

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

NORTH YORK BOROUGH :  
Petitioner, :  
 :  
v. : Docket No: 2020-SU-002061  
 :  
DYLAN SEGELBAUM and :  
THE YORK DAILY RECORD :  
Respondents. :

---

RESPONSE TO NOTICE OF APPEAL AND PETITION FOR REVIEW OF THE  
SEPTEMBER 16, FINAL DETERMINATION OF THE PENNSYLVANIA OFFICE OF OPEN  
RECORDS

AND NOW comes Dylan Segelbaum and The York Daily Record (Requesters), by their attorney, Paula Knudsen Burke, and files the following response to North York Borough's Notice of Appeal and Petition for Review of the September 16, 2020 Final Determination of the Pennsylvania Office of Open Records and avers in support thereof as follows:

**JURISDICTION**

1. Admitted.

**PARTIES**

2. Admitted.
3. Admitted.
4. Admitted.

**DETERMINATION TO BE REVIEWED**

5. Admitted.

**STANDARD AND SCOPE OF REVIEW**

6. Denied as a legal conclusion. By way of further response, while the trial court may exercise a plenary scope of review and a de novo standard of review, there is "nothing in the RTKL that would prevent a Chapter 13 court from simply adopting the findings of fact and conclusions of law of an appeals officer when appropriate, thus, in the proper case, effectively achieving the result sought by the OOR." *Bowling v. Office of Open Records*, 75 A.3d 453, 473 (Pa. 2013).

**CONCISE STATEMENT OF FACTS**

7. Admitted.
8. Admitted in part and denied in part. By way of further response, Requester believes the record sought to be a forensic audit performed by the Lancaster-based firm RKL LLP.
9. Admitted in part and denied in part. Requesters dated their Right to Know request for July 30, 2020 but sent it via email after business hours on July 29, 2020.
10. Admitted in part and denied in part. The denial was emailed on August 7, 2020 although the letter was dated August 6, 2020.

11. Admitted.

- a. By way of further answer, Respondent submits that the forensic audit in question is a “financial record” as defined by Sec. 102 of the Right to Know Law. “Financial record” includes a “financial audit report. The term does not include work papers underlying an audit.”
- b. The Pennsylvania Supreme Court has held that a financial record must “**both** bear a ‘sufficient connection’ to a financial ‘account, voucher or contract’ **and** ‘deal with the receipt or disbursement of funds by an agency.’” *City of Harrisburg v. Prince*, 219 A. 3d 602, 617 (PA. 2019) (emphasis in original)
- c. If a record is determined to be a “financial record,” most exemptions to the Right to Know Law are inapplicable. 65 P.S. § 67.708(c).

12. Admitted.

**CONCISE STATEMENT OF THE REASONS FOR APPEAL**

13. Denied. The audit was not created “with the purpose of determining if public funds had been misappropriated” but instead was, as the OOR rightly held, initiated for proper governance of public funds.
- a) The Police Criminal Complaint and Affidavit of Probable Cause related to criminal charges in this situation is attached and incorporated herein as Exhibit A.
  - b) As detailed in the affidavit of probable cause, a member of the North York Borough Council approached the York County District Attorney’s office in November 2019 with concerns about the possibility of embezzlement from the Liberty Fire Company.
  - c) The affidavit of probable cause notes a second person also came forward with similar concerns.
  - d) The affidavit continues, “In the interim, North York Borough Council did subsequently hire the services of an accounting firm by the name of RKL out of Lancaster, Pa. to conduct a forensic audit of Liberty Fire Company from January of 2012 through December of 2018.”
  - e) According to the affidavit of probable cause, neither the District Attorney’s office nor law enforcement requested or directed the initiation of the audit. See Exhibit A.
  - f) Rather, the Borough Council hired the accounting firm on its own, and “the above mentioned report was turned over to the York County DA’s office for examination and review.”
  - g) Exhibit C of the Petitioner’s filing mirrors the content of the affidavit of probable cause. It is clear from the affidavit of the Borough’s solicitor that the agency initiated the review of its own accord to monitor proper governance of public funds, rather than at the behest of a criminal justice agency. “I became aware of concerns regarding possible misappropriation of funds by the North York Borough Liberty Vol. Fire co. No. 1...I also advised the Council that, if there was criminal activity, in order for the District Attorney to prosecute the matter, the Borough would need to provide evidence of wrongdoing that would allow the District Attorney’s office to take on the investigation and pursue criminal charges if appropriate.”

The OOR was correct in determining that the Petitioner Borough has not demonstrated that the audit was undertaken for the purposes of a criminal investigation and therefore Section 708(b)(16) does not apply. See, e.g., *Silver v. City of Pittsburgh*, OOR Dkt. AP



2013-1395 (“[I]t strains credulity to imagine that the requested records – overtime report forms and correspondence regarding how said forms should be completed – are criminal investigative records and thus exempt under Section 708(b)(16) of the RTKL. The withheld records are *related* to a criminal investigation only in the sense that they have been obtained by the FBI as evidence during their investigation. The fact that a record becomes evidence in a criminal investigation – especially a nominally public record dealing with the expenditure of public funds – does not transform that request into one exempt from disclosure...In situations such as this, the OOR will not deprive itself of jurisdiction over appeals where the records at issue are plainly public records, *i.e.* dealing with the expenditure of public funds, and therefore, incapable of being criminal investigative records.”)

14. Denied. The OOR rightly determined that it had jurisdiction over the instant appeal, and that the matter should not be adjudicated by the York County District Attorney’s office.
15. Denied. The OOR was correct in finding that the non-criminal investigation is inapplicable. The actual results of a financial audit are not exempt from disclosure, although the papers underlying an audit may be. *Mollick v. Methacton Sch. District*, OOR Dkt. AP 2019-0514, *Dep’t of Pub. Welfare v. Chawaga*, 91 A.3d 257 (Pa. Cmwlth. 2014). For an agency to invoke the noncriminal investigation exemption, it must as a threshold matter have authority to conduct the investigation at issue. *Chawaga*, at 259, requires that the entity conducting the audit possess the authority to do so in order for the audit/investigation to fall within the RTKL’s noncriminal investigation exception. While the appointment of an independent auditor to examine the borough’s accounts for a fiscal year is within the purview of a Borough council, specifically engaging a one-time special audit of a volunteer fire department is not within the agency’s legislatively granted fact-finding or investigative powers; therefore, it cannot invoke the noncriminal investigation exception.

#### **STATEMENT OF THE RELIEF SOUGHT**

WHEREFORE, Respondents, Dylan Segelbaum and The York Daily Record, respectfully request the court adopt the findings and conclusions of the Appeals Officer and summarily AFFIRM the Final Determination of the Office of Open Records, or, alternatively, that the Court conduct an *in camera* review of the requested records and order disclosure subject to limited redaction of any specific information that the Court determines is exempt from public disclosure.

Respectfully submitted,

Paula Knudsen Burke  
REPORTERS COMMITTEE FOR FREEDOM  
OF THE PRESS  
PA ID: 87607  
PO Box 1328  
Lancaster, PA 17608

Dated: 10/29/20

[pknudsen@rcfp.org](mailto:pknudsen@rcfp.org)

*Attorney for Dylan Segelbaum and The York Daily Record*



**VERIFICATION**

I, Dylan Segelbaum, hereby state that the facts above set forth in the Response to Notice of Appeal and Petition for Review are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dylan Segelbaum  
(signature)

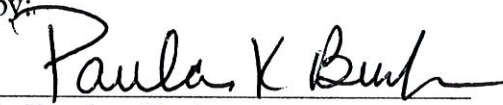
Date: 10/27/20

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:

Signature: \_\_\_\_\_



Name: Paula Knudsen Burke

PA Attorney ID: 87607



**PROOF OF SERVICE**

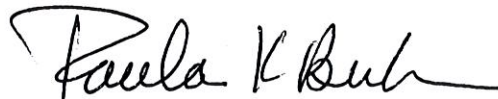
I hereby certify that I have served the foregoing document, Notice of Appeal and Petition for Review, upon the persons listed on the date and in the manner indicated below, which satisfies the requirements of Pa.R.A.P. 121:

**Notification by email with consent of party being served:**

Walter A. Tilley, III, Esq.  
Stock and Leader, Attorneys At Law  
221 West Philadelphia Street, Suite 600  
York, PA 17401-2994  
[wat@stockandleader.com](mailto:wat@stockandleader.com)

Jordan C. Davis, Esq.  
Appeals Officer  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
[jorddavis@pa.gov](mailto:jorddavis@pa.gov)

Dated: 10/29/20



Paula Knudsen Burke  
REPORTERS COMMITTEE FOR FREEDOM  
OF THE PRESS  
PA ID: 87607  
PO Box 1328  
Lancaster, PA 17608  
[pknudsen@rcfp.org](mailto:pknudsen@rcfp.org)

# EXHIBIT A



COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF YORK  
 Magisterial District Number: 19-2-05  
 JENNIFER P. CLANCY  
 MDJ: Hon. 1410 SIXTH AVE  
 Address: YORK, PA 17403  
 Telephone: 717-845-5508



**POLICE CRIMINAL COMPLAINT**  
**COMMONWEALTH OF PENNSYLVANIA**  
**VS.**

DEFENDANT: (NAME and ADDRESS):  
**STEVEN D MILLER**  
 First Name Middle Name Last Name Gen  
**2730 CLEARVIEW RD**  
**YORK PA 17406**

NCIC Extradition Code Type

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

DEFENDANT IDENTIFICATION INFORMATION

Docket Number <b>CR-228-20</b>	Date Filed <b>09/30/20</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>	Request Lab Services? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB <b>03/13/1962</b>	POB	Add'l DOB	Co-Defendant(s) <input type="checkbox"/>
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown		ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown		
HAIR COLOR <input 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 checked="" 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 COLOR <input type="checkbox"/> BLK (Black) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> BRO (Brown) <input checked="" 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 checked="" type="checkbox"/> NO	DNA Location			WEIGHT (lbs.) <b>147</b>
FBI Number	MNU Number		FL HEIGHT in. <b>5 11</b>	
Defendant Fingerprinted: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Fingerprint Classification:			

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <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, **JEFF SNELL** (Name of the Affiant) **4355 1406** (PSP/MPOETC - Assigned Affiant ID Number and Badge #)  
 of **YORK COUNTY DETECTIVE BUREAU** (Identify Department or Agency Represented and Political Subdivision) **PA0674500** (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 **[422] North York Borough** (Subdivision Code) (Place-Political Subdivision)  
**160 E 8TH AVE YORK, PA 17401 (LIBERTY FIRE COMPANY)**  
 in **YORK** County [ **67** ] on or about **Between 01/01/2015 0001 and 12/31/2019 2359** (County Code) (Offense Date)





# POLICE CRIMINAL COMPLAINT

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

- 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.
- 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.
- This complaint consists of the preceding page(s) numbered \_\_\_\_\_ through \_\_\_\_\_.
- 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.

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.)**

JEFF SNELL

09/30/2020

(Date)

Jeffrey S. Snell  
(Signature of Affiant)

AND NOW, on this date SEPTEMBER 30, 2020 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.

19-2-05

(Magisterial District Court Number)

James P. Clary  
(Issuing Authority)







# POLICE CRIMINAL COMPLAINT

Docket Number: <b>CR 228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

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.

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 _____					
<input checked="" type="checkbox"/>	<b>1</b>	<b>3921</b>	<b>A</b>	of the	<b>18</b>	<b>1</b>	<b>F3</b>	<b>2701</b>	<b>270</b>
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC 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 the statute or ordinance):

**Theft By Unlaw Taking-Movable Prop**

Acts of the accused associated with this Offense:

**The actor unlawfully took, or exercised unlawful control over movable property, namely approximately \$16,350.00 in cash belonging to Liberty Fire Company with the intent to deprive Liberty Fire Company of the monies thereof. This occurred through a continuous course of conduct from Jan.1, 2015 through Dec. 31, 2019 on the part of Steve Miller, fire chief of Liberty Fire Company at the time, who would collect monies from clients for rental of the social hall at Liberty Fire Company and would then fail to deposit those monies into the Liberty Fire Company social hall account. Moreover, Miller engaged in a continuous course of action in which he wrote out checks from the Liberty Fire Company Social Hall account which he made payable to himself/cash and then he would subsequently negotiate said checks and use the proceeds of said checks for his own personal benefit. This continuous course of conduct was from 2015 through 2019 and was over \$2000.00 in value making it a (Fel. 3).**

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 _____					
<input type="checkbox"/>	<b>2</b>	<b>3927</b>	<b>A</b>	of the	<b>18</b>	<b>1</b>	<b>F3</b>		
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC 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 the statute or ordinance):

**Theft By Fail To Make Req Disp Funds**

Acts of the accused associated with this Offense:

**The actor engaged in a continuous course of conduct from Jan.1, 2015 through Dec. 31, 2019 in which he obtained property, namely monies with a total value greater than \$2,000 belonging to Liberty Fire Company upon an agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount and intentionally dealt with the property obtained as his own and failed to make the required payment or disposition, in violation of Section 3927 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. -3927, as amended. Note: Steve Miller collect approximately \$14,000.00 in social hall rental fees for rental of the social hall at Liberty Fire Company during the above time span. He then failed to properly deposit those monies into the socail hall account with First National Bank and dealt with said monies as his own.**





# POLICE CRIMINAL COMPLAINT

Docket Number: <b>CR -228-26</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

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.

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 _____
------------------	--	---	---	---

<input type="checkbox"/>	3	3925	A	of the	18	1	F3	2803	280
Lead?	Offense #	Section	Subsection		PA Statute (Title)	Counts	Grade	NCIC 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 the statute or ordinance):

**Receiving Stolen Property**

Acts of the accused associated with this Offense:

**The actor intentionally received, retained or disposed of movable property, namely, \$16,350.00 in monies belonging to Liberty Fire Company with no intent to restore it to the owner, knowing that such property was stolen or believing that it had probably been stolen, in violation of Section 3925 of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. -3925, as amended. Note: this was a continuous course of conduct on Steve Miller's part from Jan. 1, 2025 through Dec. 31, 2015.**





# POLICE CRIMINAL COMPLAINT

Docket Number: <i>CR-228-20</i>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

## AFFIDAVIT OF PROBABLE CAUSE

In November of 2019 it came to the District Attorney's Office attention that the possibility existed that funds were being embezzled from the Liberty Fire Company in North York Borough. A member of North York Borough Council by the name of Vivian Amspacher had come to the DA's Office with information regarding the fact that she suspected embezzlement of funds had occurred from within Liberty Fire Company over the last several years. She first came to Chief Smith with this information 11-1-19. In addition, a full interview was done with her on 11-26-19 which was audio and video recorded and was subsequently transcribed. Chief Smith and Det. Pelaia conducted the interview with her.

It should be noted that another member of Liberty Fire Company had come forward with information regarding suspected embezzlement of funds from Liberty Fire Company. His name was Christopher Wilhelm and he held the office of recording secretary with Liberty Fire Company during the time period of the suspected embezzlement. His interview was both audio and video recorded and was subsequently transcribed.

In the interim, North York Borough Council did subsequently hire the services of an accounting firm by the name of RKL out of Lancaster, Pa. to conduct a forensic audit of Liberty Fire Company from January of 2012 through December of 2018. The forensic audit was conducted by Bethany Novis and Jeremy Witmer. That audit was turned over by their solicitor to the DA's office. The audit reviewed all bank account activity for the following bank accounts held by Liberty Fire Company which were the following:

1. Social Hall account with First National Bank (previously Metro Bank), acct. ending in 3798.
2. General account with First National Bank (previously Metro Bank), acct. ending in 2999.

The accounting firm also examined available manual internal financial records (ledgers/journals) maintained by the Fire Company (specifically Steve Miller Sr., Fire Chief and Dolly Hoover, treasurer). They also interviewed individuals at North York Borough and members of the Fire Company who had knowledge of the record keeping process.

After completing the forensic audit, the accounting firm came up with the following conclusions: There was a high likelihood that assets were misappropriated. There was also a high likelihood that Steve Miller, the fire chief, had misappropriated assets from the fire company during the time period of 2012-2018 related to the cash received from social hall rentals. They recommended to North York Borough Council that their forensic accounting report be handed over to the District Attorney's Office for their consideration and follow up.

The above mentioned report was turned over to the York County DA's office for examination and review. Upon a review by prosecutors from within the DA's Office, it was decided that an investigation would be conducted into an embezzlement of funds from Liberty Fire Company and that the DA's Office would assume jurisdiction on the matter. As such, this detective was assigned this investigation in mid June of this year.

As part of this investigation, this detective began to analyze the Liberty Fire Company Social Hall account as well as the forensic accounting analysis that RKL did on this account. In summary, RKL examined bank records from 2012 -2018 with Liberty Fire Company. Their examination indicated that the majority of the deposits into the social hall account of Liberty Fire Company was for fire social hall event rentals. They went on to indicate in their report that when customers issued checks to rent the social hall, on average the social hall was rented 24 times a year (by issuance of a check) at a rate of approximately \$200.00 per rental. On average, each rental was for about \$200.00 per rental. Moreover, when RKL





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

interviewed Steve Miller, president and fire chief of the fire company, Miller indicated that when the social hall was rented, that half of the people would pay with cash to rent the hall and half the people would pay with a check. This was on a yearly basis. Miller also advised that he maintained a paper calendar for each year to track the hall rentals and that at the end of the year, he would turn over the yearly calendar to Dolly Hoover (the treasurer) for filing. Per RKL, when they interviewed Dolly Hoover, she reported that she never received these records (calendars) from Miller.

RKL did state in their report that Miller did provide a 2019 calendar for social hall rentals but did not provide any calendars for previous calendar years of social hall rentals. Moreover, the 2019 calendar that Miller provided to RKL, they described as items being crossed off and the hand writing to be illegible. As such, they indicated that they were unable to come up with any kind of accuracy for an estimated 2019 social hall rental amount. As far as check deposit amounts for 2012-2018 for the social hall rental account, the amounts from a yearly basis amount ranged from \$4050.00 to \$5750.00, according to RKL.

RKL was able to indicate that there were some cash deposits to the social hall account; however, they were unable to document whether or not those deposits were for social hall rentals. This was because there were no records maintained by the Fire Company to support the cash deposits (rental invoices, rental calendars, etc.). What is significant is the fact that beginning in 2015, cash deposits to the social hall account dropped significantly compared to previous years. The following is a summation of cash deposits to the social hall account from 2012 through 2018:

1. 2012- \$8294.75
2. 2013- \$3755.00
3. 2014-\$3722.71
4. 2015- no cash deposits
5. 2016- no cash deposits
6. 2017-\$260.00
- 7.2018- no cash deposits

This is significant since Steve Miller indicated in his interview with RKL that the hall rentals were a 50/50 split when it came to people paying by cash or check. The question came up as to whether or not rentals from the social hall rental could have mistakenly been placed into the General Fund instead of the Social Hall Fund. When Dolly Hoover, the treasurer was interviewed by RKL, she stated she received no cash from Mr. Miller for social hall rentals that were to be deposited into the General Fund. Monies from the social hall rental were to go into the Social Hall account. In looking at the above statistics, only \$260.00 in cash deposits found its way into the Social Hall account from 2015 through 2018 which is a sharp contrast to previous years.

In conclusion, RKL indicated that there should have been cash deposits being made into the Fire Company Social Hall account over the past few years. A review of the Fire Company's bank statements showed minimal cash deposits over the last few years. Furthermore, Miller indicated in his statement to RKL that it was approximately a 50/50 split when it came to individuals paying by check or cash for the social hall rental of the Fire Company. When comparing the total amount of monies collected by check each year for social hall rental and comparing it to cash received for social hall rental over the last few years there is a real problem in that cash deposits totaled a mere \$260.00 in cash from 2015 through 2018. In comparison, \$17,750.00 in check deposits to the social hall account for social hall rentals were made during this same time frame from 2015 through 2018. Likewise, when you take into account the following social hall cash deposits that were made in prior years 2012-2014:





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

1. year 2012- \$8294.75 in cash deposits
2. year 2013- \$3755.00 in cash deposits
3. year 2014- \$3722.71 in cash deposits

which total \$15,772.46; and compare it to the intake of \$260.00 from years 2015-2018, there is a huge difference.

On 7-1-2020 this detective reviewed emails that Ashley Stine sent to the District Attorney's Office regarding misappropriation of funds within North York Borough Fire Company. Ashley indicated she was a member of Liberty Fire Company from 2015-2019. She went on to state that she was head of fund raising for the fire company from March 2019-September of 2019. Ashley went on to state that Steve Miller was the fire chief at the time and he was appointed by Richard Shank, president of Borough Council for North York. Ashley further indicated that Miller had sole possession and access to the Social Hall account for Liberty Fire Company in which he was suppose to be depositing money from social hall rentals into this account. Moreover, she stated that she witnessed Miller through out the years accept cash payments from persons renting the social hall. Ashley stated that she assumed Miller was making cash deposits into the social hall account from rent he was collecting from people renting the social hall inside the fire company. She stated that it was only after she attended a meeting with the forensic auditor who was auditing Liberty Fire Company when she learned that basically no cash deposits were made into the social hall account over the last 5 years. Ashley stated she had met with the auditor, Jeremy Witmer on 2-14-2020. Ashley stated that she had witnessed several people pay Miller in cash over the years for the social hall rental. As such, when the auditor told her that no cash deposits had been made to this account over the last several years, Stine stated she knew something was wrong.

Stine went on to state that Miller carried a day planner with him in which he kept account as to whom and when the social hall was being rented out to. Moreover, she stated that this is the same planner book Miller would pull out for her when she needed to coordinate dates with him for her fund raising events that she needed to schedule with him so that there were no conflicts with social hall rentals. Stine stated that the auditor informed her that he had never seen this planner book from Miller as part of the audit. Stine stated the proper way for a hall rental to take place was for Miller to fill out a receipt for the social hall and to give one copy of the receipt to the customer and the other one would be maintained within the fire company. Stine stated that Miller was to be keeping these receipts in a firehouse safe in his office. According to Stine, the auditor informed her that he never received these receipts in question for him to examine as part of the audit. Furthermore, Stine went on to state that the recording secretary would use a fire company lap top in order to keep the minutes of fire company meetings. At numerous fire company meetings, Stine stated that Miller would never turn in a report for the social hall account outlining expenses and deposits coming into the social hall account. Furthermore, she stated in many of the meeting minutes, Miller would submit a social hall account report which indicated that the balance in the account was \$0; but would go on to list expenses coming out of said account. Stine went on to state that Miller had taken money from the fire company back in the 90's and was never prosecuted for it. She then submitted a newspaper article outlining these facts and that Miller had taken money out of the defunct junior fire fighters account back in 1991 and 1992 and subsequently paid the money back. Council then tried to get him to resign; however, he refused to do so. Stine went on to state her and her fiancé accompanied Miller and his wife on some visits to the casino. She stated it was a known fact that Miller liked to gamble at casinos on many occasions, always had a lot of cash on him, and also spent a lot





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

of money on lottery tickets.

As part of this investigation, this detective began looking at a copy of the 2019 calendar that Steve Miller kept in order to write in dates and times that people rented Liberty Fire Company Social Hall. In looking over the entries that he made, many of them were illegible or scratched out. Some of the entries this detective was able to make out. As such, this detective attempted to call phone numbers of people who rented the social hall.

In looking over the 2019 social hall calendar, this detective discovered an entry that was made for 8-10-19 which had the following: 717-542-9432, Jasmin Cerda, \$200.00 paid. On 7-13-2020 this detective made contact with Jasmin at that number. She indicated she did rent the Liberty Fire Company social hall for that date of 8-10-19. She indicated she called into the fire company and did not recall who she spoke to. That said, she stated the person who she talked to directed her to put her payment in an envelope and slide it under a door which was right in front of the kitchen inside the fire company. Jasmin stated she did so and placed \$200.00 cash in an envelope and slid it under this aforementioned door. Note: through this detective's investigation the door that Jasmin was referring to is the fire chief's office which is right across from the kitchen.

On 7-17-2020 this detective made contact with Kathy Hughes-Stahle regarding this investigation. This detective had received prior information from RKL that Kathy was one of the individuals who they had spoken with as part of their forensic audit who had indicated that she had rented the Liberty Fire Company social hall and had paid out \$250.00 in cash to Steve Miller for that rental. She is identified as individual #3 in their report. Kathy also indicated to them she watched Miller put the \$250.00 in cash she gave him in his duty vehicle. From their review of the social hall calendar maintained by Miller, the \$250.00 was recorded on the calendar for that rental. However, from their review of the 2019 bank statements with the social hall account, there are no cash deposits in the Fire Company's (social hall account) around the time of the rental.

When this detective interviewed Kathy, she indicated that she had rented the social hall on 6-9-2019 for \$250.00. She indicated that it was for her son Dillon's high school graduation party. She stated Dillon use to be a junior fire fighter. In any regards, she stated that she handed Steve Miller the \$250.00 in cash on June 9th at around 11 a.m. that morning and it was the same day they rented the social hall which was a Sunday. Kathy stated that Miller issued her no receipt and did not request a security deposit from her. When this detective examined the 2019 calendar that Miller turned over which was used by RKL for their audit, this detective noticed a hand written notation in the block for June 9th, 2019 which had the names Kathy then Dillon directly underneath it with 250.00 also written in. When this detective examined the Liberty Fire Company Social Hall bank statements, no cash deposits are found until 8-10-19 in which there is a \$600.00 deposit consisting of \$500.00 in deposited checks and \$100.00 in cash. Hence, it doesn't appear as though this \$250.00 in cash ever got deposited into the social hall account because checks made payable for the social hall rental from June 2, 2019 through July 15, 2019 were deposited on 8-10-19 (the same time frame that Miller received the \$250.00 in cash from Kathy for the social hall rental).

Kathy also stated that she rented the social hall from Miller on 2-15-15 and 11-29-15. Kathy recalled that both of these rentals were for a Sunday since the Saturdays had already been booked by someone else. She stated Miller indicated to her that she could make the check payable to him or Liberty Fire Company. In both instances she stated she issued a check made payable to Liberty Fire Company for these rentals. This detective did find these checks in question that she issued as payment to Liberty





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <i>CR 228-20</i>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

Fire Company on 2-15-15 and 12-3-15 which were deposited into the Liberty Fire Company social hall account.

On 7-30-2020 this detective responded to 1006 W. Locust St., York, Pa. in order to interview Tocka Redman regarding this investigation. An analysis of the 2019 calendar that Miller had in his possession to rent out the social hall which was turned over to RKL as part of their forensic audit revealed that on Nov. 2, 2019 there appeared to be a rental of the social hall. The phone number of 332-6653, 160.00, Baby Shower (Pd.) appeared in that block. When this detective ran a search of that phone number through Metro Alert Data Interrogator which is a police records management system for York County law enforcement, the number came back issued to Tocka Redman of 1006 W. Locust St., York, Pa..

This detective met with Miss Redman on her front porch at which time she was asked if she rented the Liberty Fire Company social hall in North York Borough last year. She stated she did. She went on to state that it was for a baby shower for her daughter and that the individual she dealt with was an older gentleman from the fire company. Miss Redman indicated that she got the gentleman's phone number through a friend who had rented the social hall earlier in the year. In any regards she stated she did get in contact with the gentleman by phone and met him at the Liberty Fire Company approximately a week before the rental which was on November 2, 2019. Redman stated that it was at that time that she paid him \$260.00 in cash for the rental and not \$160.00 which is indicated on the calendar for November 2, 2019. Redman stated that the gentleman did give her a receipt for the rental and he went over the rental with her telling her that she was expected to clean up the premises after the baby shower. Redman stated she wanted to make sure the rental hall would be open when she went there on November 2, 2019 and she stated he assured her he would have the place open for her. Redman was asked if she recalled the gentleman's name that she dealt with and she stated she didn't. She was then asked if she by chance had the gentleman's phone number stored in her cell phone and she recalled that she did. In my presence, she then went on her phone and brought up the name Steve (Firehall). She then showed a phone number for 717-324-0429 for Steve. According to Liberty Fire Company membership records, that number is Steve Miller's cell phone number. Miss Redman stated that the 717-324-0429 is the number she called to rent the fire company social hall and the gentleman she spoke with and paid the cash to for the rental was Steve. Miss Redman was asked if she still had the receipt she was issued for the rental and she stated she no longer had it. Likewise, she was asked if she ever had to sign a contract or put up a security deposit for the rental and she stated she did not. Miss Redman was asked the name of her friend who had rented it earlier in 2019 before she did, she stated she would reach out to that friend and give them my name and have them call me directly rather than giving me their number.

On 7-30-2020 this detective responded to Webster Early Learning Center located at 101 Webster Ave., York, Pa. 17403. This detective's investigation revealed the fact that Steve Miller's grand children went to day care at Webster Early Learning Center. Two entries were found on Steve Miller's 2019 rental calendar that was subsequently recovered by RKL during their forensic audit. The first entry is on January 5, 2019 on this calendar in which the hand written name of "Marlene from Day Care -\$100.00 Pd appears. The second entry that appears is on May 25, 2019 in which a hand written entry of "Marlene from Day Care 200.00" appears.

This detective did make contact with an employee at Webster Early Learning Center at which time I was advised that Marlene did work there last year; however, no longer worked there. The employee indicated Marlene is now living in Etters, Pa. and that she will talk with the other employees to try to get a number for her. She then took my business card. Later that morning, this detective did receive a call from Marlene Perez indicating that Webster Early Learning Center contacted her and





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <b>CR-228-26</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

advised her to contact me. Marlene was then questioned if she ever rented Liberty Fire Company social hall in North York Borough. She stated she did on two occasions; and both rentals of the social hall were last year. She stated on January 5, 2019 she rented the social hall for her daughter's birthday party and paid \$150.00 to \$160.00 cash for the rental. Marlene stated that she was calling around for prices and learned that it was cheaper to rent the fire company social hall instead of the Days Inn. When asked how she found out about the Liberty Fire Company social hall, she stated it would have been through Amanda who was a mother who had four boys attending their day care facility. She went on to state that it was Amanda's dad that she actually rented the fire company social hall from and that he was with the fire company. In fact, she stated she still had his number in her phone and she stated that the number she had for him was 717-324-0429 and that his name was Steve Miller. She stated on both occasions that she rented the social hall, she met him at the Liberty Fire Company and paid him cash. When asked if she received a receipt or had to sign a contract on either occasion, she stated she did not.

With respect to the second rental, she recalled that she rented it for May 25, 2019 and that it was for her father in law's birthday party. She stated her mother in law wanted to take a look at the facility to make sure it was going to be big enough. As such, she stated her and her mother in law met Steve Miller about a week before renting the place on May 25, 2019 and she paid him \$200.00 in cash for the rental at that time. Again, she stated she received no receipt, no signed contract, and he told her to just clean everything up after they were done with their party. She stated that Steve did know that she was an employee at the day care center where his grand children attended.

On 7-31-2020 this detective spoke with Ed Rice in order to see if he rented Liberty Fire Company in the past. During the examination of Steve Miller's 2019 calendar in which he wrote in rentals for the Liberty Fire Company social hall, this detective noticed an entry on Nov. 28, 2019 in which the name of Ed Rice \$250.00 pd. appeared. This detective located an Ed Rice at 731 N. George St., York, Pa. and reached out to him with respect to this investigation.

Ed Rice indicated that he did reserve the Liberty Fire Company social hall for Thanksgiving day in 2019. He stated that he reserved it for his ex in laws, John and Carol Mitchell and put the social hall rental in his name. He indicated that the gentleman that was in charge of renting out the social hall was with the fire company and he went through him to make the reservation. In fact, he was able to look up the gentleman's contact information in his phone and he stated he found it. He then gave the name of Steve-Fire Hall phone number 324-0429 that was in his contacts on his phone. In fact, he stated he had a text message conversation with Steve on the rental of the fire company for last Thanksgiving. Ed Rice was asked to screen shot that conversation and forward it to me through an email. Mr. Rice stated that this was not the first time that he rented the social hall from Steve. Mr. Rice stated that he rented the social hall approximately three years ago for a party in order to celebrate his wife graduating from nursing school. Rice stated that he went through Steve that time to rent the social hall. He recalled that he paid Steve \$250.00 in cash up front to hold the rental which he recalled was half down; and that he paid the other \$250.00 in cash to Steve on the day of the event. Rice recalled that this graduation party fell on a Saturday and that he paid \$500.00 cash in total to Steve. He stated he kept Steve's name and number in his phone in case he wanted to rent out the social hall in the future and that he was able to look up his contact information when his ex in laws wanted to rent the social hall last Thanksgiving. Rice stated that it would have been his ex in laws that would have met with Steve and paid him the \$250.00 in cash for the social hall. Ed then gave me the phone number to his ex in laws which was 717-854-3737 so that I could interview them directly on the matter. When asked if Steve ever gave him a receipt for the social hall rental, Ed stated that he was pretty sure he did the first time he rented the social hall from him. Rice indicated that Steve never requested any type of security deposit for the rental.





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <i>CR-228-20</i>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

On 8-6-2020 this detective responded to 715 S. Pine St., York, Pa. and met with John Mitchell regarding the social hall rental that they rented from Liberty Fire Company on Thanksgiving Day last year. Mr. Mitchell indicated that their ex son in law reserved the rental in his name and that his wife went up before the rental date and paid the gentleman cash for the social hall rental. When asked how much she paid and when she met with the gentleman, he indicated he wasn't sure and that he would get her on the phone for me. He then got his wife, Carol on the phone and this detective spoke with her directly. She stated she received the gentleman's phone number that you make arrangements with to rent the social hall, from her ex son in law, Ed Rice. Approximately three weeks to a month before her rental which was Thanksgiving Day, she stated she called the man in charge of renting out Liberty Fire Company social hall with the name and number that Ed provided to her. She stated she made contact with him and she met him at the fire company where she paid him \$250.00 in cash in person. She described him as an older gentleman who was with the fire company, in charge of the social hall rentals, and it was the name and number that Ed Rice had provided to her. Note: Ed Rice provided her the name of Steve Miller with a phone # of 717-324-04029 which is Steve Miller's number. She stated she never received a receipt nor did he have her sign a contract for the rental.

On 7-31-2020 this detective made contact in person with Melissa Lozado of 505 Madison Ave., Apt. 1, York, Pa. 17404 regarding this investigation. While analyzing Steve Miller's 2019 social hall rental calendar for Liberty Fire Company, this detective noticed an entry for November 30, 2019 which appeared to be a rental for the social hall. The phone # 717-614-9708 along with 200.00 - 10.00 was written in that Nov. 30, 2019 calendar block. Using Metro Alert Data Interrogator which is a search engine for the York County Law Enforcement records management system, I was able to ascertain that this number came back to Melissa Lozado of 505 Madison Ave., Apt. 1, York, Pa.

Melissa was asked if she had ever rented the social hall to Liberty Fire Company in North York Borough. She stated she did and that she had in fact rented the social hall for Nov. 30, 2019 for \$300.00. Melissa stated that the rental was for a birthday party and that she had actually gotten Liberty Fire Company's number through a friend who gave her the phone number to the man you would go through to rent out the social hall. Melissa stated that she began communicating through text messaging with this man back in April of 2019 as far as renting out the social hall. She was then able to bring up the text messaging that she had still in her phone with the man she was communicating with to rent the social hall which showed that she was messaging back and forth to phone # 717-324-0429. That phone # is issued to Steve Miller. She went on to state that the person she was dealing with was the head of Liberty Fire Company that handled the rentals and that he was an older man. In any regards, she stated that he quoted her a price of \$300.00 and she paid him cash for the rental. She stated that she met him at the fire company probably about a month prior to the event at which time she handed him \$290.00 in cash in person. Melissa stated that she still owed him \$10.00 for the rental and he instructed her to put the remaining \$10.00 in an envelope and to slide it under his door at the fire company on the day of the event. Melissa stated that she did this. She stated that he did not give her a receipt for the rental.

Melissa was asked to screen shot the text messaging conversation she had for the rental of the fire company and to forward it to my email. Melissa stated her current number is 717-577-0711 which she just got. She stated she still had her old cell phone with the number of 717-614-9708 which is the number she was using to communicate with the gentleman who rented the social hall to her. That was the phone that she still had the text messaging communications with him on. Melissa stated that the gentlemen





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <b>CR-228-26</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

wanted to know if there was going to be alcohol at the party she was having because he usually charges more for that. She stated she told him that she was; but he decided to keep the charge at \$300.00 instead of charging her more. She was asked if it was definitely \$300.00 that she was charged and not \$200.00 which was the figure written on his calendar, and she stated that it was definitely \$300.00 in cash she paid to him for rental of the social hall on Nov. 20, 2019.

She was then asked to screen shot the text messaging on her phone regarding the conversations she had with the man from Liberty Fire Company that she had made arrangements with to rent the social hall from; and then forward those screen shots to my email.

On 8-3-2020 both Ed Rice and Melissa Lozado were able to forward me text message conversations that they had with Steve Miller for the rental of the social hall at Liberty Fire Company in 2019. They were able to actually screen shot these text message conversations they had with Miller which they still had in their cell phone and they subsequently forwarded me these screen shots in an email.

In the screen shots that Ed Rice took on his phone, the heading "Steve Fire Hall" appears on the top screen portion of his phone as the person that he is contacting. The messaging is as follows:

Ed (Sunday Aug. 11, 6:53 a.m.) - This Edward Rice for reservation for Thanksgiving Day just need the price with my discount for living in area???

Miller (Monday Aug. 12, 8:32 p.m.) - November 28 is Thursday 250.00 is the price

Ed- How long can we have it for? And is that with my discount

Miller- Yes 9 a.m. to midnight

Ed- When I gotta pay

Miller- Close to time

Ed- Okay

With the text messages that Melissa Lozado forwarded to this detective concerning the messaging that she had with Steve Miller for the rental of the social hall, the messaging began on 4-1-2019. At the top portion of her phone, the phone # of 717-324-4029 is displayed as the phone number that she is contacting. She indicates that she wants to know if Nov. 30, 2019 is available to do a birthday party and he tells her it is. Melissa tells him to reserve that date for her for rental of the social hall. There are additional texts in June and August in which Melissa tries to make arrangements with Miller to pay a down deposit. He tells her that he has her in for that day of Nov. 30, 2019 and to contact him after Labor Day. They then make payment arrangements to meet at the fire hall on Oct. 6, 2019. Lastly, there is a text message on Nov. 30, 2019 which is the day of the rental in which she tells him she is at the fire hall and that it is cold inside. He tells her that he is on his way. The last text message is on Nov. 30, 2019 at 1153 hrs. in which she tells him she left \$10.00 on his office door. For complete details on the text messaging conversations taking place, one should actually refer to the text messaging from these screen shots that Melissa sent to this detective. These will be made a part of the case record.





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

On 7-31-2020 this detective located Miasia Banks at 1237 W. Princess St., apt. 6, York, Pa. 17404 and left my business card in her door. Miasia called me shortly thereafter. It should be noted that on Steve Miller's 2019 social hall rental calendar, this detective noticed a written entry on the January 13th block of the calendar which stated "Misia 717-424-4210- 200.00." A search of phone number 717-424-4210 using Metro Alert Data Interrogator (search engine), which was York County Law Enforcement's records management system, reflected the fact that this cell phone number came back to a Miasia Banks of 36 E. Charles Lane, York, Pa. 17402 in 2018. This was from a police report that Northern York County Regional Police took on 11-19-2018 (20181119M0103). Another check using "Clear," which is a Law Enforcement search engine based on public records, showed that cell phone number had been issued to her also and also showed her residing at 1237 W. Princess St., apt. 6, York, Pa. 17404.

Miasia Banks was asked by this detective if she ever rented the Liberty Fire Company social hall in North York Borough. She stated she did and that it was for her son's birthday party on January 13, 2019 of last year. Miasia stated she called Liberty Fire Company and spoke with someone about renting the social hall and that they gave her the direct number to the gentleman who was in charge of renting the social hall out. She recalled the fact that it was an older gentleman who was the head person of the fire company. In fact, she stated she thought she still had his contact information on her phone. She was then able to look under her contacts and found the name of Steve Miller with a phone number of 717-324-0429 as the person who she contacted and went through to rent the social hall. Miasia stated she met Miller in December (a month prior to her rental) and gave him \$200.00 as a down deposit for the 1-13-19 rental. She stated when she met him at the fire company he told her to make sure that she cleans everything up afterwards. Miasia stated he did not issue her a receipt or make her sign a contract. Miasia stated she still owed another \$150.00 for the social hall and he instructed her to put the \$150.00 in an envelope and to slide it under his office door on the day of the event. She stated that the office door he was referring to was directly across from the kitchen in the fire company. As such, she stated she put \$150.00 in cash in an envelope and slid it under his office door across from the kitchen.

Miasia stated that her sister, Ta'zhankia Banks also rented the Liberty Fire Company social hall for a birthday party in April of 2019. She stated that she gave her sister, Steve Miller's phone number and she rented the social hall from him. Miasia stated he charged her sister \$400 to \$500 which was a different rate than what she was charged. Miasia then provided me with a phone number of 717-332-3336 to contact her sister. In looking over the 2019 social hall calendar that Miller kept for the social hall rentals, this detective found an entry on April 27, 2019 which had the following writing: 577-6941, 260.00, Tazhanik.

On 8-3-2020 this detective made contact with Tazhanik Banks regarding this investigation. Miss Banks validated the fact that she did in fact rent the Liberty Fire Company social hall back in 2019. She indicated that she rented the hall for a birthday party. Moreover, she stated she obtained the name and number of the individual in charge of renting the social hall from her sister Miasia Banks who hosted a party for her son earlier in 2019.

Banks subsequently checked her contacts on her cell phone and was able to determine that the person she contacted for rental of Liberty Fire Company social hall was Steve Miller at 717-324-0429.





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

Banks had to go to her old cell phone in order to do this and validated the fact that the number to that cell phone was 717-577-6941 which was the number she called Miller from in 2019 to reserve the social hall. She stated when she spoke to him over the phone, she inquired from him what the cost would be to rent the social hall; and she was looking at her son's birthday date which was April 16th. Banks stated that Miller told her that date was unavailable; however, 4-17-19 was available so she booked that date. He then inquired if she was a Borough resident or not. She stated that she advised him that she was a non-resident and he told her since she was a non-resident, then it would cost \$750.00. She stated she was also informed that since the rental was for a Saturday, it would cost more money. Banks stated she also explained to Miller that she had hired someone to decorate the hall and that it needed to be done the night before the event. According to Banks, Miller told her that he would have to charge \$50.00 an hour for someone from the fire company to be there while the decorating was done. She stated the decorating that needed done would take about three hours in time to do. As such, she stated she got charged another \$150.00 for this. Banks did state that Miller told her that she would get \$175.00 back if they cleaned up the social hall after the event and took down all the tables and chairs. As such, she stated she was charged a total of \$900.00 for the social hall.

Banks stated that she put a deposit down for the social hall the same day that she contacted Miller to put in a request to reserve 4-17-19 for the social hall. She estimated that this would have been about a month prior to 4-17-19. She stated that she told Miller that she would be going to the fire company that same day to put her down deposit down for the social hall. Banks stated that she went out to Liberty Fire Company that same day and Miller wasn't there; however, a lady with the fire company was there. Banks stated she spoke with the woman and advised her that she was there to put down a down deposit for rental of the social hall on 4-17-19 and that the woman had a calendar in her possession to document her booking. In addition, she stated that the woman told her that Miller advised her that she would be showing up to put a down deposit down for her rental. Banks stated she either gave the woman \$200.00 or \$260.00 as a down deposit to book the hall for 4-17-19. Banks stated she gave the woman the down deposit in cash and it was right outside the kitchen to the fire hall. She stated she did not recall whether or not she got a receipt from this woman or Miller for the money she put down for the rental. When asked if she ever signed a contract for the social hall rental, she stated she did not.

As far as the rest of the money that was due for the rental, Banks stated she paid the remaining balance in cash which amounted to around \$700.00, approximately two weeks before her event. Banks stated she met Miller at the fire company and could not remember if she paid him inside his office or inside the front doors to the fire company. Banks recalled the fact that Miller was just leaving the fire company when she pulled up in her car and she was able to stop him. She stated the remaining balance she paid included the billing for the time she needed to decorate the social hall the night before.

In any regards, she stated that they were able to get in on the evening of 4-16-19 in order to decorate the social hall; but they had to wait for bingo to be done first. She stated after bingo was done, she actually took down the tables and chairs in the social hall before decorating. Banks stated that she feels as though the same woman that she gave the down deposit to for the rental was the same woman that was in charge of bingo that night. Banks stated that the lady was in the building as they were decorating; but did not stay in the hall and monitor their decorating. Banks stated when they were done decorating, she went to try to locate this woman in the building to advise her that they were done; however, she couldn't find her.

On 4-17-2019, Banks stated that Miller was actually present when they had their birthday party. She stated he was in his office which was right outside of the kitchen. After her event, she stated she made sure the social hall was cleaned and the tables and chairs were taken down so that she would be able to get her \$175.00 security deposit back as discussed with Miller prior to the rental. Banks stated





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

she called Miller on his cell phone the next day and left a message telling him that she had cleaned up the social hall and put all the tables and chairs away in order to get her \$175.00 security deposit back. Banks stated that she did not hear from him so a few days later she called again and left a message on his phone. Again, she stated Miller never called her back. As such, she stated she wrote off the \$175.00 and came to conclusion that he wasn't going to call her back and return her \$175.00. Note: this detective will be pursuing \$175.00 in restitution in this matter for Tazhanik Banks when Miller is charged.

Banks stated her family has rented this social hall out on a yearly basis for a family holiday party which would occur around Thanksgiving or Christmas. She stated that she will reach out to her family to see who exactly was in charge of renting the social hall for these family holiday parties. Banks indicated that she thought it was her one aunt that would rent the social hall out each year for these family holiday parties.

Again, it should be noted that on the 2019 social hall calendar that was recovered from Miller and used by RKL in their overall forensic analysis report for Liberty Fire Company, the date of 4-17-19 shows the hand written phone number of what appears to be 577-694, followed by 260.00, followed by Tazhanik. For the calendar block of 4-16-19, the word "Bingo is written.

There were other patrons that rented the Liberty Fire Company social hall from Steve Miller and paid him cash. The individuals were interviewed by this detective and the information obtained from them is contained in the incident report. The other patrons who rented the social hall from Steve Miller and paid him are as follows:

1. In December of 2018 Shasta Markle indicated she paid Miller \$350.00 in cash for a 12-15-18 social hall rental for her daughter's age 5 birthday party.
2. On 9-12-15 Alan and Melissa Kearney rented the Liberty Fire Company social hall through Steve Miller and paid him \$300-\$350.00 in cash for that rental.

This detective then began looking at checks written out to cash on this social hall account which Miller's signature appears as the authorized signer and endorser of said checks. These checks written out to "Cash" are as follows:

1. check #1603, dated 6-10-15 for \$60.00. Memo- Stamps
2. check #1646, dated 2-21-16 for \$300.00. Memo- Food
3. check #1674, dated 8-13-16 for \$326.00. Memo- Reimbursement
4. check #1699, dated 12-7-16 for \$500.00. Memo- Rent returned (note: this check Miller actually made payable to himself- Steven D. Miller)
5. check #1712, dated 1-15-17 for \$150.00. Memo- Supplies
6. check #1742, dated 6-29-17 for \$250.00. Memo- Hall returned deposit.
7. check # 1780, dated 12-27-17 for \$150.00. Memo- Restore ret. (return?)
8. check #1778, dated 12-20-17 for \$350.00. Memo- Deposit returned.
9. check # 1812, dated 5-25-18 for \$250.00. no memo
10. check #1819, dated 6-23-18 for \$150.00. no memo
11. check #1827, dated 8-2-18 for \$250.00. no memo.
12. check #1838, dated 8-15-18 for \$250. Memo-Hall.
13. check # 1881, dated 2-9-19 for \$250.00. Memo-Hall Return.





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <i>CR 228-26</i>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

- 14. check #1895, dated 4-5-19 for \$250.00. Memo-Hall Rent Return.
- 15 check #1896, dated 4-26-19 for \$250.00. Memo-Hall Rent Back.
- 16. check #1901, date 5-17-19 for \$250.00. Memo- Hall Return.

These checks total \$3986.00.

There are a number of problems and red flags with regards to the above checks that were negotiated by Miller which are as follows:

- 1. Per Dolly Hoover, the treasurer for the general account for Liberty Fire Company, any time a check is written on any of the fire company checking accounts, two signatures are required. This was not done. Only the name of Steve Miller appears as the authorized signer and endorser of said checks.
- 2. Most of the above checks in question have to do with a return of cash based on the social hall rental or security deposit for the social hall rental; or there is no memo at all. This brings about the following questions?
  - a. If a person issued cash or even a check (and said check had already been cashed and deposited into the social hall account) for the social hall rental or security deposit, then why is Miller not writing out a check to the renter (patron) making said check payable to the renter instead of himself?
  - b. If Miller was simply holding on to their cash for the rental or security deposit; then why not simply return the cash they paid up front? Miller had a safe to secure money in his office! Keep in mind that basically none to very little cash deposits were being made to the social hall account during this time period of 2015-2019.

In looking over RKL's forensic examination of the social hall account and in interviewing person's with North York Borough Council and the Liberty Fire Company, the only record that was recovered from Steve Miller when it came to any sort of documentation as to the name of the client renting the social hall and date, time and amount paid, was a 2019 calendar that he had in his possession. When asked for the years prior to 2019 with this sort of documentation, Miller indicated he had thrown those records out (Note: that statement was made to Jamie Moore, a member of North York borough Council, who was able to get the 2019 Social Hall rental calendar from Miller. However, when she asked him for all the prior year calendars that he kept records on concerning social hall rentals, he told her he threw them out.

This detective analyzed the bank records of the social hall account for 2019 when it came to any checks that were deposited into said account for \$250.00 or cash that was deposited into the account during 2019. This was done to further analyze whether or not Miller legitimately wrote out checks made payable to cash to himself during the year 2019 or was it in fact a fraud on his part to illegally take monies out of the social hall account. In addition, the 2019 social hall rental calendar was also evaluated that Miller had maintained and was subsequently turned over to RKL for analysis.

The following four checks were made payable to "Cash" for \$250.00, authorized signer, Steve Miller, endorsed Steve Miller, memo section indicated hall return or hall rental return, and were all drawn on Liberty Fire Company's social hall account which Miller had sole control of:

- 1. check # 1881, dated 2-9-19, for \$250.00
- 2. check # 1895, dated 4-5-19, for \$250.00





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <b>CR-228-26</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

- 3. check #1896, dated 4-26-19, for \$250.00
- 4. check #1901, dated 5-17-19 for \$250.00

Total- \$1000.00 in checks made payable to cash which Miller, subsequently signed, endorsed, and cashed. Also, Miller's Pa. driver's license was used as identification to cash the first three checks mentioned above.

This detective next looked at the 2019 deposits that were made for the social hall account from January 1, 2019 through June 30, 2019. There were no checks deposited into the social hall account during this time period for \$250.00. There were no cash deposits made into this account at all from Jan. 1, 2019 through June 30, 2019. In fact, the only cash deposits at all for 2019 don't come into the account until the second half of 2019 which were as follows:

- 1. 7-19-19 for \$100.00
- 2. 8-10-19 for \$100.00
- 3. 10-6-19 for \$350.00

In analyzing the 2019 social hall rental calendar that Miller maintained and looking for any notations for \$250.00. This detective only found the following:

- 1. 3-9-19 -return \$250.00 canceled (a name and number is scribbled out in this block)
- 2. 4-20-19- Alan (question mark on first name) Robinson appears in the block along with 250.00 followed by 100 pd. and 100 pd.
- 3. 4-28-19 unknown name, possibly 250 appearing and unknown notation below that), Chicke , unknown name, 200.00 are all scratched out in the block
- 4. June 9, 2019, Kathy, Dillon, 250.00 appear in block and this is Kathy Hughes rental for her son Dillon's party. Kathy paid Miller \$250.00 in cash and did have that party (as such there was no return of monies for this event).

In summary, there were no individual checks for \$250.00 deposited into the social hall account for the first half of 2019 (even through Oct. of 2019) and there were no monies deposited into the social hall account for the first half of 2019. If a person did pay Miller cash for a social hall rental in the first half of 2019, then that money never made it to the social hall account. Likewise, if Miller held that person's \$250.00 in cash by putting it in his office safe or else where, then why not return that money he was holding to the customer if the customer canceled his social hall rental? Instead, Miller alleges he was returning the \$250.00 in cash to the customer for a cancellation by making a check payable to himself (cash) for \$250.00 so that he could then return the \$250.00 in cash to the customer. All of the above facts mentioned above does not support Miller's contention that he was making checks payable to himself for \$250.00 so that he could return the money to the customer after they canceled the hall rental. The only conclusion that one can reach in this matter is that Miller was committing a fraud and pocketing the \$250.00 in cash each time he made a check payable to himself in 2019. As such, he deceived Liberty Fire Company out of \$1000.00 in 2019 when he devised this scheme by making checks payable to himself four times for \$250.00 and wrote down hall return (hall rent returned) in the memo section of the check.

Keeping in mind the above mentioned facts, this detective also looked at checks that Miller wrote out to





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

himself or "cash" from the social hall account for the years 2016, 2017, and 2018. This detective only looked at those checks in which Miller made some type of notation in the memo section of the check which indicated the check was a rent return for the social hall.

For the year 2016, Miller wrote out the following check to himself:

1. check #1699, dated 12/7/16, made payable to himself for \$500.00, signed Steve Miller, and endorsed Steve Miller, memo section- "rent return." In examining the bank statements for the social hall account from Sept. of 2016 through Dec. 31, 2016, there were no checks made payable to Liberty Fire Company for \$500.00 for the social hall rental. Likewise, there were no cash deposits for the calendar year 2016 into the social hall account at all. Keeping those factors in mind, there would not have been a social hall rental for \$500.00 for the last four months of 2016. As such, the \$500.00 that Miller wrote out to himself and is indicating "rent return" appears to not have gone back to any customer who would have rented the social hall during this time frame.

For the year 2017, Miller wrote out the following check from the social hall account made payable to "cash":

1. check #1778, dated 12/20/17, made payable to cash for \$350.00, signed Steve Miller, and endorsed Steve Miller, memo section- "rent return." In examining the 2017 bank statements for the social hall, this detective could find no checks made payable to Liberty Fire Company for \$350.00. Likewise, there was only one cash deposit into the account for the year of 2017 and that totaled \$260.00 on 3-6-17 which doesn't match the \$350.00 in this case. Once again, this \$350.00 check that Miller made payable to cash does not appear to have been paid back to any rent return to a customer who had rented the social hall in 2017.

2. Check #1742, dated 6-29-17, made payable to cash for \$250.00, signed Steve Miller and endorsed Steve Miller, memo section-Hall returned deposit. Does not coincide with the only cash deposit in 2017 which occurred on 3-6-17.

For the year 2018, Miller wrote out the following check from the social hall account made payable to "cash."

1. check #1827, dated 8/15/2018, made payable to cash for \$250.00, signed Steve Miller, and endorsed Steve Miller, memo section- "hall". In examining the 2018 bank statements for the social hall, this detective could find only one check made payable to Liberty Fire Company for the rental of the social hall for \$250.00 during this time frame in question ( May through Aug. of 2018). The subject who wrote that one check out for \$250.00 was Maria Bowman. This was for a high school re-union party in which she rented the social hall. Maria made the check payable to Liberty Fire Company on 7-27-18 for \$250.00. As such, this detective did make contact with her and spoke to her about this check she wrote out to the Liberty Fire Company for her high school reunion party. She validated the fact that the party did take place at Liberty Fire Company. As such, she stated she did not receive any return of her money for rental of the social hall because they had their high school reunion. Moreover, there were no cash deposits made to the social hall account in 2018. Based upon all these facts, when Miller made this check in question out to "cash" and made a memo of "hall", this was never a return of money to a client who had rented the social hall and needed a reimbursement due to cancellation/etc. Therefore, the cash from this





# POLICE CRIMINAL COMPLAINT

## AFFIDAVIT CONTINUATION PAGE

Docket Number: <b>CR-228-20</b>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number: <b>U7911271</b>	Complaint/Incident Number: <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

### AFFIDAVIT OF PROBABLE CAUSE CONTINUATION

check that was negotiated by Miller went to Miller in this instance and was not a reimbursement of any sort for rental of the social hall.

In conclusion, when you take all the above facts into consideration; then one can reach the conclusion that Miller did unlawfully take cash out of the social hall account in the years 2016-2019 by making checks payable to himself or "cash" and that these monies never went back to a customer renting the social hall. These monies totaled \$2350.00 that Miller took by engaging in this scheme.

It should be noted that Miller had written out checks to "cash" or himself totaling \$3986.00 from 2015-2019 some of which he had no memo on them as what the expense was for. Miller was given the benefit of the doubt in these cases. Stated another way, Miller was given every benefit of the doubt when examining these checks written out to "cash" or himself and the \$2350.00 that this detective is indicating that Miller took while engaging in this scheme is a very conservative figure.

I was able to review the individual monthly statements for his checking account activity during this five year time period which showed detailed transaction activity and balances for Steve Miller's checking account with First Capital Federal Credit Union. It should be noted that this was a joint checking account that Miller had with his wife, Debra Miller and the account number to this account ended in 821. The statements for this account show both a primary share account and a share draft account. It is the share draft account which serves as a checking account which was examined. The following analysis was made on that share draft account:

1. In 2015, Steve Miller had a total of \$2730.00 in overdraft fees for the entire year. This detective witnessed negative balances in Miller's account numerous times for the months of September, October, November, and December of 2015.
2. In 2016, Steve Miller had a total of \$1680.00 in overdraft fees for 2016. This detective witnessed negative balances in Miller's account numerous times for all months during the year except March and April.
3. In 2017, Steve Miller had a total of \$2610.00 in overdraft fees for 2017. This detective witnessed negative balances in Miller's account numerous times for all months during the year except March, April, and June.
4. In 2018, Steve Miller had a total of \$1770.00 in overdraft fees for 2018. This detective witnessed negative balances in Miller's account numerous times for all months during the year except March and April.
5. In 2019, Steve Miller had a total of \$270.00 in overdraft fees for 2019. This detective witnessed negative balances in Miller's account for the months of May, June, July, October, and November.

In summary, from 2015 through 2019, Steve Miller incurred a total of \$9060.00 in overdraft fees. His checking account is constantly being overdrawn and displaying negative balances particularly in the calendar years 2016, 2017, and 2018 as well as the ending four months of 2015 which this detective had statements on. By looking at the numerous times that Miller overdraw his checking account during this time span and the fact that he had over \$9000.00 in overdrafts, one could certainly deduce and make the argument that Miller was suffering financial problems during this time frame. As such, this could offer an





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <i>CR 228-26</i>	Date Filed: <b>09/30/2020</b>	OTN/LiveScan Number <b>U7911271</b>	Complaint/Incident Number <b>14-20-00734-1507</b>
Defendant Name	First: <b>STEVEN</b>	Middle: <b>D</b>	Last: <b>MILLER</b>

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**

explanation as to why he was pocketing cash monies from social hall rentals and not depositing said monies into the social hall account of Liberty Fire Company like he should have been.

On 9-16-2020 Steve Miller voluntarily came in for an interview regarding this investigation, He was Mirandized per rights card and subsequently waived his rights. Miller was confronted with all the evidence against him in this case. It was at this time that Miller subsequently admitted to stealing the money from Liberty Fire Company Social Hall. He agreed with the fact that there was no money going into the social hall account from cash he was collecting from people for the rental of the social hall. Likewise, he agreed with the fact that he was making checks payable to "cash" which he negotiated during this time period. He indicated that he took the money from the fire company to support his daughter and four grand children who lived with him from time to time and needed things such as groceries, clothes, etc. As such, he stated he needed to support his family and that's why he took the money. When asked how much money he took from 2015 through 2019 regarding social hall rentals in which the customers paid cash, Miller stated he didn't know how much he took. He was then asked what he thought the minimal amount was that he took for each of these years. He went on to state the following:

1. For 2019, he indicated that if I came up with a figure of around \$4000.00 in cash taken in from social hall rentals that never made it to the social hall account; then he agreed with the fact that it probably was around \$4000.00 he took.
2. For 2018, he stated there were less rentals then 2019 so he estimated that he took around \$2000.00
3. For 2017, he stated, likewise, there weren't as many rentals so he estimated he took around \$2000.00 for that year, also.
4. For 2016, he stated there would have been more rentals and he estimated he took around \$3000.00. Likewise, he stated 2015 would have also been around \$3000.00 that he took from the fire company regarding cash from social hall rentals.

As such, when you add these figures up, Miller estimated that he would have taken approximately \$14,000.00 in cash from social hall rentals that he never deposited into the social hall account. This coupled with the fact that Miller made checks payable to "cash" or himself totaling \$2350.00 which were drawn on the Liberty Social Hall account and subsequently negotiated by him brings the total amount of this theft to approximately \$16, 350.00.

In conclusion, Steve Miller unlawfully took thousands of dollars in cash from Liberty Fire Company by either writing checks out to "cash" or "himself" for the social hall account of Liberty Fire Company. Likewise, he unlawfully took thousands of dollars in cash from 2015 through 2019 by failing to make required disposition of funds received for social hall rentals at Liberty Fire Company that patrons paid him cash for. Instead, Miller pocketed this money for his own personal use and failed to deposit said monies into the Liberty Fire Company social hall account with First National Bank like he should have. The monies taken by Miller total well over \$2000.00 for grading purposes. As such, this detective is requesting charges be brought against Steven Miller for Theft by Failure to Make Required Disposition of Funds Received , Receiving Stolen Property, and Theft by Unlawful Taking or Disposition for the unlawful monies that he took from Liberty Fire Company from 2015 through 2019.





**POLICE CRIMINAL COMPLAINT**

**AFFIDAVIT CONTINUATION PAGE**

Docket Number: <i>CR-228-20</i>	Date Filed: 09/30/2020	OTN/LiveScan Number U7911271	Complaint/Incident Number 14-20-00734-1507
Defendant Name	First: STEVEN	Middle: D	Last: MILLER

**AFFIDAVIT OF PROBABLE CAUSE CONTINUATION**



I, JEFF SNELL, 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.

*Jeffrey S. Snell*  
\_\_\_\_\_  
(Signature of Affiant)

Sworn to me and subscribed before me this 30th day of SEPTEMBER, 2020.

\_\_\_\_\_  
Date *James P. Claug*, Magisterial District Judge

My commission expires first Monday of January, 2022

