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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

COURT FILE NO. \_\_\_\_\_  
COUNTY ATTORNEY FILE NO. CA-2010-01198

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State of Minnesota,

Plaintiff,

v.

**CRIMINAL COMPLAINT**

**RACHEL ELIZABETH HEINEN (DOB: 11/22/1975)**  
22831 Wintergreen St. NW  
Oak Grove, MN 55005

☒ Summons      ☐ Warrant  
☐ Order of Detention

Defendant.

☐ Amended  
☐ Tab Charge Previously Filed

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The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

**COUNT 1: THEFT (OVER \$5,000)**

MN Statutes §609.52, Subd. 2(1); 609.52, Subd. 3(2); 609.101  
PENALTY: 0-10 Years and/or \$6,000.00 - \$20,000.00

On or about June 7, 2007 - November 30, 2009, in the City of St. Francis, County of Anoka, MN, RACHEL ELIZABETH HEINEN, did intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property, and the value of the property or services stolen exceeds \$5,000.

**COUNT 2: CHECK FORGERY**

MN Statutes §609.631, Subd. 2(1); 609.631, Subd. 4(1); 609.101  
PENALTY: 0-20 Years and/or \$30,000.00 - \$100,000.00

On or about June 7, 2007 - November 30, 2009, in the City of St. Francis, County of Anoka, MN, RACHEL ELIZABETH HEINEN, did with intent to defraud, falsely make or alter a check so that it purports to have been made by another or by the maker under an assumed or fictitious name, or at another time, or with different provisions, or by the authority of one who did not give authority, and the forged check or checks are used to obtain or in an attempt to obtain, property or services of more than \$35,000 or the aggregate amount of the forged check or checks is more than \$35,000.

## **STATEMENT OF PROBABLE CAUSE**

The Complainant states that the following facts establish probable cause:

Your complainant is Detective Kurt Klosterman of the Anoka County Sheriff's Office. In that capacity, your complainant has reviewed written reports, conducted an investigation of his own, and learned the facts stated herein.

1. In June of 2004 the defendant, RACHEL ELIZABETH HEINEN (DOB: 11/22/75), began working for Independent School District #15 (St. Francis School District). In March of 2007 the defendant took the position of Flex Benefit Coordinator with the School District and was officed at the District Headquarters located at 4115 Ambassador Boulevard, in the City of St. Francis, County of Anoka, State of Minnesota.

2. By way of background, flex benefits are a way for school employees to have money taken out of their paycheck pre-tax and placed into a health savings or dependent care savings account. During the year, when employees incur related expenses, they then submit their receipts to the Flex Benefit Coordinator, who in turn verifies the expense and then reimburses the employee for the expense out of the employee's pre-tax account. There are limits to the amount any one employee can contribute to their pre-tax account; \$5,000 for dependent care and \$3,000 for medical.

3. On July 5, 2010, School District Superintendent Edward Saxton (DOB: 8/1/53) learned that the School District's flex account was overdrawn. Mr. Saxton then looked into the matter and learned that starting in June of 2007 through November 2009 the defendant had issued one hundred twenty (120) checks to herself, and had cashed all of the checks (a list of the checks, date issued, from which account, and dollar amounts is attached hereto and incorporated herein). The total amount of the checks the defendant had issued to herself was one hundred forty thousand one hundred seventy-eight dollars and sixty-two cents (\$140,178.62), while the defendant had only contributed sixteen thousand three hundred seven dollars and eight cents (\$16,307.08) to the plan (for a difference of one-hundred twenty-three thousand eight hundred seventy dollars and eighty-two cents (\$123,870.82)). Mr. Saxton told the police that this was a theft of the School District's money, and that the defendant was not authorized to take or have this money. Mr. Saxton then had the defendant come into his office where he talked to her about the theft. The defendant admitted to Mr. Saxton that she did in fact issue all of the checks in the dollar amounts listed to herself, knowing that she was not entitled to the money, and knowing it was wrong to do this. The defendant said that her family was going through some hard financial times, and that is why she took the money.

4. On July 14, 2010, the defendant came into the Anoka County Sheriff's Department to give your complainant a statement. In a non-custodial tape recorded statement the defendant admitted that she issued all of the checks to herself, that she cashed them, that she knew she was not entitled to that amount of money, that she knew it was wrong to do what she did, and that she did it because her family was going through some difficult financial times.

Complaint 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'S NAME:**

**COMPLAINANT'S SIGNATURE:**

Detective Kurt Klosterman  
Anoka County Sheriff's Office

Subscribed and sworn to before the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**NAME/TITLE:**

**SIGNATURE:**

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

Date: \_\_\_\_\_

**PROSECUTING ATTORNEY'S  
SIGNATURE:**

\_\_\_\_\_  
Name: Kurt C. Deile, 289875  
Assistant Anoka County Attorney  
Anoka County Government Center  
2100 Third Avenue, STE 720  
Anoka, MN 55303  
Phone: (763) 323-5642  
Fax: (763) 422-7524

## FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

### ☒ SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on \_\_\_\_\_, at \_\_\_\_\_ before the above-named court at the Anoka County Courthouse, Anoka, MN 55303 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

### ☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ *Execute in MN Only*      ☐ *Execute Nationwide*      ☐ *Execute in Border States*

### ☐ ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

Bail:

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**JUDICIAL OFFICER:**

**NAME:**

**TITLE:**

**SIGNATURE:**

\_\_\_\_\_

Sworn testimony has been given before the Judicial Officer by the following witnesses:

<p>COUNTY OF ANOKA STATE OF MINNESOTA</p> <p><b>STATE OF MINNESOTA</b> Plaintiff,</p> <p>vs. <b>RACHEL ELIZABETH HEINEN</b> Defendant</p>	<p>Clerk's Signature or File Stamp:</p> <p><b>RETURN OF SERVICE</b> <i>I hereby Certify and Return that I have served a copy of this COMPLAINT upon the Defendant herein named.</i></p> <p>Signature of Authorized Service Agent:</p>
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