

COPY

STATE OF MINNESOTA  
COUNTY OF RICE

DISTRICT COURT  
THIRD JUDICIAL DISTRICT  
COURT FILE NO. \_\_\_\_\_  
PROSECUTOR FILE NO. 33.A218.0053

State of Minnesota,

Plaintiff,

v.

**Connie Ruth Rott** (dob: 10/9/1952)  
17912 Jaguar Path  
Lakeville, MN 55044,

Defendant.

**Select Complaint Type**

SUMMONS  WARRANT

Order of Detention

Amended

Tab Charge Previously Filed

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

**COUNT 1**

**Charge:** Theft by Swindle (over \$35,000)

Minnesota Statute: § 609.52, subd. 2(4) & subd. 3(1)

Maximum Sentence: Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 3/12/04 through 6/30/04 in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

**COUNT 2**

**Charge:** Theft by Swindle (over \$35,000)

Minnesota Statute: § 609.52, subd. 2(4) & subd. 3(1)

Maximum Sentence: Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 7/1/04 through 12/31/04, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

RICE COUNTY COURT

MAR 12 2009

COURT ADMINISTRATION

### COUNT 3

**Charge:** Theft by Swindle (over \$35,000)  
**Minnesota Statute:** § 609.52, subd. 2(4) & subd. 3(1)  
**Maximum Sentence:** Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 1/1/05 through 6/30/05, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

### COUNT 4

**Charge:** Theft by Swindle (over \$35,000)  
**Minnesota Statute:** § 609.52, subd. 2(4) & subd. 3(1)  
**Maximum Sentence:** Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 7/1/05 through 12/31/05, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

### COUNT 5

**Charge:** Theft by Swindle (over \$35,000)  
**Minnesota Statute:** § 609.52, subd. 2(4) & subd. 3(1)  
**Maximum Sentence:** Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 1/1/06 through 6/30/06, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

### COUNT 6

**Charge:** Theft by Swindle (over \$35,000)  
**Minnesota Statute:** § 609.52, subd. 2(4) & subd. 3(1)  
**Maximum Sentence:** Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 7/1/06 through 12/31/06 in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

## COUNT 7

**Charge:** **Theft by Swindle (over \$35,000)**  
Minnesota Statute: § 609.52, subd. 2(4) & subd. 3(1)  
Maximum Sentence: Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 1/1/07 through 6/30/07, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

## COUNT 8

**Charge:** **Theft by Swindle (over \$35,000)**  
Minnesota Statute: § 609.52, subd. 2(4) & subd. 3(1)  
Maximum Sentence: Imprisonment for no more than 20 years, or payment of a fine of no more than \$100,000, or both.

On or about 7/1/07 through 12/31/07, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$35,000 from D.S. by swindling, whether by artifice, trick, device or other means.

## COUNT 9

**Charge:** **Theft by Swindle (over \$5,000)**  
Minnesota Statute: § 609.52, subd. 2(4) & subd. 3(2)  
Maximum Sentence: Imprisonment of no more than ten years or payment of a fine of no more than \$20,000, or both.

On or about 1/1/08 through 6/24/08, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, obtained property or services of a value in excess of \$5,000 from D.S. by swindling, whether by artifice, trick, device or other means.

## COUNT 10

**Charge:** **Financial Exploitation of a Vulnerable Adult (over \$2,500.00)**  
Minnesota Statute: § 609.2335, subs. 1(1) & 3 referencing § 609.52, subd. 3(2)  
Maximum Sentence: Imprisonment of no more than ten years or payment of a fine of no more than \$20,000, or both.

In that on or about 3/12/06 through 6/30/06, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, in breach of a fiduciary obligation recognized elsewhere in law, or in breach of the obligations of a responsible party as defined in Minn. Stat. § 144.6501, subd. 1(d), intentionally failed to use the financial resources of D.S., a vulnerable adult, to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for D.S., and the value of the financial resources was over \$ 2,500.00.

## COUNT 11

**Charge:** **Financial Exploitation of a Vulnerable Adult (over \$2,500.00)**  
**Minnesota Statute:** § 609.2335, subs. 1(1), & 3 referencing § 609.52, subd. 3(2)  
**Maximum Sentence:** Imprisonment of no more than ten years or payment of a fine of no more than \$20,000, or both.

In that on or about 7/1/06 through 12/31/06, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, in breach of a fiduciary obligation recognized elsewhere in law, or in breach of the obligations of a responsible party as defined in Minn. Stat. § 144.6501, subd. 1(d), intentionally failed to use the financial resources of D.S., a vulnerable adult, to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for D.S., and the value of the financial resources was over \$ 2,500.00.

## COUNT 12

**Charge:** **Financial Exploitation of a Vulnerable Adult (over \$2,500.00)**  
**Minnesota Statute:** § 609.2335, subs. 1(1), & 3 referencing § 609.52, subd. 3(2)  
**Maximum Sentence:** Imprisonment of no more than ten years or payment of a fine of no more than \$20,000, or both.

In that on or about 1/1/07 through 6/30/07, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, in breach of a fiduciary obligation recognized elsewhere in law, or in breach of the obligations of a responsible party as defined in Minn. Stat. § 144.6501, subd. 1(d), intentionally failed to use the financial resources of D.S., a vulnerable adult, to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for D.S., and the value of the financial resources was over \$ 2,500.00.

## COUNT 13

**Charge:** **Financial Exploitation of a Vulnerable Adult (over \$5,000.00)**  
**Minnesota Statute:** § 609.2335, subs. 1(1), & 3 referencing § 609.52, subd. 3(2)  
**Maximum Sentence:** Imprisonment of no more than ten years or payment of a fine of no more than \$20,000, or both.

In that on or about 7/1/07 through 12/31/07, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, in breach of a fiduciary obligation recognized elsewhere in law, or in breach of the obligations of a responsible party as defined in Minn. Stat. § 144.6501, subd. 1(d), intentionally failed to use the financial resources of D.S., a vulnerable adult, to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for D.S., and the value of the financial resources was over \$5,000.00.

**COUNT 14**

**Charge:** **Financial Exploitation of a Vulnerable Adult (over \$5,000.00)**  
**Minnesota Statute:** § 609.2335, subds. 1(1), & 3 referencing § 609.52, subd. 3(2)  
**Maximum Sentence:** Imprisonment of not more than ten years or payment of a fine of not more than \$20,000, or both.

In that on or about 1/1/08 through 6/24/08, in Rice County, State of Minnesota, CONNIE RUTH ROTT dob: 10/9/1952, in breach of a fiduciary obligation recognized elsewhere in law, or in breach of the obligations of a responsible party as defined in Minn. Stat. § 144.6501, subd. 1(d), intentionally failed to use the financial resources of D.S., a vulnerable adult, to provide food, clothing, shelter, health care, therapeutic conduct, or supervision for D.S., and the value of the financial resources was over \$5,000.00.

## **STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

Your complainant is investigator Susan Fortney Renstrom. I am assigned to the Medicaid Fraud Control Unit (MFCU) of the Minnesota Attorney General's Office. I have been an investigator with the Attorney General's Office since 1977. I have investigated many cases involving crimes committed against vulnerable adults, including criminal abuse, neglect, and financial exploitation.

I was assigned to investigate the financial exploitation of D.S., d.o.b. 01/22/1920 (the victim's initials are used to protect her privacy). My investigation stemmed from both a complaint made to the Rice County Common Entry Point, and information obtained during a non-custodial interview of Connie Ruth ROTT (hereinafter ROTT). It was reported that ROTT, the daughter of D.S., as Responsible Party under Minn. Stat. § 144.6501, Attorney-In-Fact, and Trustee over the D.S. Revocable Trust, financially exploited D.S. Subsequently, the matter was referred by the Rice County Attorney's Office to the MFCU of the Attorney General's Office and assigned to me for further investigation.

In conducting this investigation, I reviewed financial documentation, including bank records and cancelled checks. I also reviewed Dakota County records of certain real estate transactions, Edina Realty documents, and criminal court records. Among others, I conducted interviews of Michael Meeks, a Dakota County Adult Protection Worker, Connie Rew of the Three Links Care Center accounting department, Tana Kelly, LSW of the Three Links Care Center social services department, Paula Plank, RNC, Assistant Director of Nurses of the Three Links Care Center, and Vicki Huber, Rice County Adult Protection Worker. I reviewed the investigation files from Dakota County Social Services, Rice County Social Services, the Northfield Police Department, and medical records from Three Links Care Center (hereinafter "TLCC"). In addition, I reviewed the Power of Attorney executed by D.S. naming ROTT her Attorney-In-Fact, and a copy of the D.S. Revocable Trust in which D.S. appoints ROTT her co-trustee, and upon her incapacity, her sole trustee.

My investigation involves ROTT, acting as Responsible Party under Minn. Stat. § 144.6501, Attorney-In-Fact, and Trustee over the D.S. Revocable Trust, selling real estate owned by the D.S. Revocable Trust to access the funds, and expending the funds primarily for her own benefit through D.S.'s checking account where ROTT was the named Attorney-In-Fact. Based upon my investigation, I believe the following to be true.

### **BACKGROUND**

D.S. was born January 22, 1920 in Piketon, Ohio, and was the second youngest child of 13. Her parents were farmers. D.S. had a child at age 15, Betty, who passed away in approximately 1943 of pneumonia when she was eight years old. D.S. married her first husband in 1943, and had two daughters, Sandra and ROTT. Sandra passed away in 1972. D.S. divorced her first husband in 1957. D.S. married again in 1958, but divorced for the second time in 1962 due to abuse. D.S. married for the third time in 1970. She married a farmer from Northfield,

J.S., who passed away in 1979. D.S. continued to live on "the farm" located at 8941 West 320th St., Northfield, Dakota County after the death of her third husband.

D.S. was an avid vegetable gardener, and spent many hours pulling weeds. She also crocheted, knitted, cooked, and made quilts. She liked to wash dishes. D.S. did not drive after 1999, as she did not pass the eye exam. D.S. had chronic sinus problems, and has no sense of smell as a result.

D.S. executed a trust agreement, entitled the D.S. Revocable Trust (hereinafter "Trust"), on May 26, 2000, naming D.S. as the settler of the Trust and naming ROTT and D.S. as co-trustees. The assets of the Trust consisted of real estate in Dakota County ("the farm"), transferred on May 26, 2000 by Quit-Claim Deed from D.S. to the Trust. The Trust required disposition of trust assets under Article Two as follows: "The trustee shall hold and distribute the principal and income of the trust estate during my lifetime as follows: ... 2.2. The trustee shall pay to me such portions of income and principal as the trustee deem necessary or advisable to provide for my care, comfort, support and maintenance." On April 15, 2000, D.S. executed a durable Power-of-Attorney (hereinafter "POA") naming ROTT as Attorney-In-Fact (hereinafter "AIF").

In December 2003, ROTT applied for guardianship over D.S. in Dakota County. In August 2004, ROTT was appointed guardian for D.S. ROTT did not petition for a conservatorship. In 2004, a conservatorship required court supervision over the financial assets of D.S. However, a guardianship required court supervision only over the person of D.S. On January 13, 2004, ROTT admitted D.S. to TLCC in Rice County. D.S. was admitted to the locked dementia unit at that time, and has remained in the same locked unit since admission. ROTT signed the admission paperwork at TLCC, which included ROTT signing as the Responsible Party, as defined in Minn. Stat. § 144.6501. ROTT specifically agreed "(1) to make timely payments to facility using Resident's income and assets; and (2) to apply timely for Medical Assistance. If Responsible Party fails to make timely payment using Resident's income and assets or knowingly fails to spend down Resident's assets appropriately for the purpose of obtaining Medical Assistance, Responsible Party will be liable to Facility for Resident's costs of care that are not paid for by third-party payers."

Records at TLCC show that on December 29, 2006, the balance owed for D.S.'s care was \$8,631.25, with no payment since October 10, 2006. A TLCC employee spoke with ROTT about payment and where D.S.'s social security for November and December was spent. ROTT stated that D.S. had no money, as ROTT spent it all on property taxes and medications, and that the property was in a trust. ROTT stated that "they" were beginning to think that they may have to sell more land. The balance on the account was paid on April 17, 2007, and payments continued to October 15, 2007, when payments stopped. TLCC issued a Notice of Discharge on May 12, 2008, seeking discharge of D.S. on June 13, 2008. D.S.'s account at TLCC was eight months past due, for a total amount owed of \$37,111.56 as of June 18, 2008. As of January 1, 2009, D.S.'s account at TLCC was in arrears \$63,455.69.

ROTT filled out an application for Long-Term Care and Waiver Services which ROTT signed and dated June 5, 2008. The application was received by Rice County Social Services on

June 13, 2008. However, ROTT failed to complete the application, in that she failed to file proof of the value of the declared assets. Rice County would have been unable to act on the application because of the failure to provide proof of D.S.'s assets. On June 13, 2008, ROTT had a conversation with the TLCC social worker, Tana Kelly, during which ROTT stated that she planned to remove her mother from the facility. A meeting was scheduled for June 16, 2008, at 1:30 p.m. to discuss the details. On June 16, Rice County Adult Protection Social Worker Vicki Huber (hereinafter "Huber") and law enforcement officers prevented ROTT from removing D.S. from the facility. An emergency guardianship and conservatorship proceeding was commenced by Rice County due to ROTT's attempted removal of D.S. from TLCC against medical advice and due to her admission to law enforcement that she had used her mother's money for her own needs. An Emergency Guardianship and Conservatorship was granted for D.S. on June 27, 2008.

Dakota County Adult Protection worker, Michael Meeks (hereinafter "Meeks") was contacted on July 17, 2008 by Diane Padilla (hereinafter "Padilla"), co-owner of Alternative Resolutions and the emergency guardian appointed by Rice County District Court. Padilla told Meeks that ROTT was not paying her mother's nursing home bills. Meeks obtained copies of D.S.'s checking account records at Castle Rock Bank in Farmington, Minnesota. In reviewing the records, Meeks noted that ROTT was the signer on the account. Meeks further noted that there were many cash withdrawals from the account and a pattern of spending from the account by ROTT that did not address D.S.'s needs. The checks are in D.S.'s name, with ROTT as the AIF. At the same time, Rice County commenced its own investigation into the alleged financial exploitation of D.S.

Meeks met with D.S. at TLCC in Northfield, Minnesota on July 30, 2008. D.S. was in a wheelchair. D.S. informed Meeks that she had just returned from Minneapolis where she had been visiting with her brother. D.S. stated that she had now returned to the farm where she was going to do some farm chores. D.S. was not aware that she was in a nursing home, but thought she was on the farm. D.S. was not orientated to time or place. Tana Kelly, a social worker at TLCC, stated that D.S. is not generally orientated to time or place and sometimes not to person, including sometimes not to herself.

A review of TLCC records showed that D.S. is diagnosed with dementia, with behavioral disturbance. D.S. can be verbally and physically resistive. She may swear, hit, pinch, bite, yell, and scratch. She may aggress against staff and other residents spontaneously and in response to actions by others. D.S. requires total assistance in toileting, transferring, dressing, mobility, bathing, and personal hygiene. She is incontinent, and requires extensive to total assistance in eating.

## **INVESTIGATION**

My investigation of ROTT commenced with the referral from the Rice County Attorney's Office. The investigation primarily consisted of reviewing D.S.'s financial records, including records from her checking account, and records relating to the sale of Trust real property located in Dakota County.

**A. TRUST REAL PROPERTY.**

As part of my investigation, I obtained numerous documents from Jennifer Dunn-Foster, attorney for Alternative Resolutions. I also obtained a release of information from the Guardian/Conservator of D.S. for the bank records at Castle Rock Bank in Farmington, Minnesota. Finally, I obtained Edina Realty documents detailing the various sales of “the farm,” by ROTT as trustee over the Trust, from the Minnesota Department of Revenue. The records obtained detailed various parcels of “the farm” Trust property, sold by ROTT over the years. The following is a detailed list of the sale of “the farm” Trust property by ROTT:

- On March 18, 2004, a Trustee’s Deed and supporting documents were signed by ROTT, as Trustee of the Trust, and subsequently filed with the Office of the Dakota County Recorder, showing the sale of “The Southwest Quarter (SW1/4) of Section 21, Township 112, Range 20, Dakota County, Minnesota”. The Trustee’s Deed reflects a state deed tax of \$2,904.00 paid on this sale. (Hereafter identified as “1st sale.”)
- On April 14, 2006, a Trustee’s Deed and supporting documents were signed by ROTT, as Trustee of the Trust, and subsequently filed with the Office of the Dakota County Recorder, showing the sale of “The North 654.50 feet of the South half of the Southeast Quarter of Section 20, Township 112, Range 20, Dakota County, Minnesota”. The Trustee’s Deed reflects a state deed tax of \$1,082.40 paid on this sale. (Hereafter identified as “2nd sale.”)
- On March 29, 2007, a Trustee’s Deed and supporting documents were signed by ROTT, as Trustee of the Trust, and subsequently filed with the Office of the Dakota County Recorder, showing the sale of “That part of the South half of the Southeast Quarter lying south of the North 654.50 feet of said South half of the Southeast Quarter of Section 20, Township 112, Range 20, Dakota County, Minnesota EXCEPT: The south 560.00 feet of the West 576.00 feet of the East 1758.00 feet of the South half of the Southeast Quarter of Section 20, Township 112, Range 20, Dakota County, Minnesota.” The Trustee’s Deed reflects a state deed tax of \$884.86 paid on this sale. (Hereafter identified as “3rd sale.”)

Currently, the only portion of the Trust real property, i.e., “the farm,” remaining, is a home and outbuildings on 7.41 acres, which was the residence of D.S. prior to her placement at TLCC. Currently ROTT, as trustee of the Trust, is attempting to sell the remaining portion of the “the farm.”

**1) “1st Sale”**

A review of Edina Realty documents show that on 3/18/04, the “1st sale” of “the farm” Trust property occurred. ROTT, as Trustee of the Trust, received a gross total amount of \$880,000.00 and a net amount of \$618,424.41 from the “1st sale” of “the farm.” Earnest money totaling \$200,000.00 had been previously paid by the buyers. Therefore the total net amount received by ROTT, as Trustee of the Trust on the “1st sale” of “the farm,” totaled **\$818,424.41.**

D.S. bank records show that on 1/26/04, ROTT deposited \$170,148.06 into D.S.'s checking account. The funds came from a money order from Lawrence N. & Bonita J. Schweich in the amount of \$200,000.00 issued on 1/23/04 payable to "D. tste S. - Connie Rott tste." ROTT obtained a money order in her name in the amount of **\$30,000.00** at this time. On 2/13/04, \$167,000.00 was transferred from D.S.'s checking account to her savings account. D.S.'s savings account records show that the check from Edina Realty Title - Escrow Account payable to the Trust, from the "1st sale" of "the farm" was deposited into D.S.'s savings account on 3/18/04 in the amount of \$618,674.41. Between 3/3/2004 and 1/19/2005, ROTT transferred \$770,000.00 from D.S.'s savings account, to D.S.'s checking account. On 4/1/04 **\$5,000.00** was cashed out of D.S.'s savings account by ROTT. Also on 1/4/2005, ROTT obtained a bank money order payable to Jeanette and Sean Daly for **\$20,000.00** from D.S.'s savings account. ROTT placed \$200,000.00 into a Thrivent account on 5/24/04 from D.S.'s checking account. The Thrivent funds were later deposited back into D.S.'s checking account between 2/8/05 and 8/18/05.

## 2) "2nd Sale"

A review of Edina Realty documents show that on 4/14/06 the "2nd sale" of "the farm" Trust property occurred. ROTT, as Trustee of the Trust, received a gross total amount of \$328,000.00, and a net amount of \$202,708.84 from the "2nd sale" of "the farm." Earnest money totaling \$100,000.00 had been previously paid by the buyers on 9/16/05 payable to the Trust. Therefore the total net amount received by ROTT, as Trustee of the Trust on the "2nd sale" of "the farm," totaled **\$302,708.84**.

D.S. bank records show that on 9/19/05, ROTT deposited \$99,518.56 into D.S.'s checking account. The transaction shows that ROTT deposited two checks into D.S.'s checking account, one from Bonita and Lawrence Schweich in the amount of \$100,000.00, payable to the Trust, and a Customer Service Center #1 check for \$18.56, but received **\$500.00** back in cash. Prior to this deposit on 9/19/05, D.S.'s checking account had a balance of \$6,103.19. Further, on 4/17/06, ROTT deposited \$202,208.84 into D.S.'s checking account, which came from an Edina Realty Title - Escrow Account check in the amount of \$202,708.84, payable to the Trust, with ROTT receiving **\$500.00** back in cash.

## 3) "3rd Sale"

A review of Edina Realty documents show that on 3/29/07 the "3rd sale" of "the farm" Trust property occurred. ROTT, as Trustee of the Trust, received a gross total amount of \$268,140.00, and a net amount of \$202,624.58 from the "3rd sale" of "the farm." Earnest money totaling \$50,000.00 had been previously paid by the buyers on February 5, 2007. Therefore the total net amount received by ROTT, as Trustee of the Trust on the "3rd sale" of "the farm" totaled **\$252,624.58**.

D.S. bank records show that on 2/6/07, ROTT deposited \$44,000.00 into D.S.'s checking account, which came from a money order from Lawrence and Bonita Schweich for \$50,000.00 payable to the "D.S. - Connie TSTE Rott," with ROTT receiving **\$6,000.00** back in cash. D.S.'s checking account, just prior to this deposit, had a balance of \$246.30. On 3/30/07, ROTT

deposited an Edina Realty Title - Escrow Account check in the amount of \$202,624.58 payable to the Trust, into D.S.'s checking account. D.S.'s checking account, just prior to this deposit, had a balance of -\$64.66.

**4) Total Sale of "The Farm"**

The total net amount received by ROTT, as Trustee of the Trust, for the "1st sale," "2nd sale," and "3rd sale" of "the farm" Trust property totaled **\$1,373,757.83**.

**B. CHECKING ACCOUNT AT CASTLE ROCK BANK.**

I created a spreadsheet detailing the activity in D.S.'s checking account for a review period between March 12, 2004, when there was a balance of \$2,857.47 in the account, to June 24, 2008 when there was a balance of \$8.50 in the account. All the checks written between this time period were signed by ROTT, as AIF on the checking account. ROTT received the bank statements for D.S.'s checking account at her home address.

D.S.'s Social Security benefits were deposited into D.S.'s checking account, totaling \$36,081.00 during the review period of March 12, 2004 to June 24, 2008. Other than Social Security benefits, deposits into the account, including the account balance of \$2,857.47 on March 12, 2004, totaled \$1,382,717.25 through June 3, 2008. My analysis showed that the checks written for D.S.'s benefit during the review period totaled \$358,754.02. The checks written for D.S.'s benefit included payments made to TLCC, to Omnicare for D.S.'s medication, and to hospitals and clinics for medical purposes. It also includes the payment of state and federal taxes of \$96,539.00 in April 2005, which were owed from the "1st sale" of Trust property, and \$47,163.00 taxes paid in April 2007, which were owed from the "2nd sale" of Trust property. There is no record in D.S.'s bank accounts of any tax being paid from the "3rd sale" of "the farm."

My analysis showed that the checks written and savings account withdrawals, not for the benefit of D.S., during the review period totaled **\$1,102,160.11**. ROTT also withdrew a total of **\$7,900.00** in cash from various deposits to this account. It is apparent from the bank records and the ensuing spreadsheet that ROTT used D.S.'s checking account as if it were her own. Various expenditures on D.S.'s checking account show the following activity during the review period:

<b>Expenses</b>	<b>Payable To</b>	<b>Amount</b>
Alcohol	Lakeville Liquor; Big Discount Liquor	<b>\$754.54</b>
ATM Withdrawals/Cash	Cash	<b>\$47,936.20</b>
Grocery Purchases	Cub; Rainbow; Armor Pork; Econo Foods; Taystee; Von Hanson's; Wisconsin Seafood Co.; etc.	<b>\$19,693.17</b>
Medical (not attributed to D.S.)	Dr. Cindy Alland; Snyders; Consulting Radiologist; Journey Counseling; NWA COBRA	<b>\$21,256.96</b>
Misc. People (family)	Nathan Ries (Son) Chad Ries (Son) Jen Daly (Step Daughter)	\$16,853.75 \$49,740.96 \$48,245.00

<b>Expenses</b>	<b>Payable To</b>	<b>Amount</b>
	Melody Summers (address listed at "the farm") <b>Total:</b>	<u>\$43,047.88</u> <b>\$157,887.59</b>
Mortgage / Credit Cards	Wilshire Credit (Wilshire); Option One; First National Marin; Credit One Bank; Merrick Bank ARC Card; Household Credit Services	<b>\$59,811.35</b>
Retail Purchases (non-construction)	Target, Wal-Mart, Fleet Farm, Menards, etc.	<b>\$58,921.28</b>
Utilities	AT & T; Cannon Valley Water Conditioning; Centerpoint Energy; Charter; Cingular; City of Lakeville; Dakota Electric; Direct TV; Frontier Midwest; Hopke Sewer & Drain; Lakeville Heating & Air; Minnegasco; Nextel Communications; Qwest; River Valley Co-op; Rosemount Electric; Roto-Rooter; Sprint; T Mobile; Total Comfort; Town & Country Sanitary Sewer; Xcel Energy	<b>\$82,069.54</b>
Vehicle related	A & E Factory Repairs; Abra Auto Body & Glass; All Imports; Apple Valley Ford; Apple Valley Registrar; Car Care Advantage Auto; Car X; Chrysler Financial; Dokmo Ford; Deputy Registrar; Farmington Truck Center; Fleet Farm; Gas Tank Renu; Grossman's; Illegible Truck Center; John Deere; Lano; Weld Implement; Northfield Implement; Northwestern Auto Body; Paradise Car Wash; Rigid Hitch, Inc.; Sears; Tim's Small Engine; and Twin Cities Featherlite	<b>\$248,454.55</b>
Publications / Memberships	Playboy; Star Tribune; Cooking Club of America; Cooking for Two; Southern Living Books (cooks); Taste of Home Books; Barrish & Brown Printing, Inc.; Better Homes & Garden's; Cookery Essentials; Annual Recipes; American Comm Newspaper; Reiman Publications	<b>\$3,348.97</b>

**1. Criminal and Civil Court Matters:**

A review of Dakota County court records show that a search warrant was executed at 8941 West 320th Street, Northfield Minnesota, Dakota County, on 6/17/04. This is the address for "the farm," where D.S. resided until her placement at TLCC. The criminal complaint against Nathan Ries, filed on 6/23/05, stated that Nathan and Chad Ries were present at the residence at this time. The complaint went on to state that, during the search of the residence, numerous items associated with the use or possession of methamphetamine were found in the basement, where Nathan Ries was identified as the occupant. Officers also found numerous chemicals, items, and precursors associated with the manufacture of methamphetamine in various locations on the property. The complaint states that in a post-Miranda statement, Nathan Ries admitted that he occupied the basement portion of the house, and almost everything in it belonged to him.

He also admitted to ownership of the methamphetamine pipe located in the garbage and that he had done ephedrine extraction at the residence more than once and had also done it at other locations. Ephedrine extraction is one of the steps in the manufacture of methamphetamine.

A complaint was originally filed on 6/18/04 against Nathan Ries, containing several felony controlled substance offenses. A Notice of Representation was signed by Anthony Ho of McDonough, Wahner & Ho on 7/1/04 stating that he represented Nathan Ries as private counsel. The 6/18/04 charges were later dismissed on 12/15/04. A check signed by ROTT cleared the checking account of D.S. on 7/2/04, written to Anthony Ho for **\$3,000.00**, with "attorney" written on the Memo line. Another check was written to McDonough, Wahner & Ho, LLP from D.S.'s checking account, signed by ROTT, on 12/30/04 for **\$2,000.00** with a Memo note stating "Nate Ries, legal fees."

Nathan Ries was later re-charged on 6/23/05, from the search of D.S.'s residence on 6/17/04, with "Controlled Substance Crime in the First Degree in violation of Minn. Stat. § 152.021, Subd. 2a(a), Subd. 3(a); and 609.101," for the manufacture of methamphetamine and two other controlled substance counts. Again, Anthony Ho is named as the private defense attorney representing Nathan Ries. Nathan Ries later pleaded guilty on 7/11/06, and was convicted on 9/14/06 of 1st degree manufacture of methamphetamine. Nathan Ries was sentenced to, among other penalties, a monetary penalty of \$1,546.00, ordered to obtain a chemical assessment and follow recommendations.

Between August 2005 to April 2007, an additional **\$5,500.00** was paid by ROTT to Anthony Ho and/or McDonough, Wahner & Ho, out of D.S.'s checking account. In addition, court records show that on 10/11/06, \$1,362.00 of Nathan Ries's fines and fees were paid, with the remaining balance of \$184.00 being paid on 4/3/07. Bank records of D.S. show that a check was written by ROTT, on 10/11/06 to "District Court Administrator" for **\$1,362.00**, with the Memo line stating "K3-05-001787," which is the criminal court file number for Nathan Ries where the fine was owed. Bank records of D.S. show that a check was written by ROTT to "D.C. Court Collector" on 3/31/07 in the amount of **\$184.00** with the memo line stating "Nathan Ries."

Dakota County court records further show that Nathan Ries obtained a court order allowing him to be furloughed from jail to attend Journey Counseling. Bank records of D.S. show that a check was written by ROTT to Journey Counseling on 7/24/06 for **\$140.00**, with the Memo line reading "assessment." From 2/4/07 to 7/9/07 checks totaling **\$3,314.00** were written by ROTT to Journey Counseling from D.S.'s checking account.

ROTT stated to Padilla that she, ROTT, spent approximately \$30,000.00 of D.S.'s funds in repairing the damage to D.S.'s home caused by Nathan Ries' methamphetamine production in the home. Nathan Ries resided at "the farm," prior to the admission of his grandmother to TLCC and continues to reside there. Bank records of D.S. show that ROTT signed a check to Landmark Environmental on 6/30/04 for **\$900.00**, with "cleanup, testing" written in the Memo line. ROTT also wrote a check to Bay West on 10/15/04 for **\$1,200.00** with the Memo line reading "testing." A purchase agreement signed by ROTT for the remaining portion of "the farm," included a disclosure that methamphetamine production had occurred on the property.

The disclosure included a letter from Bay West, dated 12/22/04, regarding the testing it had conducted on the "the farm." During 2004, D.S.'s checking account shows large amounts of money being expended for contractors, laborers, building supplies, landscaping and concrete. Examples include: 1) numerous checks written by ROTT to Alpha Group totaling **\$93,540.85**, with the Memos on the checks stating such things as "construction Mom's house," "1/2 construction on farm," "home improvement," 2) numerous checks written by ROTT to A Vivid Look totaling **\$42,307.12**, with the Memo on check #5349, written on 10/6/04 totaling \$9,652.81, "cleanup house - farm;" 3) numerous checks written by ROTT to Chuck's Custom Concrete, totaling **\$15,346.13**; and 4) numerous checks written by ROTT to Melody Summers; a one month example of which is as follows:

Date	Check Number	Payable to:	Amount	Memo
9/7/2004	5311	Melody Summers	\$364.61	Receipts
9/13/2004	5322	Melody Summers	\$623.83	Receipts
9/15/2004	5324	Melody Summers	\$791.66	Receipts
9/19/2004	5331	Melody Summers	\$712.30	Menards illegible
9/21/2004	5336	Melody Summers	\$902.55	Receipts, Menards insulation
9/23/2004	5340	Melody Summers	\$800.00	Receipts to farm
9/22/2004	5338	Melody Summers	\$298.11	Menards insulation, sheetrock
9/23/2004	5341	Melody Summers	\$1,700.00	Receipts for sheetrock, paint, etc.
10/7/2004	5354	Melody Summers	\$800.00	

Additional examples of checks written by ROTT from D.S.'s checking account for home projects include: a check written to Jim's Cabinets for **\$1,000.00** with the memo line reading "redo cabinets;" and a check written to Mike Saunders for **\$1,500.00** on 9/23/04 with the Memo line reading "sheetrock labor, illegible;"

Dakota County court records show that on 5/23/06, Nathan Ries received a fine and surcharges for speeding, totaling \$127.00. Bank records of D.S. show that on 5/23/06, a check was written by ROTT, to "District Court-Dakota" for **\$127.00**. Dakota County court records show that on 8/21/07, a Disposition/Plea of a \$137.00 fine for speeding was entered against Nathan Ries. Bank records of D.S. show that on 8/17/07, a check was written by ROTT to "District Court Administrator" for **\$137.00**.

Court records show that Chad Ries was involved in a child support matter in the spring and summer of 2005. His attorney is listed as Esther M. Lerman. A review of D.S.'s bank records show three checks were written by ROTT to Esther Lerman as follows: 4/29/05 for **\$500.00** with the Memo line reading "Chad's Lawyer;" 9/20/05 for **\$400.00** with the Memo line reading "Chad Ries C.S.;" and on 5/3/07 for **\$250.00**. D.S.'s bank records show that on 2/2/07, ROTT wrote check #6685 payable to "Mn Child Support Payment," in the amount of **\$796.80**. The Memo on the check read "Nov. & Dec. (loan)."

## 2. R Family Plowing & Yard Service

ROTT and her husband own a business, R Family Plowing & Yard Service. From 4/25/05 to 10/5/07 checks were written by ROTT from D.S.'s checking account to R Family

Plowing & Yard Service, and/or Jerry Rott for the business, in the amount of **\$7,685.00**. The Memo line of some checks, written by ROTT on D.S.'s account, denote additional funds were paid on behalf of the business. For example, check #5620 written by ROTT to American Family Insurance on 1/20/05, for **\$524.00**, states on the Memo line "business ins." Another check #5639, written to American Family Insurance by ROTT on 2/7/05 in the amount of **\$727.00** states in the Memo line "work comp. business." Check #5121 and check #5117, written by ROTT from D.S.'s checking account on 5/7/04 and 5/6/04 were written to Lakeville Ford for **\$30,485.00** and **\$10,000.00** respectively. Check #5126 written by ROTT from D.S.'s checking account to Northfield Tractor & Implement for **\$33,040.00**, notes the following in the Memo line, "lawn tractor, roll illegible." Check #6012 written by ROTT from D.S.'s checking account on 9/27/05 to Grossman's for **\$34,512.59** notes the purchase of a "F250 Truck - Business - loan." On 4/20/06, check #6247 written by ROTT to Lano for **\$30,133.73**, contains the Memo "business loan - bobcat." Check #6517 is written by ROTT to Northfield Implement on 9/6/06 for **\$9,531.75**, contains the Memo "mower - b. loan."

Other examples of checks written by ROTT from D.S.'s checking account include: a check written to Insty Prints on 5/5/05 for **\$199.69** for "publicity"; a check written to AT&T on 9/20/05 for **\$356.00** for "business yellow pages"; a check written on 11/28/05 to LANO for **\$3,322.80** for "skid loader & bucket rental - business loan"; and checks to Sherry Richter in the amount of **\$273.75**, and Josh Baunfeint in the amount of **\$339.00** on 12/27/05 for "payroll - 12/14-12/26, business loan." The investigation revealed extensive commingling of the business expenses with ROTT personal expenses and inappropriate farm expenditures. Most of the checks written from D.S.'s checking account do not contain information in the Memo line detailing the purpose and/or nature of the expense.

### 3. "The Farm"

Nathan Ries, and for a period of time Chad Ries, continued to live in D.S.'s home after she was placed in TLCC. Neither Nathan Ries nor Chad Ries paid any funds into D.S.'s accounts for rent or expenses incurred during the time period covered in my investigation. Rather, it appears ROTT used funds from D.S.'s checking account to pay their living expenses at "the farm." For example, a check dated 6/20/05 was written by ROTT to Excel Energy for **\$163.77** for "farm." A check was written by ROTT to Qwest on 12/6/05 for **\$76.78** for "farm." A check was written by ROTT to Mike Sanders on 12/1/05 for **\$540.00** for "basement etc., farm,"; to Dan Otis for **\$300.00** on 12/9/05 for "labor basement farm"; and to Sara Dunley for **\$500.00** on 1/11/06 for "basement, labor." Additional examples of expenditures to D.S.'s account by ROTT at "the farm" include: checks written on 8/12/04 to Dan Otis for **\$500.00** with the Memo line reading "labor farm & illegible;" to Pam Otis on 9/14/04 for **\$500.00** with the Memo line reading "labor farm;" a check to Town & Country Sanitary for **\$155.00** on 5/17/06 for "septic pump - farm"; to Roto-Rooter on 5/18/06 for **\$276.87** for "farm;" to Cannon Valley Water Conditioning for **\$68.76** on 6/15/06 for "drinking water - farm;" and a check to Sears for **\$344.35** on 10/5/06 for "repair dryer - farm."

The investigation revealed extensive commingling of R Family Plowing & Yard Service expenses, with ROTT's personal expenses, and Nathan and/or Chad Ries's living expenses on

“the farm.” Most of the checks written from D.S.’s checking account by ROTT do not contain information in the Memo line detailing the purpose and/or nature of the expense.

#### 4. Insurance

A review of D.S.’s bank records shows several expenditures by ROTT to Gerber Life for life insurance policies for ROTT’s grandchildren. ROTT and her husband Jerry Rott are former employees of Northwest Airlines. The ROTTs obtained a COBRA health insurance policy from Northwest Airlines, for which ROTT paid **\$14,666.44** from D.S.’s checking accounts from 7/28/04 to 10/29/05.

From D.S.’s checking account, ROTT paid **\$25,215.64** to American Family Insurance from 6/4/04 to 12/31/07. Many of the checks written by ROTT from D.S.’s checking account to American Family Insurance do not contain information in the Memo line detailing the purpose and/or nature of the expense. However, where information is contained in the Memo line, payments were made for the purpose of “business ins.,” “work comp. business,” “blue truck - Business,” “B. loan insurance,” “farm insurance,” and several with numbers that likely apply to the account numbers for various vehicles insured through American Family Insurance. Only one check, in the amount of \$1,070.00 written on 10/15/2005, is noted as for the farm insurance.

#### 5. Travel

A review of D.S.’s bank records shows funds paid by ROTT to Carlson Wagonlit, Carlson Travel, and Carlson. Given that D.S. resided at TLCC from January 2004 on, none of these expenses were for travel by D.S.

Date	Check #	Payable To:	Memo	Amount
5/19/04	5137	Carlson Wagonlit	\$396.62 - 78053 / \$2,493.92-78052	<b>\$2,890.54</b>
5/20/04	5140	Carlson	362/78052	<b>\$717.16</b>
5/24/04	5145	Passport Services	Jerome Rott 8/27/52	<b>\$257.30</b>
8/31/04	5296	Carlson		<b>\$1,790.74</b>
5/9/05	5810	Carlson		<b>\$2,118.02</b>
5/19/05	5833	Cash	vac. pkg. family	<b>\$2,000.00</b>
7/22/05	5921	Carlson Wagonlit	Travel for Aunt Kate’s funeral	<b>\$1,260.80</b>
5/1/06	6281	Carlson Travel	#82351	<b>\$632.58</b>
8/24/06 to 9/2/06		Several expenditures in Bismark, North Dakota; Sturgis, Aberdeen, Wall, and Bath, South Dakota; and Billings, Livingston, Gardiner, and Boseman, Montana.		<b>\$2,635.83</b>
7/10/07	6948	Carlson Wagonlit		<b>\$1,595.82</b>
7/19/07 to		Several expenditures in		<b>\$1,103.24</b>

7/22/07		Livingston, Montana	
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**6. ROTT Mortgage and Home Taxes**

ROTT and her husband own a home in Dakota County, where a mortgage was held by Wilshire, then later by Option One. Checks totaling **\$21,581.79** were written by ROTT, from D.S.'s checking account, to Wilshire from 5/6/04 to 10/19/05. Checks totaling **\$27,945.65** were written by ROTT, from D.S.'s checking account, to Option One from 4/12/06 to 10/5/07.

Two checks were written by ROTT from D.S.'s checking account to Dakota County Treasurer Auditor, on 5/13/04 and 10/15/04 in the amount of \$1,016.84 each, for the first and second half of taxes on parcel 22-533501-050-03, her home at 17912 Jaguar Path. Again on 5/9/05 and 10/10/05, checks in the amount of **\$1,109.22** each, for the first and second half taxes on parcel 22-533501-050-03 were paid by ROTT from D.S.'s checking account. On 5/3/06 and 10/10/06, ROTT wrote checks from D.S.'s checking account to the Dakota County Treasurer - Auditor in the amount of **\$1,272.05** for the first half taxes on her home, and **\$1,271.05** for the second half taxes on parcel 22-533501-050-03. On 5/5/07 ROTT wrote a check from D.S.'s checking account to the Dakota County Treasurer - Auditor in the amount of **\$1,366.81** in payment of the first half taxes, and on 10/15/07 for **\$1,366.81**, for the second half taxes on parcel 22-533501-050-03.

From 1/11/05 to 10/15/07, ROTT wrote checks totaling **\$59,056.28** from D.S.'s accounts for the mortgage and taxes for her home on Jaguar Path. Given that D.S. resided at TLCC from January 2004 on, none of these expenses were for D.S.'s benefit.

**C. FINANCIAL ANALYSIS.**

An analysis of the financial records of D.S. and the Trust shows that ROTT, as Trustee of the Trust, placed funds from the sale of the Trust property into D.S.'s checking and savings account, and used said funds as the AIF on the checking and savings accounts, for personal and business purposes that are not attributed to D.S.'s needs. The pattern on D.S.'s checking account show that when funds were depleted, based on ROTT's self-dealing activity as AIF, ROTT as Trustee of the Trust, sold a portion of "the farm" property to replenish D.S.'s checking and savings accounts.

When the funds from the "3rd sale" of "the farm" property were depleted, and D.S.'s checking account started to receive overdraft fees, ROTT continued to expend funds from D.S.'s checking account for her personal and business needs. The source of funds at this time were the deposits made from D.S.'s social security benefits. All deposits after 12/3/07 were from D.S.'s social security, with three exceptions, a 4/15/08 deposit of \$678.04, a 4/25/08 deposit of \$654.00, and a 5/27/08 deposit of \$2,500.00. The balance on D.S.'s account on 12/3/07 prior to the deposit of D.S.'s social security was a -\$126.93. At the time the \$2,500 deposit was made on 5/27/08, D.S.'s account had a negative balance of -\$672.83. From 12/3/07 to 6/13/08, D.S. received \$4,473.00 in social security benefits. Only \$999.50 went to Omnicare and TLCC for the care of D.S. The remainder of the funds went to ATM withdrawals, Direct TV payments,

and Car Care Advantage, to name a few self-dealing expenditures made with D.S.'s social security funds by ROTT.

Alternative Resources, after being appointed Emergency Guardian, filed a Long-Term Care and Waiver Service Application, and requested a "hardship waiver" based on the criminal self-dealing activity by ROTT of D.S.'s funds. They also requested that Medical Assistance be granted back to March 2008. The Minnesota Department of Human services granted the hardship waiver, and Medical Assistance began to pay D.S.'s nursing home and medical bills, less a spend down amount, effective March 1, 2008. The TLCC outstanding balance for the care of D.S. to date is in excess of \$50,000.00. D.S. has ongoing monthly expenditures of approximately \$4,200.00, which is being paid by Medical Assistance.

The following is the above calculated expenditures, by transaction posting date, not for the benefit of D.S., divided into six month periods for the purpose of aggregation:

<b>6 Month Period</b>	<b>Amount</b>	<b>Count</b>	<b>Charges</b>
3/10/04 - 6/30/04	\$274,345.53	1	Theft by Swindle
7/1/04 - 12/31/04	\$244,413.04	2	Theft by Swindle
1/1/05 - 6/30/05	\$102,952.08	3	Theft by Swindle
7/1/05 - 12/31/05	\$111,418.74	4	Theft by Swindle
1/1/06 - 6/30/06	\$109,964.21	5	Theft by Swindle
3/1/06 - 6/30/06	\$102,511.04 (\$ included in ct. 5)	10	Fin. Exp.
7/1/06 - 12/31/06	\$92,692.51	6 & 11	Theft by Swindle / Fin. Exp.
1/1/07 - 6/30/07	\$105,945.73	7 & 12	Theft by Swindle / Fin. Exp.
7/1/07 - 12/31/07	\$62,244.38	8 & 13	Theft by Swindle / Fin. Exp.
1/1/08 - 6/24/08	\$6,083.89	9 & 14	Theft by Swindle / Fin. Exp.
<b>TOTAL</b>	<b>\$1,110,060.11</b>		

*(See the attached spreadsheets delineating the expenditures by count.)*

**DEFENDANT DATA / CHARGE SHEET – Attachment A**

<b>DEFENDANT NAME:</b>	<b>ROTT, CONNIE RUTH</b>
Defendant alias name(s):	N/A
Defendant DOB:	10/9/1952
Alias DOB(s):	N/A
Defendant last known address:	17912 Jaguar Path Lakeville, MN 55044
State ID:	SID Number

**OTHER DEFENDANT / CASE IDENTIFIERS:**

Fingerprinted?       No       Yes

Handgun permit?       No       Yes (Issuing Agency:      )

Location of Violation:

**IF DRIVING OFFENSE:**

Driver's License      Number:      Issuing State:

License Plate      Number:      Issuing State:

Accident Type:       No injury/no damage       Property Damage  
*check all that apply*       Personal Injury       Fatality

Blood Alcohol Concentration (BAC):

## STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Text Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
1	Charge	3/12/2004 through 6/30/2004	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting
2	Charge	7/1/2004 through 12/31/2004	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting
3	Charge	1/1/2005 through 6/30/2005	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting
4	Charge	7/1/2005 through 12/31/2005	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting
5	Charge	1/1/2006 through 6/30/2006	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting
6	Charge	7/1/2006 through 12/31/2006	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting

## STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Text Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
7	Charge	1/1/2007 through 6/30/2007	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U1061	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
8	Charge	7/1/2007 through 12/31/2007	609.52, Subd. 2(4) & Subd. 3(1)  Theft by Swindle (over \$35,000)	Felony	U106H	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
9	Charge	1/1/2008 through 6/24/2008	609.52, Subd. 2(4) & Subd. 3(2)  Theft by Swindle (over \$5,000)	Felony	U106G	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
10	Charge	3/12/2006 through 6/30/2006	609.2335, Subd. 1(1) & 3  Financial Exploitation of a Vulnerable Adult	Felony	U1702	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
11	Charge	7/1/2006 through 12/31/2006	609.2335, Subd. 1(1) & 3  Financial Exploitation of a Vulnerable Adult	Felony	U1702	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
12	Charge	1/1/2007 through 6/30/2007	609.2335, Subd. 1(1) & 3  Financial Exploitation of a Vulnerable Adult	Felony	U1702	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting
13	Charge	7/1/2007 through 12/31/2007	609.2335, Subd. 1(1) & 3  Financial Exploitation of a Vulnerable Adult	Felony	U170H	N	MN0660200 <Book ORI Nbr> Booking <Arrest ORI Nbr> Arresting	08006651 <Ctrl Nbr> Booking <Ctrl Nbr> Arresting

**FINDING OF PROBABLE CAUSE**

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 18th day of March, 2009 at 1:30 ~~XXX~~PM before the above-named court at \_\_\_\_\_ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

- Execute in MN Only*       *Execute Nationwide*       *Execute in Border States*

**ORDER OF DETENTION**

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail: \$  
Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this 12<sup>th</sup> day of March, 2009.

**JUDICIAL OFFICER:**  
**NAME:**  
**TITLE:**

**SIGNATURE:**  
Bernard Bourne

Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA    COUNTY OF RICE	Clerk's Signature or File Stamp:
STATE OF MINNESOTA  Plaintiff,	<p style="text-align: center;"><i>RETURN OF SERVICE</i></p> <p><i>I hereby Certify and Return that I have served a copy of this &lt;SELECT COMPLAINT TYPE&gt; upon the Defendant herein named.</i></p> <p>Signature of Authorized Service Agent:</p>
vs.	
CONNIE RUTH ROTT,  Defendant	

Complainant requests that Defendant, subject to bail or conditions of release, be:  
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or  
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

**COMPLAINANT'S NAME:**

**COMPLAINANT'S SIGNATURE:**

Susan Fortney Renstrom



Subscribed and sworn to before the undersigned this 12 day of March, 2009.

**NAME/TITLE:**

**SIGNATURE:**

Being authorized to prosecute the offenses charged, I approve this complaint.

Date:

3/12/09

**PROSECUTING ATTORNEY'S SIGNATURE:**



Jennifer J. Hasbargen

Assistant Attorney General

445 Minnesota Street, Suite 1200

St. Paul, MN 55101

651-296-1406

Attorney Registration No. 0294561

## STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Text Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Control Numbers
14	Charge	1/1/2008 through 6/24/2008	609.2335, Subd. 1(1) & 3  Financial Exploitation of a Vulnerable Adult	Felony	U170H	N	MN0660200  <Book ORI Nbr> Booking  <Arrest ORI Nbr> Arresting	08006651  <Ctrl Nbr> Booking  <Ctrl Nbr> Arresting

AG: #2403234-v1

COPY

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RICE

THIRD JUDICIAL DISTRICT

Case Type: Criminal

State of Minnesota,

Court File No. \_\_\_\_\_

Plaintiff,

vs.

**EX PARTE ORDER**

**Connie Ruth Rott** (dob: 10/9/1952)

Defendant.

The above entitled matter came before the undersigned Judge of the District Court, pursuant to States filing of a criminal complaint on March 10, 2009 and subsequent request that conditions be imposed upon the defendant immediately.

The criminal complaint in the above matter establishes probable cause that Defendant committed the acts alleged, which shows that property described in the attached Exhibit(s) were purchased with the victim's funds. In order to preserve the assets during the pending criminal action, this court, in addition to other conditions of release to be articulated either on the record or in writing, hereby issues the following:

**ORDER**

- 1) Defendant shall not sell, encumber, or otherwise transfer in any manner the property described in attached **Exhibit A**.
- 2) Defendant shall maintain the property described in attached **Exhibit A** in its current condition.
- 3) Defendant shall maintain appropriate insurance on the property described in attached **Exhibit A**.

RICE COUNTY COURT  
FILED

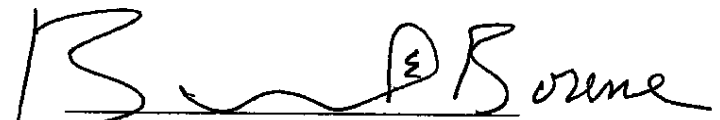
MAR 12 2009

COURT ADMINISTRATOR

- 4) Defendant shall turn over any Titles to this court for any/all of the property described in attached **Exhibit A** at the time of the first appearance. To the extent that the property has been sold or transferred to another prior to issuing this Order, proof of a valid sale or valid transfer must be presented to this court at the first appearance.

Dated this 12<sup>th</sup> day of March, 2009

BY THE COURT:

  
Judge of the District Court

State of Minnesota v. Connie Ruth Rott  
 Court File Number : \_\_\_\_\_  
 Exhibit A

Date	Payable To	Check #	Amount	Memo	DMV Information - Attached
4/12/04	Fleet Farm	5074	\$1,022.18	Log splitter	
4/25/04	Jeff Ostrout	5094	\$7,500.00	truck	Transfer date 4/25/04; and previous owner listed as Ostrout, Plate #PZZ369
5/7/04 - 5/6/04	Lakeville Ford	5121 & 5117	\$40,485.00		Purchase date of 2003 Truck is 5/6/04, Plate #YAS873
5/11/04	Northfield Tractor & Implement	5126	\$33,040.00	Lawn tractor	
6/7/04	Jones and Miller	5172	\$6,600.00		Date of sale of MERC Hatchback 1999 is 6/7/04 - prior owner listed as James Edwin Miller, Plate # RRB325
6/20/04	Chad Cammack	5193	\$2,000.00	Winnnebago	Transfer date is 6/20/04 and name of previous owner is Cammack, Plate #RV37094
8/26/04	Chris Zweber	5285	\$3,800.00	trailer, new business, illegible	
11/3/04	Chris Zweber	5430	\$10,500.00	Plow & illegible for snow plowing	Transfer Date of 11/4/04, previous owner listed as Mead Plate # UTL779
11/23/04	Bob Popehn	5486	\$1,800.00	snow blower, garden tractor, business	
11/27/04	Fleet Farm	5497 & 5498	\$1,188.87 and \$196.00	trailer, business and rest of trailer	Date of sale is 11/27/04, Plate # ABSF528
9/27/05	Grossman's	6012	\$34,512.59	F250 Truck - business - loan	Purchase date of 2003 Truck is 9/27/05, Plate #KYY411
11/30/05	Farmington Truck	6122	\$4,786.52	Plow for plow truck - business	
4/20/06	Lano	6247	\$30,133.73	business loan - bobcat	
9/6/06	Northfield Implement	6517	\$9,531.75	mower - b. loan	

Motor Vehicle Query 3/9/2009 4:27:21 PM srenstro Station: 5487 Deputy: *pickup truck*

Title		Printed		Suspense		Liens		Flags		Files	
F1840S052		Y		N		0					
Plate		VIN				Exp.	Sticker	Tax	Prv. Plt		
PZZ369 (634)		2FTHF26G8NCA25634				<del>1008</del>	H3562479	35.00	CCD802		
Year	Make	Model	Style	Color		Class		Empty Wt			
<del>1992</del>	<del>FORD</del>	COF	<del>PK</del>	BLK BLK		10					
Transfer Date		Last Trans		First Sale		Base		Odometer		Reissue YR	
(04 25 04)		R 09 27 07				018863				12	
Owner				DOB				ID			
ROTT CONNIE RUTH				10 09 1952				R300122751777			
<del>RIES NATHAN JOHN</del>				<del>08 01 1978</del>				R200622429603			
Street				City				County/State		Zip	
17912 JAGUAR PATH				LAKEVILLE				DAKOTA		55044	

Secured Party # 1			Date		
Street	City		State		Zip

PLATE/STICKER INFORMATION

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
PZZ369	(SOLD)	97	P		162 EAGAN	10/06/05	06/30/05
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
H3562479	(SOLD)	08	DY		162 EAGAN	09/27/07	06/19/07

PREVIOUS OWNERS  
PRIOR OWNER 1

Title		Transfer Date		Exp		Odometer	
W0490S169		10 21 94		1004		0000000 NR	
Owner						DOB	
OSTROOT JEFFREY KIM						11 30 1955	
Street		City		State		Zip	
5521 WINKER LANE		PRIOR LAKE		70		55372	

PRIOR OWNER 2

Title		Transfer Date		Exp		Odometer	
K3380C124				1094		0000146	
Owner						DOB	
VOEHL DARCY ALLEN						12 22 1960	
VOEHL LEAH MARIE						09 19 1962	

Street	City	State	Zip
19310 PANAMA AVE	PRIOR LAKE	70	55372

Motor Vehicle Query 3/9/2009 4:23:00 PM srenstro Station: 5487 Deputy:

Title		Printed		Suspense		Liens		Flags		Files	
F2040S579		Y		N		0					
Plate			VIN			Exp.	Sticker		Tax	Prv. Plt	
YAS8873 (442)			1FTSW31P73EC09442				K1315221		120.00	YAP7044	
Year	Make	Model	Style	Color		Class		Empty Wt			
2003	FORD	SPR		WHT WHT		41		06			
Transfer Date		Last Trans		First Sale		Base		Odometer		Reissue YR	
05 06 04		R 03 06 09		02 05 2003		012000		0006912			
Owner				DOB				ID			
ROTT JEROME ROBERT				08 27 1952				R300402745668			
ROTT CONNIE RUTH				10 09 1952				R300122751777			
Street			City			County/State			Zip		
17912 JAGUAR PATH			LAKEVILLE			DAKOTA			55044		

*Purch Date*

Secured Party # 1			Date		
Street	City		State		Zip

**PLATE/STICKER INFORMATION**

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
YAS8873	(SOLD)	81	Y		111 LAKEVILLE	07/22/04	03/26/04
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
K1315221	(SOLD)	10	DY		157 APPLE VALLEY	03/06/09	11/26/08

**PREVIOUS OWNERS  
PRIOR OWNER 1**

Title		Transfer Date		Exp		Odometer	
GM319R001				0205		0000150	
Owner						DOB	
KNUTSON CHRISTOPHER THOMAS						11 28 1968	
Street			City		State		Zip
3668 197TH NE			EAST BETHEL		02		55011

Motor Vehicle Query 3/9/2009 4:37:08 PM srenstro Station: 5487 Deputy:

*Hatchback*

Title		Printed	Suspense		Liens	Flags	Files	
C2260S757		Y	N		0			
Plate		VIN			Exp.	Sticker	Tax	Prv. Plt
RRB325 (094)		1ZWFT61L2X5650094			04 09	J1283440	35.00	CYA514
Year	Make	Model	Style	Color	Class	Empty Wt		
1999	MERC	CU6	2H	RED	09			
Transfer Date		Last Trans	First Sale	Base	Odometer	Reissue YR		
06 07 04		R 05 05 08	05 10 1999	018495		13		
Owner				DOB	ID			
ROTT JEROME ROBERT				08 27 1952	R300402745668			
ROTT CONNIE RUTH				10 09 1952	R300122751777			
Street			City	County/State		Zip		
17912 JAGUAR PATH			LAKEVILLE	DAKOTA		55044		

*★*

Secured Party # 1				Date
Street	City	State	Zip	

**PLATE/STICKER INFORMATION**

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
RRB325	(SOLD)	97	P		157 APPLE VALLEY	04/28/06	11/16/05
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
J1283440	(SOLD)	09	DY		157 APPLE VALLEY	05/05/08	12/17/07

**PREVIOUS OWNERS  
PRIOR OWNER 1**

Title		Transfer Date	Exp	Odometer
G1610L170			0405	0000158
Owner				DOB
MILLER JAMES EDWIN				12 13 1946
Street		City	State	Zip
17914 JAGUAR PATH		LAKEVILLE	19	55044

*★*

Motor Vehicle Query 3/9/2009 4:39:25 PM srenstro Station: 5487 Deputy:

*motor home*

Title		Printed		Suspense		Liens		Flags		Files	
W2620S102		Y		N		0					
Plate			VIN			Exp.	Sticker		Tax	Prv. Plt	
RV37094 (214)			B30BF3V025214			02 09	J2397055		53.00	R18269	
Year	Make	Model		Style	Color		Class		Empty Wt		
1973	WINN			MH			17				
Transfer Date		Last Trans		First Sale		Base		Odometer		Reissue YR	
06 20 04		R 05 27 08				012000					
Owner				DOB				ID			
ROTT JEROME ROBERT				08 27 1952				R300402745668			
ROTT CONNIE RUTH				10 09 1952				R300122751777			
Street				City				County/State		Zip	
17912 JAGUAR PATH				LAKEVILLE				DAKOTA		55044	

*noted check*

Secured Party # 1			Date		
Street	City		State		Zip

**PLATE/STICKER INFORMATION**

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
RV37094	(SOLD)	81	R		089 DEER RIVER	(NA)	01/12/84
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
J2397055	(SOLD)	09	DY		157 APPLE VALLEY	05/27/08	03/13/08

**PREVIOUS OWNERS  
PRIOR OWNER 1**

Title		Transfer Date		Exp		Odometer	
W1294S000		11 17 99		0203		0000000 NR	
Owner						DOB	
CAMMACK CHAD CHRISTIAN						08 12 1981	
Street		City		State		Zip	
10015 161ST W		LAKEVILLE		19		55044	

*Prior owner*

**PRIOR OWNER 2**

Title		Transfer Date		Exp		Odometer	
G1450B638		05 15 90		0200		0000000 NR	
Owner						DOB	
ZEPHIRIN EUGENE LLOYD						01 21 1948	
Street		City		State		Zip	

19731 PANAMA AVE	PRIOR LAKE	70	55372
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**PRIOR OWNER 3**

Title	Transfer Date	Exp	Odometer
V24507165	08 31 87	0289	0049171
Owner			DOB
BORCHARDT MILDA EMMA			02 08 1927
BORCHARDT FRANCIS EMIL			11 19 1921
Street	City	State	Zip
3780 E 190TH ST	PRIOR LAKE	70	55372

Motor Vehicle Query 3/9/2009 4:38:48 PM srenstro Station: 5487 Deputy: *pickup*

Title		Printed	Suspense		Liens	Flags	Files
K3620S118		Y	N		0		
Plate		VIN		Exp.	Sticker	Tax	Prv. Plt
UTL779 (572)		1GCGK24F9PE127572		06 09	J2397056	35.00	FFS139
Year	Make	Model	Style	Color	Class	Empty Wt	
1993	CHEV	GM4	PK	BLU SIL	10		
Transfer Date		Last Trans	First Sale	Base	Odometer	Reissue YR	
11 04 04		R 05 27 08		016890		14	
Owner				DOB	ID		
ROTT CONNIE RUTH OR				10 09 1952	R300122751777		
ROTT JEROME ROBERT				08 27 1952	R300402745668		
Street			City	County/State		Zip	
17912 JAGUAR PATH			LAKEVILLE	DAKOTA		55044	

Secured Party # 1				Date
Street	City	State	Zip	

**PLATE/STICKER INFORMATION**

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
UTL779	(SOLD)	97	P		157 APPLE VALLEY	05/21/07	12/08/06
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
J2397056	(SOLD)	09	DY		157 APPLE VALLEY	05/27/08	03/13/08

**PREVIOUS OWNERS  
PRIOR OWNER 1**

Title	Transfer Date	Exp	Odometer
K2160E055		0602	0000103
Owner			DOB
MEAD KELLY JOHN			01 21 1967
MEAD KATHLEEN LOUISE			01 14 1968
Street	City	State	Zip
8000 E 280TH ST	WEBSTER	70	55088

Motor Vehicle Query 3/9/2009 4:40:03 PM srenstro Station: 5487 Deputy: *trailer*

Title	Printed	Suspense	Liens	Flags	Files	
	Y	N	0			
Plate	VIN		Exp.	Sticker	Tax	Prv. Plt
ABSF528 (828)	5ERTM08134M027828				55.00	
Year	Make	Model	Style	Color	Class	Empty Wt
2004	TESK	TRL			62	
Transfer Date	Last Trans	First Sale	Base	Odometer	Reissue YR	
	B 12 20 04	11 27 2004	003000	0000000		
Owner			DOB		ID	
ROTT JEROME ROBERT			08 27 1952		R300402745668	
ROTT CONNIE RUTH			10 09 1952		R300122751777	
Street		City		County/State		Zip
17912 JAGUAR PATH		LAKEVILLE		DAKOTA		55044

*TR  
washed  
from  
Fleet  
Team*

Secured Party # 1			Date
Street	City	State	Zip

**PLATE/STICKER INFORMATION**

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
ABSF528	(SOLD)	01	PT		162 EAGAN	12/20/04	01/27/04

Motor Vehicle Query 3/9/2009 4:40:32 PM srenstro Station: 5487 Deputy: *Crew pickup*

Title		Printed	Suspense	Liens	Flags	Files	
H3070T211		Y	N	0			
Plate		VIN		Exp.	Sticker	Tax	Prv. Plt
KYY411 (052)		1FTNW21P03EC76052		07 09	J3866492	99.00	
Year	Make	Model	Style	Color	Class	Empty Wt	
2003	FORD	SRW	CW	BLU BLU	10	05	
Transfer Date		Last Trans	First Sale	Base	Odometer	Reissue YR	
(09 27 05)		R 10 23 08	08 29 2003	028530	0027845	10	
Owner				DOB	ID		
ROTT CONNIE RUTH				10 09 1952	R300122751777		
ROTT JEROME ROBERT				08 27 1952	R300402745668		
Street			City	County/State		Zip	
17912 JAGUAR PATH			LAKEVILLE	DAKOTA		55044	

Secured Party # 1				Date
Street	City	State	Zip	

## PLATE/STICKER INFORMATION

Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
KYY411	(SOLD)	97	P		014 MANKATO	10/06/03	04/18/03
Key	Status	Year	Class	Weight	Issued By	Updated	Allocated
J3866492	(SOLD)	09	DY		030 THIEF RIVER FALLS	10/23/08	10/02/08

PREVIOUS OWNERS  
PRIOR OWNER 1

Title	Transfer Date	Exp	Odometer
B2790R384		0705	0000368
Owner			DOB
BECKER LAURA KAY			04 02 1971
BECKER SHANE THOMAS			11 21 1968
Street	City	State	Zip
1018 HIGHLAND DR	BLUE EARTH	22	56013