

STATE OF WISCONSIN CIRCUIT COURT WAUSHARA COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2016WS001303
Assigned prosecutor: AAG Annie Jay
Agency Case No.:

vs.

Court Case No.: 16-CF-253

CARRIE K. ACKER
W3131 County Road NN
Pine River, WI 54965
DOB: 02/09/1978
Sex/Race: F/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 3 in
Weight: 260 lbs

Defendant.

SUMMONS

FILED
MELISSA M. ZAMZOW
DEC 05 2016
CIRCUIT COURT
WAUSHARA CO. WIS.

For Official Use

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of committing the crime(s) of:

<u>THE CRIME(S) OF:</u>	<u>DATE OF VIOLATION:</u>	<u>CONTRARY TO WIS. STATUTE(S):</u>
False Income Tax Return, Fraud	January 31, 2011	Wis. Stat. § 71.83(2)(b)1
False Income Tax Return, Fraud	January 30, 2012	Wis. Stat. § 71.83(2)(b)1
False Income Tax Return, Fraud	February 22, 2013	Wis. Stat. § 71.83(2)(b)1
False Income Tax Return, Fraud	April 16, 2014	Wis. Stat. § 71.83(2)(b)1

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

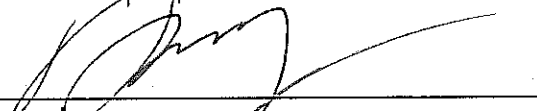
You, the defendant, are therefore summoned to appear before the Circuit Court – Criminal Division of Waushara County, at the Waushara County Courthouse, 209 South Saint Marie Street, Wautoma, WI 54982 in Room 230 on:

DATE/TIME: 01/03/2017 at 1:00 PM

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

Your appearance before the Waushara County Circuit Court will also require that you undertake the intake/booking process. You will be required to have photo identification with you to complete that process.

Date: 12/5/2016


Annie Jay
Assistant Attorney General
State Bar No.: 1056404

STATE OF WISCONSIN

CIRCUIT COURT

WAUSHARA COUNTY

STATE OF WISCONSIN,
Post Office Box 7857
Madison, WI 53707-7857

Plaintiff,

v.

Case No. 16CF 253

CARRIE K. ACKER,
W3131 County Road NN
Pine River, WI 54965-9577
DOB: 2/9/1978
Height: 5'3" Weight: 260 lbs
Hair: Brown Eyes: Blue

Defendant.

FILED
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WAUSHARA CO. WIS.

CRIMINAL COMPLAINT

Your complainant, Lisa Kennedy, being first duly sworn on oath, and based upon information and belief, states as follows:

COUNT 1: FALSE INCOME TAX RETURN, FRAUD

On or about January 31, 2011, in Waushara County, state of Wisconsin, the defendant, did render a false or fraudulent income tax return with the intent to obtain refund or credit with fraudulent intent, contrary to Wis. Stat. § 71.83(2)(b)1.

Upon conviction of this offense, a Class H Felony, the maximum possible penalty is a fine not to exceed \$10,000 or imprisonment not to exceed six (6) years, or both, and may be assessed the costs of prosecution.

COUNT 2: FALSE INCOME TAX RETURN, FRAUD

On or about January 30, 2012, in Waushara County, state of Wisconsin, the defendant, did render a false or fraudulent income tax return with the intent to obtain refund or credit with fraudulent intent, contrary to Wis. Stat. § 71.83(2)(b)1.

Upon conviction of this offense, a Class H Felony, the maximum possible penalty is a fine not to exceed \$10,000 or imprisonment not to exceed six (6) years, or both, and may be assessed the costs of prosecution.

COUNT 3: FALSE INCOME TAX RETURN, FRAUD

On or about February 22, 2013, in Waushara County, state of Wisconsin, the defendant, did render a false or fraudulent income tax return with the intent to obtain refund or credit with fraudulent intent, contrary to Wis. Stat. § 71.83(2)(b)1.

Upon conviction of this offense, a Class H Felony, the maximum possible penalty is a fine not to exceed \$10,000 or imprisonment not to exceed six (6) years, or both, and may be assessed the costs of prosecution.

COUNT 4: FALSE INCOME TAX RETURN, FRAUD

On or about April 16, 2014, in Waushara County, state of Wisconsin, the defendant, did render a false or fraudulent income tax return with the intent to obtain refund or credit with fraudulent intent, contrary to Wis. Stat. § 71.83(2)(b)1.

Upon conviction of this offense, a Class H Felony, the maximum possible penalty is a fine not to exceed \$10,000 or imprisonment not to exceed six (6) years, or both, and may be assessed the costs of prosecution.

FACTUAL BASIS

I, Lisa Kennedy, am a Special Agent for the Wisconsin Department of Revenue in the Office of Criminal Investigation. Complainant has been a Special Agent for 12 years. Complainant was assigned to investigate suspected false tax returns of defendant, Carrie Acker, filed jointly with her husband, Cory Acker. In my official capacity, I reviewed Department of Revenue files kept in the ordinary course of business as well as statements of witnesses with personal knowledge and statements of the defendant contrary to her penal interests.

Your complainant has personally reviewed the defendant's 2010, 2011, 2012, and 2013 Wisconsin tax returns. Cory Acker and the defendant have stated that the defendant is the one who prepared and filed the Ackers' joint tax returns each of those years. In each of those years, the defendant listed her address as W3131 County Road NN in Pine River, Waushara County, Wisconsin.

On January 31, 2011, the defendant filed Wisconsin income taxes for the year 2010 claiming that Cory Acker earned \$50,659 in state wages from Oshkosh Corporation and that \$2,000 in state income tax was withheld from his income. The defendant claimed that she earned \$25,735 in state wages from Aurora Medical Center and that \$2,000 in state income tax was withheld from her income. W2s maintained in the ordinary course of business from Oshkosh Corporation show that Cory Acker earned \$50,659 and had \$680.53 in state taxes withheld in 2010. W2s maintained in the ordinary course of business from Aurora Medical Center show that the defendant earned \$25,735 and had \$411.71 in state taxes withheld in 2010. The defendant's false claim of withholding resulted in an overpayment of \$1,068 to the Ackers.

On January 30, 2012, the defendant filed Wisconsin income taxes for the year 2011 claiming that Cory Acker earned \$57,623 in state wages from Oshkosh Corporation and that \$3,000 in state income tax was withheld from his income in 2011. W2s maintained in the ordinary course of business from Oshkosh Corporation show that Cory Acker earned \$51,623 and had \$308.32 in state taxes withheld in 2011. The defendant reported that the Ackers paid \$4,000 in property taxes on their home in 2011. Records from the Waushara County Treasurer's Office show that the Ackers paid \$3,330.60 in property taxes on their home in 2011. The defendant's false claims resulted in an overpayment of \$386 to the Ackers.

On February 22, 2013, the defendant filed Wisconsin income taxes for the year 2012 claiming that Cory Acker earned \$53,775 in state wages from Oshkosh Corporation and that \$1,689 in state income tax was withheld from his income. The defendant claimed that she earned

\$23,656 in state wages from St. Elizabeth Hospital and that \$1,426 in state income tax was withheld from her income. W2s maintained in the ordinary course of business from Oshkosh Corporation show that Cory Acker earned \$50,774.83 and had \$71.46 in state taxes withheld in 2012. W2s maintained in the ordinary course of business from St. Elizabeth Hospital show that the defendant earned \$17,655.98 and had \$376.91 in state taxes withheld in 2012. The defendant reported that the Ackers paid \$8,500 in property taxes on their home in 2012. Records from the Waushara County Treasurer's Office show that the Ackers paid \$3,296.63 in property taxes on their home in 2012. The defendant's false claims resulted in an overpayment of \$3,115 to the Ackers.

On April 16, 2014, the defendant filed Wisconsin income taxes for the year 2013 claiming that Cory Acker earned \$5,035 in state wages from Oshkosh Corporation and that \$0 in state income tax was withheld from his income. The defendant claimed that she earned \$0 in state wages from St. Elizabeth Hospital and that \$0 in state income tax was withheld from her income. On line 46 of the Ackers' Wisconsin income tax return, the defendant claimed that she and Cory Acker had \$2,500 in Wisconsin tax withheld from their income. W2s maintained in the ordinary course of business from Oshkosh Corporation show that Cory Acker earned \$50,534.95 in wages and had \$0 in Wisconsin state tax withheld from his income in 2013. W2s maintained in the ordinary course of business from St. Elizabeth Hospital show that the defendant earned \$34,301.10 in wages and had no state income tax withheld in 2013. The defendant reported that the Ackers paid \$10,285 in property taxes on their home in 2013. Records from the Waushara County Treasurer's Office show that the Ackers paid \$3,402.54 in property taxes on their home in 2013. The defendant's false claims resulted in an overpayment of \$203 to the Ackers.

In response to inquiries from the Wisconsin Department of Revenue, on August 5, 2016, the defendant stated that she did the family's taxes "to save money." The defendant stated that she "checked with three different services to make sure I had it right."

Your complainant is a Special Agent with the Wisconsin Department of Revenue, who bases her knowledge of this complaint on:

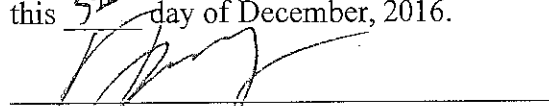
- statements by citizen informant(s), who are eyewitnesses to the facts they relate;
- statements by the defendant, which were made contrary to her penal interests;
- the official records of: Oshkosh Corporation; Aurora Medical Center; St. Elizabeth Hospital; the Wisconsin Department of Revenue; the Waushara County Treasurer's Office; the FBI Triple I Teletype; and the Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Dated this 5 day of December, 2016.



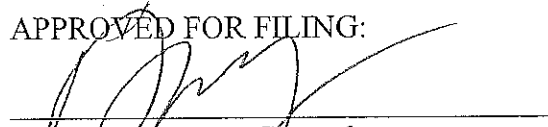
LISA KENNEDY
Special Agent
Wisconsin Department of Revenue,
Office of Criminal Investigation

Subscribed and sworn to before me
this 5th day of December, 2016.



My commission is permanent.

APPROVED FOR FILING:



Assistant Attorney General
State Bar No. 1056404

Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857
608-266-7447
608-267-2778 (fax)