that defendant Brown received. Ms. Martinez stated she was not sure how defendant Brown calculated the amount of money she gave Martinez but Martinez stated it was usually around \$750 per month which was enough to cover Martinez' rent.

Ms. Martinez stated that defendant Brown would pay this money in cash and Martinez would receive it in a plain white envelope which sometimes had her name written on it. The money would be pre-counted and sometimes defendant Brown herself would give Martinez the envelope. Other times Martinez would find the envelope on a desk or get it from a day care employee. Ms. Martinez stated that her children attended Kid's Place Learning Academy on North 19th Place for approximately two weeks when she tried to work there. Thereafter they attended the center an additional three times for perhaps one to two hours each time. She stated that her children only attended the larger Kid's Place location on Good Hope Road for a total of perhaps four occasions, one to two hours each time.

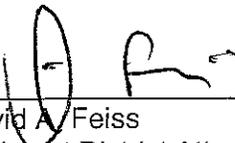
Investigators asked Martinez if she had ever signed any sort of attendance sheets when she dropped off her children at day care center. Ms. Martinez stated that on one or two of the most recent occasions when her children were at Kid's Place, she signed them in upon their arrival.

Complaining witness states that she reviewed Department of Children and Families records and determined that all six of Martinez's children were enrolled at Koality Kiddie Kare in Brown Deer from approximately March 2003 to July 2005 and then from July 2005 to February 2007. Four of the children were enrolled at Koality Kiddie Kare on Florist Avenue. Then from April 2007 to March 2008 all six of the children were enrolled at Kid's Place on 19th Place. This lasted until

Martinez's oldest son became ineligible for child care when he turned 13 years old on May 3, 2007. From March 2008 until September 2010 the remaining five children eligible for day care through the Wisconsin Shares program were enrolled at Kid's Place located on Good Hope Road. Complaining witness states that she then reviewed Department of Children and Families billing records and determined that the defendants had billed the State of Wisconsin for providing care at both the Good Hope Road and 19th Place locations totaling over \$108,000 for care that had not actually been provided to Martinez' children.

Your complaining witness states that during the course of her investigation she spoke to representatives of the Department of Children and Families. They informed her that had the Department known that defendant Glass and defendant Brown were submitting billings to the Department for care for children that they were not actually providing they would not have paid the funds.

Subscribed and sworn to before me and approved for filing this 28th day of September 2010.



David A. Feiss
Assistant District Attorney
State Bar No. 1008600



S/A Amanda Munchel
Complaining Witness

DAF\jo

-- Felony Complaint --