

State of Wisconsin

Circuit Court

Iron County

STATE OF WISCONSIN

Plaintiff,

-VS-

Daniel John Moncher
W9841 Moncher Road
PO Box 24
Saxon, WI 54559
DOB: 12/26/1972
Sex/Race: M/W
Eye Color: Blue
Hair Color: Blonde
Height: 6 ft 0 in
Weight: 220 lbs
Alias:

DA Case No.: 2013IR000135
Assigned DA/ADA: Martin J Lipske
Agency Case No.: 13-08-389
Court Case No.: 13CM_____
ATN:

Criminal Complaint

Defendant,

Special Agent Rick Uhlig, of the WI Dept of Revenue, Alcohol & Tobacco Enforcement, being first duly sworn on oath, states that:

Count 1: POSSESS REFILLED/DILUTED INTOXICATING LIQUOR BOTTLES

The above-named defendant on or about 08/06/2013, in the City of Hurley, Iron County, Wisconsin, did possess diluted intoxicating liquor or refilled original containers on any premises covered by a "Class A" or "Class C" license or "Class B" license or permit, contrary to sec. 125.68(8)(a)3, 125.68(8)(a) Wis. Stats.

Upon conviction for this offense, a Misdemeanor, the defendant shall be fined not less than \$150 nor more than \$500 or imprisoned not less than 60 days nor more than 6 months or both.

Count 2: POSSESS REFILLED/DILUTED INTOXICATING LIQUOR BOTTLES

The above-named defendant on or about 08/06/2013, in the City of Hurley, Iron County, Wisconsin, did possess diluted intoxicating liquor or refilled original containers on any premises covered by a "Class A" or "Class C" license or "Class B" license or permit, contrary to sec. 125.68(8)(a)3, 125.68(8)(a) Wis. Stats.

Upon conviction for this offense, a Misdemeanor, the defendant shall be fined not less than \$150 nor more than \$500 or imprisoned not less than 60 days nor more than 6 months or both.

PROBABLE CAUSE:

Your Complainant requests that said Defendant be dealt with according to law and that the basis for the Complainant's charge of such offenses is as follows:

Your complainant is employed as a Special Agent with the WI Dept of Revenue, Alcohol & Tobacco Enforcement, Appleton, Wisconsin, and as such his information is deemed reliable.

This complaint is also based on the statements of the defendant, Daniel John Moncher, which statements are against his penal interests and is deemed reliable.

On July 15, 2013 the Wisconsin Department of Revenue, Alcohol and Tobacco Enforcement Unit, received an anonymous tip indicating that the tavern premises known as "Spiders" in Hurley, WI was refilling liquor bottles. The complainant specifically alleged that the Captain Morgan rum bottles had been refilled with Sailor Jerry rum. S/A Uhlig is aware that Sailor Jerry rum is produced at a higher alcohol content than Captain Morgan rum and if served to customers unknowingly, could pose health and safety risks due to customers consuming more alcohol (approximately 32% higher alcohol content liquor) than they are expecting.

On August 6, 2013, Agents Uhlig, Altuzar, and Quam conducted an investigation at the Spider's Bar location. While on premises, Agents found two (2) open and partially full bottles of Captain Morgan rum displayed for sale on back-bar shelves and six (6) opened and recapped bottles on a storage shelf under the bar. Agents also found open and sealed bottles of Sailor Jerry rum in a locked office in the bar.

Also on August 6, 2013, Special Agent Uhlig spoke via telephone with the tavern owner and liquor license agent, Daniel J. Moncher. Mr. Moncher initially told Agents that the locked office in the bar was not accessible, but later told the bartender where a hidden key was located and agreed to open the office. Mr. Moncher told the Agents that there would be some undocumented liquor inside which was "left behind by the previous owner". Mr. Moncher said this left over liquor was Sailor Jerry rum and he has been refilling the Captain Morgan rum bottles with the rum "just to get rid of it". Mr. Moncher said the Captain Morgan bottles are not refilled with straight Sailor Jerry, but rather he was simply replacing a portion of each bottle. Agents did find twelve (12) open/sealed/empty bottles of Sailor Jerry rum in the office.

While Agents were at the Spider's premises, they spoke with the bartender, Kristin Smith, who said she did not have firsthand knowledge about the refilling of liquor bottles, but has had tavern customers recently complaining about the Captain Morgan not tasting like it should.

Agents seized a total of one hundred thirteen (113) bottles of intoxicating liquor that were either suspected of being refilled or were undocumented and not listed on any alcohol purchase invoices. This seizure included a total of eight (8) open bottles labeled as Captain Morgan rum.

On August 19, 2013, Special Agent Uhlig conducted testing of all eight of the suspected refilled bottles of liquor seized from the Spider's Bar premises. The eight bottles were labeled as Captain Morgan rum and were suspected of being partially refilled with Sailor Jerry rum. Known sealed bottles of the two products were tested and used as standards. It was noted that the products were manufactured to originally contain different alcohol contents (Captain Morgan is 70 proof and Sailor Jerry is 92 proof). Williams Reagent Tests indicated that the contents of the suspect bottles tested contained product with a higher alcohol content than authentic Captain Morgan but lower alcohol content than authentic Sailor Jerry. The tested bottles also had product coloration differences which did not resemble either Captain Morgan or Sailor Jerry, but were consistent with what a mixture of the two brands would be.

On August 20, 2013, Special Agent Uhlig verified with the City of Hurley City Clerk's Office that Daniel J. Moncher is the appointed liquor license agent for Spider's Sports Bar LLC and that a "Class B" intoxicating liquor license is issued to this entity for use at the Spider's Sports Bar premises at 217-219 Silver Street, City of Hurley, Iron County, Wisconsin. It was also verified with the Wisconsin Department of Revenue that Spider's Sports Bar LLC is the holder of the Wisconsin Seller's Permit for the business.

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

Dated this _____ day of October, 2013.

Special Agent Rick Uhlig
Complainant

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

This _____ day of October, 2013.

Martin J Lipske
State Bar No. 1008584
District Attorney
Iron County, Wisconsin