

STATE OF WISCONSIN

WARRANT

Plaintiff,

-VS-

Case No. 14-CF-447

Daniel Steiner
d/b/a Midwest Roofing
LKA: W2860 Brookhaven Drive
Appleton, WI 54915
DOB: 6/23/1975
Height: 6'1" Weight: 270 lbs
Eyes: Hazel Hair: Brown

CLERK OF CIRCUIT COURT
OUTAGAMIE COUNTY
FILED
JUN 24 2014

Defendant,

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER: AT _____ O'CLOCK
The original criminal complaint having been filed and a copy of which is attached, having been made before me
accusing the defendant of committing the crime(s) of:

THE CRIME(S) OF: DATE OF VIOLATION: CONTRARY TO WIS. STATUTE(S):
Theft by Contractor (> \$10,000) May 1, 2011 779.02(5), 943.20(3)(c)

And having found that probable cause exists that such violation was committed by the defendant, you are, therefore, commanded to arrest the defendant and bring himme, or if I am not available, before some other judge of this county.

MAXIMUM POSSIBLE PENALTIES ARE LISTED ON THE CRIMINAL COMPLAINT WHICH DEFENDANT WILL BE PROVIDED A COPY OF A THE INITIAL COURT APPEARANCE.

Date: 6/20/14

[Signature]
Court Commissioner/Circuit Court Judge

In lieu of holding the defendant in custody, bond may be posted in the amount of
\$ 10,000 ⁰⁰/₁₀₀

EXTRADITION: YES X NO
ENTER: Wisconsin Only Nationwide X Adjoining Counties/States

CERTIFICATE OF SERVICE

STATE OF WISCONSIN)
ss.)
OUTAGAMIE COUNTY)

I do certify that by virtue of the within Warrant I did on _____ at _____ AM/PM., arrest the defendant and informed him of the crime with which heis charged.

Dated: _____

Title

STATE OF WISCONSIN,

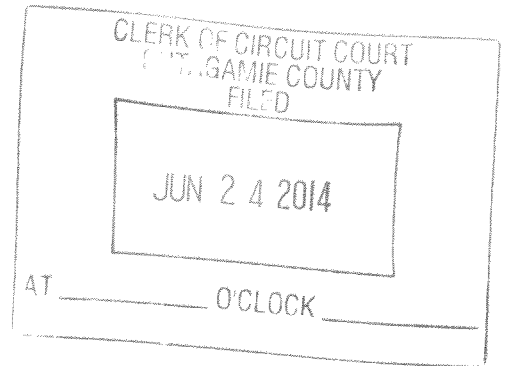
Plaintiff,

v.

Case No. 14-CF-_____

DANIEL D. STEINER, M/W
d/b/a Midwest Roofing Corp.
W2860 Brookhaven Drive
Appleton, WI 54915
DOB: 6/23/1975
Height: 6'1" Weight: 270 lbs
Hair: Brown Eyes: Hazel

Defendant.



CRIMINAL COMPLAINT

I, Michael Law, being duly sworn on oath, state as follows:

COUNT 1: THEFT BY CONTRACTOR (>\$10,000)

The above-named defendant on or about May 1, 2011, in the Town of Grand Chute, Outagamie County, Wisconsin, did, as one under an agreement for the improvement of land, receive money from the owners Joan & Gene Gilbertson and without consent of the owners and contrary to his authority intentionally use any of the money for any purpose other than the payment of claims due or to become due from the defendant for labor and materials used in the improvements before all claims were paid in full contrary to sec. 943.20(1)(b) Wis. Stats. and contrary to sec. 779.02(5) and 943.20(3)(c), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be imprisoned for not more than 10 years and fined not more than \$ 25,000, or both.

PROBABLE CAUSE

Investigation of defendant

Investigator Camellia Howe reports that she is employed in the Consumer Protection and Antitrust Unit of the Wisconsin Department of Justice and has investigated civil and criminal consumer protection complaints for the past four years. Investigator Howe was assigned to investigate numerous complaints of Theft by Contractor perpetrated by the defendant, Daniel Steiner, in Outagamie, Brown, and Dane Counties.

The Articles of Incorporation for "Midwest Roofing Corporation," filed with the Wisconsin Department of Financial Institutions, name the defendant, Daniel D. Steiner, as the registered agent. Those records are kept in the normal course of business.

On January 25, 2013, Investigator Howe was present at the Grand Chute Police Department for an interview with the defendant during which he stated that Midwest Roofing was his business and that he did all of the deposits. The defendant stated that Midwest Roofing went bankrupt. The defendant described his situation as one of "cash flow." The defendant stated that he would use funds from one client's project to "do the next person's job." The defendant stated that his hands were tied if a client did not pay. The defendant stated that when money came in from one job, he would use the money to keep different jobs going.

Gilbertson Theft by Contractor

Officer Jennifer Morris of the Grant Chute Police Department reports that on October 6, 2011, Joan Gilbertson, whose residence is located in the Town of Grand Chute, Outagamie County, Wisconsin, filed a complaint about the defendant.

Officer Morris reports that Gilbertson discovered she had some storm damage to her roof in October 2010. Gilbertson stated that she asked the defendant, the owner of Midwest Roofing, to come out and give her an estimate only. Gilbertson stated that she only wanted an estimate because she would not be home. Gilbertson stated that her husband would be home alone and he is a disabled veteran with limitations. When Gilbertson came home, she discovered that her husband, Gene Gilbertson, had signed a contract with the defendant. Gilbertson stated that she contacted the defendant. Gilbertson told the defendant that the contract was void because she has the Power of Attorney for her husband, whose signature is not legal.

Officer Morris reports that Gilbertson stated she then entered into a new contract with the defendant on May 7, 2011. Gilbertson said she went to Community First Credit Union and got a check for Midwest Roofing in the amount of \$11,401.62 on April 29, 2011. This amount was payment for the first half of the roofing job. Gilbertson stated that the defendant stated that he wanted to get the materials ordered so, on May 1, 2011 the defendant's wife, Michelle Miller, picked up the check at the Gilbertson home. Gilbertson said that is the point when she started to have problems with the defendant and Miller.

Officer Morris reports that Gilbertson stated that she started to call Midwest Roofing weekly and she would speak with the defendant's cousin, "Greg." Gilbertson stated that Greg would tell her that they were busy in the Madison area, and that the skylights are on custom order and have not come in yet. In June 2011, Gilbertson stated that she called to check on the skylights and inquired where the skylights had been ordered. Greg stated that it was possibly Home Depot. Gilbertson said that she contacted Home Depot and was told that they did not think that those specific skylights were a custom order. Gilbertson stated that this was about the time that the defendant's company stopped taking her calls.

Gilbertson stated that in August 2011, the defendant called her and asked her what the problem was. Gilbertson told the defendant that she wanted her roof done or her money returned. Gilbertson stated that the defendant gave excuses, such as: he had brain surgery, thought the job was already completed, had to fire his cousin, and the materials were already ordered. Gilbertson stated that she asked for her money back because she did not feel like the project would be completed.

Gilbertson stated that the defendant told her he had to pay the crew; Gilbertson stated that she told him the money was supposed to go for materials, which were never delivered. Gilbertson stated that the defendant told her during one telephone call that she was never going to get her money back and she was legally bound to him by contract.

Gilbertson stated that on October 3, 2011, a dumpster arrived at her home. The driver said he was supposed to meet the defendant at her address so he could get paid (by the defendant). Gilbertson said that at noon that day, the defendant showed up with two other workers and no supplies. Gilbertson stated that she asked the defendant right away "Where are the shingles and the rest of the materials?" The defendant replied that they would be back the next day to tear off the roof and bring materials. Gilbertson stated that she began to worry they would tear down the roof and walk away from the project.

On October 4, 2011, when Steiner showed up with the workers, Gilbertson gave him a letter which stated that the project would need to be completed by Friday (October 7, 2011), otherwise the defendant would have fifteen days to return her money. Gilbertson stated that she asked her neighbor to witness her giving the defendant the letter. Gilbertson stated that the defendant became so upset after reading the letter that he crumpled it up and threw it at her. The defendant replied that "no one tells him what to do, that she is in a contract with him, and he will

tell her when he wants to.” At this point, Gilbertson was scared of the defendant. The defendant told Gilbertson that he would return with a new crew from Appleton and finish her roof by Friday.

Gilbertson stated that she eventually had to drain her savings and pay Doyle Exteriors \$5,000.00 for her roofing project and she had \$2,889.75 left from insurance after the \$11,401.62 she had paid to Midwest Roofing. Gilbertson said that Doyle Exteriors is supposed to finish the skylights, soffits, and gutters once she can recover the funds from the defendant.

Gilbertson stated that she did not consent for any of her money to be used on anything except her home improvement project.

On January 25, 2013, Investigator Howe was present at the Grand Chute Police Department when the defendant said that Gilbertson’s \$11,000.00 check that was deposited into his bank account and the money is gone. The defendant stated that the money he was paid for projects went into one account and then were dispersed to other consumer projects. He stated that this is called “cash flow.” When asked where the remainder of the money went, the defendant replied that Midwest Roofing went bankrupt.

Your complainant is a/an Officer for the Outagamie ~~Office~~, who bases his/her knowledge of this complaint on: City Sheriff's Dept

- the official law enforcement agency reports, which reports were prepared in the normal course of law enforcement duties;
- statements by citizen informant(s), who are eyewitnesses to the facts they relate;
- statements by the defendant, which were made contrary to his penal interests;
- the official records of: the Circuit Court for Outagamie County; the Department of Transportation; the FBI Triple I Teletype; and the Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

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

Subscribed and sworn to before me,
and approved for filing on:

This 30 day of June, 2014.

M. H. GRENAN
Complainant

[Signature]
Assistant District Attorney