

IN THE IOWA DISTRICT COURT IN AND FOR HARDIN COUNTY

STATE OF IOWA

Before Magistrate _____

CITY/COUNTY OF HARDIN

Criminal Number _____

Lance L. BELOW
18879- 280th Street
Hubbard, Iowa 50122
DOB 11-1-77

VS.

COMPLAINT AND AFFIDAVIT

THE DEFENDANT is accused of the crime of Theft 1st Degree

in violation of

Section 714.2(1) of the Iowa Criminal Code/ 2016 In that the defendant on or about
the 1st day of September, 20 15, (at approximately _____ o'clock ____ .M),
at Hubbard, Iowa

(LOCATION AS DEFINITELY KNOWN)

in Hardin County, did Take possession or control of the property of another with the intent to deprive
the owner thereof. That value of said property exceeded \$10,000.

THEREFORE, Complaint requests that said Defendant, subject to bail or conditions of release where applicable.

- (1) be arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) be detained, if already in custody, pending further proceedings;

and that said Defendant otherwise be dealt with according to law.

Complainant

Mike Krupp

AFFIDAVIT

STATE OF IOWA, County of HARDIN ss:

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

The defendant was hired as an Iowa State Trooper in May of 2005 and was assigned to Iowa State Patrol Post #9 in Cedar Falls, Iowa. On July 6, 2012, the defendant injured his ankle while on duty covering an accident near Iowa Falls, Iowa. Defendant reported he stepped in a hole and rolled his ankle and that the ankle immediately swelled up. Defendant eventually required four surgeries on the ankle that were completed on November 8, 2012; May 23, 2013; September 24, 2013; and March 13, 2015. Defendant has never been able to return to full duty with the Iowa State Patrol since the date of the incident and last worked alternative duty for the Iowa state Patrol on May 8, 2014.

As a State of Iowa employee in the State Peace Officers Council (SPOC) bargaining unit, Defendant's wages are paid via a workman's compensation fund held by the Department of Administrative Services (DAS) that is managed by Sedgwick Claims Management Services. Approximately 66% of defendant's wages originate from this fund. The other approximate 33% of defendant's wages are supplemented by defendant's accrued sick time benefits, allowing the defendant, or any State employee, to draw his/her normal salary from the State of Iowa after a work related injury. In addition, because defendant was injured while on duty, he is allowed to request his personal sick time hours to be replenished by the State of Iowa when he runs out.

Subscribed and sworn to before me by Melinda Gehrke at 1116 14th Ave. Eldora, Iowa
this 17 day of Oct 20 16. Signature Melinda Gehrke (Notary-Other)

Complaint (and Affidavit(s)) filed and probable cause found that the defendant committed the offense charged.
Magistrate _____



In mid-December 2014, the State of Iowa was informed by defendant's physician that defendant had reached maximum medical improvement (MMI) for his ankle and the State notified defendant that they were going to discontinue paying their portion (33%). The State last paid defendant on December 9, 2014. However, Sedgwick continued to pay defendant their portion (66%).

On December 15, 2014, defendant began employment as a dispatcher with J&T Logistics in Hubbard, Iowa. Defendant was drawing wages from J&T Logistics and continuing to collect payment from Sedgwick. The defendant contested the physician's opinion that he had reached maximum medical improvement and requested another doctor's opinion. Defendant found a doctor that felt he could correct defendant's ankle with another surgery. Defendant then requested and was put back on the State's (33%) payroll on March 9, 2015. Defendant continued to work for J&T Logistics during this time period and did not notify the State or Sedgwick of his secondary employment or income.

Workers Compensation rules, as well as DPS policy, require employees to report secondary employment. If defendant would have reported his income from J&T Logistics to Sedgwick, Sedgwick would have reduced his compensation accordingly. Sedgwick calculated that they overpaid defendant \$13,888.17 between December 16, 2014 and July 7, 2015 due to his failure to report his secondary income from J&T Logistics.

If Sedgwick would have reduced their portion (66%) of defendant's weekly pay, it would have forced defendant to use his personal sick time hours quicker to supplement his pay, and the sick time would have not been reimbursed by the state. According to Iowa Department of Administrative records, defendant was overpaid \$12,716.14 between March 9, 2015 and September 1, 2015 due to his failure to report his secondary income from J&T Logistics.

The total amount of overpayment to defendant from Sedgwick and the State of Iowa was \$26,604.31. The defendant took possession or control of the property of another with the intent to deprive the owner thereof. The defendant admitted he was aware he was required to notify his employer of his secondary employment and that he did not do so.

Melinda Gehrke

Subscribed and sworn to before me by MELINDA GEHRKE at 1111 14th Ave Eldora, Iowa
this 17 day of Oct 2016. Signature Melinda Gehrke (Notary-Other)

Complaint (and Affidavit(s)) filed and probable cause found that the defendant committed the offense charged.
Magistrate _____

