PROBABLE CAUSE AFFIDAVIT:

THE STATE OF TEXAS

COUNTY OF ATASCOSA

I, **Detective Jordan Haren** , the Complainant, state that this complaint is based upon my personal observation of the accused.

The facts are:

On March 13, 2019, Officer Josue Martinez was dispatched to the Pleasanton Civic Center for a Misapplication of Fiduciary Property report. Upon arrival, he met with Andrew Camplen, State Assistant Adjutant for the Veterans of Foreign Wars. Andrew stated that Steve Mueller and Stephanie Pino had stolen $10,101.05 by misusing funds granted to the VFW organization. Andrew then provided the bank transaction statements and the bylaws of the VFW and provided documentation on how they violated the use of the funds. The VFW was reported to have conducted their own investigation and provided numerous items of significance which included emails and bank records. Andrew lastly reported that Mueller and Pino both used money from Account # 6168385071 for their own personal benefit and gain without the approval of the majority of the membership as required and absent a vote held by VFW Post 12162 membership and recorded in the VFW Post 12162 business meeting minutes. Both Mueller and Pino were notified of the findings of the investigation but chose not to appeal or answer the allegations.

On March 18, 2019 I, Detective Haren met with Mueller and Pino who were in the PD lobby making a report that they were fraudulently removed from the said bank account. I first conducted an interview of Mueller in Interview Room #1. During the interview, I learned that Mueller had started the VFW Post in Pleasanton in September of 2017. Mueller explained the organization to me and stated that he was the Executive Officer (Chief Director) of the entity. He continued on telling about the organization and how it came to light, and other aspects of the organization and how they work. At the time, Mueller spoke as if he did not know there was an active investigation of him through the VFW. I later informed Mueller that there was an active investigation on him and Pino that was reported from the VFW where a lot of money was taken. Mueller replied, "wow, can I get a copy of that". Mueller appeared to be in shock, however, through other reports, as well as the interview with Pino, he was already aware of the situation, but acted surprised when I told him. I explained to Mueller that the report I had states that he used the bank card for his personal business, as did Pino. Mueller then asked if I wanted a copy of the minutes, as well as bank statements, to which I advised him to bring me what he had. Mueller then states that he will let the attorney know that this investigation is going on so he can subpoena the records. I then asked Mueller if he wanted to talk about it, and he advised he could tell me this: all the money that was spent on the card was legitimate, and the members authorized all of it. I then asked Steve if over $10,000 worth of stuff was authorized, and Mueller states that they never had $10,000 dollars. Mueller then refers to the minutes again, and asked if I had the ledgers. (It was later found during the VFW's investigation, that Mueller had not provided the ledgers as requested, and unknown if they exist). Mueller again advised he would send everything to me, however, I have yet to receive any documentation from him. Mueller then informed me that they conducted meetings at the Civic Center, but sometimes other places, and if they go there, he would pick up the tab. Mueller again refers to the minutes, and then states that he heard about the $10,000, and there was a rumor about them taking $10,000 but the money never existed. It appeared as if Mueller was trying to deter the questions, and make theories about what might have happened. Mueller then advised that a guy named Dan West was probably responsible for this, and he has talked to the former mayor in regards to the situation. (After looking over documentation, it appears Dan West was involved, and is listed as an "other" party on the Prosecution Guide). Mueller again states that I need the ledgers, minutes, and bylaws. Mueller

appears to know more about the situation and the charges against him as he has a quick rebuttal for things said, and attempts to stir me in another direction from the documents I have. I then ask Mueller about Pino and if she had used the bank card at any time, to which if she did, it was under his direction for fundraiser stuff, meetings with officers, or an officer. Mueller then informs me that he has a class action lawsuit against the VFW, and the findings of this investigation may be good for them.

I then watched the interview of Pino, conducted by Detective Glass. Detective Glass asked what was going on, and Pino states that they founded their own VFW franchise, but they are still their own entity, and they did not relinquish that, and that's all she knows. Pino then states that she is the Quartermaster of the VFW and she deals with all the finances, and keeps them in order. Detective Glass asks Pino if she has access to those funds in the accounts, and Pino advises she does not because she was in "bank jail" because of incidents she had with Security Service in the past. Detective Glass then states that all their finances are documented, and Pino agrees and states that it is all in the ledger. Detective Glass then asks about how their expenses are spent, and Pino states that the members would vote to say they could spend say $300 for a fundraiser, and they could buy whatever they needed for that fundraiser with the $300. Detective Glass then asks about one particular charge, to which Pino states she sold enough raffle tickets to buy the gun, and that she swiped the card, and put the money back in the bank. Detective Glass then states there was approximately $10,101 unlawfully used. Pino repeats the number as if it is the wrong number. She then states the number again and Detective Glass agrees with the number, and she says okay. Detective Glass advised that they did not have permission from the members of the VFW to use the funds, and Pino asks "we weren't?". Detective Glass then informs Pino of the investigation that was sent to us, and Pino states " that's fine, you still don't have the ledger". Pino then smirks as if she knows something that Detective Glass doesn't. Pino then is questioned about numerous insufficient funds, to which she advises that the bank was responsible for that, and it was taken care of. Detective Glass then asks if any of the purchases were for her personal use, to which she advises they were not. Pino then brings up charges from the dollar general and the dollar store, and states those charges all had to do with something they were doing. Several other charges were described, and Pino could not provide a clear answer for them. Detective Glass then reads more charges that were done on the card, as well as 3 food places in one day. Pino states that they went through on that day, and doesn't mean they were all done that day. Pino still did not have any answers for the purchases. Detective Glass then advises that whoever did the investigation looked through the accounts and ledgers to do the investigation, and Pino again states that they do not have the ledgers because they were not downloaded. Detective Glass again states what is on the investigation packet, and Pino again brings up the ledgers and asks how they know that if they didn't download the ledgers. Pino later states that she has a copy of the accusations as well, confirming that she and Steve both knew of the charges before they came in.

On May 30, 2019, I met with Andrew Camplen and Dan West in regards to the case. Both Camplen and West explained the case to me in further detail and Camplen advised that he was responsible for putting the prosecution guide together. All information provided by Camplen and West was identical to what I had previously reviewed in the Prosecution guide.

I advised them I understood that Mueller is responsible for all disbursements of funds since he is the Post Commander, but I asked how Pino was involved. I was then advised that the bylaws state that the Quartermasters duties include but not limited to "Disburse funds as properly authorized by the Post using accepted banking practices. Unless otherwise provided for in Post Bylaws, all disbursements of Post funds shall bear the signature of the quartermaster or other person(s) authorized by the Quartermaster." They then stated that Pino had not complied with those bylaws and was responsible for the funds. I lastly asked if they provided the Ledgers that Pino and Mueller both kept stating about in the interview. West advised that when asked for the Ledgers, they could not provide them after request, and stated that they were electronically available, although West states that they never received the ledgers from Mueller or Pino.

I later re-reviewed the prosecution guide provided by Camplen. The guide lists both defendants in the case, as well as the investigative committee, witnesses, and others to the case. A list of documents and evidence is provided, as well as the details in the case which read:

"In late 2018 an internal investigation of VFW Post 12162 was ordered by Texas Veterans of Foreign Wars State Commander Ingeborg Conley for alleged violations concerning the geographical

boundaries in which to fundraise. An investigative committee was formed and ordered to investigate the alleged violations of Veterans of Foreign Wars National By-Laws and manual of procedure. During the course of the investigation the Investigative Committee members obtained many items of documentary significance which included emails, bank records, and notarized witness statements that show that SP1 Mueller and SP2 Pino violated the Veterans of Foreign Wars Bylaws and Manual of Procedure by using money from the Veterans of Foreign Wars Post 12162 Checking Account, at Security Service Federal Credit Union acct# 6168385071, for their personal benefit and gain, without approval from the majority of the membership as required and absent vote held by VFW Post 12162 membership and recorded in the VFW Post 12162 business meeting minutes.

SP1 Mueller and SP2 Pino were advised of the findings of the Investigative Committee and were delivered the charges and Specifications Report but chose not to appeal or answer the allegations. As a result, SP1 Mueller and SP2 Pino were found guilty of violating the VFW Bylaws and Manual of Procedure and removed as VFW Post Officers.

SP1 as VFW 12162 Post Commander and SP2 as VFW 12162 Post Adjutant/Quartermaster both served as fiduciaries(trustee, guardian, administrator, executor, conservator, and receiver) over all Post 12162 funds and both SP1 and SP2 intentionally and knowingly misapplied(dealt with property contrary to the agreement under which the fiduciary holds that property; VFW Bylaws and Manual of Procedure) $10, 101.05 in U.S. Currency and failed to get the permission from Post membership by majority vote for the approval of said expenditures. It is the desire of the Texas Veterans of Foreign Wars to prosecute bot SP1 Mueller and SP2 Pino for the FELONY OFFENSE of Misapplication of Fiduciary Property $2500 - $30,000."

Complainant

Sworn to and subscribed before me, this the 1 day of July 2019.

Notary Public in and for the State of Texas

Samantha Danielle Garcia
Notary Public, State of Texas
My Comm. Exp. 7/17/22
Notary ID 12986942-7