

State of Minnesota
County of Dakota

District Court
1st Judicial District

Prosecutor File No.
Court File No.

CA-2018-02001

State of Minnesota,

Plaintiff,

COMPLAINT

Summons

vs.

TRENT JOEL FOLEY DOB: 05/18/1972

7945 170th St W
Lakeville, MN 55044

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Insurance Fraud

Minnesota Statute: 609.611.1(a)(2), with reference to: 609.52.3(2), 609.611.3

Maximum Sentence: 0-10 Years and/or \$6,000.00 - \$20,000.00

Offense Level: Felony

Offense Date (on or about): 11/09/2016 to 05/09/2017

Control #(ICR#): 17000027

Charge Description: On or about November 9, 2016 - May 9, 2017, in the County of Dakota, Minnesota, TRENT JOEL FOLEY, did with the intent to defraud for the purpose of depriving another of property or for pecuniary gain, present, cause to be presented, or prepare with knowledge or reason to believe that it will be presented, by or on behalf of an insured, claimant, or applicant to an insurer, insurance professional, or premium finance company in connection with an insurance transaction or premium finance transaction, any information that contains a false representation as to any material fact, or that conceals a material fact concerning a claim for payment or benefit under an insurance policy, and the value of property, services, or other benefit wrongfully obtained or attempted to obtain, or the aggregate economic loss suffered by any person as a result of the violation exceeds \$5,000.

STATEMENT OF PROBABLE CAUSE

In May of 2017, the Minnesota Commerce Fraud Bureau began an investigation into reported insurance fraud, involving TRENT JOEL FOLEY (DOB: 05/18/1972), the defendant, for an incident that occurred in the City of Eagan, Dakota County, on 11/09/16.

FOLEY was terminated for gross misconduct on 11/09/16 from his employment. As he was being escorted from the property, he had a large toolbox on wheels that was moved out to behind his truck. Other employees brought out a bobcat with forks to assist loading the toolbox into the bed of the truck. Employees report seeing FOLEY opening the top drawers of the toolbox and it appearing that he pulled on it and it fell over. The toolbox fell over and FOLEY claimed to have sustained injuries as result. Subsequent to this incident, FOLEY submitted claims for workers compensation insurance and wage loss to EMC Insurance Companies. FOLEY sought \$24,330 in disability claims and \$21,957.23 in medical expenses from the insurance company.

The insurance company conducted an investigation. Witnesses at the scene reported that they heard the crash of the toolbox falling over, before FOLEY was seen falling or throwing himself to the ground. FOLEY was deposed under oath on 02/27/17, and reported that he had to use a cane and was limited how much he could bend over. FOLEY reported he could not move at all when the toolbox fell over, even though witnesses at the scene stated he had removed his leg/ankle from under the toolbox after it fell over and nothing prevented him from doing so. MRI's conducted on FOLEY showed no injury, no disk herniation and no stenosis to account for his reported symptoms.

Video surveillance was conducted on FOLEY; on 03/02/17 he was observed in and outside his garage, walking without a cane and bending at the waist to retrieve a piece of siding, as well as throwing trash away. On 03/13/17 FOLEY was observed walking outside his garage to a pickup truck. He was seen walking between the truck and the garage several times, bending partially at the waist and side stepping to get between the truck bumper and the garage. All of this was done without the use of a cane. On 03/14/17 FOLEY was observed just prior to his scheduled independent medical exam. He walked to his truck and bent at the waist to pick up the extension cord and unplugged it. He was seen walking back and forth between the truck and the garage as well, all without the use of a cane.

FOLEY was surveilled to his medical appointment, upon exiting the truck he was seen using a cane to walk into the building. When he left the appointment he was again seen using the cane, but now walking in a cautious manner with an exaggerated pause between each step. He was then followed home. At his house he exited the vehicle and walked without using the cane, and was seen bending at the waist to pick up something off of the ground. A short time later he came outside carrying a garbage can in his right hand and then out of view to where the cans are kept on the exterior of

the house. He was seen turning sideways and side stepping to get between the bumper of the truck and the garage. Again, he did all this without use of a cane.

In the medical examination of 03/14/17, FOLEY's movement was exaggerated and slow, and he claimed to not be able to stand without the use of a cane. The doctor also noted that FOLEY had exaggerated pain symptoms and that his behaviors were consistent with extreme symptom magnification and/or malingering.

FOLEY's insurance claims were ultimately denied by a compensation judge in the Office of Administrative Hearings after finding that FOLEY had provided false testimony and did not sustain a work related injury on 11/09/16.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Tracy Kaczowski
Special Agent
85 7th Place East
Suite 100
St. Paul, MN 55101
Badge: 105

Electronically Signed:
02/05/2019 07:59 AM
Hennepin County, MN

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

Prosecuting Attorney

Dain L Olson
Assistant Dakota County
Attorney
1560 Hwy 55
Hastings, MN 55033-2392
(651) 438-4438

Electronically Signed:
01/28/2019 04:28 PM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☒ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 1560 W Highway 55 Dakota County Judicial Center, Hastings, MN 55033 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ *Execute in MN Only*

☐ *Execute Nationwide*

☐ *Execute in Border States*

☐ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: February 5, 2019.

Judicial Officer Martha M. Simonett
Judge of District Court

Electronically Signed: 02/05/2019 11:00 AM

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

**COUNTY OF DAKOTA
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Trent Joel Foley

Defendant

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

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Trent Joel Foley
DOB: 05/18/1972
Address: 7945 170th St W
Lakeville, MN 55044

Alias Names/DOB:

SID:

Height: 6' 1"

Weight: 225lbs.

Eye Color: Brown

Hair Color: Brown

Gender: MALE

Race: White

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	11/9/2016	609.611.1(a)(2) Insurance Fraud-Present False Representation/Conceals Facts-Claim for Payment	Felony	U1661	N	MN062095Y	17000027
	Other	11/9/2016	609.611.3 Ins Fraud-Sentence	No-Level	U1661	N	MN062095Y	17000027
	Penalty	11/9/2016	609.52.3(2) Theft-Value over \$5,000 or Trade Secret, Explosive, Controlled Substance I or II	Felony	U1661	N	MN062095Y	17000027