

STATE OF WISCONSIN

CIRCUIT COURT

MARATHON COUNTY

STATE OF WISCONSIN

Plaintiff,

DA CASE NO: 2017MA003753
COURT CASE NO:
AGENCY CASE NO: 17-06-344

vs.

Kaileah M. Koehler
1101 Young Street
Wausau, WI 54403
DOB: 01/23/1986

Defendant.

CRIMINAL COMPLAINT

For Official Use

STATE OF WISCONSIN)
)SS
COUNTY OF MARATHON)

Complainant, on information and belief, being first duly sworn on oath states that:

Count 1: POSSESS REFILLED/DILUTED INTOXICATING LIQUOR BOTTLES

The above-named defendant on or about Thursday, June 22, 2017, in the City of Wausau, Marathon 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., a Misdemeanor, and upon conviction 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 Thursday, June 22, 2017, in the City of Wausau, Marathon 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., a Misdemeanor, and upon conviction 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.

The basis for complaint's charge of such offenses are: complainant is a law enforcement officer in Marathon County and makes the complaint based upon his review of police reports drafted by . Your complainant believes that said reports can be relied upon as a basis for probable cause because each of the aforementioned officers purports to have investigated the matters related herein and to have prepared said report in the regular course of duty as law enforcement officers. Moreover, your complainant has found each of said officers to be truthful and accurate in the performance of their respective professional duties.

This complaint is further based upon defendant statements, believed to be truthful and reliable as they are made against his penal interests. This complaint is further based upon statements

of citizen witnesses, believed to be truthful and reliable as made by citizen witnesses to the facts related.

Based upon your complainants review of reports, your complainant knows the following information:

**WISCONSIN DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO ENFORCEMENT UNIT**

During May 2017, Special Agent (SA) Uhlig received an anonymous complaint that the retail alcohol premises known as Mountain Lanes in the City of Wausau was refilling liquor bottles.

On June 22, 2017 the Dept. of Revenue Alcohol and Tobacco Enforcement Unit conducted an investigation at the Mountain Lanes premises, owner/agent Kaileah L Koehler was present during the contact. During the course of this investigation, Agents found bottles of liquor which showed signs of being refilled, empty bottles of lower priced products, and a funnel. Ms. Koehler admitted to SA Uhlig that she had refilled Patron tequila bottles with Camarena tequila, Grey Goose vodka bottles with Pinnacle vodka, and Captain Morgan rum bottles with Ron Diaz rum. SA Uhlig noted that Ron Diaz rum was not offered for sale in the bar. Ms. Koehler provided a voluntary signed statement regarding the refilling of liquor bottles and said she engaged in this activity to save money. SA Uhlig seized a total of 33 bottles of liquor which included six (6) open bottles of "Captain Morgan Spiced Rum" which were found in the bar area.

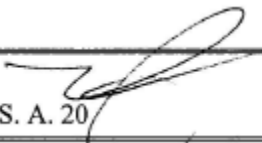
On July 17, 2017 SA Uhlig more closely examined the bottles of Captain Morgan rum seized from Mountain Lanes and conducted Williams Reagent testing on all six bottles. Manufacturer sealed bottles of Captain Morgan rum and Ron Diaz rum were obtained and used as standards for the testing. It was noted the retail price of a 750 ml bottle of Captain Morgan rum was \$14.99 while the retail price of the same size bottle of Ron Diaz rum was \$5.49. The known sample of Captain Morgan tested to be 34-35% alcohol by volume with a cloudy amber coloration. The known sample of Ron Diaz rum tested to be 29-30% alcohol by volume with a clear amber coloration.

All six suspect bottles labeled as "Captain Morgan" tested to be between 29-31% alcohol by volume and all six also had a clear amber coloration during testing. All six bottles were matching with alcohol content and coloration with Ron Diaz rum and were not consistent with authentic Captain Morgan rum.

SA Uhlig reviewed intoxicating liquor purchases by Mountain Lanes Family Fun Center from Badger Liquor Co. Inc. and Johnson Brothers of Wisconsin Inc., the exclusive distributors of Captain Morgan rum and Ron Diaz rum in the Wausau area. Mountain Lanes first opened and began purchasing intoxicating liquor during August 2016 and from that time, up until June 22, 2017, all purchase records were examined. SA Uhlig found that during this almost 11 month period, Mountain Lanes purchased zero (0) bottles of Captain Morgan rum but did purchase four hundred fifty-seven (457) bottles of Ron Diaz rum.

SA Uhlig verified with the City of Wausau Clerk's Office that Mountain Lanes Family Fun Center Inc.-agent Kaileah Koehler is the holder of a "Class B" intoxicating liquor license as well as a Class "B" fermented malt beverage license.

AGENT(S): Rick Uhlig, S. A. 20



and prays that the defendant be dealt with according to law.

Subscribed and sworn to before me on 08/31/17

Electronically Signed By:

Lesli Pluster

Assistant District Attorney

State Bar #: 1055474

Electronically Signed By:

Investigator Charles Jones

Complainant