

FILED

04-03-2020

Clerk of Courts

Fond du Lac County WI

2020CM000193

STATE OF WISCONSIN	CIRCUIT COURT	FOND DU LAC COUNTY
STATE OF WISCONSIN	DA Case No.: 2020FL000984	
Plaintiff,	Assigned DA/ADA: Kristian K. Lindo	
vs.	Agency Case No.: 20-2441	
	Court Case No.:	
	ATN:	
MICHELLE M. MATTESON		<b>CRIMINAL COMPLAINT</b>
203 Welsh Street		
Fond du Lac, WI 54935		
DOB: 08/02/1970		
Sex/Race: F/W		
Alias:		
Defendant.		
		<i>For Official Use</i>

The undersigned law enforcement officer of the Fond du Lac Sheriff, being first duly sworn, states that:

#### Count 1: VIOLATE HEALTH RULES/ORDERS/ORDINANCE

The above-named defendant on or about Friday, March 27, 2020, in the Town of Taycheedah, Fond du Lac County, Wisconsin, did willfully violate or obstruct the execution of any state statute or rule, county, city or village ordinance or departmental order under chapter 252 Wis. Stats, and relating to the public health, to wit: Emergency Order #12: Safer at Home Order, contrary to sec. 252.25 Wis. Stats., a Misdemeanor, and upon conviction shall be imprisoned for not more than 30 days or fined not more than \$500 or both.

#### PROBABLE CAUSE:

I am a Fond du Lac County Sheriff's deputy and base this complaint upon my review of Fond du Lac Sheriff's Office incident reports whose reports are of the type I have relied upon in the past and found to be truthful and reliable. Said reports state as follows:

On March 24, 2020, Wisconsin Governor Tony Evers issued Emergency Order #12: "Safer at Home Order." This emergency order was issued in light of the COVID-19 pandemic, in an effort to slow the spread of the virus among the residents of Wisconsin. This order was highly publicized on multiple media outlets including print news, television, radio, and social media.

Complainant knows, having reviewed Emergency Order 12, that Section 1 of the order outlines rules regarding Social Distancing Requirements. Per those requirements, individuals outside of the home must maintain a distance of six feet from each other. Section 3 of the order prohibits all public and private gatherings of any number of people, unless they are part of a single household or living unit. Section 13(d) (i) of the Order mandates that all restaurants must close, except for take-out or delivery services.

As it relates to restaurants staying open for take-out or delivery services, Section 13(d) also outlines the following prohibited acts.

- (iii) Customers may enter a restaurant only for the purpose of ordering, pick up, or paying for food or beverage or both
- (iv) No seating may be provided
- (v) Food and drink may not be consumed on premises, either indoors or outdoors
- (vi) Establishments shall meet Social Distancing Requirements between all individuals on premises to the extent possible

Emergency Order #12 went into effect at 8:00 am on March 25, 2020 and is in effect until 8:00 am on April 24, 2020 (or until a superseding order is issued).

On March 27, 2020, at approximately 5:37 pm, Fond du Lac County Sheriff's Deputy Jason Bruggink was dispatched to Sunset on the Water, to investigate the claim of a possible violation of Emergency Order #12. The reporting party stated they saw approximately 20 cars in the parking lot, that the restaurant was open; however, they did not know whether anyone was actually in the dining room.

Deputy Bruggink arrived at the supper club, located at N7364 Winnebago Drive, in the Township of Taycheedah, Fond du Lac County. Upon arrival, Deputy Bruggink saw several vehicles in the parking lot along with three individuals and a restaurant working bringing food out to vehicles. Deputy Bruggink entered the restaurant and saw four to five people, bunched in a line, close together, waiting to pay or order food at the bar. Deputy Bruggink also saw three to four other customers waiting in the bar area that were maintaining appropriate social distancing.

Deputy Bruggink spoke with Jamie Bray, an employee who was taking orders, both from customers at the bar and over the phone. Deputy Bruggink advised Bray to have the customers wait outside after paying for their food. Deputy Bruggink also advised the customers in line to either create some space or wait in their vehicle,

Deputy Bruggink asked to speak with the owner of the restaurant and Bray stated that would be Maria Katris who was currently in the kitchen cooking. Deputy Bruggink asked that Bray get Katris and Bray became visibly upset, making remarks to customers. Deputy Bruggink waited approximately 15 to 20 minutes for Katris to come out of the kitchen before again asking Bray to have Katris come out and speak with him. Bray continued to answer calls and became extremely upset towards Deputy Bruggink that he was requesting her to get Katris.

Deputy Bruggink continued to wait patiently, for over 20 minutes, before walking away from the host stand and looking into what should have been an empty dining room. In the dining area, Deputy Bruggink saw a female, later identified as Michelle Matteson. It also appeared that multiple bottles of alcohol were being stored in the dining room. Matteson was seated at a table in the dining room; at the table were two drinks: a glass with ice and some sort of liquid as well as an open bottle of Miller Lite, with approximately one inch of liquid left in the bottle. Matteson was speaking to another female who was later identified as Brenda Bray, the mother of the of Jamie Bray.

Deputy Bruggink spoke with both women. Brenda Bray stated she was waiting for her food order. Matteson informed Deputy Bruggink that she had already eaten her food at the restaurant. When asked how long she had been at the restaurant, Matteson said she had been there for approximately an hour, eating and socializing with friends. Matteson later informed Deputy Bruggink that Jamie Bray had been in and out of the dining room speaking with her mother, Brenda.

After this encounter with Matteson, Deputy Bruggink waited another 10 to 15 minutes for Katris to come out of the kitchen. Eventually, he was told that he could go back into the kitchen to speak with Katris. In the kitchen, Deputy Bruggink saw approximately 15 people working in the kitchen.

Deputy Bruggink was eventually able to speak with Katris, who stated she was only doing pick up orders. Deputy Bruggink advised Katris about the appropriate social distancing needed for customers in the restaurant and offered some suggestions on how to accomplish it. Deputy Bruggink read section 13 of the Emergency Order with Katris and did inform her that it was available to view online.

Deputy Bruggink again spoke with Jamie Bray who said she was unaware that Matteson was eating and socializing in the dining room. Katris also denied knowledge of anyone sitting down and eating their meal in her restaurant.

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

Subscribed and sworn to before me on 04/03/20

Electronically Signed By:

Eric J. Toney

District Attorney

State Bar #: 1079214

Electronically Signed By:

Lt. Chris Randall

Complainant