

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2017WK004357
Assigned DA/ADA: Timothy A. Suha
Agency Case No.:

vs.

Court Case No.:
ATN:

Jodi L Rieker
S42w31255 North St
Genesee Depot, WI 53127
DOB: 11/18/1970
Sex/Race: F/W
Eye Color: Blue
Hair Color: Blonde
Height: 5 ft 9 in
Weight: 160 lbs
Alias:

CRIMINAL COMPLAINT

Defendant.

The undersigned, of the Wisconsin Department of Revenue being first duly sworn on oath, upon information and belief, states that:

Count 1: FRAUD/RENDERING INCOME TAX RETURN

The above-named defendant in the tax year of 2013, at 1710 Springdale Road, in the City of Waukesha, Waukesha County, Wisconsin, intentionally submitted a false State of Wisconsin tax return and did render a false or fraudulent income tax return with intend to defeat or evade any assessment required by Chapter 71 of the Wisconsin Statutes or to obtain a refund or credit with fraudulent intent, contrary to sec. 71.83(2)(b)1, 939.50(3)(h) 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 2: FRAUD/RENDERING INCOME TAX RETURN

The above-named defendant in the tax year of 2014, at 1710 Springdale Road, in the City of Waukesha, Waukesha County, Wisconsin, intentionally submitted a false State of Wisconsin tax return and did render a false or fraudulent income tax return with intend to defeat or evade any assessment required by Chapter 71 of the Wisconsin Statutes or to obtain a refund or credit with fraudulent intent, contrary to sec. 71.83(2)(b)1, 939.50(3)(h) 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.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the investigative reports of the Department of Revenue Special Agent Michael Austin, who does indicate on or about January 10, 2017, an internal Wisconsin Department of Revenue referral was made in the Office of Criminal Investigation in

regards to income tax returns from 2012 to 2014 filed by Jodi Rieker, at the time Jodi Burke, DOB: 11/18/70, Social Security number ending in 4206.

Special Agent Austin did receive the internal referral from the Wisconsin Department of Revenue and reviewed the tax returns from 2012 to 2014 at which point he noticed that she did file W-2's associated from Aurora Health Care, Wheaton Franciscan Health Care and Children's Health System. Personal file for Jodi Rieker was obtained from those employers, showing the number of withholdings she elected each year and the amount of State Wisconsin income tax withheld from her wages each year. He then compared these to the tax returns showing that there was a discrepancy in the filings by Jodi Rieker.

On or about May 23, 2017, Special Agent Kennedy and Special Agent Austin did interview Jodi Rieker at her Waukesha State office building at 141 North West Barstow Street, in the City of Waukesha, at which point she admitted to intentionally falsifying her 2012 to 2014 State of Wisconsin income tax returns to obtain refunds from the State of Wisconsin Department of Revenue because she needed the money. She was single at the time with three dependent children and one of them was about to start college. She intentionally falsified in 2012 electronically filing through Turbo Tax that she claimed \$2,456.00 in State of Wisconsin withholdings by her employers, when the actual amount was only \$1,357.00. She received \$1,099.00 from the fraudulent claim that was deposited into Aurora Credit Union bank account, last four digits ending in 4643.

On March 5, 2014, Rieker intentionally falsified her 2013 State of Wisconsin tax returns by electronically filing them with Turbo Tax claiming that she had State of Wisconsin withholdings in the amount of 4,263.00 when they were actually one \$1,264.00. She again stated that she needed the money for college tuition and she received \$2,999.00 from the fraudulent claim which was deposited into Aurora Credit Union bank account ending in 4643.

On February 20, 2015, Rieker falsified her 2014 State of Wisconsin income tax returns with Turbo Tax, filing them with the State of Wisconsin Department of Revenue claiming \$1,851.00 in State of Wisconsin withholdings from her employers, when they actually withheld only \$1,652.00. She again stated that she needed the money and did not want to owe money to the Department of Revenue and she received \$200.00 because of this fraudulent claim which was put into that same Aurora Credit Union bank account ending in 4643. Special Agent Austin did note that as of July, 2013, Wisconsin Statute 71.83(2)(b)1 was amended to include words "or to obtain a refund or credit with fraudulent intent", making this type of offense a felony. This is the basis for the felony charges for the 2013 and 2014 tax returns and the reason why the State is not charging a felony for the 2012 tax returns. The aggregate theft from the Department of Revenue by Rieker for the fraudulent claims for the three years did come to \$4,298.00 which was deposited into a personal Aurora Credit Union bank account ending with digits 4643. Rieker, in the interview on May 23, 2017, did admit that she had been doing her own taxes after 2009 and had done her own taxes until 2016. She did not admit any type of mistake, but indicated that she did this to obtain money because she needed money.

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

TAS/rcc

EXT=CODE 2

Subscribed and sworn to before me on
09/01/17

Electronically Signed By:

David J. Behm

Assistant District Attorney

State Bar #: 1092412

Electronically Signed By:

Special Agent Michael Austin

Complainant