

State of Minnesota
County of Blue Earth

District Court
5th Judicial District

Prosecutor File No.
Court File No.

BEC-15-1612
07-CR-15-5258

State of Minnesota,

Plaintiff,

vs.

CONNIE JEAN KOTHE DOB: 12/14/1965

201 11th Avenue Apt #1
St. James, MN 56081

Defendant.

COMPLAINT

Summons

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Wrongfully Obtaining Assistance-Theft- By False Stmts,Concealment, Impersonation

Minnesota Statute: 256.98.1(1), with reference to: 609.52.3(2)

Maximum Sentence: 10 years and/or \$20,000

Offense Level: Felony

Offense Date (on or about): 01/08/2013 to 06/30/2013

Control #(ICR#): 15015302

Charge Description: Connie Jean Kothe

On or between January 8, 2013 and June 30, 2013, in the County of Blue Earth, said Defendant, Connie Jean Kothe did obtain or attempted to obtain, or aid or abet any person to obtain by means of a willfully false statement or representation, by intentional concealment of any material fact, or by impersonation or other fraudulent device, assistance or the continued receipt of assistance to which the person is not entitled or assistance greater than that to which the person is entitled; and the value of the assistance exceeds \$5,000.00.

COUNT II

Charge: Wrongfully Obtaining Assistance-Theft- By False Stmts,Concealment, Impersonation

Minnesota Statute: 256.98.1(1), with reference to: 609.52.3(3)(d)(iv)

Maximum Sentence: 5 years and/or \$10,000

Offense Level: Felony

Offense Date (on or about): 01/08/2013 to 06/30/2013

Control #(ICR#): 15015302

Charge Description: Connie Jean Kothe

On or between January 8, 2013 and June 30, 2013, in the County of Blue Earth, said Defendant, Connie Jean Kothe did, obtain or attempt to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation, by intentional concealment of any material fact, or by impersonation or other fraudulent device, assistance or the continued receipt of assistance, to include child care assistance or vouchers produced according to sections 145.891 to 145.897 and MinnesotaCare services according to sections 256.9365, 256.94, and 256L.01 to 256L.15, to which the person is not entitled or assistance greater than that to which the person is entitled; and the property consists of public funds belonging to the state or to any political subdivision or agency thereof.

STATEMENT OF PROBABLE CAUSE

On July 24, 2013, Investigator Ginger Peterson, of the Blue Earth County Sheriff's Office, received a fraud prevention investigation referral in reference to Connie Jean Kothe, D.O.B. 12-14-1965. Investigator Peterson began to investigate the referral and conducted a review of Kothe's case file in addition to revising MAXIS case information and notes. While conducting the review, Investigator Peterson made note of several pieces of information associated with the case that were relevant to the fraud investigation.

Investigator Peterson found notes relating to an April 9, 2012, interview with a Martin County financial worker, Ann Koss. The case was later transferred from Martin County to Blue Earth County based on the information provided. In a case note dated July 5, 2012, information indicated that Kothe advised that Kothe had not been employed since June 2012 on a Combined Application Form. Kothe was receiving medical assistance and food stamps at that time. On June 20, 2013 Kothe completed a Minnesota Health Care Programs application. Kothe reported employment with Abby's Care with a start date of January 8, 2013. A note from a financial worker dated July 31, 2013, indicated that Kothe was working and did not provide all verification of income. Also dated July 31, 2013, was a note indicating that a fraud referral was sent; and the financial worker received information that Kothe is working. On the stubs the financial worker received, it showed that Kothe had earned over \$10,000.00 that year to date and did not report any of the income. The worker indicated that the fraud referral was sent at Kothe did not provide all pay stubs when requested.

On August 1, 2013, Investigator Peterson conducted a search of employment and wages and found that Kothe was listed as being employed by MAM for the first and second quarters of 2013. Employer detail was listed as Abby's Home Care, Inc., with an address in North Mankato, Minnesota.

Investigator Peterson completed a fax request for personnel and employment records pertaining to Kothe for Abby's Home Care, Inc. On August 22, 2013, Investigator Peterson received the requested documents and discovered the following: Kothe's start date was listed as November 29, 2011. Kothe had received paychecks for December 2011 through May 2012. There was a break where Kothe did not receive checks for pay periods June 12, 2012, through December 31, 2012. Kothe then began receiving checks again in January 2013 through August 2013, the date of the employment request.

In order to determine Medical Assistance overpayment amounts, financial worker requested that Investigator Peterson conduct a search of the Medicaid Management Information System in order to determine the amount of dollars utilized by Kothe from March 1, 2013, through June 30, 2013. The overpayment amount for this timeframe is \$5,656.07. The financial worker advised that Kothe also would have a SNAP overpayment in the amount of \$1,140.00.

Based on Investigator Peterson's investigation, Investigator Peterson believes Kothe is knowledgeable of the reporting requirements for the program she is on. During the time that Kothe has been on assistance, on and off since approximately 1993, Kothe has turned in county forms and applications as well as having been involved in public assistance interviews with financial workers. Investigator Peterson knows that, as a matter of standard practice, the financial workers advise all recipients of their reporting responsibilities along with supplying the recipients with applications that clearly state the reporting responsibilities and penalty warnings and perjury/general declarations in order to ensure that all information be reported by the recipients is true and correct the day the applications are turned into the county. Kothe acknowledged these advisements by signing her signature within her applications on numerous occasions and then turning the applications in, advising that all was true and correct on every material point. Therefore, Investigator Peterson believes Kothe is aware that her responsibilities included that she must report changes which may affect her benefits to the agency within ten days after the change has occurred,

including employment ' start or stop a job or business; change in hours; earnings or expenses; and that Kothe is not to give false information or hide information to get or continue to get benefits.

Investigator Peterson noted that the penalty warnings include the consequences, including that the State may bar an individual from future assistance based on a finding of fraud. Investigator Peterson believes Kothe knew that Kothe needed to report her income in order to remain compliant with the reporting requirements; however, Investigator Peterson found that Kothe did not report her employment income until she completed the Minnesota Health Care Programs application on June 20, 2013. Based upon all of the information obtained in the investigation and the training Investigator Peterson has received, it is Investigator Peterson's belief that Kothe willfully, knowingly, and/or intentionally failed to properly report and/or misrepresented her correct income in order to receive public assistance benefits. Investigator Peterson noted the evidence indicates that Kothe failed to report that she was earning wages from her employment with Abby's Home Care; and by failing to provide this required information, Kothe fraudulently received public assistance from Blue Earth County Human Services in the amount of \$6,796.07.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Richard Murry
Captain
401 Carver Rd
Mankato, MN 56002-0228
Badge: 2708

Electronically Signed:
12/23/2015 08:44 AM
Blue Earth County, MN

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Ryan S. Hansch
401 Carver Road
PO Box 3129
Mankato, MN 56002
(507) 304-4600

Electronically Signed:
12/22/2015 03:08 PM

