

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 11-CF-_____

KENT E. HALUSKA,
656 Danish Way,
Denmark, WI 54208-8946,
DOB: 04/22/1982, M/W,

Defendant.

SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

The Complaint, a copy of which is attached, having been made before me accusing the defendant, Kent E. Haluska, of the crimes of Felony Theft over \$2,500, contrary to Wis. Stat. § 943.20(1)(a) and (3)(bf), Identity Theft (four counts), contrary to Wis. Stat. § 943.201(2)(a), and Forgery-Fraudulent Writing (two counts), contrary to Wis. Stat. § 943.38(1)(a).

You, Kent E. Haluska, are, therefore, summoned to appear before Court Commissioner John Kuech, Winnebago County Safety Building, 420 Jackson Street, Room 194, Oshkosh, Wisconsin, to answer said Complaint on Monday, November 21, 2011, at 9:00 a.m. In case of your failure to appear, a warrant for your arrest will be issued.

Dated this 10th day of November, 2011.


RICHARD J. DUFOUR
Assistant Attorney General and
Special Prosecutor for Winnebago County
State Bar No. 1014811

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Defendant.

CRIMINAL COMPLAINT

I, Debra Strauss, being first duly sworn, state upon information and belief that:

COUNT 1: Felony Theft over \$2,500

That the defendant did, on or about January 2007, retain possession of the property of another to wit: Kim Stoegbauer, without the consent of said person and with intent to permanently deprive her of the possession thereof in an amount in excess of \$2,500, in violation of Wis. Stat. § 943.20(1)(a) and (3)(bf), a Class I felony, punishable by fine not to exceed \$10,000, or imprisonment not to exceed three and one-half years, or by both said fine or imprisonment.

COUNT 2: Identity Theft

That the defendant did, on or about January 16, 2007, use the personal identifying information of another, to wit: Kim Stoegbauer and her credit card number, without the

permission of Kim Stoegbauer, and by representing that he did have the authorization to use that credit card number to obtain money, to wit: \$817.63, in violation of Wis. Stat. § 943.201(2)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

COUNT 3: Identity Theft

That the defendant did, on or about January 17, 2007, use the personal identifying information of another, to wit: Kim Stoegbauer and her credit card number, without the permission of Kim Stoegbauer, and by representing that he did have the authorization to use that credit card number to obtain money, to wit: \$1,000, in violation of Wis. Stat. § 943.201(2)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

COUNT 4: Identity Theft

That the defendant did, on or about January 17, 2007, use the personal identifying information of another, to wit: Kim Stoegbauer and her credit card number, without the permission of Kim Stoegbauer, and by representing that he did have the authorization to use that credit card number to obtain money, to wit: \$500, in violation of Wis. Stat. § 943.201(2)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

COUNT 5: Identity Theft

That the defendant did, on or about January 17, 2007, use the personal identifying information of another, to wit: Kim Stoegbauer and her credit card number, without the permission of Kim Stoegbauer, and by representing that he did have the authorization to use that

credit card number to obtain money, to wit: \$458.08, in violation of Wis. Stat. § 943.201(2)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

COUNT 6: Forgery-Fraudulent Writing

That the defendant did, on or about January 16, 2007, with the intent to defraud falsely make a writing purporting that it was made by the authority of another who did not give such authority to make that writing and which writing purported to create legal rights or obligations in violation of Wis. Stat. § 943.38(1)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

COUNT 7: Forgery-Fraudulent Writing

That the defendant did, on or about January 17, 2007, with the intent to defraud falsely make a writing purporting that it was made by the authority of another who did not give such authority to make that writing and which writing purported to create legal rights or obligations in violation of Wis. Stat. § 943.38(1)(a), a Class H felony, punishable by a fine not to exceed \$10,000, or imprisonment not to exceed six years, or by both said fine or imprisonment.

STATEMENT OF PROBABLE CAUSE

1. Special Agent Debra Strauss indicates that in June 2009, she was assigned to investigate a number of complaints of fraud involving the defendant and his company, Natures Pest and Wildlife Co., LLC, hereafter Natures Pest. One of the complaints involved Kim Stoegbauer and her husband Ken.

2. Stoegbauer indicates that in January 2007, she was attempting to list for sale her father's home and that her father had recently passed away. She states that she was advised by

the cleaners at the home, which is located at 311 Elm Street in the city of Menasha, Winnebago County, Wisconsin, that there appeared to be bats in the attic of the home. Stoegbauer then indicates she contacted a number of companies and eventually made contact with the defendant's company, Natures Pest, in an attempt to get the bats removed. Stoegbauer states that she had a phone conversation with an individual at Natures Pest indicating that there would be a \$195 inspection fee but if she hired Natures Pest to remove the bats that the \$195 would be credited to her account. She further indicated that the individual told her that the total cost would be somewhere between \$250 and \$1,200 for removal of the bats. Stoegbauer then states she informed the individual she was talking to that she needed to discuss the situation with her sister and that she would then re-contact Natures Pest if she wanted them to do the work. Stoegbauer states that after discussion with her sister, they agreed to have Natures Pest come and do the inspection.

3. Special Agent Strauss further reviewed a statement of Kim Stoegbauer. In said statement, Ms. Stoegbauer described contact between her husband Ken Stoegbauer and the defendant where Mr. Stoegbauer states that he did meet with the defendant on January 15, 2007. At that time, Mr. Stoegbauer confirmed that the total cost of removal of the bats would be \$1,200. The defendant assured Mr. Stoegbauer it would be and stated that the cost would be \$395 per day and that he would require three days to do the work. The defendant also stated that there would be an additional cost for materials. Mr. Stoegbauer stated that the materials must be "peanuts" since the total cost was to be \$1,200 and the defendant did not contradict Mr. Stoegbauer as it related to that total cost. Mr. Stoegbauer then signed a work order authorizing the work at \$395 per day plus materials. Again, the agreement was that the total cost

would not exceed \$1,200. When Special Agent Strauss talked to Mr. and Mrs. Stoegbauer, they confirmed that written statement was accurate.

4. The Stoegbauers were later given work orders that purported to charge well in excess of \$1,200. Specifically, there was a work order dated January 15, the one signed by Mr. Stoegbauer, which showed a cost of \$975.88 for January 15. There was a work order dated January 16, which purported to show work totaling \$817.63, which work order was never authorized or approved by either of the Stoegbauers. Finally, a work order purported to be dated January 17 showing total charges of \$1,958.08, which work order was never signed or approved by either of the Stoegbauers and which they never agreed to.

5. The defendant then did charge the Stoegbauers' credit card on five different occasions. The first occasion was on January 15, charging the account \$975.88, the second charge was on January 16, totaling \$817.63, the third, fourth, and fifth charges were all on January 17 and those charges were in the amounts of \$1,000, \$500, and \$458.08. Outside of approving one charge to the account in a maximum amount of \$1,200, the Stoegbauers did not give the defendant consent to charge their accounts for any of the amounts referred to above. Thus, the charges on January 16 and 17 were without the authorization of the Stoegbauers although they did purport to be with their authorization. The Stoegbauers also did not authorize or approve the work orders dated January 16 and 17, although they purport to create a contract between the Stoegbauers and Natures Pest. Finally, outside of a total of \$1,200, the Stoegbauers did not give the defendant consent to charge their account for any amounts. The total charges on their account were \$3,751.59. The Stoegbauers demanded return of all but \$1,200 of that or the

amount of \$2,551.59 which they did not authorize. The defendant has refused to return that money to the Stoegbauers.

6. All of the above occurred in the city of Menasha, Winnebago County, Wisconsin. The Stoegbauers indicate they did not give the defendant consent to use their account number for four of the five transactions that were charged to their account, nor did they give the defendant consent to create a work order that created legal rights and obligations between themselves and the defendant.

Dated this 10 day of November, 2011.


DEBRA STRAUSS
Special Agent, Division of Criminal Investigation
Wisconsin Department of Justice.

Subscribed and sworn to before me,
and approved for filing,
this 10 day of November, 2011.


RICHARD J. DUFOUR
Assistant Attorney General and
Special Prosecutor for Winnebago County
State Bar # 1014811
My commission is permanent.

Wisconsin Department of Justice
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