

FILED
12-02-2024
Clerk of Courts
Fond du Lac County WI
2024CM000778

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

TIMOTHY JR SAUL

380 Redman Dr

Ripon, WI 54971

DOB: 12/04/1967

Sex/Race: M/W

Alias: Also Known As Timothy John

Saul

Defendant.

DA Case No.: 2023FL003939
Assigned DA/ADA: Eric J. Toney
Agency Case No.: 23-868
Court Case No.:
ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned law enforcement officer with Ripon Police Department being first duly sworn, states that:

Count 1: FINANCIAL TRANSACTION CARD - USE TO DEFRAUD

The above-named defendant On or about January 1, 2016 to December 31, 2017, Fond du Lac County, Wisconsin, did use a financial transaction credit card issued to the cardholder with the intent to defraud the organization, the Ripon Area Fire District, contrary to sec. 943.41(5)(b), 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.

Count 2: FINANCIAL TRANSACTION CARD - USE TO DEFRAUD

The above-named defendant On or about January 1, 2018 to December 31, 2019, Fond du Lac County, Wisconsin, did use a financial transaction credit card issued to the cardholder with the intent to defraud the organization, the Ripon Area Fire District, contrary to sec. 943.41(5)(b), 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.

Count 3: FINANCIAL TRANSACTION CARD - USE TO DEFRAUD

The above-named defendant On or about January 1, 2020 to December 31, 2022, in the City of Ripon, Fond du Lac County, Wisconsin, did use a financial transaction credit card issued to the cardholder with the intent to defraud the organization, the Ripon Area Fire District, contrary to sec. 943.41(5)(b), 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.

PROBABLE CAUSE:

Complainant bases the allegations of this complaint upon the report and investigation of officer(s) William B. Wallner, of the Ripon Police Department. Complainant and the officer(s) are reliable as sworn law enforcement officials.

- 1) On June 12, 2023 Ripon Police Chief William Wallner was contacted by a board member of the Ripon Area Fire District (RAFD), Ellen Sorensen.
- 2) Ellen Sorensen was appointed to the RAFD and explained the RAFD is a separate entity from the City of Ripon and receives financial support from the City of Ripon, the Town of Nepeuskun, and the Town of Ripon.

- 3) Ellen Sorensen was appointed President of the RAFFD in May of 2022. President Sorensen stated that Tim Saul, the defendant, was appointed as Fire Chief of the RAFFD in April of 2013.
- 4) President Sorensen stated that upon joining the RAFFD board she explained that it appeared unusual as to how the financial issues were being presented to the RAFFD board at meetings. President Sorensen stated that upon becoming President of the RAFFD she had to go to Horicon Bank to sign off on two accounts, a checking and a money market account.
- 5) President Sorensen noted the accounts did not appear to match information she had been told about. President Sorensen communicated with auditors of RAFFD and the auditors stated that there appeared to be a lack of oversight and no internal controls over how RAFFD bills were paid or accounts monitored.
- 6) President Sorensen began to examine the RAFFD financials based on the concerns raised by auditors, President Sorensen was in contact with a firefighter assigned to assist with administrative duties at the RAFFD, Heather Donovan. President Sorensen learned that there might be another RAFFD credit card and it was being used by Fire Chief Tim Saul, the defendant, during his time as the Fire Chief of the RAFFD. This credit card was confirmed to exist and was issued through the RAFFD to the defendant while he was the RAFFD Fire Chief.
- 7) President Sorensen spoke with City Administrator Adam Sonntag and she learned that Sonntag observed a late fee from a credit card that was assigned to the RAFFD, which had been issued to the defendant.
- 8) President Sorensen was informed by another RAFFD Board member, Doug Iverson, that he had reached out to the financial bookkeeper for the RAFFD, Barb Mashack. Sorensen learned from Iverson that Mashack was unaware of the credit card assigned to the defendant. Mashack stated she had not observed any bills or activities on that credit card since "about 2015." President Sorensen reviewed the financial records for the RAFFD and found no expenditures or payments for that account from 2015 to 2020.
- 9) President Sorensen shared the information with RAFFD board members and none were aware of the credit card issued to the defendant and believed there was only a Kwik Trip credit card for fuel.
- 10) President Sorensen learned of account information for the RAFFD credit card issued to the defendant and requested that RAFFD Assistant Fire Chief Mark Sabel produce the last five years of credit card bills for this account. Assistant Chief Sabel stated he was only able to obtain some account summaries from 2020, 2021, and 2022. President Sorensen provided copies of the documents to Chief Wallner.
- 11) Chief Wallner reviewed the documents for the credit card assigned to the defendant through the RAFFD and saw it had a balance at that time of \$189.58.
- 12) President Sorensen stated that is the responsibility of the RAFFD Fire Chief to review bills for payment and submit those bills for payment. Mashack stated she never received a bill or request to make payments on the credit card assigned to the defendant for "some time" and believed the credit card had been closed. Mashack is responsible for generating a monthly report, which includes expenses, payments, fund balances and other financial information for the RAFFD.
- 13) President Sorensen continued to review documents and information related to the RAFFD and found no policy in place within the RAFFD on the use of credit cards. As President Sorensen continued to review the financials of the RAFFD, in her capacity as President of the RAFFD, she indicated the purchases on the RAFFD card assigned to the defendant may have been for personal expenses and purchases, and not for RAFFD purchases.
- 14) President Sorensen and the RAFFD attorney, Jim Macy met with the defendant, Fire Chief Tim Saul, in November of 2022 to inquire about the RAFFD credit card assigned to the defendant. During that meeting they requested five years of detailed statements for the credit card. President Sorensen then learned shortly after this meeting that RAFFD Fire Chief Tim Saul resigned from his position as RAFFD Fire Chief.

15) Chief Wallner began to investigate the financials of the RAFD credit card assigned to the defendant while he was the RAFD Fire Chief. This included obtaining financial records for the credit card by working with the Fond du Lac County District Attorney's Office for a subpoena for documents from Elan Financial Services and US Bank National Association in June of 2023. Chief Wallner's investigation reflected that the defendant made thousands of dollars in personal purchases with the RAFD credit card assigned to the defendant. Chief Wallner was not able to show any of the personal purchases made by the defendant with the RAFD credit card were paid by the RAFD.

16) Financial records for the credit card show unauthorized spending as:

Statement month/year	Purchases	Balance
Aug-16	1253.63	12,311.97
1-Sep	385.62	12853.48
Oct-16	505.52	12,959.27
Nov-16	418.42	13,523.76
Dec-16	1195.29	14,330.38
Jan-17	1149.9	5,524.47
Feb-17	1229.6	6,845.05
Mar-17	194.42	6,841.97
Aoril 2017	739.81	7,685.60
May-17	2,443.35	10,113.50
Jun-17	2,728.13	12,810.31
Jul-17	1,622.12	14,382.05
Aug-17	1,025.55	15,084.76
Sep-17	835.86	15,663.91
Oct-17	1,162.14	17,004.09
Nov-17	1,806.82	18,702.71
Dec-17	1,488.31	19,756.50
Jan-18	1,722.69	21,214.51
Feb-18	1,367.70	22,834.79
Mar-18	2,154.41	24,272.72
Apr-18	1,666.92	26,215.72
Mar-18	2,111.06	27,215.72
Jun-18	254.71	27,960.60
Jul-18	2,103.77	29,263.88
Aug-18	4,009.04	33,011.30
Sep-18	2,544.34	34,807.52
Oct-18	869.91	36,079.24
Nov-18	691.28	36,500.65
Dec-18	0.00	36,175.84

Jan-19	0.00	35,797.38
Feb-19	0.00	36,253.41
Mar-19	0.00	34,346.64
Apr-19	0.00	34,819.64
May-19	0.00	34,435.90
Jun-19	0.00	34,105.71
Jul-19	0.00	32,975.33
Aug-19	0.00	33,368.26
Sep-19	0.00	33,034.56
Oct-19	0.00	31,959.35
Nov-19	0.00	32,334.36
Dec-19	0.00	32,048.70
1-Jan	0.00	32,217.39
Feb-20	2,411.77	34,817.15
Mar-20	0.00	33,253.15
Apr-20	308.50	33,224.03
May-20	395.30	33,352.06
Jun-20	496.41	33,408.53
Jul-20	878.85	33,987.93
Aug-20	43.57	32,876.56
Sep-20	0.00	23,090.97
Oct-20	143.72	22,442.60
Nov-20	127.98	21,788.17
Dec-20	36.63	16,604.55
Jan-21	0.00	14,144.16
Feb-21	0.00	13,752.14
Mar-21	0.00	5,852.53
1-Feb	0.00	4,901.87
May-21	10.31	4,752.14
Jun-21	32.17	4,360.93
Jul-21	3.56	4,442.96
Aug-21	29.02	26.10
Sep-21		0.00
Oct-21	64	64.00
Nov-21	0	85.00
Dec-21		0.00

Feb-22	378.39	378.39
Mar-22	149.19	191.58
Apr-22	0	222.58
May-22	0	0.00
Jun-22	102.42	102.42
Jul-22	7	1.08
Aug-22	0	0.00
Nov-22	189.58	189.58
Dec-22	150.99	372.71
Jan-23	0	3.71
Feb-23	0	23.71
Mar-23		40
Apr-23		0.00

17) Chief Wallner reviewed specific payments that stood out as clearly not being RAFD purchases:

Alliant Energy		Charter Communications	
Post date	Amount	Post Date	Amount
7/7/2016	177.99	7/18/2016	156
5/25/2017	602.99	11/17/2016	160.92
7/19/2017	414.53	12/13/2016	329.92
9/8/2017	502.99	4/18/2017	185.08
4/16/2018	602.99	5/11/2017	329.98
6/14/2018	552.99	7/16/2017	151.19
6/14/2018	302.99	11/17/2017	150.1
8/16/2018	552.99	12/18/2017	144.84
2/3/2020	1300.00	1/17/2018	150.1
		2/20/2018	150.1
		4/17/2018	155.19

Lodging			others		
post date	amount	location			
			9/23/2016	336.08	American Water Payment IL
8/8/2016	114.38	Holiday Inn Stevens Point	12/30/2016	200.66	American Water Payment IL
11/8/2016	176.8	Country Inn Platteville WI	4/17/2017	199.36	Chicago Cubs
5/15/2017	219.9	Mound View Inn Platteville WI	6/22/2017	239.77	American Water Payment IL
3/21/2018	1330.54	AirBNB CA	10/23/2017	339.63	Enterprise car rental
6/25/2018	225.59	Kalahari resort WI Dells	11/17/2017	206.13	Dean Health Plan
8/6/2018	435.78	Mt Olympus	11/30/2017	261.85	American Water Payment IL
7/17/2018	110.88	Holiday Inn Whitestown IN	2/5/2018	382.72	Discount Tire Westmont IL
7/23/2018	143.8	Holiday In express IN	7/23/2018	761.20	Enterprise car rental
9/22/2021	64	Country inn and Suites WI	1/31/2020	600	Crop paper scissors

VERIZON

1/23/2017	502.72	
4/13/2017	235.77	
5/11/2017	240.77	
6/26/2017	524.85	
10/23/2017	217.76	
12/26/2017	242.18	
6/18/2018	202.67	
7/11/2018	345.97	
8/17/2018	339.38	
9/24/2018	339.18	
10/26/2018	339.18	
6/22/2020	63.27	US Cellular FDL

18) A monthly analysis of the unauthorized balance is as follows:

YR/month	Amount
Aug-16	Balance on Card \$12,311.97

Aug-16	1,253.63	
16-Sep	385.62	
16-Oct	505.52	
16-Nov	418.42	
16-Dec	1195.29	
2016 total		3758.48

17-Jan	1149.9	
17-Feb	1229.6	
17-Mar	194.42	
17-Apr	739.81	
17-May	2443.35	
17-Jun	2728.13	
17-Jul	1622.12	
17-Aug	1025.55	
17-Sep	835.86	
17-Oct	1162.14	
17-Nov	1806.82	
17-Dec	1488.31	
2017 total		13,697.88

18-Jan	1722.69	
18-Feb	1367.7	
18-Mar	2154.41	
18-Apr	1666.92	
18-May	2111.06	

18-Jun	254.71	
18-Jul	2103.77	
18-Aug	4009.04	
18-Sep	2544.34	
18-Oct	869.91	
18-Nov	691.28	
18-Dec	0	
2018 total		19,495.83

Balance on card at this time \$36,253.41 No credit available for purchases*****

19-Jan	0	
19-Feb	0	
19-Mar	0	
19-Apr	0	
19-May	0	
19-Jun	0	
19-Jul	0	
19-Aug	0	
19-Sep	0	
19-Oct	0	
19-Nov	0	
19-Dec	0	
2019 totals		0 no purchases made with card in 2019 above credit limit for 8 months

Credit limit on card was \$34,000

Payments are being made credit limit gets below \$34,000 limit

20-Jan	0	
20-Feb	2411.77	
20-Mar	0	
20-Apr	308.5	
20-May	395.3	
20-Jun	496.41	
20-Jul	878.85	
20-Aug	43.57	
20-Sep	0	
20-Oct	143.72	
20-Nov	127.98	
20-Dec	36.63	
2020 totals		4,842.46

21-Jan	0	
21-Feb	0	
21-Mar	0	
21-Apr	0	
21-May	10.31	
21-Jun	32.17	
21-Jul	3.56	
21-Aug	29.02	

21-Sep	0	
21-Oct	64	
21-Nov	0	
21-Dec	0	balance on card at this point is \$0
2121 total	139.06	
22-Jan	0	
22-Feb	378.39	
22-Mar	149.19	
22-Apr	0	
22-May	0	
22-Jun	102.42	
22-Jul	7	
22-Aug	0	
22-Sep		
22-Oct		
22-Nov	189.58	
22-Dec	150.99	
2022 total	970.57	

Total charges 2016 to 2022
 \$42,904.28

- 19) Chief Wallner interviewed former Ripon City Councilmen and RAFD President Joel Brockman in August of 2023. Brockman stated while he was on the RAFD Board the Fire Chief of the RAFD was initially Mike Fredrick. Fredrick left the department, as did the next chief, Dave Bathke. Mark Sabel became interim Fire Chief while RAFD searched for a new Fire Chief. Brockman stated that he asked Mark Sabel at this time to open a credit card account to be used for incidentals and purchases needed for the RAFD. Brockman stated that when the defendant was brought on as the RAFD Fire Chief, Brockman had Sabel add the defendant onto the RAFD account for the credit card. The defendant, Sable, and Brockman all held credit cards on the account for RAFD. Brockman was an account holder while on the RAFD board but did not believe he ever used the credit card.

- 20) Brockman stated that himself and RAFD Secretary Jim Werch would have had conversations with the defendant about how to pay bills as the RAFD Fire Chief and submitting the bills through Barb Mashock. Brockman couldn't recall any specific conversations with the defendant about how and when to use the credit card but felt the fire chief "would know or should know" that you could use the card for incidental purchases for the RAFD.

- 21) Brockman stated the original credit card limit was \$15,000 and was not aware of how or when the limit on the card was increased to \$38,000. Brockman felt that a \$38,000 limit was high and would have questions as to why it was increased, as a RAFD Board President or member of the RAFD board.

- 22) Chief Wallner reviewed the policy and procedures of the RAFD and the only reference concerning financials or credit cards was:
 - a. 3.2 Parades and Other Non-Emergency Functions
 - i. C2 "Forward all expenses/bills to Fire District Treasurer."
 - ii. C2 "Collect all donations and forward to Fire District Treasurer."

- 23) Chief Wallner also reviewed a copy of the RAFD by-laws and found nothing in the by-laws regarding bills or how they should be paid.
- 24) Chief Wallner learned from Heather Donovan the Alliant Energy bill, Verizon cell phone bill, and Charter Communications bills were all paid out of a RAFD account and not from a credit card, meaning there would be no official RAFD purchase on the defendant's credit card related to Verizon, Charter, or Alliant on behalf of the RAFD and they would be personal uses of the credit card by the defendant.
- 25) On August 18, 2023 Chief Wallner interviewed Mark Sabel about his former role with the RAFD. Sabel had been the Deputy Fire Chief and worked at the RAFD for 40 years and 8 months. Chief Wallner inquired if there was a credit card for the RAFD and how that came into existence. Sabel believed he opened the credit card account with the RAFD when former Chief Mike Fredricks had left. The purpose of the credit card was to give the interim chief the ability to make purchases in emergency situations if nobody was available to approve a purchase. Sabel was directed to open the account by then RAFD Board President Brockman. Sabel then added the defendant to the account when the defendant became fire chief.
- 26) Sabel stated he had a credit card from the RAFD account himself as well, but did not believe he had ever used the card.
- 27) Sabel stated he was asked by the defendant to print off copies of credit card bills/statements when Sorensen began asking about the credit card because the defendant stated he was unable to print them himself. Sabel was the original person that opened the credit card account for RAFD and was able to access the account. Sabel stated he initially had difficulty printing the statements because the credit card had expired. The new card had to be activated by Sabel in order to print the records that President Ellen Sorensen was seeking.
- 28) Sabel stated when the defendant was hired as the Fire Chief, Sabel was told to get the defendant a credit card for the account. Sabel then obtained a credit card for the defendant in his role as RAFD Fire Chief and didn't recall any conversation with the defendant about the card or any policy being signed as to how to use the credit card.
- 29) Sabel and Chief Wallner discussed the past credit statements from the RAFD credit card assigned to the defendant and rising balance that was reflected in the statements and Sabel indicated if he had seen that while working at the RAFD he would have informed the RAFD board.
- 30) Sabel stated that the defendant was going through a rough patch and the defendant told Sabel he had used the RAFD credit card for personal purchases but did not say how much money was personal. The defendant told Sabel that he then paid off the entire credit card, including late fees. Sabel did not know where the defendant obtained the money to pay off the credit card.**
- 31) On September 19, 2023 Chief Wallner met with James Werch to discuss his time on the RAFD board. Werch was previously on the Ripon City Council and was appointed to the RAFD board. While on the RAFD board Werch also served as Secretary and Treasurer. Werch remained on the RAFD board until 2022. Werch did not recall any specific policies as to how a bill should be paid at the RAFD other than some authority for Fire Chief for purchases under \$5,000.
- 32) Werch did not recall any credit card accounts for the RAFD while serving on the board. Chief Wallner showed Werch a credit card billing statement from November 2018 for the RAFD credit card assigned to the defendant. Chief Wallner asked if any purchases from that month would be a concern to him and Werch stated "all of them." The balance on the credit card at that time was approximately \$36,000.**
- 33) On 8/22/23 Chief Wallner interviewed Barb Mashack who held the position of bookkeeper and accountant for the RAFD since about 2009 or 2010. Mashack explained the bill paying process to Wallner. Mashack states that when a bill is sent to the RAFD the Fire Chief is responsible for coding that bill with an account number for each item and then turning that into her for payment. Mashack stated every purchase on the credit card bill would need to have been accounted for, with an invoice or documents supporting the purchase and an account number for that purchase. All payments are approved by the RAFD Board.

Mashack was asked specifically about the RAFFD credit card account and stated that prior to the recent activity with account, she could not remember seeing a bill for the credit card account for a long time. Mashack did not believe the credit card account had been used for several years, or at least she had not been directed to make a payment or received anything from the defendant to pay a credit card bill.

- 34) Mashack further stated that she had a conversation with the defendant, prior to the 8/22/23 interview with Wallner, about the issues with the credit card account. The defendant admitted he had used the credit card for personal purchases. Mashack stated the defendant seemed distraught over the issue, and she got the impression the defendant had used the credit card quite a lot but did not want the fire district to see it.**
- 35) On September 25, 2023 Chief Wallner spoke with the Wisconsin Department of Justice Division of Criminal Investigation requesting that DCI conduct follow-up. DCI followed up with Chief Wallner stating they spoke with representatives at the Attorney General's Office and they declined to be involved in the follow-up investigation.
- 36) On September 26, 2023 Chief Wallner learned of additional "SPO" policies for the RAFFD that he had not received previously. Chief Wallner found rules for Professional Conduct and Responsibilities but none that dealt with credit cards or financial matters.
- 37) On October 25, 2023 Chief Wallner learned that the RAFFD board opened up a new credit card, and was no longer in need of the account that had been assigned to the defendant and President Sorensen authorized the account that had belonged to the defendant to be closed. On November 20, 2023 Chief Wallner confirmed that the credit card previously assigned to the defendant was closed on October 25, 2023.
- 38) In October of 2023 Chief Wallner attempted to interview the defendant but was unsuccessful.
- 39) On November 28, 2023 Chief Wallner followed up on a subpoena for documents from American Water Illinois in reference to the investigation and Wallner was told they would not honor the subpoena. Chief Wallner followed up with the Clerk of Courts, Sheriff's Office and Civil Process servers in St. Louis County, Illinois but was unsuccessful in getting cooperation for a subpoena through Illinois court.
- 40) Chief Wallner requested from the RAFFD board any employment agreements between the board and the defendant. On September 5, 2024 Chief Wallner received a copy of the employment agreement titled "Ripon Area Fire District Fire Chief Employment Agreement." The document was signed by Joel Brockman and the defendant on February 12, 2013. Chief Wallner noted the agreement under section C include "Fire Chief shall keep and maintain proper fiscal records for the District, and cause the annual budget to be produced in a timely manner..."
- 41) Chief Wallner also received a second document from the RAFFD board titled "Ripon Area Fire Chief Duties and Responsibilities." Chief Wallner saw the agreement was initialed by Joel Brockman and the defendant. Chief Wallner observed under the section "Essential Duties and Responsibilities" it stated:
- a. Places coordinates, and reviews District objectives and prepares monthly annual payroll, invoice, and other administrative reports for the Board.
 - b. Directs preparation of the Districts annual operating budget for submission to the Board.
 - c. Manages departmental expenditures and recommends making adjustments to the budget accounts to best leverage available resources to carry out the Districts objectives in the most effective manner.
 - d. Monitors District budget, expenses of the District, and payroll.
- 42) Under the section: Essential Knowledge, Skills, Abilities, and Education:
- a. The Fire Chief should have an understanding of the structure and function of the District and knowledge of accounting practices including methods of personnel management, knowledge of municipal labor relations in Wisconsin, knowledge of methods used to evaluate the effectiveness of District programs, personnel, and purchasing procedures.

43) Under the section: Additional Administrative Responsibilities

- a. Monitor District Budget and expenses of the department.
- b. Prepare and submit monthly reports to the District Board at their monthly meetings.

44) Throughout Chief Wallner's investigation the purchases on the RAFD credit card assigned to the defendant no bills were submitted to the RAFD from 2016 onward with no payments made by the RAFD on the credit card and the majority of charges in the records of the credit card purchases appear personal in nature and not on behalf on the RAFD.

45) Chief Wallner learned it was possible the defendant may have financial issues, which could have led to personal use of the credit and followed up on that throughout 2024 learning of a wage garnishment letter sent to the RAFD Association on December 2, 2023. It was noted that the defendant left employment with the RAFD on December 9, 2022. The RAFD Association is volunteer group of fire fighters that is separate from the RAFD and the association raises money but has no employees. Chief Wallner also noted two construction liens filed on CCAP against the defendant and his business, as well as a small claims case filed against the defendant on March 7, 2023.

46) Based on the personal use of the credit card with balances, at times, exceeding the credit limit and late fees, the defendant would likely have personally benefited with balance on the RAFD credit card not appearing on his personal credit score. Additionally, Chief Wallner is aware that a private citizen in Ripon would not have access to RAFD credit cards for personal use.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 12/02/24

Electronically Signed By:

Joseph Radish

Assistant District Attorney

State Bar #: 1125982

Electronically Signed By:

William B Wallner

Complainant