

FILED
11-09-2020
Clerk of Circuit Court
Eau Claire County, WI
2020CF001389
Honorable Sarah Harless
Branch 5

S&C: 12/09/2020

STATE OF WISCONSIN	CIRCUIT COURT	EAU CLAIRE COUNTY
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STATE OF WISCONSIN,

Plaintiff,

vs.

TERRY A LUER
 1253 McGregor Dr
 Eau Claire, WI 54703
 DOB: 07/01/1949
 Sex/Race: M/W
 Eye Color: Green
 Hair Color: Brown
 Height: 6 ft 00 in
 Weight: 220 lbs

Defendant.

DA Case No: 2020EC003875
 Assigned DA/ADA: Sean Froelich
 Referral Agency: WI Dept of Revenue
 Agency Case No: 20-10-578
 ATN:

CRIMINAL COMPLAINT

The undersigned, being first duly sworn, states that:

Count 1: CONDUCT COMMERCIAL GAMBLING LOTTERY, CRIMINAL PROPERTY FORFEITURE

The above-named defendant between October 13, 2020 through October 20, 2020, in the City of Eau Claire, Eau Claire County, Wisconsin, did conduct a lottery where both the consideration and the prize were money, or with intent to conduct such a lottery, possessed facilities to do so, contrary to sec. 945.03(1m)(d), 939.50(3)(i), 973.076(2m) 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.

And furthermore, invoking the provisions of section 973.076(2m) and 973.075(1)(a), Wisconsin Statutes, upon conviction the court shall order the defendant to forfeit all money (\$31,774.75 USD), used in the course of, intended for use in the course of, or derived from or realized through the commission of any crime.

Count 2: PERMITTING PREMISES TO BE USED FOR COMMERCIAL GAMBLING

The above-named defendant between October 13, 2020 through October 20, 2020, in the City of Eau Claire, Eau Claire County, Wisconsin, did permit real estate owned or occupied by him or under his control to be used as a gambling place, contrary to sec. 945.04(1m)(a), 939.51(3)(a) 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.

PROBABLE CAUSE:

The complainant is in possession of police reports by Special Agent Gray of the WI Department of Revenue, which form the basis for this complaint.

On October 1, 2020, Special Agent in Charge (SAC) Tyler Quam of the Wisconsin Department of Revenue's Alcohol & Tobacco Enforcement Unit received a telephonic complaint from a person wishing to be confidential, about the owner of the Big T's Saloon in Eau Claire, WI maintaining a shake-of-the-day dice game jackpot of \$40,000.00. The complainant stated that a friend of hers invested approximately \$2,000.00 in the jackpot but recently had been told she was not allowed to come back to the saloon, and therefore no longer had an opportunity to try to win the jackpot.

11/06/2020

STATE OF WISCONSIN - VS - Terry A Luer

On October 13, 2020, undercover surveillance inside Big T's Saloon, located at 2007 3rd Street, in the City and County of Eau Claire, by SA William Gray revealed that the shake-of-the-day dice games (one small and one large) were taking place. SA William Gray paid \$4.00 to play both shake-of-the-day dice games and received three shakes per game in attempt to win 80% of the current \$31,000.00 jackpot. Also, there were five video gambling machines on the premises which were in operation, a football gambling game, and an advertised (sign on the back wall behind the bar, and a Facebook post) Wednesday night Texas Hold'em tournament.

On October 15, 2020, SA Gray along with SA Mario Altuzar, in an undercover capacity, surveilled the inside of Big T's saloon at which time the shake-of-the-day dice games were still in operation and were being played by numerous patrons throughout the time SA Gray and SA Altuzar were inside the saloon. SA Gray and SA Altuzar both paid \$4.00 to play the shake-of-the-day dice gambling games. SA Gray and SA Altuzar had several conversations with the saloon manager, Rochell Allen about the shake-of-the-day dice games and how much money would be paid to the winner of the jackpot. Allen related that the winner would receive 80% of the \$31,000.00 but would be paid out over a week's time to keep the bank from "flagging" them.

On October 16, 2020, SA Gray, along with SA Altuzar in an undercover capacity surveilled the inside of Big T's saloon and again paid \$4.00 to play the shake-of-the-day dice game. A different bartender was there and identified herself as "Mai." She verified that the jackpot for the large shake-of-the-day dice game was \$31,000.00, but the winner was only to receive 80% of the jackpot. The handwritten "31000" sign was still above the cash register and SA Gray took a photograph of the red lid affixed to the large shake-of-the-day dice game container.

On October 20, 2020, an inspection of the licensed premises was conducted by SA Gray and SA Altuzar. Also present were two Eau Claire Police detectives (Ryan Lambeseder and Cory Reeves) as well as the Director of Charitable Gaming for the State of Wisconsin, Joseph Gastel. During the inspection, the saloon's owner and operator Terry A. Luer and manager Rochell Allen were interviewed. Terry Luer admitted to allowing the shake-of-the day dice lottery games to be played at his saloon. Mr. Luer also admitted he was collecting the money patrons were paying to play the two shake-of-the-day games and keeping it at his residence in Eau Claire.

Both Director Gastel and SA Gray counted all cash seized at the bar. The two shake-a-day cash containers totaled \$774.75. After an additional \$31,000.00 was counted by the machine, SA Altuzar and SA Gray counted the cash again to ensure the count was correct. SA Gray seized \$31,774.75 USD from Mr. Luer, which was money believed to be connected to the commercial gambling lottery. The State is seeking forfeiture of \$31,774.75 USD.

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

SF/ech

Subscribed and sworn to before me on 11/09/20

Electronically Signed By:

Crystal Jensen

Assistant District Attorney

State Bar #: 1055645

Electronically Signed By:

Deputy Chad Strasburg

Complainant