

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 16A08221
Court File No. 27-CR-16-20502

State of Minnesota,

Plaintiff,

vs.

ELIZABETH JESUS TAVAREZ DOB: 12/26/1980

1415 76th Avenue NE
Fridley, MN 55442

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: Identity Theft-Transfers/Possesses/Uses Identity of Other Person

Minnesota Statute: 609.527.2, with reference to: 609.527.3(3)

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 10/19/2015

Control #(ICR#): 16003273

Charge Description: That on or about 10/19/2015 through 1/11/2016, in Hennepin County, Minnesota, ELIZABETH JESUS TAVAREZ , transferred, possessed, or used an identity that was not his own, with the intent to commit, aid, or abet an unlawful activity and there were two or three direct victims or a total loss of more than \$500, but less than \$2,500.

STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

Your Complainant was informed by security officers at Hennepin County Medical Center (HCMC) that an employee identified as Defendant ELIZABETH JESUS TAVAREZ was suspected of theft of co-payments paid in cash and the improper use of patient credit cards to conceal her thefts of cash. In sum, Defendant TAVAREZ was suspected of collecting cash payments from patients, keeping the cash for her own personal use, and then voiding the cash payments in HCMC's computer system. The Defendant would subsequently re-pay those patient co-pays using another patient's credit card. This activity all occurred at HCMC which is located in the City of Minneapolis, Hennepin County, Minnesota. Over the course of this investigation your Complainant reviewed computer billing records from HCMC, individual bank and credit card statements, and interviewed multiple witnesses, learning the following:

Defendant TAVAREZ was employed as a P1 Finance Counselor at HCMC whose responsibilities included collecting co-pays from patients. Payments could be made using cash, check, or credit card. Records of these transactions are maintained in HCMC's computer system which documents the date, time and type of transaction; the patient for whom the co-payment was made and his corresponding medical record number (MRN); and the manner of payment. When payments are made by credit card, the system also documents the card holder's name and credit card number. Defendant TAVAREZ documented the payments she collected by logging into HCMC's computer billing system using a unique user ID.

Cardholder A:

Your Complainant spoke with Cardholder A and learned that her Wells Fargo debit card, account #2503, had been billed by HCMC P1 Finance for two charges, \$10.00 and \$30.00, on October 19, 2015. Cardholder A had been to HCMC for services in the past. A review of HCMC's records showed that the two charges made to Cardholder A's debit card were applied to pay co-pays for two other patients, Patient A-1 and Patient A-2. Cardholder A did not know Patient A-1 or Patient A-2 and did not authorize those transactions. Your Complainant spoke with Patient A-1 and Patient A-2 and learned that they had made co-payments to a P1 Finance Counselor at HCMC on October 19, 2015. Both Patient A-1 and Patient A-2 paid in cash and provided receipts to show that those cash payments were approved. HCMC billing records showed that both Patient A-1 and Patient A-2's cash payments were voided in the system. Approximately two hours later, Patient A-1 and Patient A-2's co-payments were paid using Cardholder A's credit card. HCMC records showed that the Defendant made each of these transactions. Patient A-1 and Patient A-2 both identified the Defendant as the HCMC P1 Finance Worker who helped them make their payments.

Cardholder B:

Your Complainant spoke with Cardholder B and learned that his Wells Fargo debit card, account #6868, had been billed by HCMC P1 Finance for \$104.00 on December 22, 2015. HCMC billing records showed that the \$104.00 included seven separate co-payments for three different patients. Three of the seven co-payments were made for Cardholder B's girlfriend and were authorized. The remaining charges – Patient B-1 for \$50.00 and Patient B-2 for \$40.00 – were not authorized by Cardholder B. Cardholder B did not know Patient B-1 or Patient B-2. Defendant TAVAREZ processed each of these transactions made on Cardholder B's debit card. Records showed that approximately two hours before Defendant TAVAREZ used Cardholder B's debit card to pay for Patient B-1's \$50.00 co-pay, Defendant TAVAREZ voided a \$50.00 cash payment made by Patient B-1.

Cardholder C:

Your Complainant spoke with Cardholder C and learned that his Wells Fargo debit card, account #1799, had been billed by HCMC P1 Finance for five charges - \$30.00, \$30.00, \$5.00, \$50.00 and \$10.00 – on January 11, 2016. Cardholder C's wife had made a clinic visit that date and paid her co-pays to an HCMC Finance Counselor identified as Defendant TAVAREZ. The first three charges made to Cardholder C's debit card were authorized by Cardholder C and applied to pay his wife's co-pays. HCMC billing records showed that Cardholder C's debit card had subsequently been used approximately one hour later to pay for two other patient co-pays – Patient C-1 for \$50.00 and Patient C-2 for \$10.00. Neither Cardholder C nor his wife knew Patient C-1 or Patient C-2 and they did not authorize those transactions. Records showed that Defendant TAVAREZ processed each of the five transactions made on Cardholder C's debit card. Records showed that just prior to Defendant TAVAREZ using Cardholder C's debit card to pay for Patient C-1's \$50.00 co-pay, Defendant TAVAREZ voided a \$50.00 cash payment made by Patient C-1. Your Complainant learned that Patient C-1 had actually made the \$50.00 cash co-payment to Defendant TAVAREZ on December 16, 2015, but that the cash payment had never been applied to her bill.

When Cardholder C's wife was originally contacted by an HCMC manager to inquire about the billing discrepancy, Cardholder C's wife called Defendant TAVAREZ to ask her what was happening with the billing. Defendant TAVAREZ told Cardholder C's wife that she did not have to say anything to the manager and that she should tell them there was no problem.

HCMC billing records show multiple other transactions of a similar nature involving other cardholders and patients, and the investigation of Defendant TAVAREZ' fraudulent activity regarding theft of cash co-payments and unauthorized use of patient credit cards is ongoing.

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

Thomas Sonenstahl
detective
350 S 5th St
Minneapolis, MN 55415
Badge: 356

Electronically Signed:
08/02/2016 09:52 AM
Hennepin County, mn

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

Prosecuting Attorney

Sarah Stennes
300 S 6th St
Minneapolis, MN 55487
(612) 348-5550

Electronically Signed:
08/02/2016 09:37 AM

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(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 401 Fourth Avenue S, Minneapolis, MN 55415 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 order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the 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 Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$25,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: August 2, 2016.

Judicial Officer

Ivy S. Bernhardson
Judge of District Court

Electronically Signed: 08/02/2016 12:03 PM

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

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

ELIZABETH JESUS TAVAREZ

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent: