

FILED
02-27-2025
Anna Maria Hodges
Clerk of Circuit Court
2025CF001042
Honorable Kristy Yang-47
Branch 47

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2025ML001882

Court Case No.:

vs.

CRIMINAL COMPLAINT

GERARD, MICHAEL T
1621 WEST WELLS STREET #310
MILWAUKEE, WI 53233
DOB: 05/10/1984

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: THEFT - FALSE REPRESENTATION (> \$10,000 - \$100,000)

The above-named defendant between 2014 and 2024, at 1621 West Wells Street, #310, in the City of Milwaukee, Milwaukee County, Wisconsin, did obtain title to property of Marquette University, having a value greater than \$10,000 but does not exceed \$100,000, by intentionally deceiving the person with a false representation which he knew to be false, made with intent to defraud and which defrauded the person, contrary to sec. 943.20(1)(d) and (3)(c), 939.50(3)(g) Wis. Stats.

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

Count 2: COMPUTER CRIMES - MODIFY DATA

The above-named defendant between 2014 and 2024, at 1621 West Wells Street, #310, in the City of Milwaukee, Milwaukee County, Wisconsin, to defraud or obtain property, did willfully, knowingly and without authorization, modify data, contrary to sec. 943.70(2)(a)1 and (2)(b)2, 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Probable Cause:¹

Complainant is a Marquette University Detective and bases this complaint upon his own investigation and well as the review of documentary evidence. That investigation revealed the following:

¹ This complaint alleges a continuing course of theft occurring from approximately 2014 though 2024. Wisconsin Statute § 971.36 allows these thefts to be prosecuted as a single crime because the property belonged to a single owner and the thefts were committed as part of a single deceptive scheme. Wis. Stat. § 971.36(3)(a). In alleging a continuing offense, it is sufficient to “allege generally a theft of property to a certain value committed between certain dates, without specifying any particulars.” Wis. Stat. § 971.36(4). Further, the offense is not completed until the last act is completed and thus the statute of limitations does not begin to run until that time. *See State v. Elverman*, 2015 WI App 91, ¶ 30, 32, 367 Wis. 2d 126, 876 N.W.2d 511.

Further, the State is charging Count 2 a single time as representative of the class of crimes that were committed. If a challenge is made, the State reserves the right to charge every fraudulent data alteration as a separate offense.

The defendant, Michael Gerard, was employed at Marquette University by the Office of Residence Life (ORL). In that role, Gerard was allowed to live in Marquette housing. Specifically, Gerard lived in an apartment at Gilman Apartments, 1621 West Wells Street, #310, in the City of County of Milwaukee, from 2013 until 2024. As part of his residence, Gerard was required to pay rent at that apartment. In his position, Gerard had access to the Marquette University residence life internal databases. He had the ability to create and alter entries in the program to reflect changing to housing circumstances.

For the 2013-2014 school year, Gerard stayed at Gilman #310 and was charged and paid for rent through his Marquette account. In the 2014-2015 school year, Gerard stayed at Gilman #310 without paying for the unit and without it being billed to his account. Beginning in December of 2014, Gerard began changing the status of Gilman #310 to appear as if a staff member was living in the apartment, the room was closed, or there was a buyout of the room. He did this by accessing Marquette's internal computer programs using his unique login identified and altering the data to show why the room was not collecting rent.

A review of ORL records showed that Gerard was charged rent in the 2015 Fall Term and the 2016 Spring Term. However, those charges were all reversed, such that Gerard did not pay any amount for those terms. After the 2016 Spring Term reversal, rent was not charged for the apartment that Gerard was staying in. No rent was charged because Gerard accessed the ORL databases and altered the data to show no rent was due. A review of Mercury, the Marquette University housing database platform, showed that, from 2016 through 2024, Gerard accessed the program and altered the data to make it appear that Gilman 310 was unavailable for rent. He did this by noting that it was reserved, that it was for staff, or that it was closed. These alterations allowed him to live rent free for that entire period.

As part of this investigation, Complainant conducted an interview with Gerard. In that interview, Gerard confirmed that he was the person who made the entries into the ORL database regarding Gilman #310. He stated that no one else would have had access to the system using his login. Initially, Gerard claimed that the former director of residence life had given him permission to use the apartment rent free. He later admitted that he altered the database records because he feared the new director in 2015 would tell him he was not eligible to live in Gilman #310. He admitted he altered the billing records to show he owed no balance for the school year 2015-2016. Gerard admitted to using his position in ORL to alter records for his own financial gain for around \$63,500.

Between 2014 and 2024, Gerard used his position within ORL to access internal Marquette computer databases. There, he altered data related to billing for the apartment he was living in. These alterations were false and falsely created the impression that Gerard did not owe any money for the apartment he lived in. As a result of these false representations, Gerard was able to live in the Gilman #310 apartment without paying any amounts from 2014 through 2024. This resulted in a loss to Marquette University of approximately \$63,500. Gerard did not have consent to make these alterations to the Marquette data and did not have consent to live in Gilman #310 without paying.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Matthew Richard Westphal.
ADA Assigned Email Address: Matthew.Westphal@da.wi.gov

Subscribed and sworn to before me on 02/19/25

Electronically Signed By:

Matthew Richard Westphal

Assistant District Attorney

State Bar #: 1071292

Electronically Signed By:

Detective Luke Wagner

Complainant