

DM16585

STATE OF INDIANA)
) SS:
COUNTY OF OWEN)

IN THE OWEN CIRCUIT COURT

CAUSE NUMBER. 60C01-1711-FD-863

STATE OF INDIANA

INFORMATION FOR:

VS

COUNT 1:

DONALD G. MINNICK

CONFLICT OF INTEREST

Gosport, IN 47433

I.C. 35-44.1-1-4(b)(1)

**FILED
IN OPEN COURT**

A CLASS D FELONY

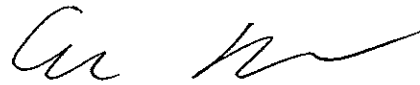
NOV 08 2017

OWEN CIRCUIT COURT

Count 1:

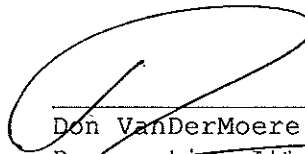
The undersigned says that between December 12, 2012 and April 19, 2013 in Owen County, State of Indiana, Donald G. Minnick, being a public servant, to-wit: county commissioner, did knowingly or intentionally have a pecuniary interest in a contract or purchase, to-wit: the purchase of a Mack truck and the sale of a Freightliner truck; said contract or purchase being connected with an action by the governmental entity served by the defendant contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-1-4(b)(1) and against the peace and dignity of the State of Indiana.

I affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.



Erich Teuton

APPROVED BY ME:



Don VanDerMoere
Prosecuting Attorney

WITNESSES:

Erich Teuton, William Snodgrass, Leonard Hobbs, Patty Steward, Richard Foutch, George Jennings, Mark Brewer, Gary Neese, James McHugh, Representatives of Illiana Truck Parts, members of the Owen County Highway Department

DM16585

STATE OF INDIANA)
) SS:
COUNTY OF OWEN)

IN THE OWEN CIRCUIT COURT

CAUSE NUMBER. 60C01-1711-FD-863

STATE OF INDIANA

INFORMATION FOR:

VS

COUNT 2:

DONALD G. MINNICK

OFFICIAL MISCONDUCT

I.C. 35-44.1-1-1(1)

A CLASS D FELONY

FILED
IN OPEN COURT

NOV 08 2017

OWEN CIRCUIT COURT

Count 2:

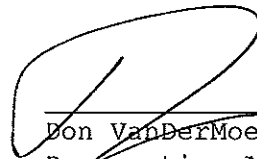
The undersigned says that between December 12, 2012 and April 19, 2013 in Owen County, State of Indiana, Donald G. Minnick, a public servant, to-wit: county commissioner; knowingly or intentionally committed an offense to-wit: conflict of interest in the performance of his official duties contrary to the form of the statutes in such cases made and provided by I.C. 35-44.1-1-1(1) and against the peace and dignity of the State of Indiana.

I affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.



Erich Teuton

APPROVED BY ME:



Don VanderMoere
Prosecuting Attorney

WITNESSES:
See Count I

**NOT FOR
PUBLIC ACCESS**

STATE OF INDIANA

VS

Donald G Minnick

**FILED
IN OPEN COURT**

NOV 08 2017

OWEN CIRCUIT COURT

PROBABLE CAUSE AFFIDAVIT

I, CAPTAIN DETECTIVE ERICH TEUTON, OF THE OWEN COUNTY SHERIFF'S OFFICE BEING DULY SWORN UPON MY OATH, STATE THAT I BELIEVE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT DONALD G MINNICK COMMITTED A CRIMINAL OFFENSE. SUCH BELIEF IS BASED UPON THE FOLLOWING.

DONALD G MINNICK

CHARGE: Conflict of Interest a class D felony and Official Misconduct a class D felony.

Summary:

On August 25, 2017, I received an email asking me to look into a 1997 Mack semi-tractor owned by the Owen County Highway Department. There were still DOT numbers on the semi and there was also a question with the sold date on the title along with the issue date. I ran the DOT numbers listed on the side of the semi. I learned those numbers returned to a Mr. Donald Minnick and the account was still active. Through running the VIN on the semi, I learned that it was purchased by Mr. Minnick around 2008. The title was then transferred to Mark Brewer on December 12, 2012. The same day (according to the titles) it was sold to the Owen County Highway

Department. The county then waited until December 13, 2014 to change the title into their name.

After obtaining this information I spoke with Owen County Auditor Patty Steward. Mrs. Steward provided me with a copy of the claim relating to the Mack truck along with the title information, a bill sent to the county, and a check issued to Mark A Brewer. All the information provided to me seemed very suspicious. In the paperwork, there was an invoice from Mark Brewer for the sale of the Mack Semi for 8,500.00 dollars. The county also traded him a 1987 Freightliner valued at 2,500.00 dollars therefore a bill was submitted for 6,000.00 dollars. This bill was dated December 14, 2012. A check was then issued to Mark Brewer on January 07, 2013 for 6,000.00 dollars. This check was deposited at the First National Bank in Cloverdale Indiana. The copies provided to me of the title belonging to the Mack truck showed a sale date of December 12, 2012 to Mark Brewer and the current title that shows the vehicle owned by Owen County has a sale date to the county of December 12, 2012. It was also learned that Mark Brewer is an employee of Donnie Minnick and also lives in a home owned by Minnick. Donald Minnick is the president of the Owen County Commissioners. This claim was paid on January 07, 2013 and approved by all three county commissioners including Minnick.

A few days later a subpoena was issued for any and all banking records for Mark Brewer at the First National Bank. This subpoena was hand delivered to Gary Neese, the president of First National Bank. It was quickly learned that Mr. Brewer did not have any accounts at their bank. However, the check that was issued to Brewer had been cashed at their bank and deposited into one of their account holder's checking accounts. A subsequent subpoena was then requested and issued for the account the check was deposited into. Through this subpoena it was learned that the 6,000.00 dollars was deposited into a checking account belonging to Donald and Kisha Minnick. This occurred on January 11, 2013. A subpoena was then issued for accounts held at the bank for Donald Minnick including all accounts for 2012 and 2013. Through bank records it appeared that Mr. Brewer is paid in cash by Minnick and there was never a check issued back to Brewer for any amount.

On October 17th, I along with Detective Snodgrass and Sheriff Hobbs met with Joe Pettijohn. During this meeting Mr. Pettijohn explained that in 2012 the county owned an old Freightliner semi. The engine started to go bad so Mr. Pettijohn contacted Donnie Minnick and informed him of the situation. Mr. Minnick said that he knew where a semi was and that it was his. He believed the county needed to purchase it and that he would sell it. Minnick told Pettijohn that he would take care of everything. According to Pettijohn the Freightliner was hauled to Minnick's farm by the county highway. We were provided with an invoice submitted to the county in Brewer's name for the sale of the Mack truck. Pettijohn stated Brewer did not own that truck.

On October 18th, I along with Detective Snodgrass spoke with Owen County Highway mechanic Ed Burdine. He remembered when the county purchased the Mack semi. It was purchased because the Freightliner's engine started to go bad. Burdine stated that it came from Minnick and was in bad shape when the county received it. He believed when the county workers went to Minnick's farm to retrieve it, the truck was sitting in the weeds. Burdine believed it had been used as a parts truck. He noted numerous issues with the truck. Some of those issues included the truck needing new air bags, wheel bearings, clutch, new radiator, exhaust manifold, new rims and a wet kit. The truck also didn't have any batteries in it.

On October 19th, I along with Detective Snodgrass spoke with Billy Welch a former county highway employee. Mr. Welch stated he was driving the Freightliner when the engine started to go bad and it eventually "threw a rod". The truck was towed back to the highway garage and eventually ended up on McHugh's lot. Mr. Welch said that when the brown Mack truck showed up he asked why they had Donnie Minnick's truck. He was informed that the county had purchased it. Mr. Welch was familiar with the truck because he had seen it on Minnick's property. He was also informed that Minnick received all the proceeds from this sale. Welch said the Mack truck needed work from the very beginning. This work included air bags, air valves, batteries, new fifth wheel, and bearings.

On October 23rd, I along with Detective Snodgrass spoke with Mark Parrish also a former employee of the highway department. He stated the Mack semi also came from Minnick's due to the fact when it arrived at the highway department it still said Minnick Farms on one of the doors. Parrish described the semi as "nothing but junk" and said it required a large amount of work.

On October 24th, I along with Detective Snodgrass and Sheriff Hobbs did a follow up interview with Joe Pettijohn. During the interview Pettijohn stated that in late 2012 the engine in the Freightliner truck owned by the highway department went bad. He called Mr. Minnick and informed him of such. Minnick said he had a truck that would work. Pettijohn had seen the truck at Minnick's farm before it was sold to the county. He also confirmed that Mark Brewer did not own any trucks and was just a farm employee for Minnick, not a truck driver. He believed that a couple highway employees picked up the truck from Minnick's farm but couldn't remember which ones. Later Mr. Minnick told Pettijohn that he had to put the truck in Brewer's name to sell it to the county.

When the Mack truck arrived at the highway department they had to remove "Minnick Farms" from a chrome placard. He stated that it still had DOT numbers on it belonging to Minnick. Pettijohn went on to state that he remembered the county hauling the old Freightliner to Minnick's property. He along with another highway employee did this. (possibly Doug White).

We then spoke with Mike McCullough a former county highway employee. He believed the Mack truck came from Minnick because it still had Minnick Farms on the side when it arrived at the department. He also believed the Freightliner was hauled to Minnick's by the county.

On October 27th, a search warrant was served at the Mark Brewer residence. When Deputies arrived Mr. Brewer was at the end of his driveway. Detective Snodgrass spoke with Brewer and advised him of the situation. Brewer agreed to speak with us and cooperate with the investigation. Mr. Brewer started off by saying that at one point in time he did own a semi. He described it as a white Mack and further stated that he purchased it from Donnie Minnick. Minnick is also his employer. The

purchase price for the truck was 7,000.00 dollars. Brewer later said that he decided not to go into the trucking business therefore he sold it to the county for what he bought it for. He then stated that he was not able to pay to plate it, register it or pay for fuel. He is payed in cash each week by Minnick and lives pay check to pay check. According to Brewer he agreed to make payments on the truck and that he paid it off in either 4, or 6 months. At this point in time we informed Brewer that his story was not adding up.

Brewer then stated that he (Minnick) wanted to sell the truck to the county. Minnick then transferred the title to Brewer so he could complete the sale. He then came clean and said that Donnie approached him about the deal. Minnick said that the county needed a semi and he wanted to sell that one to them. Therefore, he had Brewer title it in his name for the sale. Brewer said that when the check came in the mail he immediately gave it to Minnick. Minnick cashed the check and Brewer never received any money for the sale. Brewer went on to state that he never received the Freightliner in trade either. He remembered seeing the truck but didn't know what happened to it. I then showed him the invoice for the truck that was submitted to the county. Brewer stated that he didn't make the invoice and said that all he did was transfer the title into his name then hand the check over to Minnick. It was confirmed that he did not own a computer and he then eluded that Minnick more than likely made the invoice. Again, Brewer stated that Minnick wanted to sell the truck to the county and that he didn't receive any of the profit from that sale. No items were located in the Brewer residence.

On October 30th, I along with Sheriff Hobbs spoke with Donnie Minnick. Minnick had requested to speak with both of us and this was conducted in Sheriff Hobbs vehicle. Minnick stated that used to own the Mack semi however he had sold it to Mark Brewer. He could not remember when he sold it to him but remembered he sold it for 7,000.00 dollars. Mark was to make payments but there was no written contract. He believed that Brewer had payed him about 1,000.00 before it was sold. Minnick stated that the county had actually borrowed the truck several times before they decided to purchase it from Brewer. Minnick believed Pettijohn approached Brewer about the sale of the truck. Minnick then

