

COMMONWEALTH OF PENNSYLVANIA
 COUNTY OF CLEARFIELD
 Magisterial District Number: 46-3-01
 MDJ. Hon. Carmine Prestia
 Address 309 Maple Avenue, PO Box 452
 Dubois, PA 15801
 Telephone: (814)371-5321



POLICE CRIMINAL COMPLAINT
 COMMONWEALTH OF PENNSYLVANIA
 VS.

DEFENDANT:

(NAME and ADDRESS):

JOHN FRED SUPLIZIO
 First Name Middle Name Last Name Gen

710 Munro Street, Dubois, PA 15801

NCIC Extradition Code Type

<input checked="" type="checkbox"/> 1-Felony Full	<input type="checkbox"/> 5-Felony Pending Extradition	<input type="checkbox"/> C-Misdemeanor Surrounding States	<input type="checkbox"/> Distance: _____
<input type="checkbox"/> 2-Felony Limited	<input type="checkbox"/> 6-Felony Pending Extradition Determ.	<input type="checkbox"/> D-Misdemeanor No Extradition	
<input type="checkbox"/> 3-Felony Surrounding States	<input checked="" type="checkbox"/> A-Misdemeanor Full	<input type="checkbox"/> E-Misdemeanor Pending Extradition	
<input type="checkbox"/> 4-Felony No Extradition	<input type="checkbox"/> B-Misdemeanor Limited	<input type="checkbox"/> F-Misdemeanor Pending Extradition	

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-305-23	Date Filed 10/4/23	QTN/LiveScan Number G 1000310-3	Complaint/Incident Number PCS-21-0005-2	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 06/06/1960	POB Pa	Add'l DOB / /	Co-Defendant(s) <input type="checkbox"/>
First Name HERM	Middle Name	Last Name SUPLIZIO	Gen.	
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Unknown <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic			
HAIR <input checked="" type="checkbox"/> GRY (Gray) <input type="checkbox"/> RED (Red/Aubn.) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PLE (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> BLK (Black) <input type="checkbox"/> ONG (Orange) <input type="checkbox"/> WHI (White) <input type="checkbox"/> XXX (Unk /Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> BLN (Blonde / Strawberry)	EYE <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input checked="" type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input type="checkbox"/> XXX (Unknown)			
DNA <input type="checkbox"/> YES <input type="checkbox"/> NO	DNA Location			WEIGHT (lbs)
FBI Number	MNU Number			
Defendant Fingerprinted <input type="checkbox"/> YES <input type="checkbox"/> NO				Ft. HEIGHT In.
Fingerprint Classification:				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Haz mat <input type="checkbox"/>	Registration Sticker (MM/YY) /	Comm'l Veh. Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth NCIC Veh. Code	Reg. same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth Approved Disapproved because:

(The attorney for the Commonwealth may require that the complaint, arrest warrant affidavit, or both be approved by the attorney for the Commonwealth prior to filing. See Pa R.Crim.P 507).

(Name of the attorney for the Commonwealth) (Signature of the attorney for the Commonwealth) (Date)

I, _____ (Name of the Affiant) (PSP/MP/POETC -Assigned Affiant ID Number & Badge #)

of Pennsylvania Office of Attorney General PA0222400
 (Identify Department or Agency Represented and Political Subdivision) (Police Agency ORI Number)

do hereby state: (check appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as _____

I accuse the defendant whose name and popular designation or nickname are unknown to me and whom I have therefore designated as John Doe or Jane Doe with violating the penal laws of the Commonwealth of Pennsylvania at [] Dubois, Pa-170303
 (Subdivision Code) (Place-Political Subdivision)

in CLEARFIELD County [17] _____
 (County Code)

GOVERNMENT EXHIBIT 2

C TIMES JAN. 1, 2014 TO FEB. 28, 2022

 **POLICE CRIMINAL COMPLAINT**

Docket Number: CR-305-23	Date Filed: 10/4/23	OTN/LiveScan Number 6 10003103	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First JOHN	Middle. FRED	Last. SUPLIZIO

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input checked="" type="checkbox"/>	1	3921	(a)	of the	TITLE 18	1	F2		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY UNLAWFUL TAKING**

Acts of the accused associated with this Offense: In that the Defendant John Fred SUPLIZIO did unlawfully takes, or exercises unlawful control over, movable property (Cash, Currency) of another (Public Funds) with intent to deprive him thereof as described in the attached affidavit and totaling \$369,472.40.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	2	3922	(a)(1)	of the	TITLE 18	1	F2		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY DECEPTION**

Acts of the accused associated with this Offense: In that the defendant John Fred SUPLIZIO did intentionally obtain or withhold property(cash, currency) of another(Public funds) by deception by creating or reinforcing a false impression as to value and intention with public bank accounts as described in the attached affidavit and totaling \$369,472.40.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older _____
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<input type="checkbox"/>	3	3922	(a)(2)	of the	TITLE 18	1	F2		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number				<input type="checkbox"/> Interstate		<input type="checkbox"/> Safety Zone		<input type="checkbox"/> Work Zone

Statute Description (include the name of statute or ordinance): **THEFT BY DECEPTION**

Acts of the accused associated with this Offense: In that the defendant John Fred SUPLIZIO did prevent another from acquiring information regarding public funds which would affect their judgement of transactions with public bank accounts as described in the affidavit and totaling \$369,472.40.



POLICE CRIMINAL COMPLAINT

Docket Number: CR-305-23	Date Filed: 10/4/23	OTN/LiveScan Number 6 1000310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name	First: JOHN	Middle: FRED	Last: SUPLIZIO

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input type="checkbox"/> 4	3922	(A)(3)	of the TITLE 18	1	F2			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): THEFT BY DECEPTION								
Acts of the accused associated with this Offense: In that the Defendant John Fred SUPLIZIO did fail to correct a false impression regarding public funds which he knew to be influencing another to whom he stood in a fiduciary or confidential relationship in the amount of \$369,472.40.								

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input type="checkbox"/> 5	3927	(A)	of the TITLE 18	1	F2			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF FUNDS								
Acts of the accused associated with this Offense: In that the Defendant John Fred SUPLIZIO did obtain property (Public funds) subject to a known legal obligation and dealt with the property as his own and intentionally failed to make the required payment or disposition in an amount of \$274,800.00.								

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903					
<input type="checkbox"/> 6	5111	(A)(1)	of the TITLE 18	1	F1			
Lead?	Offense#	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code
PennDOT Data (if applicable)	Accident Number			<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (include the name of statute or ordinance): DEALING IN PROCEEDS OF UNLAWFUL ACTIVITIES								
Acts of the accused associated with this Offense: In that the Defendant John Fred Suplizio did conduct financial transactions with the knowledge that the property involved represented the proceeds of unlawful activity and acted with intent to promote the carrying on of the unlawful activity.								



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>6 1000310-3</i>	Complain/Incident Number PCS-21-0005-2
Defendant Name	First: JOHN	Middle: FRED	Last: SUPLIZIO

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA.Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	7	5111	(A)(2)	of the	TITLE 18	1	F1		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance) DEALING IN PROCEEDS

Acts of the accused associated with this Offense. In that the Defendant John Fred SUPLIZIO did conduct financial transactions with knowledge that the property involved represented the proceeds of unlawful activity and that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds of the unlawful activity.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	8	5111	(A)(3)	of the	TITLE 18	4	F1		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance) DEALING IN PROCEEDS

Acts of the accused associated with this Offense. In that the Defendant John Fred SUPLIZIO did conduct financial transactions to avoid transaction reporting requirements under State or Federal law

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903
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<input type="checkbox"/>	9	1103	(A)	of the	TITLE 65	2	F		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance) RESTRICTED ACTIVITIES

Acts of the accused associated with this Offense: In that the Defendant John Fred Suplizio, a public employee and public official of the City of Dubois in the Commonwealth of Pennsylvania, engaged in a course of conduct that constitutes a conflict of interest



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>4 1000310-3</i>	Complaint/Incident Number <i>PCS-21-0005-2</i>
Defendant Name	First <i>JOHN</i>	Middle: <i>FRED</i>	Last: <i>SUPLIZIO</i>

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically. (Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA. Code §§ 213.1 - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt <i>18 901 A</i>	<input type="checkbox"/> Solicitation <i>18 902 A</i>	<input type="checkbox"/> Conspiracy <i>18 903</i>
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<input type="checkbox"/>	<i>10</i>	<i>5101</i>		<i>of the</i>	<i>TITLE 18</i>	<i>1</i>	<i>M2</i>		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **OBSTRUCTION**

Acts of the accused associated with this Offense: *In that the Defendant John Fred SUPLIZIO did intentionally obstruct and impair the administration of law by obstacle or breach of official duty in the incident at Sheetz described in the Affidavit.*

Inchoate Offense	<input type="checkbox"/> Attempt <i>18 901 A</i>	<input type="checkbox"/> Solicitation <i>18 902 A</i>	<input type="checkbox"/> Conspiracy <i>18 903</i>
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<input type="checkbox"/>	<i>11</i>	<i>4113</i>	<i>(A)</i>	<i>of the</i>	<i>TITLE 18</i>	<i>1</i>	<i>M2</i>		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **MISAPPLICATION OF ENTRUSTED PROPERTY**

Acts of the accused associated with this Offense. *In that the Defendant John Fred SUPLIZIO, a public employee and public official of the City of Dubois in the Commonwealth of Pennsylvania, misapplied government property that was entrusted to him as a fiduciary.*

Inchoate Offense	<input type="checkbox"/> Attempt <i>18 901 A</i>	<input type="checkbox"/> Solicitation <i>18 902 A</i>	<input type="checkbox"/> Conspiracy <i>18 903</i>
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<input type="checkbox"/>	<i>12</i>	<i>7268</i>	<i>(A)</i>	<i>of the</i>	<i>TITLE 72</i>	<i>8</i>	<i>M</i>		
Lead?	Offense#	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC Offense Code	UCR/NIBRS Code

PennDOT Data (if applicable)	Accident Number	<input type="checkbox"/> Interstate	<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone
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Statute Description (include the name of statute or ordinance): **FRAUDULENT RETURNS**

Acts of the accused associated with this Offense. *In that the Defendant John Fred Suplizio did with intent to defraud the Commonwealth, did willfully make, or caused to be made, returns required by this article, which were false.*

 **POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>E7 1000310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last SUPLIZIO

- 2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
- 3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa C.S. § 4904) relating to unsworn falsification to authorities
- 4 This complaint consists of the preceding page(s) numbered 1 through
- 5 I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently that non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of the Assembly, or in violation of the statutes cited
(Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

TPR [Signature] SATELS
 (Signature of Affiant)

(Date)

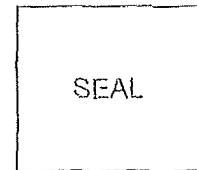
AND NOW, on this date *10/4/23* I certify that the complaint has been properly completed and verified

An affidavit of probable cause must be completed before a warrant can be issued.

48-3-01
 (Magisterial District Court Number)

[Signature]
 (Issuing Authority)

[Signature]



**POLICE CRIMINAL COMPLAINT**

Docket Number: CR-305-23	Date Filed: 10/14/23	OTN/LiveScan Number 6 1000 310 3	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First JOHN	Middle. FRED	Last: SUPLIZIO

AFFIDAVIT of PROBABLE CAUSE

Your affiants, Trooper Eric Guido of the Pennsylvania State Police (PSP) and Special Agent Terrence R. Sweeney of the Pennsylvania Office of Attorney General (OAG), being duly sworn to law, depose and say:

I. AFFIANTS' and INVESTIGATORS' BACKGROUND

Your affiant, Trooper Guido, is a member of the Pennsylvania State Police and has been so employed since 2004 and is currently assigned to the Bureau of Criminal Investigation Organized Crime Unit. Trooper Guido's duties include but are not limited to undercover investigations involving theft, gambling, embezzlement, human trafficking, prostitution, and white collar crime, within the northwestern region of Pennsylvania. Previously, Trooper Guido spent 9 years in an undercover capacity conducting narcotics investigations in the central region of Pennsylvania. Trooper Guido has received specialized training in Intellectual Property Theft, Illegal Video Gambling, Financial Investigations, Money Laundering, Virtual Currency, Human Trafficking, Street Gangs, Motorcycle Gangs, and Identifying Deceptive Behavior, from agencies including but not limited to the Pennsylvania State Police, the National White Collar Crime Center, and the Northeast Counterdrug Training Center.

Your affiant Special Agent Sweeney is employed by the Pennsylvania Office of Attorney General, Bureau of Criminal Investigation, and is empowered by law to conduct investigations and make arrests relating to public corruption, white-collar crimes, theft, fraud, election code violations and other violations of Pennsylvania Law. SA Sweeney has conducted numerous investigations involving financial crimes. SA Sweeney has been so employed since November, 2020, and is currently assigned to the Financial Crimes Section in Pittsburgh, Pennsylvania.

SA Sweeney was previously employed by the Federal Bureau of Investigation for 24 years. During that time, SA Sweeney investigated the criminal activity of Drug Trafficking Organizations and New York City based Italian Organized Crime Families. Based upon SA Sweeney's law enforcement training and experience from conducting large criminal enterprise investigations, SA Sweeney is familiar with the methods used by those organizations and members to disguise and/or launder the proceeds from their criminal activity. SA Sweeney has reviewed and analyzed voluminous bank and financial records associated with the targets of those investigations and has become knowledgeable of techniques used by them. SA Sweeney is aware that offenders committing crimes in the Commonwealth relating to public corruption, white collar crimes, theft, and fraud, use those same techniques. Based upon the foregoing training and experience, SA Sweeney has special expertise regarding the practices of, and techniques used by, these offenders.



POLICE CRIMINAL COMPLAINT

Docket Number: PR-305-23	Date Filed: 10/14/23	OTN/LiveScan Number G 1000310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

In addition to your affiants, Trooper Jeffrey Walters of the Pennsylvania State Police and Detective Kontaxes of the Fayette County Bureau of Investigation were full participants in this investigation.

During his twenty five years with the PSP, Trooper Walters was involved with investigations into the activities of individuals and groups involved in criminal enterprises, including organized thefts, public corruption, embezzlement, rapes, assaults, narcotics distribution, conspiracy, theft, homicide, political corruption, official oppression, organized crime, human trafficking, and burglary

Detective Kontaxes is employed as a County Detective with the Fayette County District Attorney's Office Bureau of Investigation, and is Captain of the Perryopolis Police Department in Fayette County, Pennsylvania. Detective KONTAXES has over 27 years of law enforcement experience concurrent with over 36 years of experience in accounting and financial management in private practice, and in the government sector as a Corporate Controller / Treasurer for Department of Defense and Department of Energy funded contracts (aggregate \$3.00 billion annual).

Detective KONTAXES has a Bachelor's degree in business finance from California University of Pennsylvania, combined with a combination of specialized Master's Program accounting, taxation, and law courses from Robert Morris University. Detective KONTAXES is a graduate of the Pennsylvania Municipal Police Academy and is PA Act 120 certified as a police officer in the Commonwealth of Pennsylvania.

Additionally, Detective KONTAXES is a Certified Financial Crimes Investigator as certified by the International Association of Financial Crimes Investigators. Detective KONTAXES has attended more than sixty (60) training seminars and classes conducted by colleges and universities, private training corporations, the Federal Bureau of Investigation, the Pennsylvania State Police and other law enforcement agencies on various aspects of accounting, law, financial investigations, investigations of computer crimes, interview techniques, narcotic investigation and tactical interdiction.

Detective KONTAXES has been involved in numerous complex financial and cyber-crime investigations involving organized crime, narcotics, embezzlements, white-collar crime, credit card fraud, computer crime, and thefts. Based upon his training and experience, Detective KONTAXES has developed an expertise in the area of complex financial and cyber-criminal investigations. Detective KONTAXES is a member of the International Association of Financial Crimes Investigators, the National White Collar Crime Network, and participates with

**POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CR-305 Z</i>	Date Filed: <i>10/14/23</i>	OTN/LiveScan Number <i>6 1000 310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last SUPLIZIO

other national financial crime law enforcement networks involved with data collection, reporting, and providing technical expertise related to money laundering, racketeering, and other federal financial crimes. During the course of his law enforcement career, Detective KONTAXES has been the affiant on and has participated in numerous federal and state search warrants and criminal complaints.

During the course of this investigation, witnesses have provided information that will be contained in this affidavit. Your affiants have specifically ascertained these witnesses' identities. Your affiants have verified the witness identities through positive proof of identification. These witnesses have indicated below that they have personal knowledge regarding the criminal incidents that transpired or information that they have relayed and provided to law enforcement officers and your affiants as more fully detailed below. These witnesses will be available for any further court proceedings.

All of the information contained in this affidavit was learned directly by your affiants or related to your affiants by other agents, police officers or investigators involved in this investigation.

II. INTRODUCTION

The 48th Statewide Investigating Grand Jury conducted an investigation into the misappropriation of funds from a Clearfield County non-profit agency that ultimately led to the discovery of fraudulent activity in connection with bank accounts held by the City of DuBois. It was determined that beginning in 2014, John F. "Herm" Suplizio, who was the Executive Director of the DuBois Area United Way (DAUW), but who separately served as the City Manager for the City of DuBois, stole hundreds of thousands of dollars from these public accounts over which he had signatory authority. He also provided false information on his personal income tax returns for several years, claiming that he incurred unreimbursed expenses in connection with his work for the DAUW and the City of DuBois, in order to receive a greater refund from the government.

**POLICE CRIMINAL COMPLAINT**

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/14/23</i>	OTN/LiveScan Number <i>h 1000310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

The evidentiary results of this investigation were presented to the Grand Jury resulting in the attached Grand Jury Presentment Number 16 (Attachment A).

III. Updates To Presentment Number 16

Suplizio's JP Morgan Chase Visa Account

During the course of the investigation, Suplizio was found to have a personal Visa credit card with JP Morgan Chase. SA Sweeney analyzed all expenditures made on Suplizio's personal credit card from June, 2014, through February, 2022. During that time period, a total of \$704,885.21 in purchases were made, which is an increase of \$27,764.70 over the \$677,120.51 calculated in the attached Presentment. The \$27,764.70 additional charges were discovered during additional detailed document review.

SA Sweeney's analysis included designating each charge as being a "Personal" or "Public" purchase. There were charges on Suplizio's credit card that were clearly personal such as vacation expenses, utility expenses for his residence, department store purchases, and jewelry store purchases. There were charges on Suplizio's credit card that were clearly public such as fireworks, inflatable bounce houses, payments to the media, and large screen printing purchases. There were also charges on Suplizio's credit card that could have been designated as either a personal purchase or a purchase for the public. Suplizio's use of numerous visa charges as tax deductions on his personal income tax returns caused those charges to be designated "Personal" for the attached Presentment calculation.

An updated total amount of expenditures on his credit card designated as "Personal" during the time period was approximately \$256,138.33. This significant reduction in personal expenditures from the \$499,052.36 amount that was calculated in the Presentment was due to the change in designation of many of those charges used as tax



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/14/23</i>	OTN/LiveScan Number <i>G-1000310-3</i>	Complaint/Incident Number <i>PCS-21-0005-2</i>
Defendant Name.	First. <i>JOHN</i>	Middle. <i>FRED</i>	Last. <i>SUPLIZIO</i>

deductions on his personal income tax returns. Those designations changed during additional detailed document review of all charges made with Suplizio’s Visa credit card because they were clearly “Public” expenditures or could have possibly been “Public” expenditures. Therefore, the designation change of those charges for clearly public expenditures or possible public expenditures used as personal tax deductions significantly reduced the total amount designated as personal purchases.

Of the \$256,138.33 charges that were designated “Personal”, Suplizio paid \$198,551.51 from his personal accounts. The remaining \$57,586.82 in “Personal” charges were paid from the following public accounts: the DAUW Checking Account, the DVFD Parade Committee Account, the DVFD Community Days CD Account, and the DVFD Community Fund Checking Account.

DAUW Checking Account

During the course of the investigation, SA Sweeney obtained and reviewed records for six accounts associated with the DAUW. Of those accounts, he found fraudulent transactions linked to one account: the DAUW checking account at S&T Bank on which Suplizio was a signatory.

From 2014 – 2021, Suplizio received reimbursement payments from the DAUW for his mileage and personal cellular cell phone in the amount of \$2,580 per year for a total of \$20,640 in reimbursements.

The Grand Jury learned that for the years 2014-2017, Suplizio submitted the total amounts received from the DAUW and the City for mileage and personal cellular telephone reimbursements as “unreimbursed” business expenses on his Federal taxes and same for the years 2014-2021 on his State taxes, essentially triple-dipping for those expenditures.

It was determined that between October, 2015 and January, 2020, Suplizio paid his personal Visa credit card bill with eight checks written on the DAUW account totaling \$10,252.72. The checks were written to Visa



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/14/23</i>	OTN/LiveScan Number <i>6 1000 310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle FRED	Last: SUPLIZIO

and DAUW auditors advised that there should never have been any payments to a personal credit card. Of the eight checks written on the DAUW account, all seemed to have paid for DAUW charges made by Suplizio and/or were used as tax deductions on his personal taxes except for the \$193.45 check on 03/03/2016 for which there could be no charge found for that amount made by Suplizio. That \$193.45 amount paid for personal charges from this account is included in the JP Morgan Chase Visa Account Update.

On January 3, 2014, a cash transfer of \$2,940.58 was made from this DAUW Checking Account to Suplizio's personal savings account that was not associated with any reimbursement request. The receipt for this transaction was seized during the search of Suplizio's residence.

On April 30, 2015, a check from this DAUW Checking Account for \$3,900 was made payable to "cash" and cashed by Suplizio. This \$3,900 was alleged to have been payment to the Pittsburgh Steelers who played in a DAUW benefit basketball game. Investigators became aware of an agreement between the DAUW and the Steelers basketball players showing the sharing of ticket sales, with the Steelers getting \$4.20 per ticket sold with a minimum \$3,900 payment, and the DAUW getting \$2.80 per ticket sold. However, no cash deposit corresponding to Steeler Benefit ticket sales was made into any of the known DAUW accounts.

On March 30, 2018, a check from this DAUW Checking Account for \$4,200 was made payable to Suplizio and cashed by Suplizio. This \$4,200 was alleged to have been payment to the Pittsburgh Steelers who played in a DAUW benefit basketball game. Investigators again became aware of a similar agreement between the DAUW and the Steelers basketball players with the Steelers getting a minimum \$4,200 payment. No cash deposit corresponding to Steelers Benefit ticket sales was made into any of the known DAUW accounts.

Therefore, the theft from this account was \$11,040.58 and the tax fraud involving this account was \$20,640.00.



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>61000310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First. JOHN	Middle. FRED	Last. SUPLIZIO

Parade Committee Account

The review of Suplizio's personal Visa credit card account showed Suplizio had written 15 checks to Visa from the Parade Committee account between April, 2014 and June, 2019 totaling \$131,003.17. As stated in the JP Morgan Chase Visa Account Update, a significant number of Visa charges made by Suplizio that were originally designated as "Personal" charges due to Suplizio's use of those charges as personal tax deductions, were subsequently designated as "Public" charges. Therefore, there is a significant reduction in "Personal" charges paid for from this Parade Committee Account and that amount is included in the \$57,586.82 identified in the JP Morgan Chase Visa Account Update.

Investigators identified 8 of the 15 checks to Visa from the Parade Committee account totaling \$65,171.18 were payments to Visa for "Public" charges used as deductions in his personal tax filings.

The theft from this account was \$25,000.00 and the tax fraud involving this account was \$65,171.18.

DVED Community Days CD Account (Updated)

The review of Suplizio's personal Visa credit card account showed Suplizio had obtained 5 Cashier's Checks between July, 2015 and May, 2018 totaling \$47,149.56 with funds from this CD account to pay his personal Visa bills. As stated in the JP Morgan Chase Visa Account Update, a significant number of Visa charges made by Suplizio that were originally designated as "Personal" charges due to Suplizio's use of those charges as personal tax deductions, were subsequently designated as "Public" charges. Therefore, there is a significant reduction in "Personal" charges paid for from this CD Account and that amount is included in the \$57,586.82 identified in the JP Morgan Chase Visa Account Update.



POLICE CRIMINAL COMPLAINT

Docket Number: CR-305-23	Date Filed: 1/17/23	OTN/LiveScan Number 6 1000 310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle FRED	Last: SUPLIZIO

Investigators identified 4 of the 5 Cashier's Checks obtained with funds from this CD account to Visa totaling \$29,612.07 were payments to Visa for "Public" charges used as deductions in his 2014-2017 personal tax filings.

The Grand Jury learned that Suplizio made numerous cash withdrawals from this CD account for which the disposition of that cash could not be determined by investigators. Six such cash withdrawals totaling \$163,400 are listed in a Table on Page 21 of the Presentment. The June 14, 2012 and April 26, 2013 cash withdrawals of \$35,000.00 were unable to be verified by investigators because the bank records only went back to the middle of 2014. The cash from the June 10, 2015 cash withdrawal of \$50,000.00 was deposited into the S&T Bank Parade Committee Account. Therefore, the amount of cash withdrawals with unknown disposition listed on the Page 21 Table was reduced from \$163,400.00 to \$43,400.00.

Two \$5,000.00 Cashier's Checks were obtained with funds from this CD account on March 27, 2014 and made payable to a Suplizio family member. Since it appeared that those two \$5,000.00 Cashier's Checks were deposited back into this CD account, it has been determined that those two \$5,000.00 Cashier's Checks will not be considered fraudulent activity associated with this CD account.

The theft from this account was \$174,485.00 and the tax fraud involving this account was \$30,397.07.

DVFD Community Days Checking Account (Updated)

The review of Suplizio's personal Visa credit card account showed Suplizio had written 88 checks to Visa from the DVFD Community Days Checking account between March, 2014 and February, 2022 totaling \$290,163.56. As stated in the JP Morgan Chase Visa Account Update, a significant number of Visa charges made by Suplizio that were originally designated as "Personal" charges due to Suplizio's use of those charges as

**POLICE CRIMINAL COMPLAINT**

Docket Number: CR-30523	Date Filed: 10/11/23	OTN/LiveScan Number G 1000 310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name.	First: JOHN	Middle: FRED	Last: SUPLIZIO

personal tax deductions, were subsequently designated as "Public" charges. Therefore, there is a significant reduction in "Personal" charges paid for from this DVFD Community Days checking account and that amount is included in the \$57,586.82 identified in the JP Morgan Chase Visa Account Update.

Investigators identified 19 of the 88 checks to Visa from the DVFD Community Days Checking account totaling \$39,074.75 were payments to Visa for "Public" charges used as deductions in his personal tax filings.

The theft from this account was \$98,360.00 and the tax fraud involving this account was \$39,074.75.

Community Fund Cash Delivery to Dubois Police Chief and Interim City Manager

On March 28, 2023, Dubois Solicitor Toni Cherry left a voicemail for DAUW Solicitor CJ Zwick saying she ordered the money from the DAUW safe be brought to her because it was Community Fund money and not United Way money.

Investigators subsequently became aware that in September, 2022, DAUW employees had discovered a large amount of cash in a green zippered bag in a safe at the DAUW building. Those DAUW employees did not count the cash and left it in the safe. In December, 2022, one of those same DAUW employees accessed the safe at the DAUW building and noticed that cash in the green zippered bag was no longer in the safe.

In March, 2023, while cleaning and removing exposed television cables at the DAUW building, that same DAUW employee discovered 3 metal lock boxes fastened to the walls above the ceiling of the DAUW offices. On March 21, 2023, while cleaning for an upcoming DAUW Board Meeting, that same DAUW employee noticed ceiling tile debris on the floor of the DAUW offices, thus indicating the ceiling had been accessed. That DAUW employee then accessed the ceiling and discovered a 4th metal lock box fastened to the wall above the ceiling. Four keys corresponding to those 4 metal lock boxes were found in Suplizio's desk at the DAUW building.



POLICE CRIMINAL COMPLAINT

Docket Number: CK-305-23	Date Filed: 10/4/23	OTN/LiveScan Number 6 1000 310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

On May 2, 2023, Dubois Solicitor Toni Cherry delivered \$93,920 cash in a gift bag to the City of Dubois Police Chief Blaine Clark and Interim City Manager Chris Nasuti while they were in a meeting with Sandy Township officials at Dubois City Hall. Cherry told Nasuti she brought the cash to him for safe keeping and it was money from the Community Fund that had been at the DAUW Building. Nasuti and Clark took the money to S&T Bank where Nasuti opened a new account under the City of Dubois and deposited the \$93,920 cash.

On May 13, 2023, Solicitor Cherry attended an executive session of the Dubois Council that was called to discuss that \$93,920 cash she had delivered to Nasuti and Clark. Cherry told Council it was Community Fund money that was brought to her by Suplizio and she had kept it for 6 weeks since March to keep the PA OAG from confiscating it.

On June 22, 2023, investigators interviewed Solicitor Cherry at her office and Cherry confirmed that Suplizio had brought her the cash she had delivered to Nasuti and Clark and told investigators it was Community Fund money. Although Cherry informed the Dubois Council at the May 13, 2023 executive session Suplizio had brought her the \$93,920 cash six weeks earlier in March, 2023, Cherry told investigators she could not recall when Suplizio had brought her that cash.



POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>G 1000310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

Theft From Public Accounts:

Theft via JP Morgan Chase Visa = \$57,586.82
 City of DuBois General Fund Account = \$3,000.00
 DAUW Checking Account = \$11,040.58
 DuBois VFD Parade Committee Account = \$25,000.00
 DVFD Flex CD Community Fund Account = \$174,485.00
 DVFD Checking Community Fund Account = \$98,360.00

Total Theft = \$369,472.40

Tax Fraud associated with Public Accounts:

City of DuBois General Fund Account = \$26,077.56
 DAUW Checking Account = \$20,640.00
 DuBois VFD Parade Committee Account = \$65,171.18
 DVFD Flex CD Community Fund Account = \$30,397.07
 DVFD Checking Community Fund Account = \$39,074.75

Total Tax Fraud = \$181,360.56

Total Fraudulent Transactions associated with Public Accounts:

Via JP Morgan Chase Visa = \$57,586.82
 City of DuBois General Fund Account = \$29,077.56
 DAUW Checking Account = \$31,680.58
 DuBois VFD Parade Committee Account = \$90,171.18
 DVFD Flex CD Community Fund Account = \$204,882.07
 DVFD Checking Community Fund Account = \$137,434.75

Total Fraudulent Transactions = \$550,832.96



POLICE CRIMINAL COMPLAINT

Docket Number: CR-305-23	Date Filed: 10/4/23	OTN/LiveScan Number 6 1000310-3	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

CONCLUSION

Based on the facts contained herein, and a combination of your affiants' training, education and experience, and knowledge of this investigation, your affiants believe there is Probable Cause to charge John F. "Herm" Suplizio with the following offenses:

Theft by Unlawful Taking, 3921(a) – Felony 2, 1 Count

Theft by Deception 3922 (a)(1), Felony 2, 1 Count §

Theft by Deception 3922 (a)(2), Felony 2, 1 Count

Theft by Deception 3922 (a)(3), Felony 2, 1 Count

Theft by Failure to Make Required Disposition of Funds 3927 (a), Felony 2, 1 Count

Dealing in Proceeds 5111(a)(1), Felony 1, 1 Count

Dealing in Proceeds 5111(a)(2), Felony 1, 1 Count

Dealing in Proceeds 5111(a)(3), Felony 1, 4 Counts (1 for each of structured transactions)

Conflict of Interest 65 PSA 1103(a), Felony, 2 Counts

Obstruction 5101, Misdemeanor 2 (Sheetz Incident)

Misapplication of Entrusted Property, Misdemeanor 2, 18 Pa.C.S.A. § 4113(a) – 1 Count

Fraudulent Return, Misdemeanor, 72 P.S. § 7268(a) – 8 Counts



POLICE CRIMINAL COMPLAINT

Docket Number <i>CR-305-23</i>	Date Filed: <i>10/4/23</i>	OTN/LiveScan Number <i>G 1000310-3</i>	Complaint/Incident Number PCS-21-0005-2
Defendant Name:	First: JOHN	Middle: FRED	Last: SUPLIZIO

I, , BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.

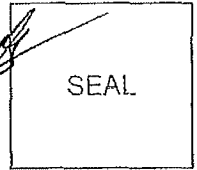
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(Signature of Affiant)

Sworn to me and subscribed before me this *4* day of *October*
2023 Date *Cornell Bryant*, Magisterial District Judge

My commission expires first Monday of January,

Specialty Permit



IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 13 W.D. MISC. DKT. 2021
THE FORTY-EIGHTH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-1457-2021
:
: NOTICE NO. 13

ORDER SEALING PRESENTMENT NO. 16

The Court has accepted Presentment No. 16. This Presentment shall be sealed and no person shall disclose a return of the Presentment except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the Supervising Judge.

SO ORDERED this 20TH day of December, 2022.

BY THE COURT:



The Honorable Anthony M. Mariani
Supervising Judge
The Forty-Eighth Statewide Investigating Grand Jury

ATTACHMENT "A"

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 13 W.D. MISC. DKT. 2021
THE FORTY-EIGHTH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-1457-2021
:
: NOTICE NO. 13

ORDER ACCEPTING PRESENTMENT NO. 16

1. The Court finds Presentment No. 14 of the Forty-Eighth Statewide Investigating Grand Jury is within the authority of said Grand Jury and is in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. § 4121, *et seq.* Accordingly, this Presentment is accepted by the Court.

2. The County for conducting the trial of all charges pursuant to this Presentment shall be **Clearfield County**.

3. The Attorney General of the Commonwealth of Pennsylvania, or his designee, is hereby authorized to prosecute as recommended in this Presentment by instituting appropriate criminal proceedings in the aforesaid County.

SO ORDERED this 20th day of December, 2022.

BY THE COURT:



The Honorable Anthony M. Mariani
Supervising Judge
The Forty-Eighth Statewide Investigating Grand Jury

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 13 W.D. MISC. DKT. 2021
THE FORTY-EIGHTH STATEWIDE :
: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-1457-2021
:
: NOTICE NO. 13

TO THE HONORABLE ANTHONY M. MARIANI, Supervising Judge:

PRESENTMENT NO. 16

We, the Forty-Eighth Statewide Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that various violations of the criminal laws have occurred. So finding with no fewer than twelve concurring, we do hereby make this Presentment to the Court.



Foreperson
The Forty-Eighth Statewide Investigating Grand Jury

DATED: December 16, 2022

INTRODUCTION

We, the members of the Forty-Eighth Statewide Investigating Grand Jury, having received and reviewed evidence pertaining to suspected violations of *Pennsylvania Crimes Code* in and around Clearfield County pursuant to Notice of Submission of Investigation Number 13, do hereby make the following findings of fact and recommendation of charges.

FINDING OF FACTS

The Grand Jury conducted an investigation into the misappropriation of funds from a Clearfield County non-profit agency that ultimately led to the discovery of fraudulent activity in connection with bank accounts held by the City of DuBois. It was determined that beginning in 2014, John F. "Herm" Suplizio, who was the Executive Director of the DuBois Area United Way (DAUW), but who separately served as the City Manager for the City of DuBois, stole hundreds of thousands of dollars from these public accounts over which he had signatory authority. He also provided false information on his personal income tax returns for several years, claiming that he incurred unreimbursed expenses in connection with his work for the DAUW and the City of DuBois, in order to receive a greater refund from the government.

Background of Investigation

Trooper Walters of the Pennsylvania State Police (PSP) appeared before the Grand Jury and testified that the City of DuBois is a third-class city, meaning that it is one of two cities in the Commonwealth of Pennsylvania that have adopted the optional "council-manager plan." This form of government is led by elected council members who then appoint a City Manager to run the day-to-day business of the city. The City Manager oversees everything except for the operations of the fire department. The City Manager has control over the police department; notably, the City Manager appoints the Chief of Police and then he/she reports directly to the City

Manager. The Mayor also reports to the City Manager. Suplizio has been the City Manager since 2010. When he became City Manager, he was given a substantial pay increase (approximately \$23,000 per year more than his predecessor received) and his yearly salary exceeded \$80,000. He also received substantial bonuses at the end of each year from City Council and the Mayor. In contrast to the City Manager, City Council members and the Mayor are not compensated for their service. The Grand Jury learned that Suplizio also received a sizable additional salary of \$30,000 in his separate capacity as Executive Director of the DAUW.

The Grand Jury heard testimony that on March 13, 2020, an anonymous letter was sent to PSP advising that although DAUW has 25 non-profit groups that are to receive a portion of the money that is donated, Suplizio was directing the donations to a non-member and a non-profit entity: The City of DuBois. The writer enclosed tax form 990's for the United Way for years 2013-2017; a one-page spreadsheet listing the DAUW beneficiaries for the years 2013-2017; the monetary amounts provided to each entity; and, the totals for the funds listed in the Schedule I form (funds distributed by the DAUW) and the 990 Part IX form (reports of funds distributed by the DAUW that was prepared by the IRS). The letter was signed "Anonymously Yours, Concerned Citizens." Trooper Jeffery Walters testified that he ultimately confirmed the identity of the writer of the anonymous letter and was able to corroborate the information contained in the letter through witness interviews and a review of financial records.

Trooper Walters contacted Suplizio and a meeting was arranged to take place at the DAUW building at 223 S. Jared Street on April 9, 2022. Several DAUW board members were also in attendance. Trooper Walters was informed that the organization was audited annually and that donors specifically earmarked donations for the numerous City of DuBois athletic field projects. Trooper Walters confirmed with state and national United Way officers that a local United Way

Chapter may allocate funds to a municipality as long as the original donor designates his/her specific donation to be used for a particular project within the community.

Although the funds earmarked for City of DuBois projects were permissible if the donor so designated, this initial meeting led to subsequent investigation into the DAUW's finances and tax returns where Suplizio's fraudulent activity was ultimately discovered.

Structure and Finances of the DVFD

Robert Bojalad- current DVFD Treasurer

In addition to serving as the DuBois City Manager and the Executive Director of the DAUW, Suplizio was also affiliated with the DuBois Volunteer Fire Department (DVFD). The Grand Jury learned that the DVFD is funded by the City of DuBois and, over the course of several years, Suplizio withdrew large sums of cash from the DVFD bank accounts. Because these are municipal bank accounts, they should have been monitored by City officials. The lack of oversight allowed Suplizio to carry out his theft scheme undetected.

The Grand Jury received testimony from Robert Bojalad. Bojalad has been a volunteer firefighter for the DVFD since July 1992 and currently works for the Friendship Fire Company. Bojalad has been the Treasurer of the DVFD since 2011 or 2012.

There are five companies that make up the DVFD: the Volunteer Hose Company, No. 1; the Friendship Hose Company, No. 2; the J.E. DuBois Hose Company, No. 3; the Fourth Ward Company Hose, No. 4; and, No. 5 Hose Company. Bojalad testified that the Fire Chiefs of the five companies were responsible for putting together the proposed budget each year and that the majority of funds came from the City of DuBois. When the DVFD received the allotted budget amount from the City, the money was divided and distributed to the fire companies.

Bojalad told the Grand Jury that all DVFD expenses are paid by check for record-keeping purposes and that the checks must be signed by two signatories. Bojalad testified that prior to issuing and signing a check, he must review the invoice and it must be approved at the monthly meeting of the board of directors. Bojalad testified that the Treasurer creates an invoice in connection with any expenses and that the Financial Secretary records each transaction at the meeting.

Bojalad testified that, in addition to his other positions, Suplizio is currently the Captain of the Friendship Fire Department, which means that he is the supervisor of the fire hall. All financial transactions are approved by the company's board of directors, of which the Captain is not a member. The Grand Jury learned that two self-audits are performed each year for the Friendship Fire Company. Bojalad testified that the company has a general fund checking account, which is where the allotment from the City and funds distributed by the DVFD are to be deposited. The company also provides a snack stand for firefighters to purchase items while at the station and the trustees involved with stocking the snack stand have their own checking account, which is referred to as the "kitchen account." The Friendship Fire Company also makes donations to the DAUW.

Bojalad testified that while the DVFD has made donations to the Community Days¹ event in the past, the DVFD has no oversight or control over the DVFD-Community Days bank accounts. The DVFD-Community Days and Parade Committee accounts are not affiliated with the DVFD. Additionally, the DVFD does not receive any of the proceeds from the event. He explained that each individual fire company may choose to set up a booth to raise money for their own company. While the DVFD assists with aspects of the actual event, the planning and budgeting are done by a separate committee that is not affiliated with the DVFD.

¹ The Grand Jury learned that Community Days occurs over a weekend in June. The event is free to the public and includes a parade, entertainment and fireworks.

The Grand Jury learned that Community Days is funded by local businesses, the City of DuBois and donations from members of the community. There are four bank accounts associated with Community Days funds: DuBois VFD Parade Committee Account, DuBois VFD Flex CD Community Fund, DuBois VFD Money Market Comm. Fund and DuBois VFD Checking Community Fund. Community Days is not a separate non-profit entity and all bank accounts utilize the tax identification number for the City of DuBois and should be subject to oversight by City officials.

James Corby- Former DVFD Chief

The Grand Jury also received testimony from James Corby. Corby has been a DuBois volunteer firefighter for 33 ½ years and presently works at the J.E. DuBois Hose Company No. 3. He is presently a trustee at the company, a delegate to the DVFD, and a delegate to the board of directors for the DVFD Relief Association. He previously served as the elected Chief of the DVFD. In that capacity, Corby answered to the Mayor and City Council and his duties were to oversee the fire grounds, training, daily operations, and the budget.

Corby testified that the DVFD's board of directors is comprised of 25 members and one alternate member from the five DuBois fire companies and is responsible for administering grant money for equipment and death benefits.

Corby testified that when he was the DVFD Chief, there would be an annual meeting with the Mayor to establish a proposed budget. All expenditures were pre-approved by the board at a meeting. After the approval was granted, the expenditure was made and then it would be reviewed again at a meeting and a check would be issued at that time.

Corby noted that there were occasions when an individual firefighter wanted to submit a reimbursement request to the DVFD. In order to receive a reimbursement, the firefighter was

required to pay the bill from his or her personal account and produce receipts which were required to be reviewed and approved at the meeting. The DVFD board would then approve the reimbursement. When the reimbursement was approved, the payment would come from the line item in the DVFD budget and the check would be issued by the Finance Director. Corby testified that if a firefighter who sought reimbursement also held a position on the board of directors, he/she would not vote on whether the reimbursement should be approved.

Corby testified that he was previously a member of the Parade Committee several years ago. The Parade Committee is associated with the independent accounts that fund Community Days and not the DVFD. To Corby's knowledge, all the funds related to Community Days went through the Parade Committee account. The appropriate approval process for any expenditure to be paid by the Parade Committee was to be discussed at a monthly meeting. Whoever was sitting on the Committee that evening would review and approve all expenses.

JH Suplizio Battalion One Fire Equipment

Detective Steven Kontaxes

Detective Steven Kontaxes (Detective Kontaxes) of the Fayette County Bureau of Investigation is also the Captain of the Perryopolis Police Department and a corporate officer with Bechtel Corporation where he is responsible for finance and accounting. Kontaxes has previously conducted investigations into the finances of fire departments.

Detective Kontaxes learned during his investigation that JH Suplizio Battalion One Fire Equipment is owned by Suplizio and was founded in 2011. It is a sole proprietorship and the address of the business is Suplizio's home address: 710 Munroe Street, DuBois. Battalion One sells fire equipment to local fire departments, most of which are located within the City of DuBois. The Grand Jury learned that the majority of the customer orders were placed with Honeywell

Company. Detective Kontaxes noted that the following entities associated with the City of DuBois purchased equipment from Battalion One: DVFD Relief Association, Friendship Hose Company, and, J.B. DuBois Hose Company.

Detective Kontaxes stated that there is nothing preventing any of the DVFD fire companies from purchasing this equipment directly from Honeywell themselves. He noted, however, that there appeared to be a markup of about 50% of what the purchase price would have been if they had purchased directly from the manufacturer.

Detective Kontaxes testified that the Volunteer Firemen's Relief Association affiliated with the DVFD must be set up as a separate legal entity from the DVFD. The Relief Association then can obtain grant money from the state and that money is used for the purpose of assisting the volunteer fire department. It could be used to purchase equipment, or it could be used to help families if a firefighter dies in the performance of his/her duties. It is an added funding source that must be separately managed and maintained. The Grand Jury learned that since the Relief Association is funded by grants, there are specific rules about how the money can be spent and those rules were set forth in a document authored by the state Auditor General's Office.

Detective Kontaxes testified that there were six transactions between Battalion One and local Relief Associations, two of which involved the DVFD Relief Association for \$2,780.09 on March 9, 2017 and for \$9,996.15 on August 18, 2021. Detective Kontaxes explained that the guidelines would likely prevent transactions like these because the Relief Association officers are supposed to make sure there are proper internal controls to help protect Relief Association assets from fraud, waste, abuse, and possible misappropriation of funds. The appropriate way to accomplish such a transaction would be through the institution of some type of a bidding process. Detective Kontaxes indicated that the fact that the DVFD Relief Association paid a large mark-up

for goods they could have ordered directly from the manufacturer did not appear to be consistent with the guidelines.

City of DuBois Structure and Financial Approvals

Lisa LaBrasca Becker- former City Controller and current Treasurer of the City of DuBois

The Grand Jury received testimony from Lisa LaBrasca Becker. LeBrasca Becker was elected as Treasurer for the City of DuBois in 2018. She had previously held the position of City Controller since 2012. LaBrasca Becker's duties as Controller were to match all City receipts to the corresponding checks and review the bills submitted to her for all city-related expenses. The packets of checks were sent to her from Delean Shepard, the Finance Officer. The checks and receipts would be thoroughly reviewed and then stamped. The Grand Jury learned that the Controller does not have an office and is simply contacted by telephone or text message when bills are ready to be reviewed. The Controller is paid \$100 per month.

All expenditures for the City are required to be reviewed and approved by City Council. Council receives a packet of information regarding all expenditures at work session on Thursday afternoons and has three to four days to review the information prior to a public meeting where those items are to be approved or denied. The packet generally includes a list of all of the bills, a description of the amount and underlying details, and any supporting documentation.

Once the paperwork is reviewed, one of the City Council members will make a motion to approve (or deny) the expenditures in the packet. Packets of approved expenditures are then sent to Finance Director to print the checks. Next, the checks are sent to the Controller for final review and then the Treasurer signs the checks.

As Treasurer, LaBrasca Becker's job is to make sure the City's accounts are balanced each day. She and her employees collect any money paid to the City and make sure the funds are

deposited into the appropriate bank accounts. LaBrasca Becker testified that all money paid to the City is initially deposited into the General Fund and then sent to the appropriate account. She stated that *Deputy Treasurer Tom Nowak generates a monthly report that reflects the current balances for each of the City's bank accounts and that all money flowing in and from the accounts should be noted therein. This report is provided to City Council members for their review and is generated using transaction data. The City accounts are audited every year, but she noted that if there were any bank accounts not included in the monthly report, the auditors would not know about such accounts.*

During her time as Controller and Treasurer, LaBrasca Becker testified that she should have seen any and all payments to the City; however, she did not recall any payments in connection with the sale of water to fracking companies. As will be discussed in more detail below, one particular fracking company reached an agreement with Suplezio with respect to payment for use of city water.

LaBrasca Becker stated that she was aware that the City had a contract with Advanced Disposal Systems (ADS) for waste removal, but was unaware of any administrative payments from ADS to the City. LaBrasca Becker indicated that if such payments existed she should have been made aware of them, that they should have been deposited into the General Fund, and that the *payments should have been noted on the Treasurer's monthly report.*

Another one of LaBrasca Becker's duties as Treasurer was signing payroll checks. She stated that she deferred to City Council or Supervisor of the various City Divisions to determine if payroll amounts were correct because she did not know what hours people worked or the particulars of the City's employment contracts.

With respect to Community Days, LaBrasca Becker testified that the City provided money for the event. She confirmed her signature on the following three checks issued to Community Days accounts: \$15,000 on June 28, 2018; \$20,000 on June 14, 2019; and, \$10,000 on June 25, 2021. She noted that, despite these payments being issued from the City, she had no knowledge or oversight of the Community Days bank accounts and that these accounts were not included in the Treasurer's report or within the City's system. She noted that Community Days is run by a committee and that Suplizio was involved in the management of Community Days.

DeLean Shepherd- Finance Officer of the City of DuBois

The Grand Jury received testimony from DeLean Shepherd. Shepard is currently employed full time by the City of DuBois as the Finance Officer and has held this position for almost 18 years. As Finance Officer, Shepherd is responsible for the oversight of payroll, benefits and pension. She also pays all invoices and drafts the City's budget. Suplizio is her supervisor.

Shepherd testified that the Controller and Treasurer, who are both elected officials, are signatories on all City accounts, along with the Deputy Treasurer. If they are unavailable, the City Manager can sign. As Finance Officer, Shepherd stated that she does not have signatory authority or access to any of the City bank accounts.

With respect to the monthly report created by Deputy Treasurer Nowak, Shepard testified that this report should also be used to compare with the budget set at the beginning of the year; however, no one ever reconciled them.

The Deputy Treasurer reconciles the checking accounts and Shepherd, the Finance Officer, uses her computerized finances to ensure that all the accounts balance. Shepard testified that she is aware of several bank accounts associated with the Community Days events, but she noted that the City did not review these accounts and they are not included in the computerized financial

system. She noted several donations from the City's General Fund to the Community Days bank accounts.

Shepherd also provided information regarding a contract between ADS and the City which was supposed to result in the City being paid an administrative fee per quarter to handle billing for the company's waste removal. Despite the City not setting up this billing until approximately two years ago, the administrative fees were still being paid every quarter. Those payments to the City, if legitimate, should have been deposited into the General Fund; however, the payments were deposited into the Community Days bank accounts as donations to that event. Special Agent Terrence Sweeney (SA Sweeney) of the Pennsylvania Office of Attorney General informed the Grand Jury that financial records reflected quarterly administrative payments from ADS to the City dating back to January 2014 despite the fact that the City was not engaged in any type of billing activity to justify those payments. In reality, this arrangement for "billing" was simply a way for Suplizio to receive "kick-backs."

Shepard testified that she is aware of a conversation several years ago in which Suplizio asked an official of ADS to make these payments as a donation to Community Days. Upon agreement, the quarterly payments referenced above began.

Due to City money being associated with the Community Days accounts, the money should have been noted in the Treasurer's Report within the City's oversight and included in the City's financial system. Shepard noted that the only accounts that were within the City's computerized system were included in the Treasurer's report and the auditors only pulled information from these documents for purposes of the yearly audits.

Suplizio's responsibilities as City Manager include oversight of the performance reviews for all City employees, employment issues, and bonuses. The City, for the last ten years, has

provided bonuses to administrative employees every December. Shepherd stated that Suplizio provided her with a list of the bonuses and stated that City Council had approved them.

Shepherd testified that bonuses for City employees are determined in an executive session of City Council and, since it is a personnel matter, there are no written reports presented to City Council or minutes prepared from the executive session. From the time period of 2014 to 2022, several City employees, including Shepard, received year-end bonuses. Suplizio himself received substantial bonuses.

Although Shepherd is in charge of issuing the checks for reimbursements from the City, she testified that she could not recall a time when Suplizio presented her with any receipts for reimbursement for money he paid out-of-pocket for work-related expenses.

Financial Analysis

SA Sweeney testified that search warrants were executed on April 6, 2022 at the following locations: Suplizio's residence- 710 Munroe Street, DuBois; Suplizio's office at the DAUW- 223 S. Jared Street, DuBois; and, Suplizio's office and his secretary's office at the City of DuBois- 16 W. Scribner Avenue, DuBois. Investigators seized the following items of note during execution of the search warrants: A ledger from 2011 to present for the Community Days checking account; budgets including income and expenses for Community Days for the years 2019, 2021 and 2022; Suplizio's tax returns with the corresponding receipts and a significant amount of cash (\$1,000 from Suplizio's office at the DAUW, \$800 from Suplizio's office at the City and \$17,000 from Suplizio's residence).

Search warrants were also obtained to seize records from Suplizio's Battalion One Account and Savings Account held by S&T Bank, and from Suplizio's Janney Montgomery Scott Account and Ameriprise Account. Additionally, SA Sweeney testified that he obtained bank records for 65

bank accounts associated with the City of DuBois, DAUW, Suplizio and local fire companies. A financial analysis was completed on each of the accounts to determine if there were fraudulent transactions. The financial analysis set forth below is based on a review of all the bank records obtained by subpoena or search warrant, as well as a review of all physical evidence seized during the search warrants.

City of DuBois General Fund Account

SA Sweeney obtained bank records for 23 accounts associated with the City of DuBois. Of those accounts, he found fraudulent transactions linked to one account: The City of DuBois General Fund Account held by S&T Bank. On January 3, 2014, a cash transfer of \$3,000 was made from the City's General Fund to Suplizio's personal savings account that was not associated with a reimbursement request. A receipt for this transaction was seized from Suplizio's residence.

From 2014 through 2021, Suplizio received reimbursement from the General Fund Account for his mileage and personal cellular telephone use despite the fact that he did not submit any reimbursement forms. And, despite receiving reimbursement monies, he would go on to claim on his tax returns that the expenses were never reimbursed. The chart below reflects the reimbursements paid by the City of DuBois.

YEAR	AMOUNT PAID
2014	\$3,090
2015	\$3,000
2016	\$3,090
2017	\$3,182.76
2018	\$3,278.16
2019	\$3,376.56

2020	3,477.84
2021	\$3,582.24
	TOTAL: \$26,077.56

It should be noted that Toni Cherry, Esquire, Solicitor for the City of DuBois, provided investigators with a May 11, 2020 letter that she authored in response to a Right-To-Know (RTK) request received by the City of DuBois. The requested information included "cell phone bills for 814-591-5544" including "detail listing of calls and text messages." The responsive letter stated in part, "...the number for which you seek information is the cell phone number privately owned by John F. Suplizio." The RTK requestor also sought "expense reports and back up documentation for John Suplizio for 2019." Attorney Cherry advised that no expense reports and back up documentation existed for the year 2019 because Suplizio had not filed for any reimbursement in 2019 and, in fact, Suplizio had never filed for any reimbursement from the City of DuBois during the prior 15 years.

In sum, the total amount of fraudulent transactions within this account is \$29,077.56.

DAUW Checking Account

SA Sweeney obtained and reviewed records for six accounts associated with the DAUW. Of those accounts, he found fraudulent transactions linked to one account: The DAUW checking account held by S&T Bank on which Suplizio was a signatory. SA Sweeney testified that on January 3, 2014 (the same date as the \$ 3000 cash transfer from the City's General fund), a cash transfer of \$2,940.58 was made from the DAUW checking account to Suplizio's personal savings account that was not associated with any reimbursement request. The receipt for this transaction was also seized during the search of Suplizio's residence.

From 2014-2021, Suplizio also received reimbursement payments from the DAUW for his mileage and personal cellular telephone in the amount of \$2,580 per year for a total of \$20,640. The chart below reflects the reimbursements paid by DAUW.

YEAR	AMOUNT
2014	\$2,580.00
2015	\$2,580.00
2016	\$2,580.00
2017	\$2,580.00
2018	\$2,580.00
2019	\$2,580.00
2020	\$2,580.00
2021	2,580.00
	TOTAL: \$20,640

The Grand Jury learned that for the years 2014-2017, Suplizio submitted the total amounts received from the DAUW and the City for mileage and personal cellular telephone reimbursements as “unreimbursed” business expenses on his personal taxes, essentially triple-dipping for those expenditures.

SA Sweeney also testified to two additional questionable checks associated with this account: One dated April 30, 2015 in the amount of \$3,900, payable to “cash” and cashed by Suplizio; and another dated March 30, 2018 in the amount of \$4,200, that Suplizio wrote to himself and cashed.

During the course of the investigation, SA Sweeney found that Suplizio had a Visa personal credit card with JP Morgan Chase. It was determined that between October 2015 and January 2020, Suplizio paid his credit card bill with eight checks written on the DAUW account totaling \$10,252.72. The checks were written to Visa and DAUW auditors advised that there should never have been any payments to a personal credit card. The payments to Visa are summarized in the chart below.

DATE	AMOUNT
10/3/2015	\$2,354.63
3/3/2016	\$193.45
4/6/2016	\$283.20
8/1/2016	\$179.75
8/1/2016	\$1,468.29
10/1/2016	\$1,973.40
6/2/2017	\$1,475.00
1/20/2020	\$2,325.00
	TOTAL: \$10,252.72

The total amount of fraudulent transactions involving the DAUW checking account is \$41,933.30.

DVFD Community Days Accounts

SA Sweeney obtained and reviewed records for four accounts associated with DVFD Community Days and found fraudulent transactions in three of the four accounts: The DVFD

Parade Committee Account; The DVFD Flex CD Community Fund Account; and the DVFD Checking Community Fund Account. Suplizio was one of the signatories on all three accounts.

- **Parade Committee Account**

SA Sweeney testified that a review of Suplizio's personal Visa credit card account revealed that between April 2014 and June 2019, Suplizio had written 15 checks to Visa totaling \$131,003.17 from the Parade Committee account. The payments are summarized in the chart below.

DATE	AMOUNT
4/25/2014	\$9,259.95
5/30/2014	\$2,596.11
6/19/2014	\$750.00
6/28/2014	\$3,502.59
5/28/2015	\$8,859.95
6/22/2015	\$8,987.33
2/8/2016	\$420.83
4/14/2016	\$13,325.00
5/29/2016	\$23,331.66
9/18/2016	\$923.22
5/29/2017	\$10,434.95
6/24/2017	\$17,124.80
7/15/2018	\$16,183.59
5/26/2019	\$12,959.95
6/26/2019	\$2,343.24

	TOTAL: \$131,003.17
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Additionally, on June 9, 2015, Suplizio's secretary used a counter-check to withdraw \$25,000 in cash from this account. She and Suplizio signed the check and his secretary cashed it. SA Sweeney testified that investigators have been unable to determine the disposition of that \$25,000. SA Sweeney also testified that a counter-check (or starter check) is typically only used when the account has just been opened prior to checkbooks being issued on the account. He also noted that counter-checks are not numbered like traditional checks making them very difficult to track.

The total amount of fraudulent transactions from the DVFD Parade Committee account is \$156,003.17.

- **DVFD Community Days CD Account**

Detective Kontaxes reviewed the DVFD Community Days CD account and prepared a Profit and Loss detail for the time period of January 2014 to July 2021. On March 27, 2014, Suplizio obtained a \$12,000 Cashier's check from the CD account. The remitter on the check was listed as DVFD and the payee was identified as Suplizio. Almost nine months later, on December 15, 2014, that check was deposited into Suplizio's personal savings account at S&T Bank.

On March 27, 2015, a \$20,000 cash withdrawal was made from the CD account by Suplizio. Several days later, on March 31, 2015, a \$6,000 Cashier's check was obtained with funds from an unknown source (but suspected to consist of monies from the cash withdrawal four days earlier). The remitter on the Cashier's check was listed as DAUW and the payee was identified as Suplizio. Shortly thereafter, on April 6, 2015, another \$20,000 cash withdrawal was made from the CD account by Suplizio. On April 20, 2015, another \$6,000 Cashier's check was obtained

with funds from an unknown source (but suspected to consist of monies from the cash withdrawal on April 6, 2015). The remitter and payee on the Cashier's check was listed as Suplizio. Similarly, approximately nine months later, both \$6,000 Cashier's checks were deposited into Suplizio's personal savings account. Investigators were unable to determine the disposition of the remainder of the cash withdrawals.

Detective Kontaxes testified that a review of Suplizio's personal Visa credit card account revealed that between July 2015 and May 2018, Suplizio obtained five Cashier's checks totaling \$47,149.56 from the CD account to pay his personal credit card bills. The checks were written to Visa with Suplizio identified as the remitter. The payments are summarized in the chart below.

DATE	AMOUNT
10/19/2015	\$11,490.70
9/23/2015	\$3,458.05
8/31/2015	\$4,200.00
7/31/2015	\$10,463.32
5/25/2018	\$17,537.49
	TOTAL: \$47,149.56

Additional fraudulent transactions were discovered within this account when SA Sweeney obtained and reviewed copies of documents seized from the search warrants. Specifically, on October 16, 2015, Suplizio withdrew \$600 from the CD account and obtained a Cashier's check with the payee listed as DuBois Central Catholic Alumni Game and remitter listed as Suplizio. He subsequently used that donation as a deduction on his personal income tax return. On the same date, he withdrew \$185 and obtained a Cashier's check with the payee listed as Greater Dubois

Area Chamber and Suplizio as the remitter. Similarly, he subsequently used that donation as a deduction on his personal income tax return.

SA Sweeney also determined that Suplizio had withdrawn funds from the CD account to make political contributions to local politicians. On September 10, 2014, three Cashier's checks were obtained by Suplizio in the amounts of \$2,000, \$1,000 and \$1,000, respectively. Suplizio was a remitter on each one of these checks and they were made payable to three specific politicians. On November 2, 2017, Suplizio obtained another \$2,000 Cashier's check with funds from the CD account. He was the remitter and the check was made payable to one of the three politicians.

A review of the campaign finance reports (CFRs) for these three politicians revealed that on September 30, 2014, Suplizio contributed \$1,000 and another individual contributed \$1,000. A review of a second politician's CFRs showed that on September 25, 2014, Suplizio contributed \$500 and another individual contributed \$500. A review of a third politician's CFRs showed that on September 15, 2014, Suplizio contributed \$333, and two other individuals each contributed \$333. A review of the CFRs also revealed that on November 9, 2017, Suplizio once again contributed \$2,000 to one of these politicians.

SA Sweeney also testified that on June 14, 2016, a \$65,000 Cashier's check was obtained with funds from the CD account, the remitter was listed as DVFD, and, the payee was Suplizio's secretary. The next day that check was cashed and, on June 16, 2016, Suplizio deposited \$30,000 in cash into the DVFD Parade Committee account. Investigators have been unable to determine the disposition of the remaining \$35,000 from that initial Cashier's check.

The Grand Jury learned that Suplizio also made numerous cash withdrawals from the CD account for which the disposition is unknown to investigators. These transactions are summarized in the chart below.

DATE	AMOUNT
June 14, 2012	\$35,000
April 26, 2013	\$35,000
March 27, 2014	\$3,900
May 23, 2014	\$35,000
June 10, 2015	\$50,000
April 12, 2019	\$4,500
	TOTAL: \$163,400

There were also additional irregularities with both cash withdrawals and Cashier's checks. On July 25, 2016, a \$17,481.96 cash withdrawal from the CD account was made by Suplizio. He then obtained a \$500 Cashier's check (remitter and payee unknown) and deposited \$16,981.26 into the DVFD Community Days checking account. Investigators have been unable to determine the disposition of the \$500 Cashier's check.

On March 30, 2017, a \$6,000 cash withdrawal from the CD account was made by Suplizio at Clearfield Bank and Trust. Several months later, on July 14, 2017, he withdrew \$4,200 from the DAUW S&T bank account to purchase a Treasurer's check. The withdrawal receipt for this transaction indicated "Reimburse Steeler Benefit." The Treasurer's check was then deposited into the CD account; however investigators were unable to determine the disposition of the remainder of the \$1,800 withdrawal.

On June 5, 2018, a \$35,000 Cashier's check was obtained from the CD account and deposited into the DVFD Parade Committee account. On that same day, a check for \$35,000 was written on the Parade Committee account to "Cash-Community Days," and authorized by Suplizio

and his secretary. Suplizio endorsed and cashed the check on the same day. Investigators have been unable to determine the disposition of the \$35,000 Cashier's check.

There were also several transactions between Suplizio and a family member. On March 27, 2014, two \$5,000 Cashier's checks were obtained from the CD account by Suplizio. The remitter was listed as DVFD and the payee was a member of Suplizio's family. On April 16, 2014, these two checks were deposited back into the CD account. SA Sweeney testified that these two \$5,000 Cashier's checks may have been reimbursement for two \$5,000 Citibank checks (dated August 3, 2010) with the remitter listed as a family member and the payee identified as Suplizio. Receipts for these two \$5,000 checks were seized during the search of Suplizio's residence.

The total amount of fraudulent transactions from the DVFD Community Days CD account is \$374,134.56.

DVFD CD Account		
3/27/2014	Cashier's check	\$12,000.00
3/27/2015	cash withdrawal	\$20,000.00
4/16/2015	Cash withdrawal	\$20,000.00
10/19/2015	payment for personal credit card	\$11,490.70
9/23/2015	payment for personal credit card	\$3,458.05
8/31/2015	payment for personal credit card	\$4,200.00
7/31/2015	payment for personal credit card	\$10,463.32
5/25/2018	payment for personal credit card	\$17,537.49
10/16/2015	Cashier's check	\$600.00
10/16/2015	Cashier's check	\$185.00
	Cashier's check- (Political	
9/10/2014	Donation)	\$2,000.00
	Cashier's check- (Political	
9/10/2014	Donation)	\$1,000.00
	Cashier's check- (Political	
9/10/2014	Donation)	\$1,000.00
	Cashier's check- (Political	
11/2/2017	Donation)	\$2,000.00
2/26/2014	Cashier's check	\$20,000.00
3/27/2014	Cashier's check	\$2,500.00
6/14/2016	Cashier's check	\$35,000.00

6/14/2012	cash withdrawal	\$35,000.00
4/26/2013	cash withdrawal	\$35,000.00
3/27/2014	cash withdrawal	\$3,900.00
5/23/2014	cash withdrawal	\$35,000.00
6/10/2015	cash withdrawal	\$50,000.00
7/25/2016	Cashier's check	\$500.00
3/30/2017	cash withdrawal	\$1,800.00
6/5/2018	Cashier's check	\$35,000.00
4/12/2019	cash withdrawal	\$4,500.00
3/27/2014	Cashier's check- Michael Suplizio	\$5,000.00
3/27/2014	Cashier's check- Michael Suplizio	\$5,000.00
		\$374,134.56

- **DVFD Community Fund Checking Account**

SA Sweeney prepared an analysis of all credits and debits for the DVFD Community Fund checking account. He stated that on September 26, 2017, Suplizio used a counter-check from the checking account to obtain a \$360 Cashier's check. The ledger for the checking account seized during the execution of the search warrant indicated that this Cashier's check was used to pay for a "Republican Dinner."

There were also additional cash withdrawals without justification from this account. SA Sweeney testified that on June 16, 2017, a check was written for \$40,000 and authorized by Suplizio and his secretary. The remitter for the check was listed as DVFD and the payee was Suplizio. He endorsed the back of the check and cashed it. Investigators have been unable to determine the disposition of this currency.

On June 17, 2019, a check was written for \$30,000 and made payable to Suplizio with "Cash-Comm Days" written in the memo section. The check was authorized by Suplizio and his secretary. Suplizio endorsed the back of the check and once again cashed it.

On June 8, 2021, a check was written for \$28,000 and authorized by Suplizio and his secretary. It was made payable to "cash" with "Community Days- Performers/Expenses" written

in the memo section. Suplizio endorsed the back of the check and cashed it. There was no evidence of this transaction in the 2021 budget and ledger and, the Grand Jury learned that checks for this type of expense were written to the performers themselves, rather than to "cash."

SA Sweeney testified that the vast majority of the fraud from the DVFD Community Fund checking account involved Suplizio using checks from this account to pay his personal credit card. From March 2014 to June 2021, Suplizio issued a total of 80 checks totaling \$388,523.55 to pay his credit card bill.

Payments from Advanced Disposal (ADS)/ Waste Management

As part of their contract with the City of Dubois for collection of waste and recycling, ADS, now Waste Management, was required to pay a quarterly \$15,000 Administration Fee to the City of Dubois. The Grand Jury obtained bank account records from 2014 through 2022 as records prior to that time period were unavailable. Records from the DVFD Community Days CD Account revealed that five \$15,000 checks from ADS and made payable to the City of Dubois were deposited into that account on January 14, 2014, March 24, 2014, June 25, 2014, September 10, 2014 and December 11, 2014. From March, 2015 through June, 2016, those quarterly \$15,000 payments continued to be deposited into the CD Account, but the checks were made payable to the Parade Committee or the Dubois Community Days. In July 2016, ADS started to wire their quarterly \$15,000 payments to the Community Days checking account. Thereafter, from October 2016 through October 2017, Suplizio, on four occasions, and his secretary, on one occasion, used "counter-checks to move funds from five of the ADS quarterly payments of \$15,000 from the Community Days checking account to the CD Account. Since that checking account had been already open for several years, there did not appear to be a legitimate reason to use counter-checks to move those funds.

From February 2018 through June 2021, the quarterly \$15,000 payments from ADS were deposited into either the Community Days checking account or the CD Account, without any quick transfers of those funds from the Checking Account to the CD Account.

On January 24, 2022, a \$30,000 check for two quarterly payments made payable to the "City of Dubois" and issued by Waste Management, was deposited into the Community Days Money Market Account, which had replaced the CD Account.

SA Sweeney testified that he reviewed the written budgets for Community Days for the years 2019, 2021 and 2022. He stated that in each of these budgets, the donation listed from ADS was a small amount (usually around \$1,000) despite the fact that the bank records revealed that ADS was paying \$15,000 per quarter (or \$60,000 per year). Additionally, SA Sweeney noted from the budgets and all the sponsorships listed, Community Days took in enough sponsorships or money from booths that it should have been a self-sustaining event.

Suplizio's JP Morgan Chase Visa Account

SA Sweeney analyzed all expenditures made on Suplizio's personal credit card from June 2014 to February 2022. During this time period, a total of \$677,120.51 in purchases were made. There were numerous charges on Suplizio's credit card that were clearly personal such as vacation expenses, utility expenses for his residence, and department store purchases. SA Sweeney also reviewed the tax deductions on Suplizio's personal tax returns and noted any expenditures that Suplizio claimed as deductions as personal expenditures and classified those as personal expenses, as well. The total amount of personal expenditures on his credit card during the time period was approximately \$499,052.36. Of the remaining expenses, it was unclear from a review of the records whether the expenses were personal or public expenses. Of the \$499,052.36 expenditures that were clearly personal, Suplizio paid only \$198,551.51 from his personal accounts. The

remainder of the payments, \$300,500.85, came from public accounts and the checks were written directly to the credit card company.

Total Amount of Fraudulent Transactions From all Public Accounts:

City of DuBois General Fund Account = \$29,077.56

DAUW Checking Account = \$41,933.30

DuBois VFD Parade Committee Account = \$156,003.17

DVFD Flex CD Community Fund Account = \$374,134.56

DVFD Checking Community Fund Account = \$210,455.40

TOTAL = \$811,603.99

Structured Transactions

SA Sweeney testified that there were numerous transactions where Suplizio appeared to be “structuring” the transactions to avoid reporting requirements by the banks. Banks are required by law to report certain financial transactions to authorities. This is to prevent an individual from using a bank to help them hide illegal monies or perpetrate a fraud. For example, any transaction over \$10,000 must be reported by the bank. An individual has “structured” a transaction when they alter the transaction (two deposits of \$5,000 each rather than one deposit of \$10,000) in order to avoid the bank’s reporting requirement.

On December 16, 2016, Suplizio deposited \$8,000 in cash into his S&T savings account. Shortly afterward, on December 20, 2016, he deposited \$7,000 into his savings account. On December 26, 2017, Suplizio deposited \$8,000 cash into his S&T checking account. The next day, he deposited \$7,000 cash into the savings account.

On December 27, 2018, Suplizio deposited \$8,000 cash into his S&T checking account. Shortly afterward, on December 31, 2018, Suplizio deposited \$5,000 into his checking account.

On November 13, 2019, Suplizio deposited \$7,000 cash into his S&T checking account. A few weeks later, on December 17, 2019, he deposited \$8,000 cash into his S&T savings account. Then, shortly afterward, Suplizio deposited \$7,000 cash into his checking account on December 24, 2019. Investigators believe that these deposits represented a portion of the large cash withdrawals that could not be associated with any legitimate Community Days expenditures.

Land Purchase in 2018

SA Sweeney also testified regarding a land purchase in 2018. On December 28, 2015, Suplizio transferred \$5,000 to one of his S&T savings accounts and \$5,000 into another S&T savings account from his main S&T checking account. Those transfers raised the balances of each of those accounts to approximately \$10,000. Those accounts maintained the balances for approximately two and one-half years.

Then, on June 22, 2018, Suplizio transferred \$9,000 from each of these savings accounts back into his main checking account. SA Sweeney testified that the effect of structuring these transactions in this fashion allowed Suplizio to avoid the reporting requirement of the bank. On that same day, Suplizio transferred \$46,000 from his savings account to his checking account.

Three days later, Suplizio purchased a ten acre plot of land next to the reservoir using the \$46,000 that he transferred to his checking account.

Comingling of Funds within Personal Accounts

SA Sweeney obtained and reviewed 26 personal accounts held by Suplizio alone or jointly with family members. Of those accounts, the following five accounts appeared to be comingled with public funds: A Battalion One Account held by S&T Bank; a checking account held by S&T Bank; a savings account held by S&T Bank; a Janney Montgomery Scott Account; and, an Ameriprise Account. SA Sweeney testified that there was an incredible amount of movement of

money between Suplizio's checking account, savings account and the investment account at Ameritrade. He noted that the Ameritrade account looked more like a checking account than an investment account with the balance being run down to a small number and then replenished rather than steadily growing like a typical investment account. He also noted near constant movements between these three accounts, most of which appeared to serve no legitimate purpose.

With respect to the Janney Montgomery Scott account, the Grand Jury learned that on February 7, 2020, Suplizio deposited a check for \$75,000 from his personal checking account (that had deposits of public monies) into this account.

The Grand Jury learned that on February 9, 2018, Suplizio had opened an investment account with Pershing LLC by depositing \$300,000 from his personal savings account. He closed the Pershing LLC account on September 17, 2018 and deposited the balance of \$307,000 into an Ameriprise account. The personal checking and savings accounts used to fund these investment accounts were linked back to the fraudulent transactions involving public funds as set forth above.

After analyzing all the accounts and documentation seized during the execution of the search warrants, Detective Kontaxes prepared a Net Asset Analysis for the years 2015-2021. This analysis showed the amount of money coming in from legitimate sources of income (based on tax returns) and the amount of money that was being spent per year by Suplizio. The analysis revealed that Suplizio was living well beyond his financial means during that time period. In fact, he spent approximately \$750,000 more than he made for the seven year period.

Analysis of the Personal Accounts of John Herm Suplizio.

Total Expenses Over and Above Available Income

CY 2015 to 2021

	2015	2016	2017	2018	2019	2020	2021	Total
Total Income (US Form 1040 Line 22)	\$142,796	\$148,049	\$144,424	\$170,765	\$179,183	\$187,282	\$191,378	
(Subtract Non-Cash Ordinary Dividends)	(\$2,067)	(\$2,222)	(\$5,090)	(\$9,705)	(\$9,177)	(\$9,735)	(\$10,756)	
(Add Non-Cash Capital Loss)	\$3,000	\$3,000	\$3,000		\$3,000	\$3,000	\$3,000	
Total Income Adjusted for Non-Cash Items	\$143,729	\$148,827	\$142,334	\$161,060	\$173,006	\$180,547	\$183,622	\$1,133,125
Federal Income and Self-Employment Tax	(\$19,917)	(\$21,865)	(\$16,738)	(\$22,300)	(\$24,552)	(\$30,164)	(\$28,240)	
Social Security Taxes	(\$7,347)	(\$7,347)	(\$7,866)	(\$7,961)	(\$8,239)	(\$8,537)	(\$8,853)	
Medicare (1.45% of salaries and wages)	(\$2,010)	(\$2,092)	(\$2,010)	(\$2,334)	(\$2,446)	(\$2,612)	(\$2,633)	
PA State Taxes 3.07% of Adjusted Income	(\$4,412)	(\$4,569)	(\$4,370)	(\$4,945)	(\$5,311)	(\$5,543)	(\$5,637)	
Local Tax (1% of Adjusted Income)	(\$1,437)	(\$1,468)	(\$1,423)	(\$1,611)	(\$1,730)	(\$1,805)	(\$1,836)	
Property Taxes (Schedule A Form 1040)	(\$1,624)	(\$1,702)	(\$1,752)	(\$1,752)	(\$1,752)	(\$2,059)	(\$2,100)	
Mortgage and Interest Expense (Sch. A 1040)	(\$2,167)	(\$2,500)	(\$3,651)	(\$3,093)	(\$3,271)	(\$1,124)	(\$1,041)	
Gifts by Cash or Check (Sch. A Form 1040)	(\$10,053)	(\$15,603)	(\$19,836)	(\$21,595)	(\$21,500)	(\$21,356)	(\$34,000)	
Available Income Adjusted for Taxes & Sch. A	\$94,764	\$90,642	\$84,868	\$92,470	\$104,209	\$105,347	\$99,282	\$674,576
Personal Expenses	\$100,837	\$101,924	\$91,706	\$91,685	\$112,618	\$62,006	\$90,243	\$652,019
Charges to Personal Charge Visa								
Personal Checking Account Expenses:								
S&T Christmas Club	\$540	\$538	\$581	\$27,635	\$19,000	\$17,600	\$16,000	
S&T Line of Credit Payoff	\$18,900	\$3,500	\$17,000	\$1,500				
S&T Transfer to 4124 Son Tim Joint Acct	\$1,350	\$200	\$1,500		\$2,500	\$3,000	\$4,000	
Vehicle Purchase Megan's LandRover	\$33,600							
Unissued bonus to various	\$2,200	\$2,200	\$2,200	\$1,700	\$1,000	\$1,000	\$1,000	
Cash Withdrawals / Deposits less cash gifts above	\$12,987	\$10,697						
S&T 8844 Transfer for Land Purchases	\$2,000							
S&T 1088 Transfer for Land Purchases	\$2,000							
Personal Checking Transfer to Savings Net	\$41,000	\$16,867	\$70,425	\$17,500	\$54,675	(\$73,000)	\$85,000	
Jeff Oranick Payment		\$5,000	\$5,100		\$2,870			
S&T Transfer to 0670 Megan Baumner		\$1,500	\$2,300	\$4,700		\$7,290	\$16,900	
Lexus Purchase	\$18,500							
Seneca Gaming		\$6,000	\$5,000	\$14,000	\$3,000			
S&T Transfer to 7434 Daughter Megan			\$300	\$300	\$2,500		\$4,000	
Las Vegas Trip				\$4,000				
Land Purchase from Checking				\$45,425				
MIS Investments Purchase						\$75,000		
Home Improvements						\$112,693	\$14,738	
Total Checking Account Expenses	\$114,627	\$64,902	\$99,306	\$116,760	\$86,345	\$144,383	\$142,438	\$768,811
Total Expenses Over and Above Available Income	\$120,750	\$126,144	\$106,144	\$114,925	\$89,759	\$100,042	\$139,599	\$746,154

Gambling Transactions

During the review of the financial records, Trooper Walters noticed some unusual transactions at a casino, the Allegany Seneca Nation Casino in Salamanca, New York. The Grand Jury learned that casinos keep track of transactions for individuals who have a player's card. While a gambler is not required to have a player's card in order to gamble at the casino, the benefit is that they will receive perks when they use a player's card. Since Suplizio had a player's card at this casino, a record of his transactions was maintained.

The casino provided Trooper Walters with the history of Suplizio's player's card. This information is summarized in the chart below.

YEAR	NUMBER OF VISITS WHEN SUPLIZIO'S PLAYER'S CARD USED	TOTAL CASH "BUY-IN" AMOUNT
2014	5	\$5,500
2015	4	\$7,730
2016	12	\$28,450
2017	7	\$25,980
2018	?	\$28,980
2019	2	\$2,200
2020	1	\$400
2021	3	\$2,550
		TOTAL: \$101,790

EOG Transactions with the City of DuBois

During the course of the investigation, Trooper Walters learned that the City of DuBois had engaged in water sales to several fracking companies, one of which was EOG Resources, Inc. (EOG). EOG is a drilling company that was engaged in fracking and natural gas extraction around DuBois. EOG entered into contracts with the City to buy water to assist in these operations. Trooper Walters testified that when he learned of the agreement, a subpoena was issued to EOG for all contracts and documentation regarding the City of DuBois.

To Trooper Walters' surprise, the only "contracts" that existed between EOG and City were one page letters from the City to EOG memorializing prior telephone conversations regarding the price per gallon the City would charge for the water. The letters were signed by Suplizio. EOG then received invoices from the City and paid the bills with checks.

Documentation, including endorsed checks, for all transactions between EOG and the City of DuBois was obtained from EOG and from 2004 to 2015, 22 payments were made from EOG. There were several large payments for the water sales from EOG during the time period, including three payments that each exceeded \$1 million.

SA Sweeney testified that he attempted to obtain the bank records to correspond to those transactions; however, the largest payments were in 2010 and 2011 and the banks no longer had any records of those transactions. The large checks from this time period were made out to the City of DuBois, but they were stamped and deposited into an unknown account (not noted on the back of the check).

SA Sweeney also testified that there were five different transactions involving payments from EOG directly to Suplizio. He explained that this was a conflict of interest because Suplizio was making agreements on behalf of the City and then benefitting financially from sales to the company in a personal capacity. Invoices and copies of endorsed checks were provided by EOG and involved the sale of equipment by Suplizio to EOG. The invoices included Suplizio's home address for payment. The transactions were listed as follows:

- 5/11/10- \$3,885 for "NON CONTROLLABLE MATERIAL COM";
- 11/23/10- \$2,020.24 for "UNIBODY HYDRANT VALVES";
- 2/28/11- \$1,372.58 for "COMP OTHER COMPLETION EXPENSE";
- 11/14/11- \$3,023.47 for "UNIBODY HYDRANT VALVES;" and
- 2/21/12- \$2,022.28 for "COMP OTHER COMPLETION EXPENSE"

The total amount paid by EOG to Suplizio was \$12,323.57.

Incident at Sheetz with Mayor Randy Schmidt

Kathy Potter is employed by Sheetz, Inc. as a loss investigation and security operation manager. In August 2020, Potter received a call from a loss investigator who reported that a man was coming into the store frequently, sometimes daily, to order a made-to-order sandwich. While employees were making the sandwich, he would walk around the store, collect other food items, and pile them up on the counter. He would collect the sandwich, pay for it, and then put the other items in the sandwich bag without paying for them. Store video indicated that the man was Randy Schmidt, the mayor of DuBois; he committed such thefts on at least 16 occasions.

On the 17th occasion, August 7, 2020, a loss prevention officer stopped Mayor Schmidt as he attempted to carry out his theft scheme. The loss prevention officer called the police and DuBois City officers responded. The Chief of Police arrived and advised that he "didn't know what they would be doing," but that he would be in touch. He explained that he did not know whether there was enough evidence to support criminal charges until he looked at the video.

Joanne Bennett, the district manager of Sheetz, was notified of the incident and contacted Potter, the loss prevention officer. Suplizio subsequently approached Bennett and asked her if anything could be done to pay restitution and "make it go away." Bennett informed Suplizio that he would need to speak with Potter. When Suplizio contacted Potter, he asked her if there "wasn't something we could do to make this go away?" Potter told him there was not anything that could be done because Schmidt stole products from Sheetz 17 times. Suplizio responded that it was a shame because Sheetz had always had such a good working relationship with the City of DuBois and it would be shame if something happened to change that.

Potter felt that Suplizio was trying to intimidate and manipulate her. Potter explained that she could not perform the functions of her job and her loss investigators would not be able to

perform their jobs if the store did not pursue charges merely because the thief was of high profile. She explained that they have a duty to treat all subjects the same regardless of their position, especially when the thefts have occurred 17 times. However, Suplizio persisted.

At some point the conversation ended and another call was initiated. During the second call, Potter made it clear to Suplizio that the store would be pursuing charges and that Schmidt would not be getting any special treatment. At that point, Suplizio informed Potter that the Chief of Police from the City of DuBois was also on the call and Suplizio made a remark about how embarrassing charges against the Mayor would be for the City. Suplizio kept asking whether there was something that could be done, that Schmidt would make restitution, that Schmidt was stepping down as Mayor, and, that he was quite embarrassed. Suplizio asked, "Wouldn't it be easier to just handle this differently."

Charges were eventually filed by PSP. There was a delay, not from PSP, but from the Chief of Police in making the referral due to conflict of interest.

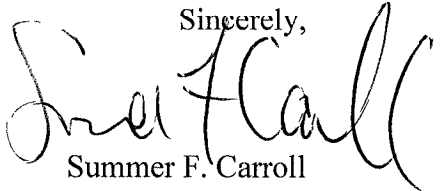
- (3) disqualification of the lawyer would work substantial hardship to the client.
- (b) A lawyer may act as advocate in a trial in which another lawyer in the lawyer's firm is likely to be called as a witness unless precluded from doing so in Rule 1.7 or Rule 1.9.

The money possessed by Toni Cherry, that she claimed belonged to the Community Fund, is clearly an integral part of the criminal case and a recording containing her statements regarding this would without question be evidence. Since you created the recording and have presumably maintained custody of it since its creation; you are a necessary witness in the criminal case. Additionally, none of the exceptions of Rule 3.7 apply, so you cannot remain as counsel on this case.

Therefore, the Commonwealth requests that you voluntarily withdraw your representation of Mr. Suplizio. If you have not voluntarily withdrawn your representation of Mr. Suplizio by Wednesday, October 11, 2023; I will be filing a Motion to Disqualify.

Additionally, the Commonwealth requests that you maintain and preserve the original recording as we will be obtaining a copy in the future.

Sincerely,



Summer F. Carroll

Cc: Michael A. Comber, Esquire
Alyssa R. Angotti, Esquire

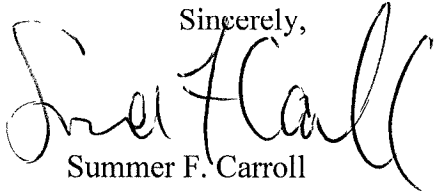
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