

Arrest-Bench Warrant/ Capias

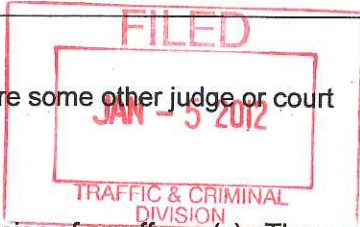
Kenneth S. Shong

Name of Person

Case No. 12-CF-08

ATN:

Person's Address Racine Correctional Institution (RCI), 2019 Wisconsin St., Sturtevant, WI 53177			Phone Number 262-886-3214
Person's Date of Birth 02/16/1966	Sex M	Race W	Driver's License Number unknown
Height 6' 0" (72")	Weight 298 lbs	Eye Color Hazel	Hair Color Dark Brown
Other Identifying Characteristics N/A			
Charges Wis. Stat. sec. 939.05 & 943.39(2) - "Party to the Crime -Fraudulent Writings"			



TO ANY LAW ENFORCEMENT OFFICER:

Arrest and bring the above-named person before me, or if I am not available, before some other judge or court commissioner of this county, because:

(Check box A, B, or C below.)

[X] A. A complaint/citation has been filed charging the defendant with the commission of an offense(s). The defendant has not previously appeared in or submitted to the jurisdiction of the court. [A copy of the complaint or citation must always be attached. For a citation, an affidavit of the court officer is recommended.] The name of the crime and statutory references in the complaint/citation are incorporated into this warrant. I have reviewed the complaint/citation and find probable cause to believe the defendant committed the offense(s).

(Check if either is appropriate):

- Although the maximum imprisonment is 6 months or less, I believe that the defendant will not appear in response to a summons.
- If the offense is one covered by the Uniform Bail/Deposit Schedule, the defendant may be released upon payment of \$, plus statutory sheriff's fees. A new court date shall be provided to the defendant.

B. The person failed to appear in court as required on (date) _____ for (type of court appearance) _____.

- The person shall be held for appearance in court.
- The person may be released upon payment of \$, plus statutory sheriff's fees. A new court date shall be provided to the defendant.

C. The person has failed to comply with a court order concerning the payment of fines, forfeitures, assessments, surcharges or costs to the court. The defendant may be released with no further court appearances upon payment of \$, plus statutory sheriff's fees.

[X] D. Other: The attached complaint alleges Shong is now confined at RCI and has a history of absconding.

If the person posts the total amount due and is released, the law enforcement agency shall inform the court and district attorney of any new court date.

BY THE COURT:

[Handwritten signature]

Circuit Court Judge/Circuit Court Commissioner

Scott C. Wawor

Name Printed or Typed

1-5-12

Date

Geographic restriction:

Statewide Within county of ORI

Within adjacent counties of ORI

Other: _____

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

KENNETH S. SHONG
DOB 02/16/1966,

12-CF- 08

Defendant.

AKA: Kenneth S. Onapolis, Kenneth S. Theodoru,
Scott B. Theodore, Kenneth S. Mc Donald, Kenneth
S. McDonald, Robert P. Smith, Joseph M. Watson,
John P. Johnson, Walter P. Kuypers, Walter Kuypers.



CRIMINAL COMPLAINT

Christina McNichol, being first duly sworn on oath, upon information and belief states the following:

COUNT I (FRAUDULENT WRITINGS)

On or between April 15, 2006, and May 15, 2006, in Winnebago County, Wisconsin the defendant, Kenneth S. Shong, did, as a party to the crime, by means of deceit and with intent to defraud, obtain a signature to a writing which is subject to forgery under Wisconsin Stat. § 943.38(1), to wit: bank money order no. 122442 drawn on the Bank of Milton in the amount of \$1,740.50 and payable to "Carlingford University", dated May 8, 2006, and signed by "Judith Fleming" as purchaser of the money order. The defendant's actions violate §§ 943.39(2) and 939.05 Wisconsin Statutes 2003-04, which is a Class H Felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both.

FACTUAL BASIS

I, Christina McNichol, make this complaint upon information and belief based on the following:

I am a Special Agent in Charge employed by the Wisconsin Department of Justice (DOJ), Division of Criminal Investigation (DCI). I have been employed as a special agent for DCI for more than seven years and have been employed as a law enforcement officer for more than ten years.

In June 2009 I began to participate in an investigation into allegations that a fraudulent "university" was being operated in Wisconsin and elsewhere under the apparent direction of a Wisconsin state prison inmate named "Kenneth S. Shong." I received and reviewed copies of reports prepared by John Miller, an investigator with the Wisconsin Department of Justice (DOJ), Division of Legal Services Consumer Protection Unit. Those reports included summaries of interviews with Jeremy Morse, Kenneth J. Fleming, and Chadwick Nicolai, all of whom were then inmates at the Oshkosh Correctional Institution (OCI), as well as interviews with Kimberly Metzen and Shirley Hill-Callender. Metzen is identified in those reports as a library services assistant at OCI and Hill-Callender as a relative of Jeremy Morse. In addition, I reviewed correspondence generated by the Wisconsin Educational Approval Board (EAB) directed to the Wisconsin DOJ and relating to Carlingford University.

I also reviewed copies of correspondence from Kenneth J. Fleming to the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and the Wisconsin DOJ, including documents Fleming enclosed with those letters reflecting his own investigation into Carlingford University and/or his communications with persons purportedly representing Carlingford University.

I reviewed records and documents provided to DCI by Captain Thomas Wiegand of the security staff at Racine Correctional Institution (RCI). These records and documents related to Kenneth S. Shong, his placement in the Wisconsin prison system and an alleged entity identified as "Carlingford University." These documents included correspondence between Shong and a person named in the letters as "Dave" or "D.R. Kaster", later identified as David R. Kaster. Wisconsin Administrative Code § DOC 309.04(4)(b) authorizes the Wisconsin Department of Corrections (DOC) staff to intercept and read inmate mail.

I also conducted personal investigations into the existence, legitimacy and operation of "Carlingford University" including interviews of David R. Kaster and Brian Truckey.

I have also reviewed the decision of the Wisconsin Court of Appeals in *State of Wisconsin ex rel. Kenneth Onapolis a/k/a Kenneth Shong v. State of Wisconsin*, 2006 WI App 84.

STATEMENT OF PROBABLE CAUSE

Department of Corrections records reflect that Kenneth S. Shong remains incarcerated at RCI and is scheduled to be released from RCI on January 7, 2012. Those records also indicate that Kenneth S. Shong is known to have the aliases listed above in the caption of this complaint, including "Kenneth S. Onapolis."

Wisconsin DOC records reflect that Kenneth S. Shong and David R. Kaster were both inmates at OCI during at least the period from June 17, 2005, through October 2007. Those records also reflect that Kaster was released from confinement at OCI to community supervision in October 2007.

On or about February 6, 2009, the Wisconsin Department of Justice received a letter from David Dies, Executive Secretary of the State of Wisconsin Educational Approval Board, confirming that EAB had issued a "cease and desist" order to "Carlingford University" on

November 4, 2008, because Carlingford was purporting to operate a "Training Center" located within Wisconsin but without the legally necessary approval to do so from the EAB as required by Wisconsin Statutes. In that letter, Dies advised that the EAB first became aware of the operation of the Carlingford University "regional training center" in Wisconsin when a Wisconsin DOC employee notified EAB of its existence and questioned whether it was part of a "diploma mill."

FLEMING COMPLAINT

In August 2008 Kenneth J. Fleming filed a consumer complaint with DATCP regarding his experience with an entity called "Carlingford University" (hereinafter "CU"). From at least 2006 through 2011 Kenneth J. Fleming was an inmate in the Wisconsin State Prison system, including at OCI for most or all of that time. Fleming reports that in 2006, while he was an inmate at OCI, he was interested in studying to become a paralegal. Fleming stated that in late April or early May 2006 he met on several occasions with another OCI inmate he knew as Kenneth or Ken Shong to discuss Fleming's interest in pursuing an associate's degree in paralegal studies and a university that Shong was familiar with that was affordable. Fleming says Shong told him that Shong deals with a university called "Carlingford University", that it had reasonable rates and that a degree from CU would be useful to Fleming. Fleming states he asked Shong if CU was "accredited" and that Shong told him CU was accredited. Fleming says Shong showed him a copy of a published guide to colleges offering "distance learning" and showed him that CU was listed there, as evidence that CU was accredited and legitimate. Fleming says that Shong also showed him a copy of a CU catalogue and other correspondence from CU. Shong also told Fleming that CU was a good school and that he (Shong) did some writing for the school. Shong eventually gave Fleming a copy of a CU catalogue and Fleming recalled that the catalogue indicated that all degrees granted by CU were granted through CU's

London, England campus. Shong also told Fleming that CU was incorporated in Delaware and Alabama and that the incorporation of CU in those states authorized CU to grant degrees in the United States. Shong told Fleming that, while CU was authorized to grant degrees in the United States, the CU degrees are actually issued through the London campus. Fleming states that, based on Shong's representations to him, he believed that a degree from CU would be a legitimate degree recognized in Wisconsin. Fleming states that, based on these representations by Shong and Fleming's belief that CU was an accredited institution authorized to grant degrees that were recognized in the United States, he applied for enrollment into CU and asked his mother, Judith Fleming, to pay the tuition to CU in the amount of \$1,740.50. Fleming states that his mother did pay the tuition. Fleming provided with his consumer complaint a copy of the bank money order used by Judith Fleming to pay that tuition. That money order is number 122442 drawn on the Bank of Milton, dated May 8, 2006, made payable to "Carlingford University" in the amount of \$1,740.50 and signed "Judith Fleming."

Fleming also provided with that consumer complaint a letter received by him at OCI, dated June 1, 2006, on letterhead of "Carlingford University" acknowledging both his acceptance into Carlingford in the "Associates Degree in Paralegal Studies" program and receipt of his \$1,740.50 tuition payment in full. That letter gives a United States Post Office Box number in Mobile, Alabama as the return address and it was purportedly signed by "M. Orosco" as Dean of Students for CU.

Fleming states that after the payment of the tuition to CU he did receive three textbooks from CU as part of his course of studies. He states that by July 2008 he had become dissatisfied with CU and suspicious about its legitimacy based on what he thought were poor business practices and unresponsiveness by CU in returning his grades and in forwarding further lessons to him as expected. Fleming provided with his consumer complaint documents reflecting that he

and his mother attempted to communicate with CU via electronic mail and by regular mail at the Alabama Post Office box and at the “main campus” address in London, England during the late spring and summer of 2008, including a letter sent to the purported London campus of CU. The information provided by Fleming reflects that the letter sent by his mother to the London, England address given by CU was returned as undeliverable.

Fleming began to further investigate CU and some of the representations about it previously made by Shong. Fleming contacted the State of Delaware and the State of Alabama to investigate Shong’s statements that CU was incorporated in both states and authorized to grant degrees by both. He received a written response from Pauline Day, the secretary of the Delaware Higher Education Commission, dated September 9, 2008, reflecting that CU was neither “accredited” in, or by, Delaware nor otherwise authorized to offer degrees through Delaware, and that incorporation as a Delaware business “has nothing to do with legitimacy in terms of degree granting authority.” Fleming also received a copy of a letter directed to “Carlingford University” at the Mobile, Alabama Post Office box by Catherine Gilbertson of the Delaware Department of Education dated December 12, 2008, advising CU that Delaware had determined that statements or advertisements on the CU website as it then existed were misleading and erroneous in that the website suggested that CU was authorized to grant degrees through the State of Delaware and this was not, and never had been, true. Further, Fleming received a copy of a letter dated November 20, 2008, and addressed to “Carlingford University” at the Mobile, Alabama Post Office box from Attorney Lynne Thrower of the Alabama Department of Postsecondary Education advising CU that that Department had received a complaint about CU operating in Alabama and that it had reviewed the CU website and found that the website stated “The university is chartered to operate as a degree granting university in Delaware and Alabama.” Attorney Thrower’s letter goes on to state that there are no Alabama records

reflecting that CU has been issued a license to operate as an educational entity in, or through, Alabama and that the act of filing Articles of Incorporation in Alabama does not authorize corporations to issue degrees. Attorney Thrower's letter was copied to, among others, "Ken Onapolis, Carlingford University Board of Director." Fleming provided all of the above letters from Delaware and Alabama authorities to DATCP and I have received and reviewed copies of all of them.

Fleming states that he was misled by Shong's statements that CU was "accredited" in Delaware and/or Alabama and/or that CU was authorized to grant degrees in one or both of those states. Fleming states he communicated those assertions by Shong to his mother in order to convince her to pay his tuition at CU and that she relied on the same in agreeing to pay the tuition. .

On June 25, 2009, I, Special Agent McNichol, searched an online database published by the United States Department of Education entitled "The Database of Accredited Postsecondary Institutions and Programs." I was unable to find a listing anywhere in the United States indicating that Carlingford University is accredited. The website is located at <http://ope.ed.gov/accreditation/Search.aspx>.

On June 25, 2009, I searched an online webpage published by the Department of Children, Schools and Families in the United Kingdom. This webpage lists all institutions in the United Kingdom that have degree-awarding authority. Carlingford University was not listed. The webpage is located at <http://www.dcsf.gov.uk/recognisedukdegrees/index.cfm?fuseaction=institutes.list&InstituteCategoryID=1&OrderBy=Category>.

I participated in an interview of David R. Kaster on February 3, 2011. Kaster stated that he and Kenneth Shong became acquainted when both worked in the OCI library while

incarcerated there. Kaster said their friendship grew closer after Shong's employment in the library ended but while they shared the same recreation area and time at OCI. Kaster stated that Shong was eventually transferred to RCI from OCI shortly before Kaster was released from prison.

Kaster said that Shong once saw Kaster reviewing a Carlingford University catalogue in the OCI library and Shong told Kaster it was a good school. Kaster stated that some time later he was speaking with Shong on the recreation field and Shong asked Kaster about CU and Kaster responded that it was too expensive. Kaster says Shong then told him that Shong had connections to CU and would help him get his Master's degree. Kaster states that Shong later told him that Shong owned CU and had purchased it when Shong lived in Greece. Kaster said Shong told him that CU was based in Ireland when Shong bought it but that Shong moved CU to the United Kingdom. Kaster said Shong told him of Shong's desire to expand CU so that it would have more of a presence in the United States. Kaster and Shong eventually discussed Shong's desire to establish regional training centers or group study centers for online programming throughout the United States under the CU name and Shong asked Kaster to work for CU in researching and establishing these regional centers.

Kaster confirmed that, after his release from prison, he regularly communicated with Shong while Shong remained incarcerated at RCI. This communication was in the form of letters between him and Shong and occasional phone calls, including three way calls between himself, a female named "Maria" and Kenneth Shong from RCI. Kaster advised that on these occasions when the three way conference calls occurred, "Maria" coordinated the calls. Kaster said he understood "Maria" to be a CU employee at what he believed to be the Mobile, Alabama CU location and he had received written communication from "Maria Orosco" at the Mobile, Alabama CU location, including having been provided purported textbooks, lessons and other

materials from "Maria." Kaster sometimes corresponded with Shong using letterhead for CU that included an address for Carlingford University at a Post Office box in Green Bay, Wisconsin for a "Regional Training Center" purportedly located in Green Bay, as well a Mobile, Alabama Post Office box address for the CU "Office of External Studies, North American Division." Kaster acknowledged that he had opened the Green Bay Post Office box for the CU Green Bay "Regional Training Center" after his release from prison and at the direction of Shong and that Kaster sometimes received applications for enrollment, tuition payments and other CU related correspondence at that Green Bay Post Office box. Kaster acknowledged that there was no physical location for CU's Green Bay "Regional Training Center." Kaster also acknowledged that he corresponded with some CU students on behalf of CU through that Green Bay Post Office box and using the above described letterhead for CU, including Kenneth Fleming and Jeremy Morse.

Kaster stated that much of his time devoted to working on CU matters after his release from prison involved consulting with Shong about upgrades and improvements to the existing CU website, including locating a new host/master for the website and developing new content for the website. Kaster stated that he eventually arranged for Brian Truckey to upgrade and host the CU website. I know from my review of the correspondence between Kaster and Shong intercepted by DOC that much of that correspondence relates to the CU website content and the work being done on the site.

Kaster stated that he was aware that CU listed on its website and on some correspondence and materials an address for CU's main campus in London, England. Kaster admitted that Shong told him that after Shong had "moved" the CU campus from Ireland to London he, Shong, had rented a business address in London from a private company offering such a service. Kaster said that Shong told him after Shong was arrested in around 2002, he stopped paying the rent to

that company. Kaster stated that he learned that the company from which Shong had rented the London business address was known as "4Business."

I, Special Agent McNichol, confirmed through communication with Sam Ahangama, a representative of "4Business", a division of OCRA (London) Limited, that Carlingford University used the "address service" offered by 4Business until July 18, 2002, and that the contact person for that account was "Kenneth Onapolis" and the contact address on the account was in Athens, Greece.

Kaster stated that he was informed by his probation officer in the fall of 2008 that he must close the Post Office box for CU in Green Bay and any bank accounts he had opened for CU because CU was not a legitimate school.

I know that Oshkosh Correctional Institution (OCI) is located in Winnebago County, Wisconsin.

Based on my review of the reported decision in *State of Wisconsin ex rel. Kenneth Onapolis, a/k/a Kenneth Shong*, 2006 WI App 84, at ¶¶ 2 – 3, I know that the court stated that the facts in that appeal were not in dispute. The court went on to describe those undisputed facts as including the fact that Onapolis (a/k/a Shong) had been convicted in Wisconsin in 1988 of three felony offenses and sentenced to prison, was paroled in 1993 and absconded from supervision in March 1993. The court also explained that Onapolis was subsequently convicted in Ohio for mail fraud and served a period of confinement there before being placed on extended supervision and absconding again. The court further described the undisputed facts to include that Onapolis was located and seized by United States federal marshals on May 12, 2002, in the Republic of Vanuatu, an island nation located in the southwest Pacific Ocean, was conveyed to Australia and, after litigation there, was extradited to the United States and charged with bank fraud and federal tax evasion. Onapolis was convicted of federal tax evasion in 2002 and

sentenced to federal prison and, upon his release from federal prison, was extradited to Wisconsin for purposes of parole and/or probation revocation proceedings. The Court of Appeals described that, at the time of its decision in that case on April 25, 2006, Onapolis was a prisoner in the Wisconsin prison system. The court also noted in the written decision that Onapolis represented himself in that appeal and that he was also known as "Kenneth Shong."

OTHER ALLEGED VICTIMS

In March 2009, OCI inmate Chadwick Nicolai sent a letter to Wisconsin DOJ consumer protection investigator John Miller reporting that he had been victimized by Kenneth Shong and Carlingford University while he and Shong were incarcerated together at OCI. Miller interviewed Nicolai at OCI in April 2009. I have received and reviewed Nicolai's letter to Miller and the attachments thereto as well as the written report of Miler's interview of Nicolai.

Nicolai stated that near the end of 2006 he was incarcerated at OCI and was looking for a correspondence school from which to pursue a degree in electronics. Nicolai says that fellow CI inmate Kenneth Shong gave him information about CU and told Nicolai that it was a good school and would provide Nicolai with an excellent education. Nicolai said he then sent a letter to CU requesting information and in response he received a packet of literature from CU that included a course catalogue.

Nicolai reported that he spoke again to Shong about CU and Shong told him that CU was an accredited school and showed Nicolai a "Bear's Guide" for distance learning schools that listed CU and Shong said it showed CU was accredited. Nicolai also said that Shong told him that Shong was on CU's "Board." Nicolai reviewed the CU course catalogue and noted that CU was "accredited" in England and that it was accredited in other regions as well.

Nicolai stated that after reviewing the course catalogue and speaking with Shong, he decided to pursue a course through CU. Nicolai then contacted his grandmother, Bernetta

Nicolai, and explained his interest in a CU electronics course and that he believed CU to be legitimate and asked for her help in making the application and paying the tuition. He understood at that time that the tuition for the course he wished to take was \$180.00. Nicolai says his grandmother agreed to help him and he then completed the application form for the CU electronics course and mailed it to his grandmother in Shawano, Wisconsin.

Nicolai reports that Bernetta Nicolai then mailed his completed application and a check for the tuition to CU at the address given in the catalogue (a P.O. Box in Mobile, Alabama). Nicolai reports that he was later informed by CU that the tuition for the course had gone up and a further payment was necessary. Nicolai arranged thru his grandmother again for that additional payment to CU and the payment was made.

Nicolai later received a letter dated November 8, 2007, from "Carlingford University Office of External Studies – North America Division" with an address of "Postal Box 1703, Mobile, Alabama 36633-1730" thanking him or his "Enrollment Agreement" and original tuition payment of \$180.00 received by CU in "the later part of May 2007." The letter goes on state that CU had thereafter notified Nicolai that the tuition had increased and the letter acknowledged receipt of an additional payment of \$105.00. The letter went on to state that the tuition of \$270.00 was paid in full but the application fee of \$35.00 was not paid in full and that Nicolai would not receive his diploma until the balance of \$20.00 was paid. This letter was signed "M. Orosco", Dean of Students.

I, Special Agent McNichol, have also investigated, and continue to investigate, a complaint made by OCI inmate Jeremy Morse that he, Morse, enrolled in a Carlingford University program after discussing the same with Kaster before Kaster was released from prison. Morse provided information to Wisconsin DOJ investigator John Miller that he eventually enrolled in CU and arranged for his mother, Shirley Hill-Callender, and his

grandmother, Amatullah Mahmoud, to assist him in paying his tuition. I interviewed Mahmoud and was provided documentation by her related to communications with and payments to CU related to Morse's enrollment there. These documents included a November 8, 2007, letter to Jeremy Morse at OCI from the Carlingford University "Office of External Studies – North American Division" with an address in Mobile, Alabama signed by "M. Orosco" as "Dean of Students" and acknowledging Morse's "Enrollment Agreement" and his \$35.00 "Application Fee" and \$48.00 first tuition payment. The letter also made reference to a "Pay-As-You-Go" schedule for making additional monthly tuition payments and Mahmoud provided a copy of the same. That payment schedule reflected monthly payments of \$74.00.

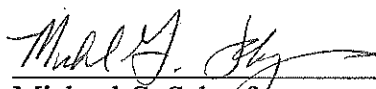
Mahmoud stated that she made several monthly tuition payments by United States Postal Service (USPS) money orders to Carlingford University and she provided me with copies of USPS "Customer Receipts" for several of those money orders. Those receipts reflect an April 3, 2008, payment of \$74.00 to Carlingford University at the Mobile, Alabama address and receipts for tuition money orders in the amount of \$75.00 sent to "Carlingford Univ @ WI Training Center" at the Green Bay, WI address on August 12, 2008, December 6, 2008, and January 20, 2009. Mahmoud advised that the December 6, 2008, and the January 20, 2009, money orders sent by her to the Green Bay CU address were returned to her as undeliverable. I know that this is consistent with the fact that Kaster was directed to close the Green Bay post office box in the fall of 2008.

Dated this 5th day of January, 2012.



Christina McNichol
Special Agent, Division of Criminal Investigation
Wisconsin Department of Justice

Subscribed and sworn to before me
and approved for filing
this 5th day of January, 2012.



Michael G. Schaefer
Assistant Attorney General
State Bar No. 1010877

Acting as a special prosecutor for
Winnebago County pursuant to
Wis. Stat. § 978.05(8)(b).

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