

State of Wisconsin**Circuit Court****Jackson County**

STATE OF WISCONSIN

DA Case No.: 2012JA000975

Plaintiff, Assigned DA/ADA: Gerald R. Fox

-VS-

Agency Case No.: 11-05105, 0-920-219-776, 0-929-219-776, 0-920-219-776

Brian C. Adkins

Court Case No.: 2013CF 36

2700 Baycliff Court, Unit 201

Las Vegas, NV 89117

Defendant,

SUMMONS**FILED**

MAR 26 2013

JACKSON COUNTY
CLERK OF COURTS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of crimes of:

THE CRIMES OF:DATE OF VIOLATION:CONTRARY TO WIS. STATUTES:Arson of Building; PTAC, as a Party
to a Crime

07/09/2011

943.02(1)(a); 939.05

Fail/File Income Tax Return

09/30/2010

71.83(2)(a)1

Fail/File Income Tax Return

12/31/2010

71.83(2)(a)1

Fail/File Income Tax Return

06/30/2011

71.83(2)(a)1

Theft - Movable Property (> \$5000 -
\$10,000)

09/30/2010

943.20(1)(a) and (3)(bm)

Theft - Movable Property (> \$2500 -
\$5000)

12/31/2010

943.20(1)(a) and (3)(bf)

Theft - Movable Property (> \$5000 -
\$10,000)

03/31/2011

943.20(1)(a) and (3)(bm)

Theft - Movable Property (> \$5000 -
\$10,000)

06/30/2011

943.20(1)(a) and (3)(bm)

Obstructing an Officer

07/09/2011

946.41(1)

Prepare or Make Fraudulent

07/09/2011

943.395(1)(b) and (2)(b)

Insurance Claims (>=\$2500)

The original of such complaint has been filed in the office of the Clerk of Courts for Jackson County.

You, the defendant, are therefore summoned to appear before the Circuit Court – Criminal Division of Jackson County, at the Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615 Jackson County Courthouse on:

DATE/TIME: 04/15/2013 at 9:30 AM

And in case of your failure to appear, a warrant for your arrest may be issued.

Date: March 26, 2013

Enc.

Gerald R. Fox, District Attorney
State Bar No. 1022389

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the Summons and Criminal Complaint upon the within named defendant by:

_____ Personal Service delivered to:_____

✓ Mailing same to the defendant at the above address

Date: March 21 2013

Mitchell Erickson
District Attorney's Office

State of Wisconsin**Circuit Court****Jackson County**

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2012JA000975

Assigned DA/ADA: Gerald R. Fox

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Agency Case No.: 11-05105, 0-920-219-776,

Brian C. Adkins

0-929-219-776, 0-920-219-776

2700 Baycliff Court, Unit 201

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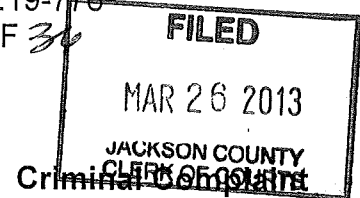
Las Vegas, NV 89117

ATN:

DOB: 07/18/1972

Sex/Race: M/W

Defendant,



Marion Byerson, of the Jackson County Sheriff's Department, being first duly sworn, states that:

Count 1: ARSON OF BUILDING - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Saturday, July 09, 2011, in the Town of Adams, Jackson County, Wisconsin, as a party to a crime, by means of fire, did intentionally damage a building in which Society Insurance had a legal interest, without that person's consent, contrary to sec. 943.02(1)(a), 939.05 Wis. Stats., a **Class C Felony**, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

Count 2: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Thursday, September 30, 2010, in the Town of Adams, Jackson County, Wisconsin, as a person, including an officer of a corporation or a manager of a limited liability company required by law to make, render, sign or verify any return, willfully fail or refuse to make a return at the time required in s. 71.03, 71.24 or 71.44 or willfully fail or refuse to make deposits or payments as required by s. 71.65 (3) or willfully renders a false or fraudulent statement required by s. 71.65 (1) and (2) or deposit report or withholding report required by s. 71.65 (3), of the Wisconsin Statutes, a **Misdemeanor**, and may be fined not more than \$10,000 or imprisoned for not to exceed 9 months or both, together with the cost of prosecution, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Count 3: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Friday, December 31, 2010, in the Town of Adams, Jackson County, Wisconsin, as a person, including an officer of a corporation or a manager of a limited liability company required by law to make, render, sign or verify any return, willfully fail or refuse to make a return at the time required in s. 71.03, 71.24 or 71.44 or willfully fail or refuse to make deposits or payments as required by s. 71.65 (3) or willfully renders a false or fraudulent statement required by s. 71.65 (1) and (2) or deposit report or withholding report required by s. 71.65 (3), of the Wisconsin Statutes, a **Misdemeanor**, and may be fined not more than \$10,000 or imprisoned for not to exceed 9 months or both, together with the cost of prosecution, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Count 4: FAIL/FILE INCOME TAX RETURN

The above-named defendant on or about Thursday, June 30, 2011, in the Town of Adams, Jackson County, Wisconsin, as a person, including an officer of a corporation or a manager of a limited liability company required by law to make, render, sign or verify any return, willfully fail or refuse to make a return at the time required in s. 71.03, 71.24 or 71.44 or willfully fail or refuse to make deposits or payments as required by s. 71.65 (3) or willfully

renders a false or fraudulent statement required by s. 71.65 (1) and (2) or deposit report or withholding report required by s. 71.65 (3), of the Wisconsin Statutes, a **Misdemeanor**, and may be fined not more than \$10,000 or imprisoned for not to exceed 9 months or both, together with the cost of prosecution, contrary to sec. 71.83(2)(a)1, Wis. Stats.

Count 5: THEFT - MOVABLE PROPERTY (> \$5000 - \$10,000)

The above-named defendant on or about Thursday, September 30, 2010, in the Town of Adams, Jackson County, Wisconsin, did intentionally retain possession of movable property of Department of Revenue to wit: money required to be paid for taxes, having a value greater than \$5000 but less than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a)&(3)(bm) Wis. Stats., a **Class H Felony**, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 6: THEFT - MOVABLE PROPERTY (> \$2500 - \$5000)

The above-named defendant on or about Friday, December 31, 2010, in the Town of Adams, Jackson County, Wisconsin, did intentionally retain possession of movable property of Department of Revenue to wit: money required to be paid for taxes, having a value greater than \$2500 but less than \$5000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a)&(3)(bf) Wis. Stats., a **Class I Felony**, and upon conviction 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.

Count 7: THEFT - MOVABLE PROPERTY (> \$5000 - \$10,000)

The above-named defendant on or about Thursday, March 31, 2011, in the Town of Adams, Jackson County, Wisconsin, did intentionally retain possession of movable property of Department of Revenue to wit: money required to be paid for taxes, having a value greater than \$5000 but less than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a)&(3)(bm) Wis. Stats., a **Class H Felony**, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 8: THEFT - MOVABLE PROPERTY (> \$5000 - \$10,000)

The above-named defendant on or about Thursday, June 30, 2011, in the Town of Adams, Jackson County, Wisconsin, did intentionally retain possession of movable property of Department of Revenue to wit: money required to be paid for taxes, having a value greater than \$5000 but less than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a)&(3)(bm) Wis. Stats., a **Class H Felony**, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 9: OBSTRUCTING AN OFFICER

The above-named defendant on or about Saturday, July 09, 2011, in the Town of Adams, Jackson County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, by not being truthful with the officer, contrary to sec. 946.41(1) 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 10: PREPARE OR MAKE FRAUDULENT INSURANCE CLAIMS (>=\$2500)

The above-named defendant on or about Saturday, July 09, 2011, in the Town of Adams, Jackson County, Wisconsin, knowing it to be false or fraudulent, did prepare, make or subscribe to a false or fraudulent account, certificate, affidavit, proof of loss or other document or writing, with knowledge that the same may be presented or used in support of a claim for payment under a policy of insurance, contrary to sec. 943.395(1)(b)&(2)(b) Wis. Stats., a **Class I Felony**, and upon conviction 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:

Your complainant is a Deputy with the Jackson County Sheriff's Department. As a basis of your complainant's charge of said offenses your complainant has reviewed various reports prepared by Deputy Adam Olson, Detective Scott Bowe, Detective Kelly Bakken, and Captain Timothy Nichols, of the same department, whom your complainant believes to be credible based upon past professional experience with them. Deputy Olson reports that on July 9, 2011, at approximately 12:01 AM, he was notified of a building fire at N5491 State Hwy 54 in the Township of Albion, Jackson County, Wisconsin, which was the location of the Rustic Mill Tavern.

Deputy Olson reports that upon arrival he observed that the back to the building was on fire and flames were coming out of the second story windows and smoke was coming from the lower level windows. Deputy Olson reports that he saw a group of people standing across the road. The group of males stated that they had called 911 after seeing that the building was on fire. Deputy Olson reports that the males advised that they did not see anyone around the tavern since approximately 4:00 PM. Deputy Olson reports that he attempted to make contact with the owner of the Rustic Mill Tavern, Brian Adkins, on the cell phone number provided for him and was directed to Adkins' voicemail without the phone ringing. Deputy Olson reports that this led him to believe that Adkins' phone was turned off. Deputy Olson reports that he then spoke with Fire Fighter Nordahl who advised that they would be contacting the Fire Marshall to investigate the fire.

Captain Nichols reports that on July 9, 2011, at approximately 1:25 PM, he was able to make phone contact with Brian Adkins. Captain Nichols reports that upon Adkins answering the phone Captain Nichols asked Adkins, "How are you doin'?" and Adkins replied, "Well, I've had better years". Captain Nichols informed Adkins that he had some questions for him regarding the investigation that was being conducted to try to determine the cause of the fire at the Rustic Mill Tavern. Captain Nichols began by asking Adkins how he had found out about the fire. Adkins stated that he had received a phone call at approximately 10:10 PM Las Vegas time, from a female party that he identified as Mackenzie Demers, notifying him that she had heard on the police scanner that the Rustic Mill was on fire. Captain Nichols reports that it was known to the investigators that Adkins had returned to Las Vegas sometime in the last fourteen days prior to the fire, after shutting down the Rustic Mill. Captain Nichols reports that he asked Adkins how he was getting his information about the fire and Adkins stated that he had been talking both personally and via text messages, with his realtor James Haldeman. Adkins also made the comment, "Facebook is blowing up with comments". Captain Nichols reports that he asked Adkins what was being said on Facebook and Adkins just said that one of the comments made was, "Walks like a duck, talks like a duck". Captain Nichols reports that he took this statement to mean that people were implying that the fire was arson.

Captain Nichols reports that he verified with Adkins the name of his insurance company and Adkins informed Captain Nichols that the insurance was through Society Insurance and the agent's name was Jeff Finn. Adkins stated that representatives of Society Insurance were planning on going to the scene on July 11, 2011. Captain Nichols reports that Adkins verified that the electric and gas to building had been shut off prior to the fire, and after the closing of the restaurant.

Captain Nichols reports that he proceeded to ask Adkins if he knew of anyone that might want to set fire to the Rustic Mill, or if anyone had motive to do so. Adkins stated that he owed some money to some people, but he didn't think anyone of those people would set the fire. Captain Nichols reports that he asked Adkins what type of money was owed. Adkins stated that he owed about \$9,000.00 to one vendor and about \$1,000.00 to two (2) or three (3) other vendors. Adkins also informed Captain Nichols that he owed about \$50,000.00 to Gaier Construction. Adkins stated that when the Rustic Mill closed there were approximately 17 employees, most of which were part-time.

Captain Nichols reports that on July 9, 2011, at approximately 5:15 PM, he received a telephone call from Adkins. Captain Nichols reports that prior to receiving this call from Adkins he knew that ATF Agents had Adkins' son, Tyler Keck, place a recorded phone call to Adkins after Tyler gave the ATF Agents information about who had possibly been the fire-starter at the Rustic Mill. Captain Nichols reports that upon answering the phone Adkins informed him that he had just received a telephone call from his son, Tyler. Adkins stated that Tyler had told him that at approximately 11:30 PM on July 8, 2011, Tyler had received a phone call from Kyle Rott and that Tyler seemed to think that Kyle had something to do with the fire at the Rustic Mill. Captain Nichols reports that he asked Adkins who Rott was, and if Adkins knew him. Adkins stated that he didn't mention Rott earlier as an employee, but now said that Rott did work part-time at the restaurant, but only around 8 – 10 hours per week. Adkins further stated that he now remembered that approximately a week or so prior, Rott was present when Adkins had "jokingly" made the comment, "I wish this place would just burn down". Adkins then stated, "I hope Kyle didn't take me seriously because it was just one of those comments you make but aren't really serious about it".

Detective Bowe reports that on July 9, 2011 he was assigned to investigate a fire at the Rustic Mill Tavern. Detective Bowe reports that he arrived at the Rustic Mill and met with fire department personnel and law enforcement personnel who were already on scene. Detective Bowe reports that there was heavy damage to the building as a result of the fire. Detective Bowe reports that Special Agent William Fulton, with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) departed the scene in an attempt to conduct interviews in reference to this case. Detective Bowe reports that later on July 9, 2011, he was informed by SA Fulton that a lighter had been located lying on the ground in a grassy area on the northeast side of the Rustic Mill.

Detective Bowe reports on July 9, 2011, at approximately 1:09 PM, he, Special Agent William Fulton, and Special Agent Jason Salerno, with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) arrived at N4862 State Hwy 54 in an attempt to locate Tyler Keck. Detective Bowe reports that upon arrival they met with Keck outside of the residence. Detective Bowe and Special Agent Fulton entered the residence with Keck, per his consent. Keck stated he was from Diamond Bar, CA and had moved to

Black River Falls approximately February of 2011. Keck stated he had moved to Black River Falls to work as a bartender at the Rustic Mill, which was owned by his father, Brian Adkins. Keck stated he planned to move back to California on July 11, 2011 or July 12, 2011. Keck stated that his father had lived at the residence at N4862 State Hwy 54 before moving back to Nevada. Keck stated Adkins had rented a U-Haul and left Black River Falls on approximately July 5, 2011 to go back to Nevada. Keck stated Adkins was not involved in his life when he was growing up, but the two of them had begun having contact again approximately two to three years ago.

Detective Bowe reports Keck stated Adkins had opened the Rustic Mill for business on July 1, 2010. Keck stated the business was busy initially and had profited approximately \$500,000.00 in the first year, however, Keck did not know where all of the money had gone. Detective Bowe reports Keck stated on approximately June 27, 2011, he found out the Rustic Mill was closing down, via a text message from Adkins. Keck stated all of the employees at the Rustic Mill had received the text message from Adkins. Keck stated Adkins owed all of the employees money for the last week of work, that Adkins was unable to pay. Keck further stated that Adkins had outstanding balances with several distributors. Keck stated on the Rustic Mill closed its doors on June 27, 2011, and the utilities had been shut off on approximately June 29, 2011. Keck stated the day before the utilities were shut off he took two freezers and some food from the Rustic Mill. Keck stated he sold one of the freezers for \$60.00 and the other freezer, which contained food, for \$250.00.

Detective Bowe reports he and SA Fulton spoke with Keck regarding his activities from the evening of July 8, 2011, to the morning of July 9, 2011. Keck stated on July 8, 2011, at approximately 9:00 PM, Shane Hoyer and his wife, Nikki Thorson, came over to his residence. Keck stated they stayed at the residence for approximately 30 to 45 minutes. Keck stated his girlfriend, Loren Craeger, was at his residence with him on July 8, 2011 from approximately 9:30 PM to midnight. Keck stated on July 8, 2011, between approximately 11:00 PM and 11:30 PM, he saw his neighbors arrive at their residence, driving their black GMC SUV. Keck stated on July 8, 2011 from approximately 11:00 PM to 11:45 PM, he was on his cellular telephone with DirecTV. Detective Bowe reports Keck stated on July 9, 2011, "shortly after midnight" he received a call on his cellular telephone from Morgan, whom Keck had previously stated he believed to be Morgan Ransom, telling him that the Rustic Mill was on fire. Keck stated Morgan told him she heard about the fire on the scanner. Keck stated shortly after he spoke with Morgan, he received a call from Adkins. Keck stated after he learned about the fire he responded to the Rustic Mill with Loren. Keck stated he subsequently drove to Brad and Beth's residence, which was located on the other side of the bridge from the Rustic Mill, spoke with Brad and Beth, and then walked to the Rustic Mill. Keck stated he also spoke with Jim Haldeman and Jamie Syron at the scene of the fire. Keck stated he returned back to his residence on July 9, 2011 at approximately 3:00 AM.

Detective Bowe reports Keck agreed that the fire at the Rustic Mill was suspicious in nature. Keck also said that the fire must have been an arson, because there was no "power" to the building. Detective Bowe reports when Keck was asked who he thought may have been responsible for the fire, Keck identified "Norm" and "John" as potential suspects. When asked who would benefit the most from the fire at the Rustic Mill, Keck stated Adkins would. Keck was asked if he knew of anybody who would have started the fire for Adkins, and Keck said probably someone from Las Vegas. Keck further identified "Jamie" as a person who came to Wisconsin with Brian from Las Vegas.

Detective Bowe reports Keck stated Adkins had taken his computers and financial documents with him when he moved back to Nevada. Keck stated Adkins did not speak with him about personal matters such as finances. Detective Bowe reports Keck denied that he was responsible for setting the fire at the Rustic Mill. Keck also stated that if he knew who was responsible for the fire he would tell them. Detective Bowe reports that when Keck was asked if he had any additional information about the fire at the Rustic Mill, Keck replied by saying that it was a "real f*cked up situation". When Keck was asked if there was anybody else that law enforcement should speak with about the fire, Keck stated the people at Wazee House and the neighbors across the road from the Rustic Mill may have information.

Detective Bowe reports SA Salerno asked Keck about a conversation that he reportedly had with Adkins, in which Adkins said he would be better off if the Rustic Mill burned down. Keck stated in the past "two to three months" Adkins often talked about wishing that the Rustic Mill would burn down. Keck also stated on July 7, 2011, he had a conversation with Brad and Shane in the garage at his residence, at which time Keck said he told Brad and Shane that Adkins wanted the Rustic Mill to burn down, but that he did not want anything to do with it. Keck stated he was in the garage at that time sorting through some items from the Rustic Mill.

Detective Bowe reports Keck stated when he was at the Rustic Mill on July 8, 2011, everything appeared to be in order. Keck stated the building appeared to be secure when he departed, and he did not know how somebody would have gained access to the building in order to start a fire in the building. Keck stated Adkins had recently changed the locks to the doors at the Rustic Mill as there were a number of employees who had keys for the old locks. Keck stated Adkins and Jim Haldeman had the only keys to the building after the locks were changed.

Detective Bowe reports that on July 10, 2011, at approximately 10:50 AM, he and Special Agent James Grady with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, met with Tyler Keck at the Jackson County Sheriff's Department. SA Grady had previously met with Keck, and at that time Keck had completed a voluntary statement describing his knowledge of the case. Detective Bowe reports that prior to the interview he told Keck that he was not under arrest and was free to leave at any time. Detective Bowe asked Keck if he had any questions before the interview began and Keck asked about what would happen when he departed from the Sheriff's Department after the interview, and whether or not he would be "hassled" on his way home to California. Detective Bowe reports that he told Keck that he wanted him to contact him when he arrived in California, and provide Detective Bowe with his contact information.

Detective Bowe reports that he reviewed the contents of the written statement that Keck had previously written. Keck stated that he had worked for his father, Brian Adkins, at the Rustic Mill. Keck stated that the first time he remembered speaking with Adkins about the Rustic Mill burning down was sometime in approximately March of 2011. At that time Keck said Adkins had told him that he could blow the pilot light out to the heater in the bar. Detective Bowe reports that Keck stated that following that it became almost a regular topic of conversation for Adkins to mention that the Rustic Mill was worth more on the ground than it was standing. Detective Bowe reports that he asked Keck if he knew what Adkins meant by the statement. Keck said his impression was that the Rustic Mill was worth more to Adkins if he collected the

insurance money for it, as opposed to it remaining open for business. Keck stated that on the afternoon of June 29, 2011, he was present at the Rustic Mill with Adkins, Kyle Rott, and Jamie Syron. Keck said he remembered the day, as it was the day that the power was shut off at the Rustic Mill. Keck stated that he was involved in a conversation with Adkins and Rott. Keck stated that Syron was present, but not involved in the conversation. Detective Bowe reports that Keck stated that during the course of the conversation Adkins asked Rott to start the Rustic Mill on fire. Keck stated that Adkins told Rott he would give him \$10,000.00 to start the place on fire. Keck stated that Rott responded by saying that he would burn the place down for two (2) cartons of cigarettes. Keck stated following that they all laughed. Keck stated that Adkins and Rott then shook hands with each other, and Adkins said "deal" to Rott. Keck stated that Rott told Adkins he would start the place on fire on the evening of June 29, 2011, however, Adkins told Rott to wait until Adkins was out of town so he did not get involved.

Detective Bowe reports that Keck stated that he and Rott then returned to cleaning out the cooler at the Rustic Mill. Keck said that he and Rott continued to discuss Rott burning down the Rustic Mill. Keck stated that he told Rott that he was stupid for doing it for two (2) cartons of cigarettes, and that Keck would have only done it for cash. Keck stated that Rott told him that he did not care, and that the cigarettes and the experience were enough. Keck stated that he subsequently laughed at Rott, and their conversation ended with him thinking that Rott was just bluffing about starting the Rustic Mill on fire.

Detective Bowe reports that after Keck left the Rustic Mill on June 29, 2011, he met Adkins at Pizza Hut in Black River Falls. Keck stated at that time the topic came up again about Rott burning down the Rustic Mill. Keck stated that he told Adkins that Rott was an idiot for agreeing to do it for two (2) cartons of cigarettes, and Adkins responded saying that Rott was an idiot, and that he would have given him \$10,000.00 to do it. Keck stated Adkins also indicated that he would save money by not paying Rott to do it. Detective Bowe reports that Keck further stated that Adkins told him that Rott would be the only person to do it. Keck stated that he responded by telling Adkins that he (Keck) did not have the "balls" to do it, and it was way out of his league. Keck stated that Adkins subsequently told him that he knew that, and that was why he did not ask Keck to burn down the Rustic Mill.

Detective Bowe reports that Keck stated on July 8, 2011, he saw Rott at WalMart in Black River Falls. At that time Rott approached Keck and said hello. Keck stated that Rott then told him that he was still going to do it, which Keck believed to be referring to starting the Rustic Mill on fire. Keck stated he laughed at Rott and said, "yeah right", as he did not believe that Rott was serious. Keck stated that later on July 8, 2011, between approximately 11:15 PM and 11:45 PM, he received two (2) telephone calls and one text message from Rott. During the course of the first telephone call Keck stated that Rott told him he was there, and ducking traffic. Keck stated he thought Rott was joking and hung up on him. Keck stated he next received a text message from Rott which said, "it's up". Keck stated he again thought that Rott was joking and he did not respond to the text message. Detective Bowe reports that Keck stated he received another telephone call from Rott. At that time Rott asked Keck if he heard the sirens, and Keck said, "no". Keck stated that Rott told him that Adkins owed him the two (2) cartons of cigarettes. Keck stated he proceeded to tell Rott that he was out of his mind. Keck stated he told Rott to stop contacting him, and to delete all of the telephone calls and messages from his cellular telephone that pertained to Keck as he did not want to get

involved. Keck stated that he also deleted all of the contacts with Rott from his cellular telephone.

Detective Bowe reports that Keck stated after he spoke with Rott, he contacted Adkins via telephone. At that time Keck told Adkins that he was "freaking out" and asked Adkins what he should do. Keck stated that Adkins told him to go over to the fire scene, and to act normal. Keck stated that Adkins further told him that Rott had already called him and told him that the Rustic Mill was on fire. Your complainant believes the statements of Tyler Keck as he is a witness to these incidents.

Detective Bowe reports on July 13, 2011, he received a compact disc from Jackson County Sheriff's Office Emergency Management Coordinator John Ross in reference to this case. The compact disc contained a total of six recorded telephone calls that had been placed to the Jackson County Sheriff's Office dispatch center. Five of the telephone calls were E-911 calls from individuals that reported the fire at the Rustic Mill. The other telephone call was on July 10, 2011 at approximately 1:50 PM, from a male subject who asked if Tyler Keck had been taken into custody. The call originated from Brian Adkins' cellular telephone at 715-896-5341.

Detective Bowe reports that on July 21, 2011, he received a compact disc from Asset Protection Coordinator Greg Zeller at WalMart. The compact disc contained video surveillance footage at WalMart on July 8, 2011 between approximately 11:15 AM and 11:45 AM. Detective Bowe reports upon review of the video surveillance footage he was able to see two male subjects, who he believed to be Tyler Keck and Kyle Rott, meet with each other in the aisle at the store. The two subjects stop, and appear to speak with each other for approximately twenty seconds. The date and time of the meeting was on July 8, 2011, at approximately 11:17 AM. At the conclusion of the meeting the subject believed to be Tyler, appears to pat the subject, believed to be Kyle, on the back. It should be noted that there appeared to be two other male subjects present with Kyle at the time of the meeting with Tyler.

Detective Kelly Bakken reports that on July 10, 2011, she and Special Agent Michael Reimer, with the Wisconsin Department of Justice Division of Criminal Investigation, State Fire Marshall's Office, responded to the location of Warren Rott's residence. Detective Bakken reports that she knocked on the door and Kyle Rott answered the door. Detective Bakken reports that Rott was advised that she and SA Reimer wanted to speak to him in regards to the fire at the Rustic Mill, at which time it was requested that Rott speak to them at the Jackson County Sheriff's Department. Detective Bakken reports that Rott agreed and was advised that they would give him a ride to the department and a ride back home.

Detective Bakken reports that upon arrival at the Sheriff's Department, Rott was escorted into the interview room and advised that the door was not locked and that he was free to leave at any time. Rott stated that he understood. Rott stated that he worked at the Rustic Mill and had started his employment there sometime in July of 2010. Rott stated that he worked there until June 2011. Rott stated that he cleaned tables and washed dishes. Rott stated at the beginning of his employment he was given a lot of hours, but as time went on his hours got less and less. Rott contributed (attributed) this to bad business. Rott stated that he could not recall everyone that worked at the business, but recalled working with Brian's wife, Laura. Rott stated that initially Brian and Laura lived in the upstairs apartment, but later moved and

remodeled the upstairs into a game room. Rott believed that Brian and Laura had gutted the apartment to turn it into the game room. Rott stated that once the remodeling was complete they added a pool table and dart boards. Rott stated that he recalled being told that the remodel cost a lot of money. Detective Bakken reports that Rott was asked about other employees and stated that he recalled Tyler Keck, Brian Adkins' son, was a bartender.

Detective Bakken reports that Rott stated that he believed the Rustic Mill had closed because Adkins had gone bankrupt, but stated that Adkins did not talk to him about it. Detective Bakken reports that Rott originally claimed that he had not spoken to Adkins since the fire. Rott stated that he had talked to Keck, and their conversation was mainly about job openings and finding a job. Rott then stated that he had spoken to Keck the night before and during the conversation they spoke about the Rustic Mill and how they both thought it was arson. Rott stated that there was no gas or electrical to the building, so they believed it had to have been arson. Rott stated that he and Keck were trying to figure out who would have done it and how it would have happened. Rott stated that he and Keck believed someone would have broken in and used a starting liquid.

Detective Bakken reports that Rott was confronted about speaking with Adkins around the time of the fire and Rott eventually admitted that he had spoken to Adkins the night of the fire because Rott called him to tell him the Rustic Mill was on fire. Rott stated that it was a short conversation that occurred right around midnight, or a little after. Detective Bakken reports that Rott stated that one of his buddy's had propositioned him to burn the Refuge in Hammond. Rott stated that he was offered \$1500.00 to burn it down. Rott stated he was not sure if he wanted to do it or not, so he text messaged his friend, Kali Oliver, and asked her what he should do. Rott stated that Kali told him it was not a good idea.

Detective Bakken reports that Rott was confronted about the inconsistencies in what he was reporting and what other people had reported. Detective Bakken reports that initially Rott stated he talked to Keck about starting the fire and getting two (2) cartons of cigarettes for starting the fire, but Rott stated that he did not do it because he was just too busy. Rott stated that this conversation took place at WalMart. Rott stated that he told Keck that he was going to do it, but did not do it. Detective Bakken reports that Rott was told that law enforcement had spoken to several people about the fire and were aware that Rott was involved. Detective Bakken reports that Rott made a statement that he was involved in the fire, at which time he stood up and emptied his pockets on the table of the interview room. Detective Bakken reports that she observed a red colored lighter which Rott later advised he had started the fire with.

Detective Bakken reports that Rott stated that on the night of the fire he had snuck out of his residence after everyone was in bed and walked to the Rustic Mill via the ditch. Rott stated that he initially walked in the ditch on his house side of the road and eventually went to the Rustic Mill side of the road. Rott stated during this time he was carrying a red colored gas can and a wine bottle containing gasoline. Rott stated that while he was walking in the ditch he stayed in the tall grass so passing cars could not see him. Rott stated that once at the Rustic Mill he went up the outside stairs and at the top of the stair case he laid on the landing and kicked the bottom of the door. Rott stated that the door actually broke and only the bottom half opened. Rott stated that he entered through the bottom half of the door and went to the bar area of the main level of the building. Rott stated that he used the wine bottle and began pouring and shaking gas on the bar from about the middle of the bar. Rott stated that the gas

went onto the bar and onto the floor area. Rott stated that he continued to pour the gas down the stairs into the lower level. Detective Bakken reports that Rott described how he went to the ramp door, at which time he lit the fire with the red lighter. Rott described how the fire was going a little and then would stop and start again. Rott stated that he exited the building through what he described as the ramp door.

Detective Bakken reports that Rott reported placing the gas can in the basement of the Rustic Mill near a chain saw prior to leaving, and had thrown the wine bottle in the basement prior to leaving. Rott described the wine bottle as a "Red Diamond", dark green in color. Rott stated he then walked back to his residence. Rott stated that as he was leaving he could see some flames through the window. Rott stated that he believed he had only been in the bar for approximately five (5) or six (6) minutes, but had been gone from his residence for about an hour. Detective Bakken reports that Rott stated while he was walking home after starting the fire he had a cigarette, and then called 911 to report the fire. Rott stated that when he called 911 the dispatcher told him that they had already received several calls. Detective Bakken reports Rott stated that he had not spoken to Adkins since the phone call the night of the fire, but had spoken to Keck. Rott stated on Saturday he spoke to Keck, at which time he told Keck that Adkins owed him two cartons of cigarettes. Rott stated Keck told him he would have to talk to Adkins about that. Rott stated he spoke to Keck a couple of times on Saturday.

Detective Bakken reports she again asked Rott to explain how he knew that Adkins wanted the place to burn down. Rott described that the day he assisted Keck and Adkins clean out the refrigerators and freezers he was asked to burn the Rustic Mill down. Rott could not recall exactly which day they cleaned, but believed it was a couple days after the electricity was shut off. Rott based this on the food being rotten. Rott believed the business closed the end of June, and thought they could have cleaned one of the last two weeks of the month. Rott stated the cleaning would have taken place on a week day. Rott stated this was the first time he had heard anything about starting a fire at the Rustic Mill. Rott stated they were in the bar cleaning and Adkins pulled Keck off to the side. Rott stated he observed Keck and Adkins speaking near the stairway; at which time Rott walked into the bar to get a drink of water. Rott stated that he and Keck then walked back to the refrigerator area to finish cleaning. Rott stated prior to moving anything else Keck told him that Adkins would like to see the Rustic Mill burn down. Rott stated Keck then asked him if he would burn the Rustic Mill for Adkins for insurance money. Rott stated he asked Keck if he was serious, or if he was messing with him, and Keck told him that he was serious. Rott stated he asked Keck how much Adkins would be getting and Keck told him \$10,000.00. Rott stated he did not give Keck an answer right away, but they discussed how to start the fire and how it could happen. Rott stated he and Keck talked about using a sparkler bomb, or a Molotov Cocktail. Rott stated that later that day, towards the end of the cleaning, he and Keck again talked about starting the fire and Rott told Keck he would do it.

Detective Bakken reports Rott stated the day of the fire he had spoken to Keck in WalMart. Rott stated he saw Keck in the area of the pharmacy, at which time he and Keck stopped and had a conversation. Rott told Keck that he was planning on starting the fire that night, or the next day. Rott stated Keck told him to go for it. Your complainant believes the statements of Kyle Rott as he is a witness to this incident.

As a further basis of your complainant's charge of said offenses your complainant has reviewed reports prepared by ATF's Financial Investigative Services Division. Based on

those reports your complainant believes that Rustic Mill owner, Brian Adkins, had a financial motive to want to have the business destroyed by arson.

Your complainant also believes that the defendant withheld and retained moneys which were due the State of Wisconsin. Your complainant relies on the reports compiled by Special Agent Allen Kurth, of the Wisconsin Department of Revenue. Special Agent Kurth reports Adkins operated the Rustic Mill from July 1, 2010, to June 27, 2011. During the time Adkins operated the Rustic Mill, Adkins made sales subject to Wisconsin sales tax and Jackson County sales tax. Special Agent Kurth reports Adkins admitted on two separate occasions that he collected these sales taxes, but did not pay them to the state.

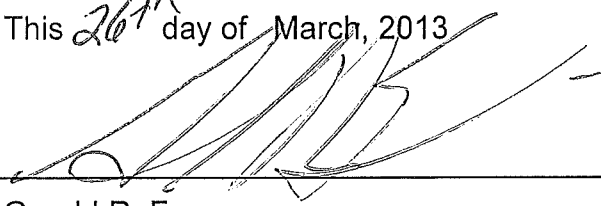
Special Agent Alan Kurth of the State of Wisconsin Department of Revenue reports proof of the withholding taxes not remitted is based upon schedules prepared from Rustic Mill's accounting records, Form W-2 Wage and Tax Statements included on employees 2010 Wisconsin individual income tax returns and the Rustic Mill's Annual W-2 Summary for 2011 submitted to the Wisconsin Department of Revenue. The calculation of Brian Adkins' withholding tax due and not remitted on a quarterly basis are \$278.81 for the tax period ending September 30, 2010; \$2,590.65 for the tax period ending December 31, 2010; and \$4,988.32 for the tax period ending June 30, 2011. Special Agent Kurth reports the records indicate that Adkins collected and failed to remit a total of \$7,857.78.

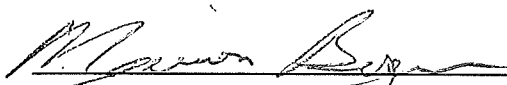
Special Agent Kurth reports proof of theft of sales tax is based upon records of credit card sales and deposits of cash and checks to Adkins' business checking account. Bank and credit card records indicate the Rustic Mill had taxable sales of \$466,769.19 for the 12 months it was in operation. Special Agent Kurth's calculations indicate that Adkins collected and failed to pay state and county sales tax of \$24,333.94.

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

Subscribed and sworn to before me,
and approved for filing on:

This 26th day of March, 2013


Gerald R. Fox
District Attorney
State Bar No. 1022389


Marion Byerson, Complainant