TIMELINE OF EVENTS RELEVANT TO INVESTIGATION OF MICHAEL FESSER

2004: Michael Fesser started working at A&B Towing, which was originally owned by Eric Benson's Father. Eric Benson later assumed ownership of the business.¹

<u>2014-2016</u>: Fesser's responsibilities at A&B Towing include managing bi-monthly automobile auctions. Fesser tells Benson his concerns regarding racially hostile incidents on two different occasions.²

November/December 2016 - January 2017: Benson contacted West Linn Police Department (WLPD) Chief Terry Timeus with an allegation that Fesser had been money from the auctions.³ The alleged thefts occurred in the City of Portland, Multnomah County. By this time, Benson and Timeus had a years-long friendship.

<u>January 2017</u>: Timeus debriefed and assigned WLPD Det. Reeves (formerly known as Poitras) to investigate the theft case. He also debriefed Lt. Mike Stradley and Capt. Neil Hennelly. According to Stradley, the initial goal was to refer the case to the Portland Police Bureau and have Reeves shadow those investigators.⁴ Given Stradley's prior experience and contact with the Bureau, he would be the person to contact that agency.⁵

Mid-Late January 2017: Stradley contacted the Portland Police Bureau (PPB) about investigating the case. He did not feel like he was getting any cooperation or that they were interested in taking on the investigation.⁶ Stradley gave Reeves direction concerning whom to contact at PPB.⁷

February 1, 2017: Reeves communicated with PPB detectives about his desire to work the Fesser case. By this time, Reeves had already done investigative planning and assessment of the case, including conversations with Benson wherein Benson would front Reeves cash to buy cars to try to develop probable cause for an arrest. PPB was not expressing interest in investigating the allegation, so WLPD decided to take on the case.

<u>February 6, 2017</u>: First documented interview of Benson by Reeves, but there had been substantive contacts between Reeves and Benson prior to this date. ¹⁰ According to a later report, Benson outlined the

¹ Deposition transcript, Eric Benson, pg. 30.

² Deposition transcript, Eric Benson, pgs. 74 – 91.

³ Deposition transcript, Eric Benson, pg. 48 (Benson states that he first spoke with Chief Timeus about is concerns "somewhere in the neighborhood of November or December 2017 – or '16") and pg. 126 (Benson stated that "when I contacted the police originally, I talked to Terry Timeus, who point me, to well, call it Mr. Poitras or Detective Poitras").

⁴ Deposition transcript, Capt. Hennelly, pg. 19.

⁵ Ibid; also see deposition transcript of Det. Reeves, pg. 166; also see deposition transcript of Lt. Stradley, pg. 48 - 49.

⁶ Deposition transcript, Lt. Stradley, pgs. 45 -46 (Lt. Stradley made contact with Det. Commander Dave Hendric and tried to get him to take the case); pgs. 68 - 69; also see pg. 67 (" * * *my impression from the conversation was they were completely blowing it off and didn't want anything to do with it, just weren't interested.").

⁷ Deposition transcript, Det. Reeves, pg. 58.

⁸ Deposition transcript, Det. Reeves, pgs. 70-79 (Reeves stated that Sgt. Tieg told him that PPB was unwilling to take the case).

⁹ Deposition transcript, Eric Benson, pg. 127 (Benson said that in February 2017, Chief Timeus directed him to PPB and then back to the West Linn Police Department), also see pg. 126 (Timeus told him the investigation was better off in West Linn).

¹⁰ West Linn Police Report dated 2/24/2017 by Det. Reeves, WLPD Case 2017-270, pg. 3.

evidence he believed supported the allegation of theft against Fesser. Reeves then took a statement over the phone from witness Marcus Olmos. 11

<u>February 9, 2017</u>: Text from Timeus to Benson with Reeves' email address. In the text string, Mr. Benson mentioned NW Metals: "I thin he is with new metals.(sic)" It is unclear who or what he is talking about. Timeus responded "if that is the scrap dude I'm sure, scrappers are dirty." Mr. Benson says "Yep." 14

<u>February 11, 2017</u>: At the direction of Benson, A&B Employee Brian Dunst (since deceased) recorded an auction conducted by Fesser. Dunst allegedly uncovers evidence of theft, being that Fesser was recording lower sales process for the car and taking the difference. Dunst was not present at the auction. ¹⁵ Another employee, Roger Fulton, attended and Mr. Dunst listened to the auction through his phone, and then wrote down the prices as they were announced. ¹⁶ Those notes were given to Benson and then given to Reeves. ¹⁷

<u>February 13, 2017</u>: Text from Timeus to Benson "Poitras is patiently awaiting your call." He then sent Benson the contact number for Reeves (Poitras), again. Timeus also asked Benson if he "looked at the ledger yet?" and Mr. Benson says "Nope." Timeus asked whether "Numbers match up" but did not receive a response. Reeves meets with Dunst and Benson at their office and discussed the Februart 11th auction. 22

Mid-February 2017: Fesser began to consult an attorney about his employment discrimination claims. 23

<u>February 15, 2017</u>: Benson texted Reeves: "Call me when you have a minute sir: I have something interesting to tell u."²⁴ Det. Reeves does not respond. Benson sends another test: "Holy moly sir. If u could call me tonight it would be good."²⁵ During a later deposition, Benson was asked about the text and he said that he "did not" recall what the conversation was about.²⁶

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¹¹ Police Reports, West Linn Police Department case 2017-270, written by Det. Tony Reeves, pg. 3.

¹² Text Messages between Chief Timeus and Eric Benson, February 9, 2017, 10:16 am.

¹³ Deposition transcript, Det. Reeves, pg. 52, Text Messages between Chief Timeus and Eric Benson, February 9, 2017, 10:16 am.

¹⁴ Text Messages between Chief Timeus and Eric Benson, February 9, 2017, 10:16 am.

¹⁵ Deposition transcript, Det. Reeves, pg. 114.

¹⁶ Deposition transcript, Eric Benson, pgs. 226 – 227 ("the auction went through Bluetooth and Brian wrote down the prices that were being announced during the auction"); also see pg. 142, 227; also see West Linn Police Department reported dated 2/24/2017, written by Sgt. Reeves, pg. 3 ("This time Brian Dunst, a manager for A&B Towing had a friend attend the auction. His friend was on the phone with him throughout the auction. Dunst could hear the auction and kept track of the sale price of the vehicles").

¹⁷ Deposition transcript, Eric Benson, pgs. 141 - 142 (Benson states: "I do not recall if I had it or Brian handed it to the police").

¹⁸ Deposition transcript, Chief Timeus, pg. 60 and text Messages between Timeus and Benson from February 13, 2017, 8:25 am.

¹⁹ Text Messages between Chief Timeus and Eric Benson February 13, 2017, 8:25 am.

²⁰ Text Messages between Chief Timeus and Eric Benson February 13, 2017, 8:25 am.

²¹ Text Messages between Chief Timeus and Eric Benson February 13, 2017, 8:25 am.

²² Police report dated 2/24/17 written by Det. Reeves, WLPD case 2017-270.

²³ Information provided by Fesser's attorney Paul Buchanan.

²⁴ See attachment containing text messages, Eric Benson to Det. Reeves on 2/15/2017 at 5:04 pm.

²⁵ See attachment containing text messages, Eric Benson to Det. Reeves on 2/15/2017 at 6:45 pm.

²⁶ Deposition transcript, Eric Benson, pg. 171.

<u>February 16, 2017</u>: Reeves sent a text message to Benson stating "The reason pick and pull stopped coming is they are pulling parts off the cars after the auction." The reference to "pick and pull" appears to be the company Pick-n-Pull Cash for Junk Cars.

<u>February 16, 2017</u>: Benson contacted Reeves and told him that a customer had provided him with information about Fesser stealing from the auctions.²⁸ Mr. Benson identified the customer as Nijaz Omerovic and arranged a meeting with everyone.²⁹ On this same date, Reeves met with Omerovic and Benson at Benson's office.³⁰

<u>February 17, 2017</u>: Reeves and Benson may have met again. A text from Mr. Benson to Reeves asked "What time are you coming by?"³¹ When questioned later about the meeting, both Det. Reeves and Mr. Benson fail to recall if they met.³²

<u>February 18, 2017</u>: Text message from Reeves asking Benson if the witness he uncovered (Omerovic) dropped off paperwork documenting the alleged fraudulent sales.³³ These text communications also appear to indicate that Dunst was investigating and collecting the information/evidence.

<u>February 21, 2017</u>: Timeus texted Benson and informed him Reeves intended to arrest Fesser after the February 25th auction.³⁴

<u>February 22, 2017</u>: PPB Det. Cheryl Waddell emailed Reeves³⁵ and suggested he reach out to Oregon Department of Justice for assistance with the investigation. No action was taken by Reeves or WLPD to consult with the Oregon Department of Justice.

<u>February 23, 2017</u>: Prior to this date, Benson had spoken to Reeves about attending an A&B auction managed by Fesser.³⁶ The investigative reports do not document this plan. Reeves texted Benson and asked what time to go to the auction. Benson asks if he can come down to talk as he has wanted to discuss a couple of things. They then exchanged additional texts regarding the specifics of the 2/25 auction.³⁷ They agreed to meet in person but specifics of this meeting were not documented in any reports.³⁸ After the meeting, Mr. Benson texted Reeves a series of address to include his home, business and manager.³⁹

<u>February 24, 2017</u>: Benson texted Reeves asking for a call. From the texts that day it is inferred there were additional conversations that were not included in any police report but appear to refer to

²⁷ Text message from Det. Reeves to Eric Benson, 2/16/2017, at 2:08 pm.

²⁸ Police Reports, West Linn Police Department case 2017-270, written by Det. Reeves, pg. 4.

²⁹ Police Reports, West Linn Police Department case 2017-270, written by Det. Reeves, pg. 4.

³⁰ Police Reports, West Linn Police Department case 2017-270, written by Det. Reeves, pg. 4.

³¹ Text Message, 2/17/17, at 9:47 am.

³² Deposition transcript, Eric Benson, pgs. 172-73 ("do not remember" if the met), and Det. Reeves, Deposition Transcript, 121-122 ("Did not remember that meeting.").

³³ Text message from 2/18/18 at 11:48 am. The message appears to reference Omervic's documentation because it is then sent to Det. Reeves. Transcript of Deposition. Det. Reeves, pg. 122 (Detective confirms "he" was referring to Omerovic and the paperwork).

³⁴ Text messages, 2/21/2017, at 1:37 pm; also see deposition transcript, Chief Timeus, pg. 101, and deposition transcript, Det. Reeves, pg. 152 (Det. Reeves testified "yes" that he planned to arrest Mr. Fesser before the auction regardless of what happened at the auction).

³⁵ Deposition transcript, Lt. Stradley, pg. 65

³⁶ Deposition transcript, Eric Benson, pg. 174.

³⁷ Text messages, Det. Reeves and Eric Benson, 2/23/2017 (8:28 am – 9:57 am).

³⁸ Deposition Transcript, Eric Benson, pg. 175.

³⁹ Text messages, Det. Reeves and Eric Benson, 2/23/2017. 11:07 am - 11:22 am.

investigative planning. 40 Reeves authored his first investigative report summarizing evidence that had been collected so far, including statements by Benson, Omerovic, Olmos and Dunst. 41

<u>February 25, 2017-Auction</u>: Reeves and WLPD Det. Mike Boyd attended the auction at A&B Towing managed by Fesser. Reeves and Benson were in constant contact by text throughout the auction. The texts include racist, inappropriate and unprofessional comments as well as a discussion of Fessers' racial discrimination claims. Reeves was also in contact with Timeus as well. Benson was also giving Reeves real time description as to what is taking place with Fesser as Benson listened to the conversation through an application (SwannView App) being operated by another employee, and the conversation was recorded.⁴² Mr. Benson said this was the only auction ever recorded.⁴³ No evidence of criminal conduct was developed during this auction.

<u>February 25, 2017 – Arrest</u>: Fesser was arrested later that evening based on the probable cause Reeves states he developed prior to 2/25/17. Fesser was questioned and states he did not want to discuss the allegation. Reeves seized, among other things, Fesser's cell phone and documentation relating to Fesser's lawsuit against A&B Towing. Some of this documentation would later be provided directly to Benson by Reeves.⁴⁴

<u>February 26, 2017</u>: Benson texted Reeves, informing him his belief that Fesser was tipped off about the investigation and that why he didn't commit any thefts at the 2/25 auction. Benson stated he would be interviewing "Daniel" on Monday and Reeves should be there. Reeves said he will be there. There is no indication in any report about an interview with "Daniel."

<u>February 27, 2017</u>: Fesser's criminal case "no complainted" by the Multnomah County DA's Office (MCDA). Reeves texted Benson and said "3 more buyers confirmed ripped off," and said NW Metals will get him records. Reeves referenced that Fesser hadn't shown up yet (presumably to the WLPD). There are no indications in any investigative reports about who the individuals were from NW Metals or what, if any, information was developed.

<u>February 28, 2017:</u> Reeves authored follow up report detailing the arrest, what was seized and the attempt to question Fesser. Fesser went to the WLPD to retrieve his cell phone that was seized on 2/25. Reeves informed Fesser he is not to return to A&B Towing and in effect fires him on behalf of A&B Towing.⁴⁵

March 15, 2017: WLPD becomes aware that Reeves' investigative reports may not have been properly submitted to MCDA. Stradley contacted MCDA to determine whether they had received the reports.⁴⁶

May 23, 2017: Fesser filed a discrimination complaint against A&B Towing with the Bureau of Labor and Industries (BOLI).

⁴⁰ Text messages, Det. Reeves and Eric Benson, 2/23/2017, 1:08 pm – 1:32 pm.

⁴¹ Police Reports, West Linn Police Department case 2017-270, written by Det. Reeves, pgs. 1-5 ("Date/Time 02/24/2017"); Deposition Transcript, Det. Reeves, pg. 65-66 (testified that he completed his report on 2/24 – it was finalized).

⁴² Deposition Transcript, Eric Benson, pg. 191 and 205 (Mr. Benson said he as at home listening on the app – "Brian and I both.")

⁴³ Deposition Transcript, Eric Benson, pg. 73.

⁴⁴ Deposition transcript, Det. Reeves, pg. 192, 249, 271; Deposition transcript, Eric Benson, pg. 234

⁴⁵ Deposition transcript, Eric Benson, pgs. 219-220

⁴⁶ Depostion transcriot, Lt. Stradley, pgs. 72-80, 102-104

May 24, 2017: BOLI sent notification to Benson notifying Benson of complaint.

<u>May 31, 2017</u>: Benson sends email with BOLI complaint to Chief Timeus.⁴⁷ Timeus would later state he doesn't remember ever receiving the email.

<u>June 20, 2017</u>: Benson's attorney sends response letter to BOLI, claiming Benson suffered losses of hundreds of thousands of dollars as a result of Fesser's theft.

<u>July 3, 2017</u>: BOLI investigator concludes there is insufficient evidence to sustain a complaint and BOLI claim is dismissed.

August 1, 2017: After receiving and reviewing Reeves' investigative reports, the MCDA prosecutor assigned to Fesser criminal case authored a memorandum requesting Reeves' provide more information/documentation regarding the alleged thefts by Fesser. Among the many things never included in the report Reeves submitted to the MCDA were numerous contacts or interviews he had with witnesses, his activities at the 2/25 auction, the text messages from 2/25, Timeus' relationship with Benson and or the fact that he provided legal paperwork belonging to Fesser directly to Benson.⁴⁸

August, 2017: Brian Dunst died

<u>September 19, 2017</u>: Fesser filed an employment discrimination lawsuit against Benson in Multnomah County Circuit Court.⁴⁹

September 22, 2019: Three days after Fesser filed his lawsuit, Reeves contacted the Multnomah County prosecutor handling the Fesser case. Reeves asked what the delay was in moving forward with the prosecution and states he was just made aware of the MCDA 8/1/17 memorandum. The MCDA prosecutor informed Reeves requested Reeves provide additional information to further assess the case.⁵⁰

October 5, 2017: Reeves emailed the MCDA prosecutor, provides some of the additional information that was previously requested.

October 17, 2017: WLPD is served with a subpoena duces tecum in Fesser's lawsuit for records relating to criminal investigation, including texts. Reeves had manually erased the texts on his phone to and from Benson before this date.⁵¹

November 9, 2017: Fesser indicted in Multnomah County case #17CR74881 for four counts of Theft I and a warrant was issued for his arrest. Testifying at the Grand Jury were Reeves, Benson, Omerovic and Olmos.

<u>December 20, 2017</u>: Benson contacted Reeves and Stradley asking why Fesser has not been arrested. Stradley tells Reeves to make a flyer to get the Portland Police Bureau (PPB) to serve warrant.

<u>December 28, 2017</u>: Flyer sent to PPB, including members of gang team, alerting them of arrest warrant for Fesser.

January 17, 2018: Fesser arrested.

⁴⁷ Deposition transcript, Chief Timeus, pgs 143-144

⁴⁸ Multnomah County District Attorney's office file for State v. Fesser

⁴⁹ Fesser v. Benson, 17CV40817

⁵⁰ Multnomah County District Attorney's office file for State v. Fesser

⁵¹ Deposition transcript, Det. Reeves, pg. 222

<u>January 23, 2018</u>: Benson deposition in Fesser's lawsuit against A&B Towing. Additional information not included in police reports is disclosed.

January 26, 2018: Fesser deposition in lawsuit against A&B Towing.

<u>February 8, 2018</u>: Fesser legal team is provided texts between Benson, Timeus and Reeves. The texts from the 2/25/17 auction discovered on Benson's phone and subsequently provided to the MCDA prosecutor handling State v Fesser.

March 18, 2018: Reeves promoted to Sgt.

March 23, 2018: State v. Fesser criminal case dismissed by civil compromise wherein Benson, the alleged victim, paid the defendant Fesser approximately \$300,000 to settle the employment discrimination lawsuit.

June 4, 2018: Tort claim notice filed by Fesser against WLPD.

July 16, 2018: Civil suit filed against WLPD by Fesser in Multnomah County Circuit Court. 52

<u>July 16, 2018</u>: Reeves ordered by WLPD acting Captain Rollins to appear next day for disciplinary interview relating to his conduct in Fesser investigation.

July 17, 2018; Reeves submits to internal affairs interview.

<u>July 24, 2018</u>: WLPD issues written reprimand against Reeves for the text messages and mishandling of evidence in the Fesser investigation.

August 17, 2018: Fesser v. WLPD et. al. removed to federal court.

March 7th, 2019: Omerovic Deposed in civil suit.

March 15, 2019: Reeves deposed in civil suit.

March 18, 2019: Boyd deposed in civil suit.

June 12, 2019: Stradley deposed in civil suit.

June 25, 2019: Timeus deposed in civil suit.

August 20, 2019: Fesser deposed in civil suit.

August 26, 2019: Reeves second deposition, Captain Hennelly also deposed.

February, 2020: Federal civil lawsuit settled with \$600,000 payout to Fesser.

⁵² Fesser v WLPD et al, 18CV30138

NARRATIVE	<u> </u>
AUTHOR	02/24/2017 1004
SUBJECT	

NARRATIVE SUMMARY

Eric Benson contacted me and reported that Michael Fesser has embezzled money from his business, A&B Towing. He estimates his total loss at more than \$200,000.00 over the past 3 years.

My investigation shows that between October 22nd, 2016 and Febuary 11th, 2017 Fesser embezzled at least \$10,830.00.

Fesser runs a vehicle auction for A&B Towing on the 2nd and 4th Saturday of every month. My investigation shows that Fesser sells vehicles for a higher price then he reports back to Benson. Fesser then takes the difference in price and does not turn it into the business.

ACTION TAKEN

I met with the owner of A&B Towing, Eric Benson on February 6th, 2017. Benson told me he believed his employee, Michael Fesser was stealing money from his business.

Benson told me he noticed he was not making as much money from the weekend auctions as he expected to make. He said he called a few other tow companies and asked them if they were seeing a drop in the prices of vehicles at the auctions. He said they told him they were not.

Benson said he then talked to an employee and learned that her friend, Marcus Olmos purchased two vehicles at the auction on November 26th, 2016. Olmos purchased a 2007 Toyota Yaris for \$1540.00. Fesser reported the Yaris sold for \$375.00. Olmos also purchased a 1998 VW Golf for \$150.00. Fesser reported the vehicle sold for \$75.00. This is a \$1240.00 difference.

I called Marcus Olmos and asked him if he remembered purchasing any vehicles from that auction and if he remembered the price he paid for them. He confirmed purchasing the vehicles and that he paid the higher price for both of them.

On February 11th, 2017 Fesser ran another auction for A&B Towing. This time Brian Dunst, a manager for A&B Towing had a friend attend the auction. His friend was on the phone with him throughout the auction. Dunst could hear the auction and kept track of the sale price of the vehicles.

46 vehicles were placed for sale in the auction. Bunst kept track of the sales price of each vehicle and on February 13th, 2017 I met with Dunst and Benson at their office. Fesser drops the auction sheet and the money from the auction into a drop safe at the office. Each vehicle has its own paperwork and the money for each vehicle is in wrapped in the paperwork.

Of the 46 vehicles in auction 24 vehicle sold for more money than Fesser reported. The price difference of each vehicle was from \$25.00 to \$2076 WerFRR 0102

vehicle. The total price difference was approximately \$1000.

One of the vehicle was a 2001 Jeep Cherokee sold to Everything Auto. Fesser reported the vehicle sold for \$225.00 and Dunst heard it sell for \$250.00. I called the owner of Everything Auto, Darryl Anderson and he confirmed the sale price was \$250.00. He also purchased a 1990 Acura for \$100.00. Both Fesser and Dunst showed that vehicle sold for \$100.00.

A 1997 Honda Passport was sold to Fred Marlow. He purchased the passport for \$150.00. Fesser showed the vehicle sold for \$100. And Dunst heard it sell for \$150.00. I called Marlow and he confirmed the actual price was \$150.00.

At this point I stopped contacting witnesses in an attempt to keep Fesser from learning of my investigation.

On February 16th, 2017 I was contacted by Eric Benson. Benson told me a customer had contacted him with information about Fesser. He arranged a meeting with myself and the customer. I met Nijaz Omerovic at Benson's office.

Omerovic told me that Fesser has been stealing from the auction for several years. He told me he has seen Fesser filling out two sepperate auction sheets. One with the real price the vehicle sold for and one with the reported price. Omerovic told me he keeps records of the vehicles he purchases from the auction and he would provide those records. He told me he never reported this because he was afraid of the consequences from Fesser. He said Fesser recently took \$250.00 from him and would not give it back. He said he was tired of Fesser stealing and felt it was time to report it. He told me that he knew I was investigating Fesser because Darryl asked him if I contacted him.

Omerovic provided me with paperwork for a 2004 Toyota Matrix he purchased on October 22nd, 2016 from the A&B Towing auction. He paid \$1870.00 for the vehicle. Fesser reported the vehicle sold for \$500.00. On the same day Omerovic purchased a 2000 Toyota Tacoma for \$1870.00. Fesser reported that vehicle sold for \$550.00.

On November 26th, 2017 Omerovic purchased a 2013 Honda Civic for \$4950.00. Fesser reported the Civic sold for \$1000.00.

On January 28th, 2017 Omerovic purchased a 2013 VW Jetta for \$1500.00. Fesser reported the Jetta sold for \$450.00.

That was all of the paperwork given to me by Omerovic.

The auctions typically sell 25 to 50 vehicles every 2nd and 4th Saturday of every month. Fesser has been running these auctions for 3 years and my investigation shows a small picture of the embezzlement by Fesser. Brian Dunst attempted to retrieve all auction records from the tow yard and the 2016 auction file was missing. Benson asked Fesser about the files and Fesser stated he had them at home so he could do a "collections report". Benson told me the report used to be done at the office the day of the auction. We decided to not push Fesser for the file at this time as to not tip him off to the investigation.

EMBEZZLEMENT

West Linn Police Department LAW ENFORCEMENT / CRIMINAL JUSTICE RELEASE

GO 19 2017-270

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ACTION RECOMMENDED		5
AUTHOR REEVES, TONY (44804)	DATE/TIME 02/24/2017 1440	4
BUBJECT ACTION RECOMMENDED		
Forward to Multnomah County D.A.'s Office For prosec	cution	

		CASE NUMBE
GO	19	2017-270

FOLLOWUP I	REPORT #1							-	<u> </u>
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SUPPLEMEN'	TAL								
AUTHOR REEVES, TON	JY (44804)				DATE/TIME 02/28/2	017 1018			
SUBJECT	ΔΤ,								

On February 26th, 2017 Detective Boyd and I attended the A&B Towing auction located at 5838 SE 111th Ave. Portland, Or. Portland Police Staged in the area with the intent to arrest Michael Fesser for Aggravated Theft 1 following the auction.

After the auction Fesser was taken into custody by Portland Police Officers without incident. I searched the Land Rover he was driving at the time of his arrest and collected several items that appeared to have evidentiary value to this case. This included the auction list, a title to a vehicle sold at the auction with \$500.00 attached to it and several other documents labeled with A&B Towing.

I met with Fesser at the PPB East Precinct. Fesser agreed to participate in an interview after I advised him of his rights per Miranda.

I asked him about the over \$1000.00 missing from the auction on February 11th, 2017. He responded, "I don't have anything to say about that." I asked him about the over \$10,000.00 missing from the auction since October 22nd, 2017. He again replied, "I don't have anything to say about that." It was clear at this time Fesser was not going to participate in the interview so I ended my contact with him.

I returned to my officer and went through the seized paperwork. I noticed the paperwork with the \$500.00 attached to it was a title for a vehicle. The title had Fesser's dealership as the owner. There was also paperwork belonging to his dealership and communications between Fesser and a law firm. I sealed all of these items in a large envelope. I contacted Fesser and told him he could retrieve the items from me.

I continued my investigation and contacted several more witnesses. One of the witnesses is Robin Palmer. Palmer purchases a majority of all vehicles sold at the auction. He buys for himself and NW Metal. Palmer told me he keeps records of the vehicles he purchases and the prices he pays. He said he would gather the information and get back to me.

On February 28th, 2017 Fesser retrieved his belongings from me at the Police Department. I gave him the items and as he walked away he smiled and said, Robin wanted me to tell you hello. I replied, Robin Palmer?" Fesser smirked, walked away and said, "Bum."

It was clear to me Fesser was implying that Palmer would not be a cooperative witness.

GO 19 2017-270

West Linn Police Department LAW ENFORCEMENT / CRIMINAL JUSTICE RELEASE

IMAGE ATTACHMENT (1393110) YELLOW PIC W/SCAN 270 17-0270

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IMAGE ATTACHMENT (1739379) COPIES OF DOCUMENTS 17-0270 17-0270

Vehicle's purchased by Omerovic:

October 22nd, 2016

2004 Toyota Matrix

Paid: \$1870.00

Fesser report shows vehicle sold for \$500.00

2000 Toyota Tacoma V.I.N.

Pald: \$1870.00

Fesser report shows vehicle sold for \$550.00

November 26th, 2016

2013 Honda Clvic V.I.

Paid: \$4950.00

Fesser report shows vehicle sold for \$1000.00

January 28th, 2017

2013 Volkswagen Jetta V.I.N

Paid: \$1500.00

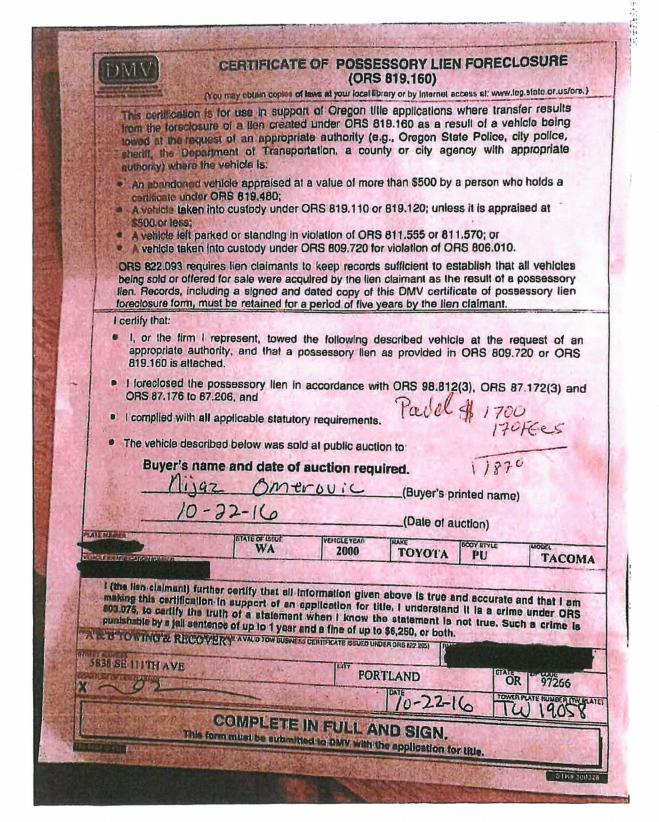
Fesser report shows vehicle sold for \$450.00

Addition the state of

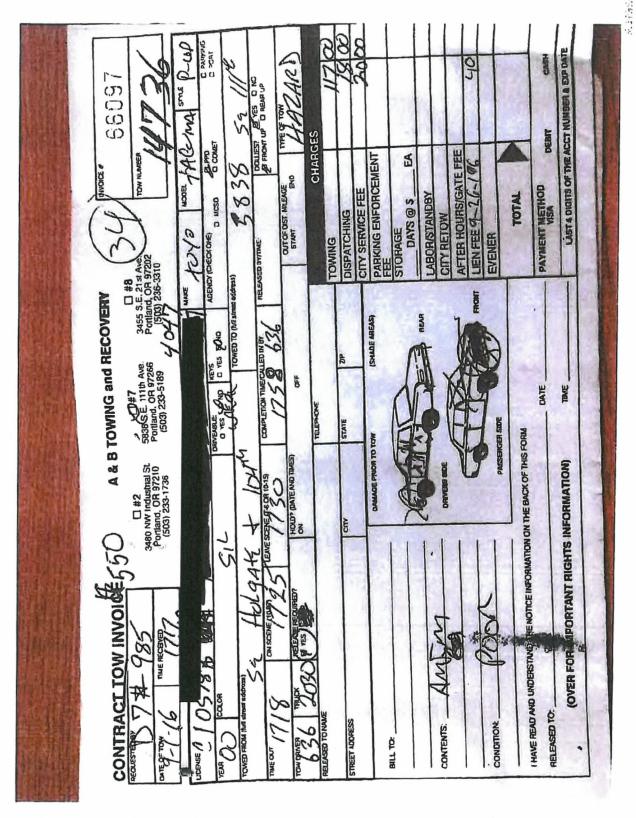
West Linn Police Department LAW ENFORCEMENT / CRIMINAL JUSTICE RELEASE

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			MODEL	F-250		99	Passat	Montero	3500	Taurus	B2000	Passport	Mustang	Civic	SUV	Dakota	SUV	Towncar	Accent	Tercel	Gvic	Aspise	Bronco	Matrix	Eclipse	Accord	Accord	Taurus	Stratus	Accent	99	3500	Accent	200
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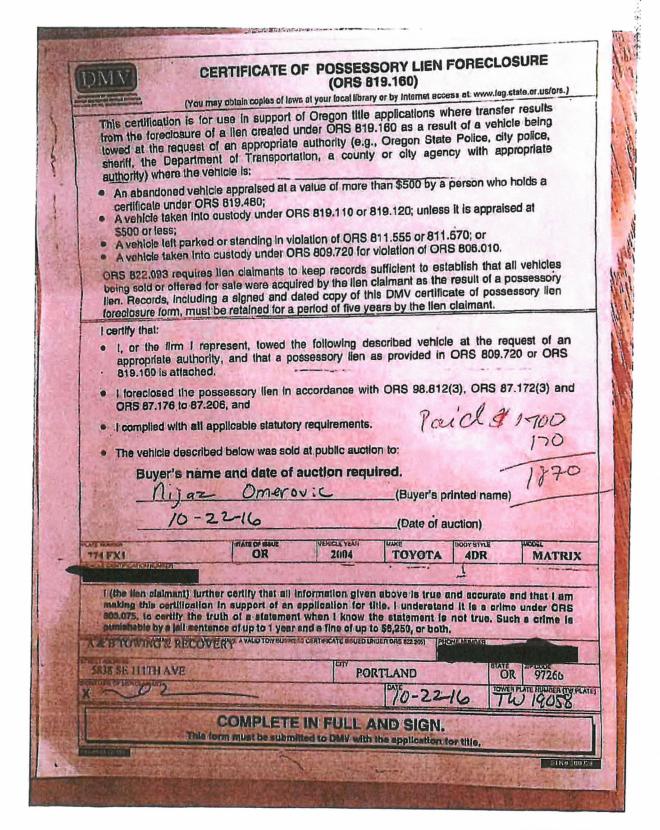
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$\label{eq:weather} West\ Linn\ Police\ Department \\ LAW\ ENFORCEMENT / CRIMINAL\ JUSTICE\ RELEASE$

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0726 WonPRR 0114

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92	36 1986	Ford	Ranger	White	VUM 929	. 5288	z		007	-	3/3
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CERTIFICATE OF POSSESSORY LIEN FORECLOSURE (ORS 819.160)

(You may obtain copies of laws at your local library or by Internet access at: www.leg.state.or.us/ors.)

This certification is for use in support of Oregon title applications where transfer results from the foreclosure of a lien created under ORS 819 160 as a result of a vehicle being, towed at the request of an appropriate authority (e.g., Oregon State Police, city police, sherlif, the Department of Transportation, a county or city agency with appropriate authority) where the vehicle is:

- An abandoned vehicle appraised at a value of more than \$500 by a person who holds a certificate under ORS 819.480;
- A vehicle taken into custody under ORS 819.110 or 819.120; unless it is appraised at \$500 or less:
- A vehicle left parked or standing in violation of ORS 811.555 or 811.570; or
- A vehicle taken into custody under ORS 809.720 for violation of ORS 806.010.

ORS 822.093 requires lien claimants to keep records sufficient to establish that all vehicles being sold or offered for sale were acquired by the lien claimant as the result of a possessorv lien. Records, including a signed and dated copy of this DMV certificate of possessory lien foreclosure form, must be retained for a period of five years by the lien claimant.

I certify that:

- I, or the firm I represent, towed the following described vehicle at the request of an appropriate authority, and that a possessory lien as provided in ORS 809.720 or ORS 1819.160 is attached.
- I foreclosed the possessory lien in accordance with ORS 98.812(3), ORS 87.172(3) and ORS 87.176 to 87.206, and Paid \$ 1500;
- I complied with all applicable statutory requirements.
- The vehicle described below was sold at public auction to:

2 (12)						
В	uyer's name a	nd date of au			s printed name)
_	1-28.	- 17		(Date o	f auction)	
551 HBH		OR	2013	V W	4DR	JETTA
EHICLE DENTIFICATION	NUMBER					
making the 803.075, to punishable	claimant) further or nis certification in a co certify the truth e by a jail sentence of	support of an apport of a statement work of up to 1 year and	olloation for the hen I know to a fine of up to	itie. I unders he statement o \$6,250, or b	land It Is a crim Is not true. Su	e under ORS
A & B TOWN	4CW KECOVERY	E A VALID TOW BUSINESS C	ERTIFICATE ISSUED UP	ICER CAS 822,205)		

PANTE BY OWING WIRE COVERY EX VALID TOWN	USINESS CERTIFICATE ISSUED UNDER CHS 822.205)	NEW YORK OF THE PARTY OF THE PA
STREET ADDRESS 5838 SE 111TH AVE	PORTLAND	OR 210 CODE 97266
X SIGNATURE OF LIEN CLAMANT	DATE-28-17	TW 21629
COMPLE	TE IN FULL AND SIGN	

This form must be submitted to DMV with the application for title.

735-GG04 (2-15)

STK# 300328

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West Linn Police Department LAW ENFORCEMENT / CRIMINAL JUSTICE RELEASE

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		MODEL			Marque	Camro	Corolla	Sunfire	Civic	Golf	320i	Corolla	525i	Cyc	Yaris	Accord	F150	Accord	Afrima	T L	Camp	Accent	letta	ÇŅĊ	Cabriolet	325	Corolla								
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	INTERESTS SPEC	TITLE NUMBE	R	PROCESS	DATE	SURVIVOR REFE	RENCE NUMBE		
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/ N C > C >	In addition if you	re, il not completin raddiesa has one	noed, cross out the	e old addres	18 1 1	o release int	erest in the	he veh	icle, complete
10000	Interest holders have released interest, one registered owner must application for tide. In adollon, if your address hase changed, cross out the old address and write the new address and county of residence on the front of the reassignment on back of the second write the new address and two lee to DMV, 1905 Lana Avo NE, Saber OR 97314. SECURITY INTEREST HOLDERALESSOR TO release interest in the vehicle the reassignment on back of the second write the reassignment of the reassignment of the second write the second wri								
742									
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UMBEZZLEMENT

West Linn Police Department LAW ENFORCEMENT / CRIMINAL JUSTICE RELEASE

GO 19 2017-270

*** END OF HARDCOPY ***

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	à	DATE				0	(<	IN NOIF			
	11/26	11/26/2016				S S S	AUC	A & B AUCITON SHEET			
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8							+		100	-	190
1	1999	Mercury	Marque	Black	XKA 743	5267	>		5	10	
+	1994	Toyota	Camry	Blue	NP P	8717	>	101	120		2007
+	1997	Toyota	Corolla	White	NP	2754	z	TOT	100	<i>h</i>	507
+	2005	Pontiac	Sunfire	Red	418 GCK	5955	>		3	9	200
+	1999	Honda	l	White	NP	6983	z	TOT	P	4	700
	1998	Volkswagon	Golf	White	NP	2091	Z		25	do.	000
1	1982	BMW	320i	Red	NP	0294	z		9	0/	200
o	1997	Tovota	Corolla	Blue	WXG 377	7216	z		5	. //	200
+-	2001	BMW	525i	Silver	866 BMH	`7625	Z		100	9	700
+=	1987	Honda	Civic	Blue	CA29133	6200	z		200	nts	700
+	2007	Tovota	Yaris	Blue	NP	2650	X		30	2	001
_	1990	Honda	Accord	Black	826 EDS	8079	Z		700	27	000
+-	1994	L	F150	Green	NP	6060	>		90)		00%
+	1991		Accord	Blue	920 CBG	8609	z		700	+	200%
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-	1996	L	Jetta	White	NP	2504	>		90/	+	500
2	2004	Ĺ	Clvic	Grey	098 GRS	0044	>		080	+	207
17	1995	W	Cabriolet	Black	315 ANB	1349	>		3	+	0 65
22	1994	BMW	325	White	XZY 373	3484	z		700	2 4	190
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Portland Police Bureau

CASE NUMBER GO 42 2017 - 57475



2365109 TY HAME & #

GENERAL OFFENSE REPORTING OFFICER/DEPUTY NAME & #																
REPORTED DATE/TIME OCCURRED DATE/TIME 02/25/2017 1746 02/25/2017 1746							MURPHY, PAT					K M	(4416	2)		
LOCATION OF INCIDENT		FOSTE	R F	D, POR'TLAN	D								PLACE			
	, 00			RICT			BEAT					GRID				
COUNTY MULTNOMAH			ĒΛ				981					4609	٤			
SEVERITY	FAMILY VI	OLENCE		GANG INVOLVEMEN	1		ONE (no bias)									
RELATED INCIDENT NUM	BERS 7475,	AB 42	20	017-3116, G	0 19 20	17-	270									
TOTAL LOSS				AL RECOVERED			DAMAGE	DIOTAL				DRUG T	OTAL			
CLEARANCE STATUS	RREST		I						EARANCE CABLE							
DATE/TIME CLEARED 03/09/2017		CLEARE	0 BY													
INTERNAL STATUS ARREST - FELONY						DUI	TITO,	KENNE	ETH (3	1449)1)			03/04/2017		
OFFENSES [1]										•						
OFFENSE WARRANT / FUGITIVE								PREMISE TYPE Street/Highway/Road/Alley/Sidewalk								
PERSON - ARR					•											
NAME (LAST, FIRST MIDDLE) FESSER, MICHAEL L							SEX MALE		BLACK				DOD			AGE 45
HOME ADDRESS - STREET, CITY ZIP									6'5 190				ACK BROWN			
HOME PHONE CELL PHONE WORK P					WORK PH	ONE			EMAIL AC	MAIL ADDRESS						
DRIVERS LICENSE ISLATE) SOCIAL SECURITY NUMBER POR OT ego					n	UNKNOWN ETHHICITY										
1	TO ANIMADE															
	ARRE	ST DA	ľA			SE SE			TE ANALY							
ARREST DATE 02/25/2017	ARRE	SI TYPE		OOK / CIVIL	HOLD											
02/23/2017	Truck.			CHARGES										-		
STATUTE	CHAR	GE DESCR	IPTIC	ON .	VEG 61 21	ENT	D E	ZI ONV			***************************************	BAIL 200	00.00	02/27		.7
OR 164.057 B	THEFT I AGGRAVATED-EMBEZZLEMENT, B FELONY 20000.00 02/27/2017															

NARRATIVE	· · · · · · · · · · · · · · · · · · ·
AUTHOR MURPHY, PATRICK M (44162)	DATEMINE 02/25/2017 1746
BUBJECT	

ARREST OF SB FOR WEST LINN PD

6) Ofc. Fender #50793 (partner)

Ofc. Billard #44160

Sgt. Duilio #34491 (supervisor)
Det. Poitras #44804 (West Linn PD)

8) While working in the area of SE 102nd Ave/SE Foster, we assisted West Linn PD with the arrest of Michael Fesser. Det. Poitras had been in contact with Sgt. Duilio and stated that he had probable cause to arrest Michael Fesser. Ofc. Billard and Sgt. Duilio initiated a traffic stop with Michael Fesser, and Ofc. Fender and I arrived as cover. Michael Fesser was taken into custody, and placed in the back of our patrol car. We then transported Michael Fesser from the stop location to East Precinct, and we placed Michael Fesser into a holding cell upon arrival at East Precinct. Once Det. Poitras had concluded speaking with Michael Fesser, we transported Michael Fesser to MCDC.

February 24, 2017

Mr. Eric Benson A & B Towing and Recovery 3455 SE 21st Avenue Portland, OR 97202

Re: Current Work Environment

Dear Mr. Benson/ A & B Towing and Recovery:

As you know, I hold the position of Marketing Manager for A & B Towing and Recovery as well as the position of Manager for the office at 111th Avenue. This is a formal letter to express the injustice I have been subjected to overt the nearly 14 years I have been employed by this company.

I have always taken pride in my ability to fulfill my job duties and have always worked hard in doing so, no matter the uncomfortable situations I have had to endure over the years that seem to make it harder and harder for me to do my job.

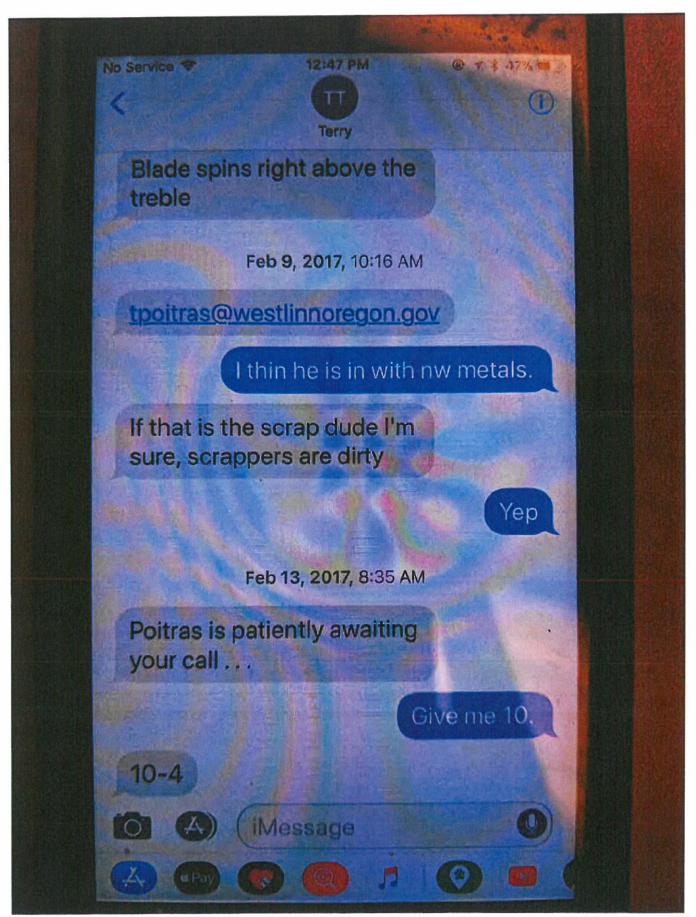
I believe the hard work I put into gaining PPI Accounts is being purposely sabotaged to make me look incompetent to do my Job. This is because A & B Towing and Recovery Is not upholding their end of the contract by not towing vehicles when needed and/or patrolling as necessary. This is an ongoing complaint I have had over the years that has constantly been discussed, even after speaking with dispatch and tow truck drivers. As of lately, the situation has come to a head and at this moment, we are on the verge of losing contracts with Foster Plaza, Leander Court and Enterprise for this very reason.

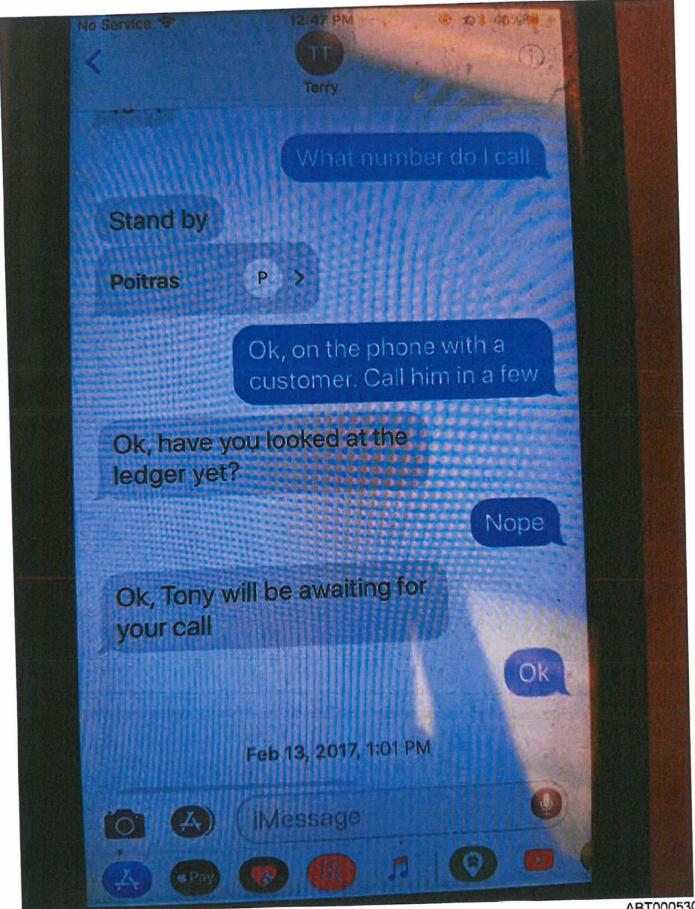
Although I am In a position of management, dispatchers and tow truck drivers are not upheld to treat me as such, regardless of the countless conversations had regarding this matter. In return, they do not listen, do not care and are blatantly disrespectful in their actions towards me because there is absolutely no respect when it comes to situations pertaining specifically to the job. This leaves me not only humiliated and vulnerable but once again, made to look incapable of facilitating my work duties to the best of my abilities. Just recently a dispatcher faxed a very unprofessional letter that was not only degrading, but also outright harassing and expressed her discontent for the staff at the 111th office.

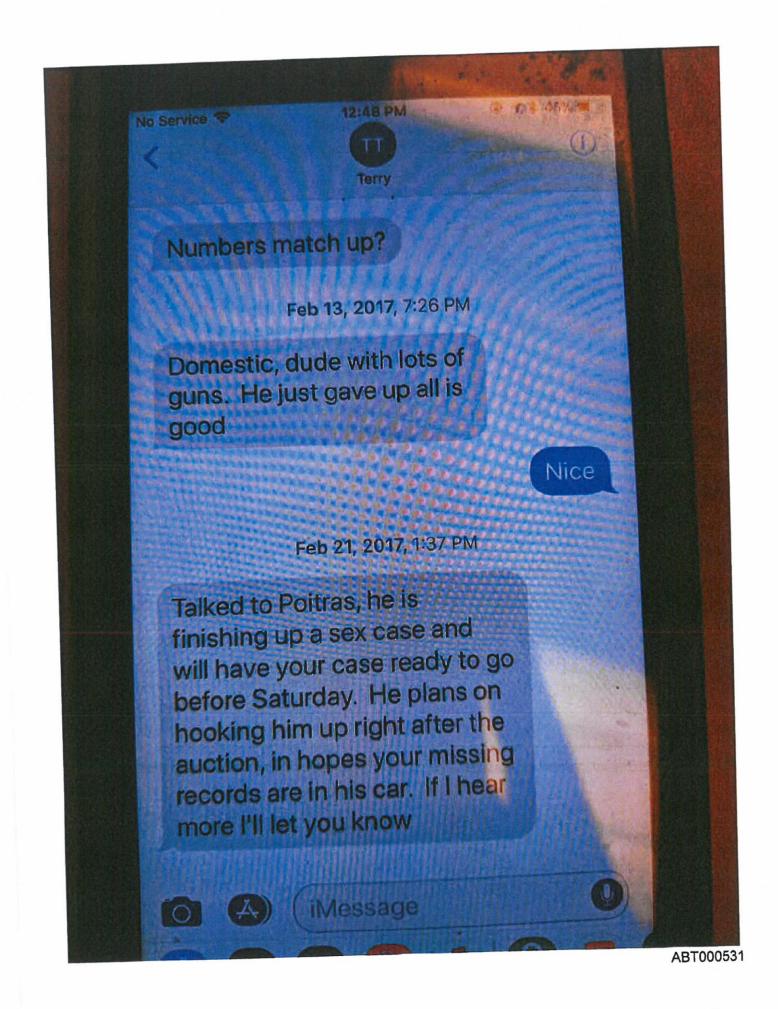
During my tenure here at A & B Towing, I have been expected never to question anything, even when rules and/or regulations have been ignored. Raising any issue leaves me feeling resented and my significance and plausibility suddenly in question.

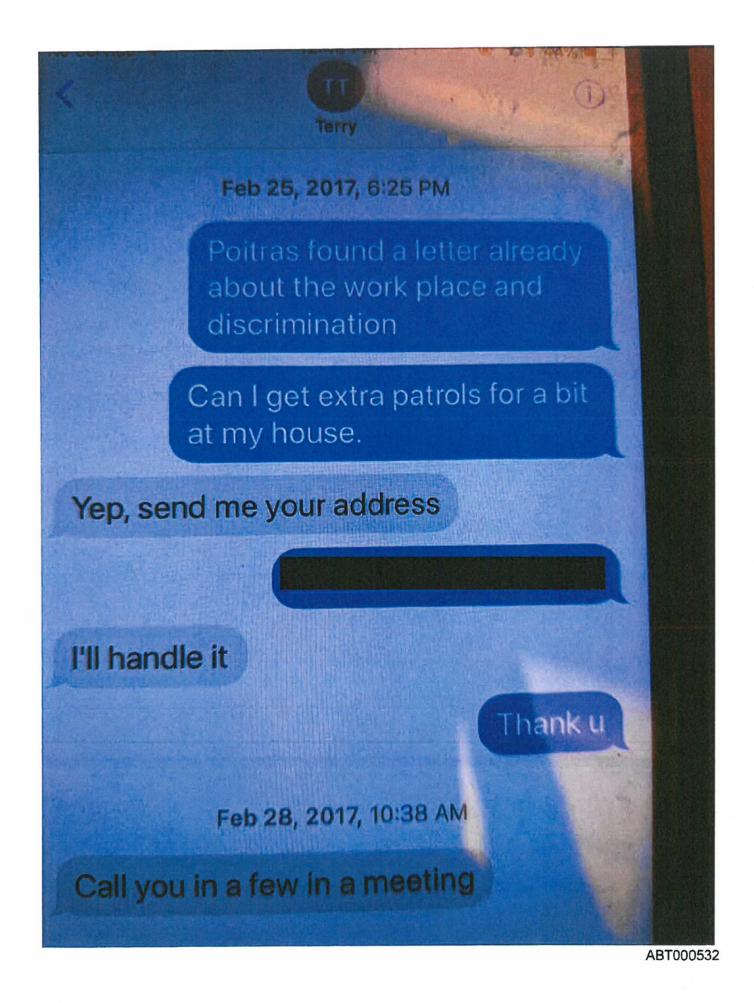
In short, I am constantly subjected to disparate treatment, a hostile work environment and the grave concerns I have shared have not been handled in a confidential manner. I am in hopes that this matter is solved soon.

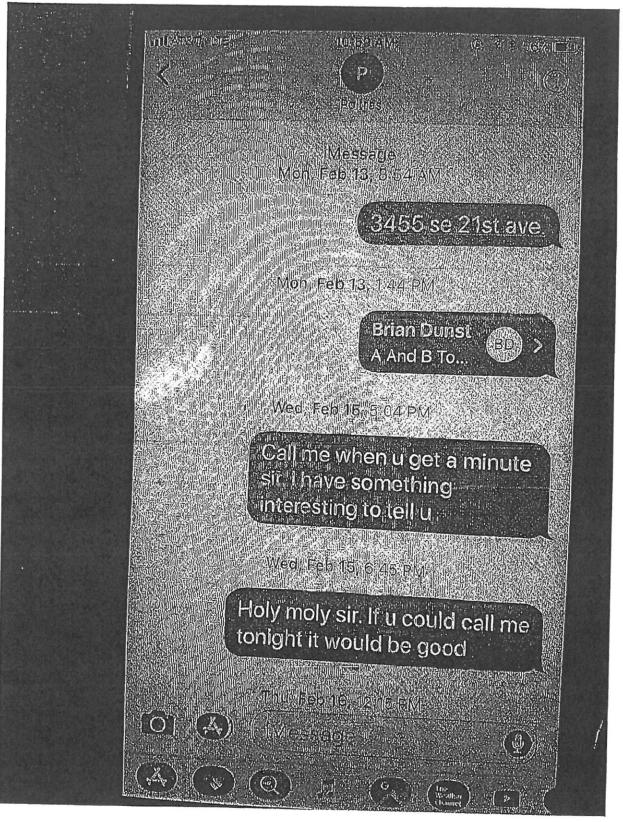
Michael Fesser

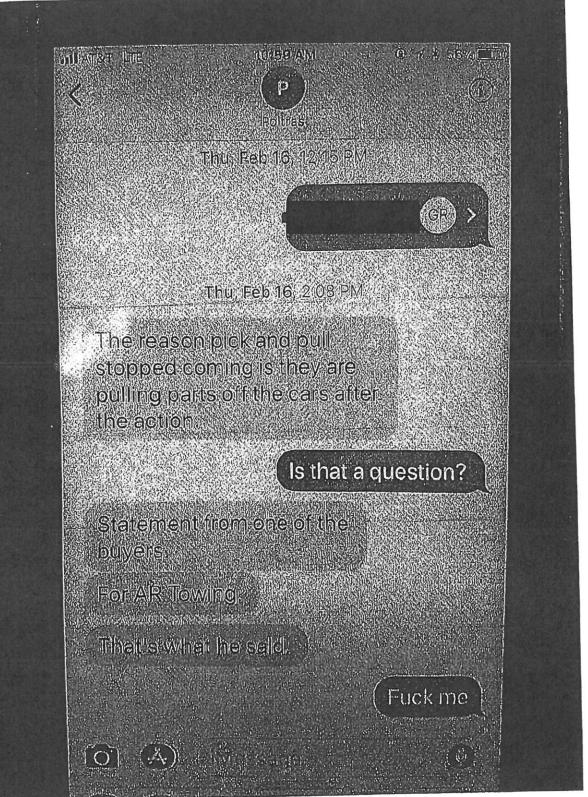


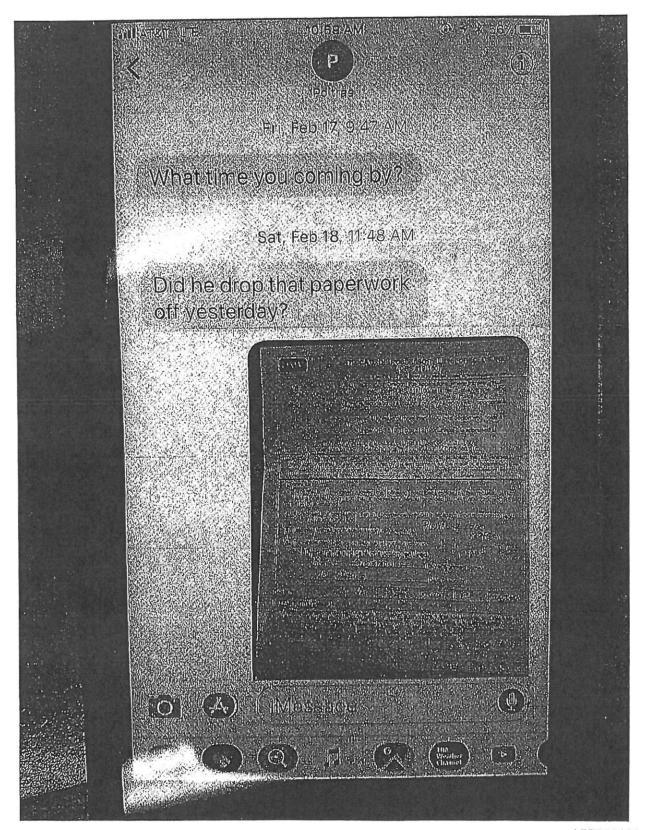




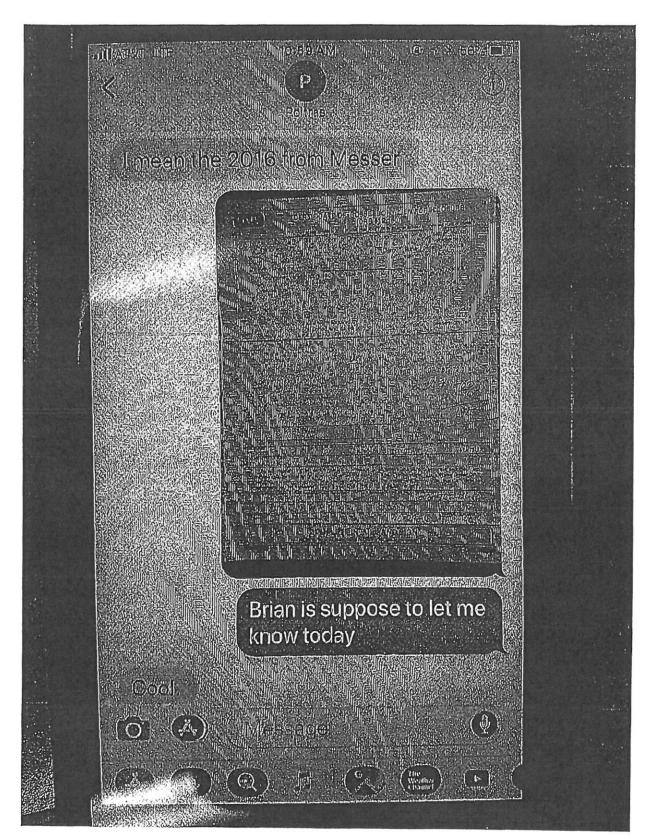


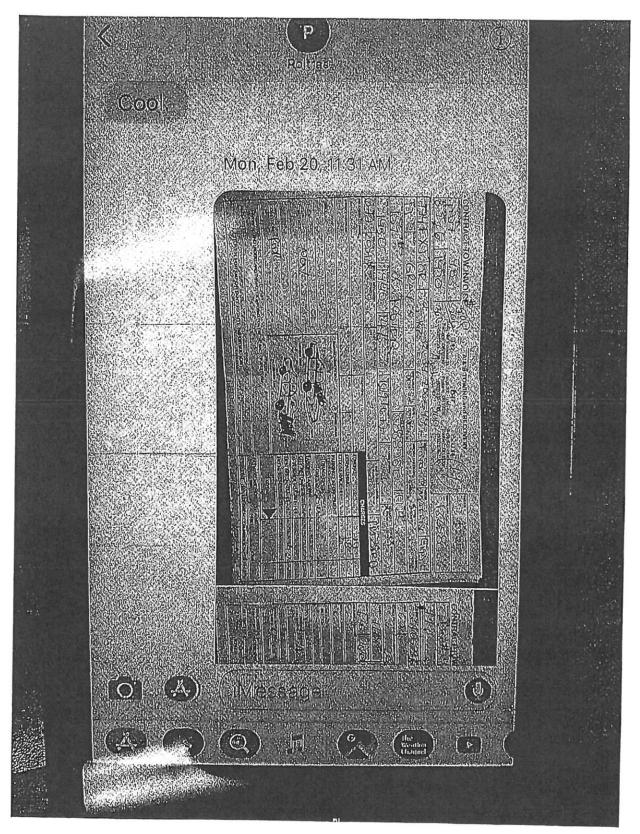




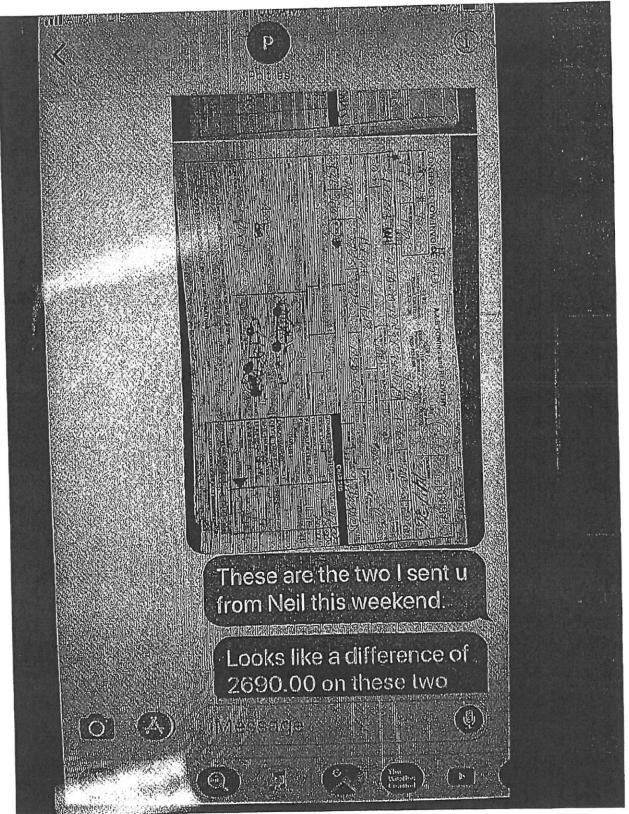


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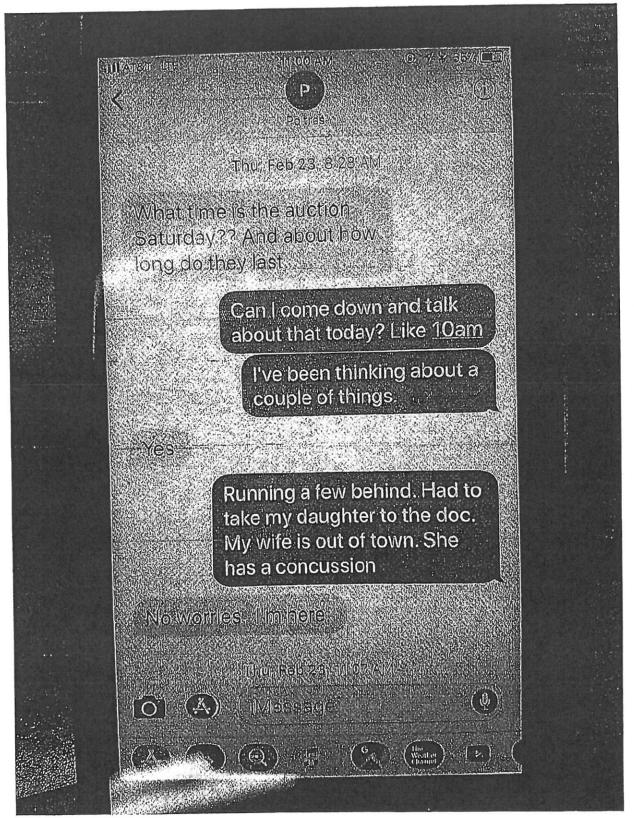


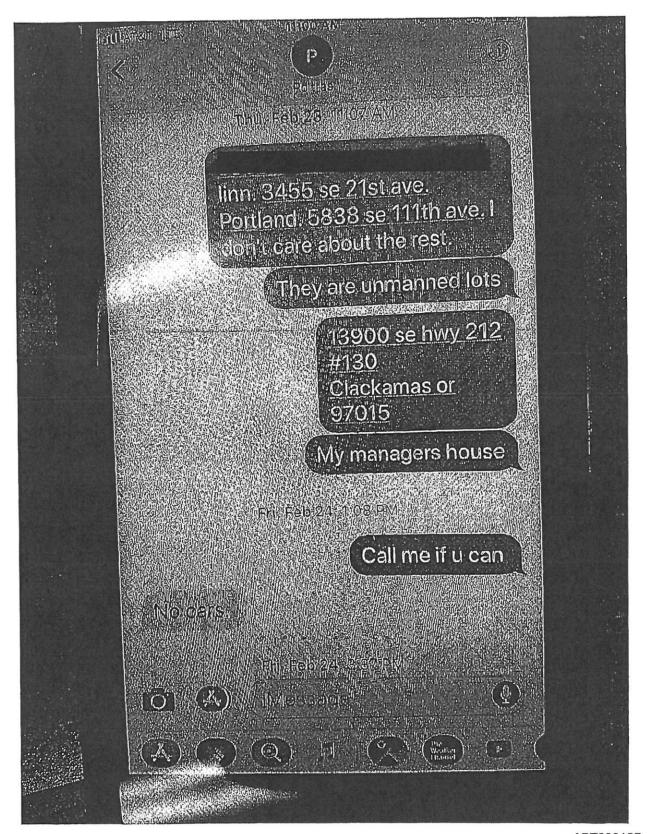


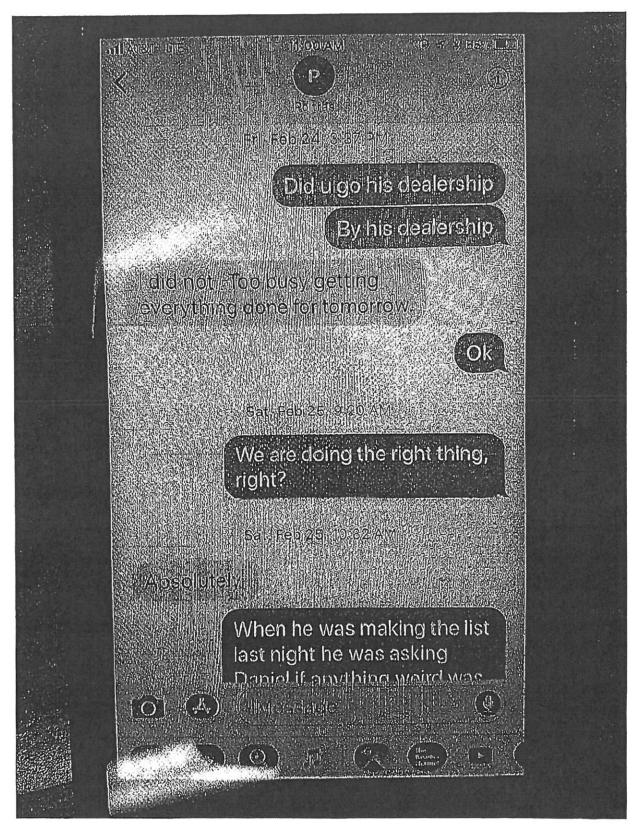
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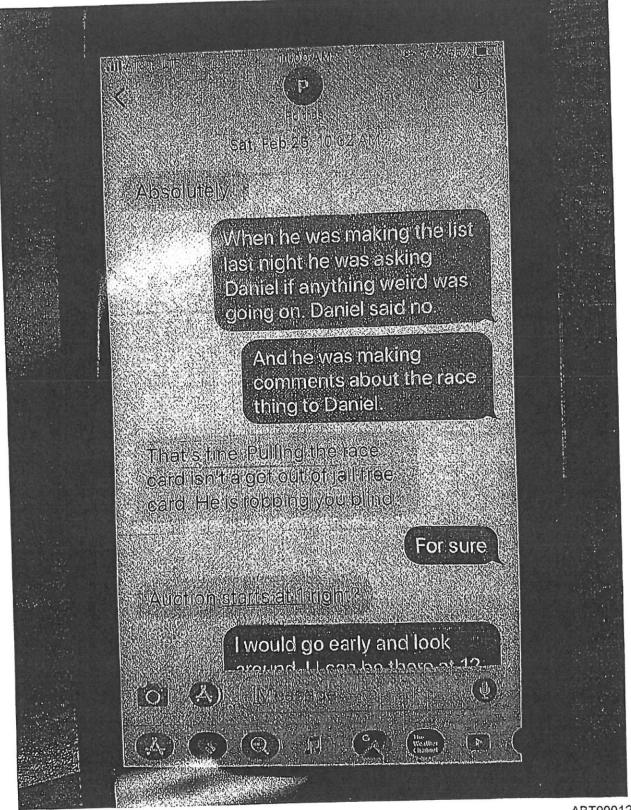


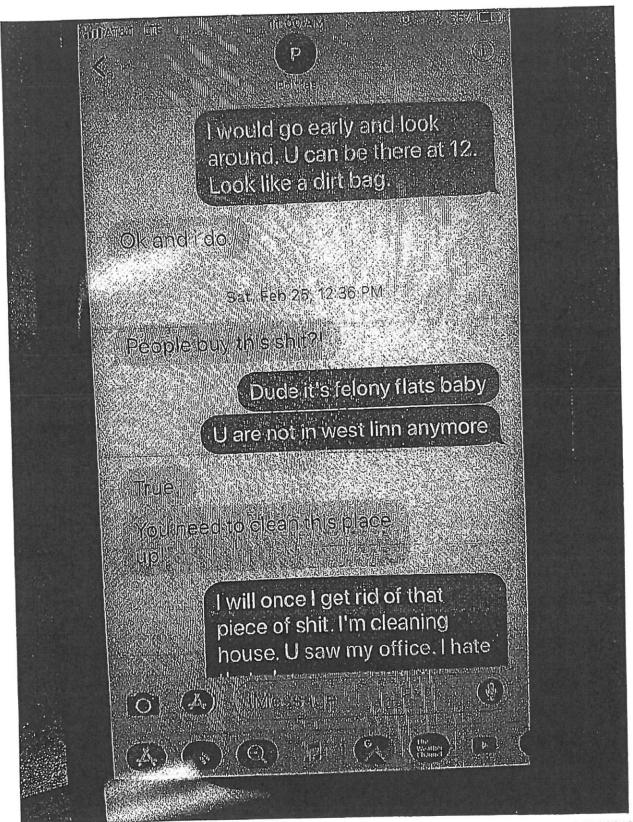
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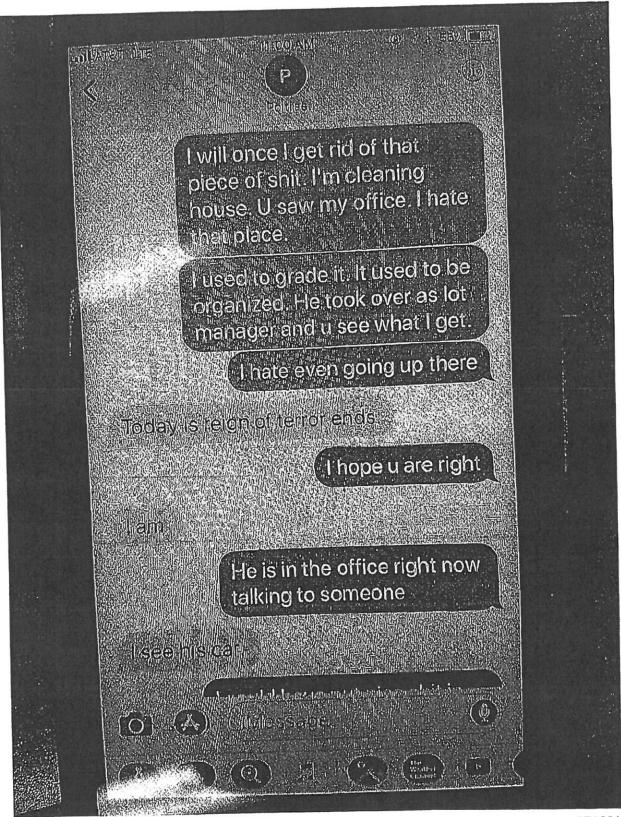


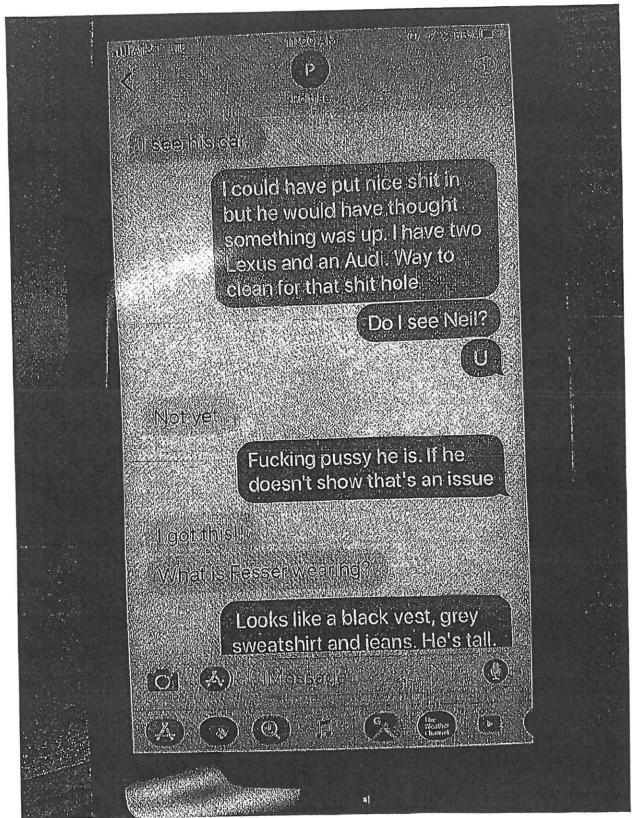


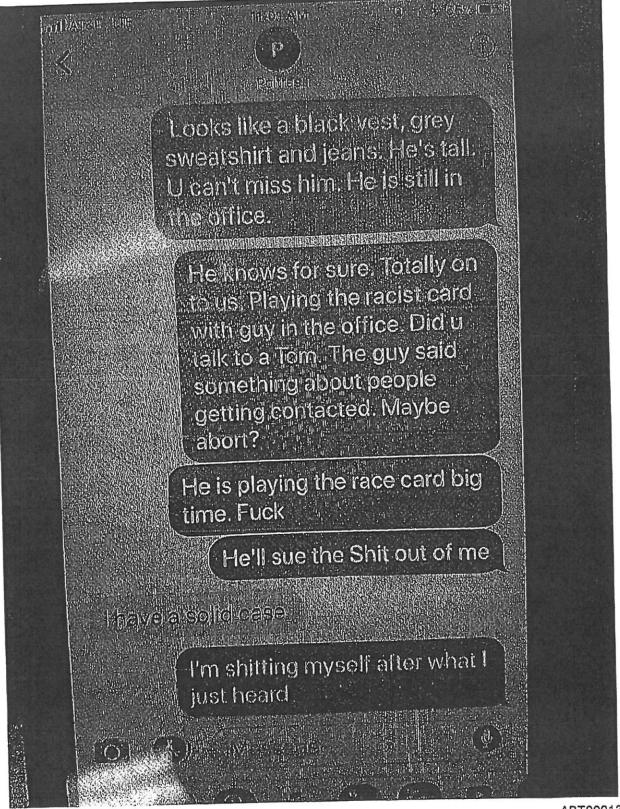


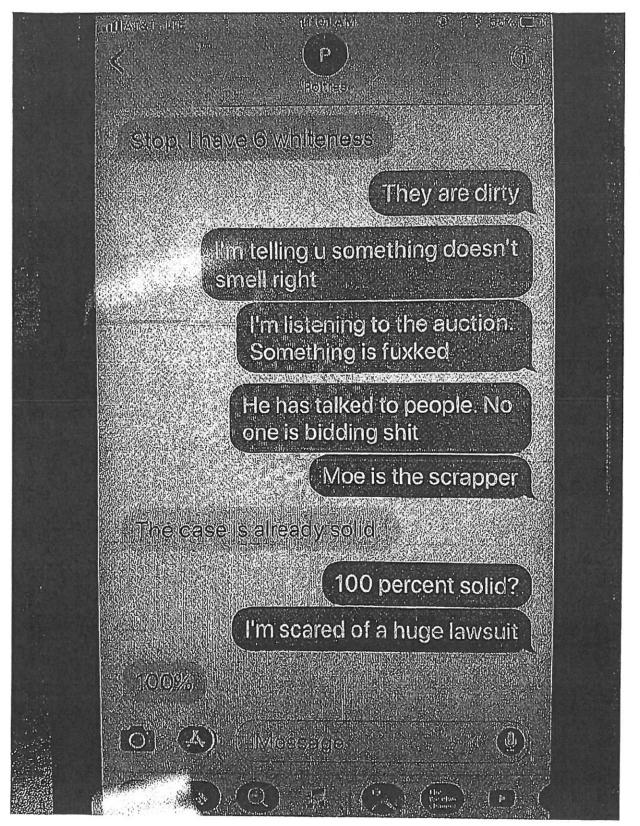


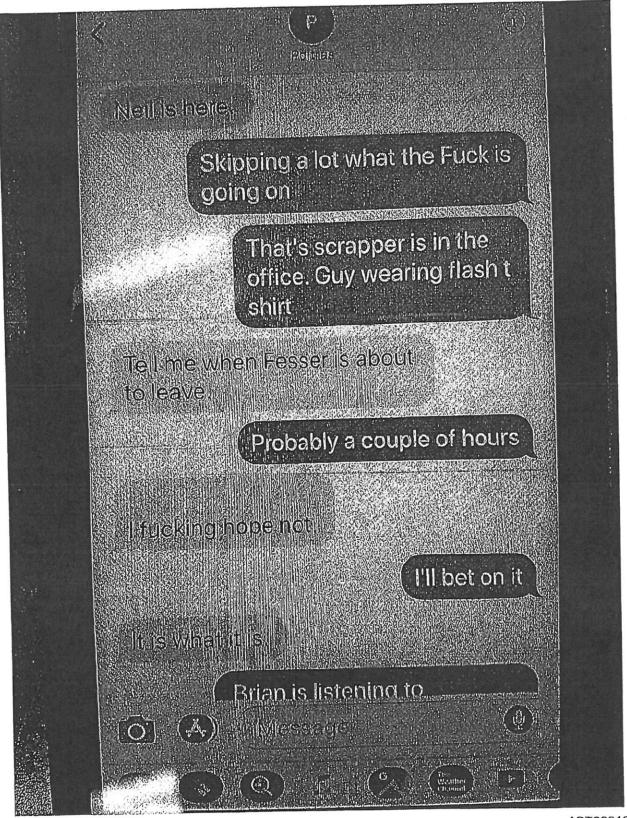


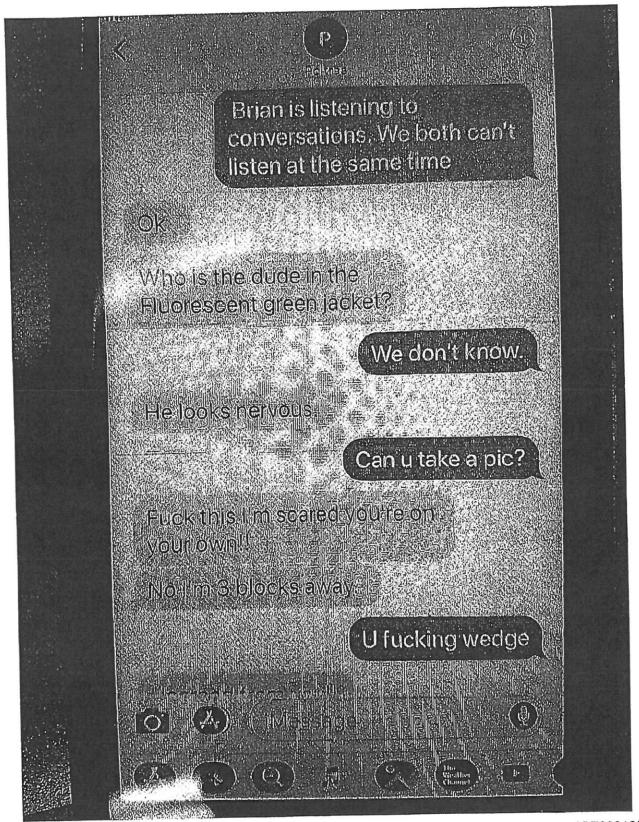


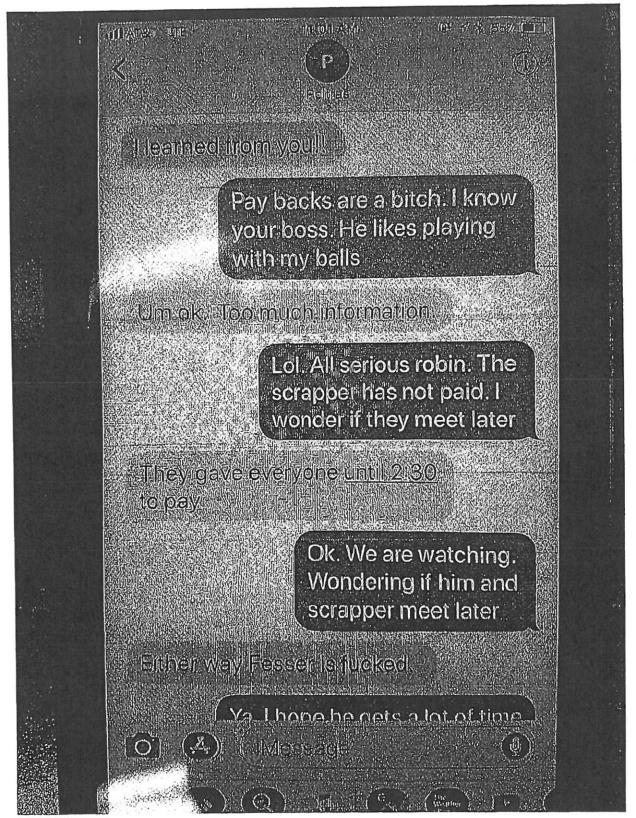


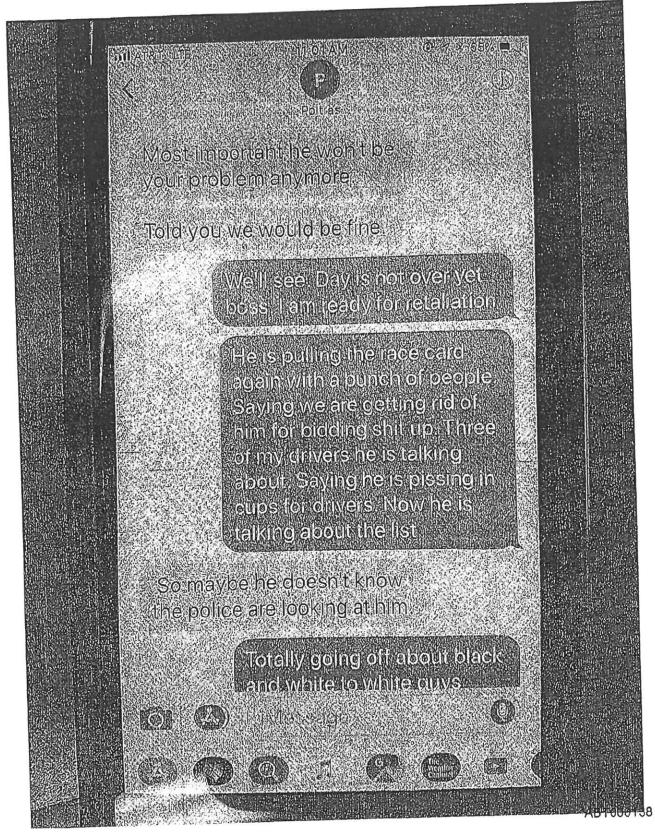


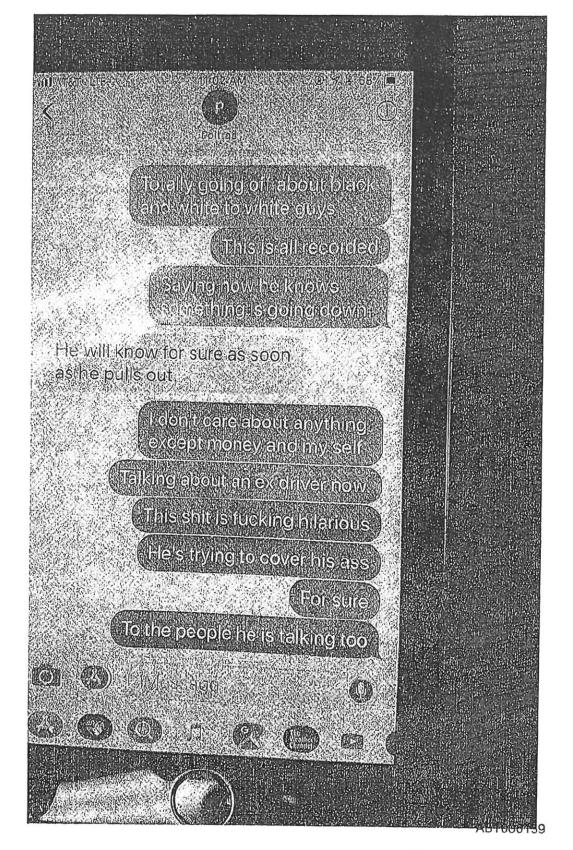


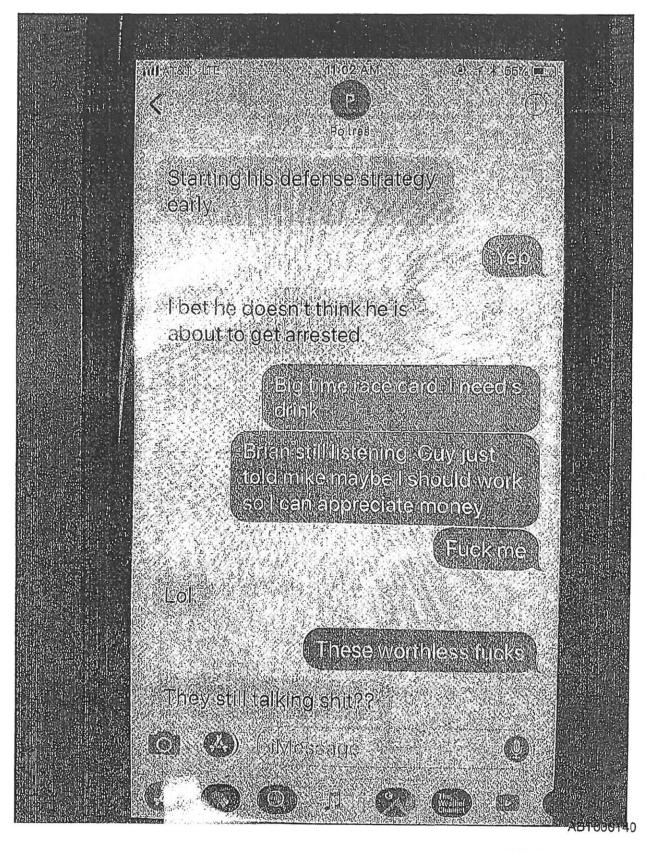


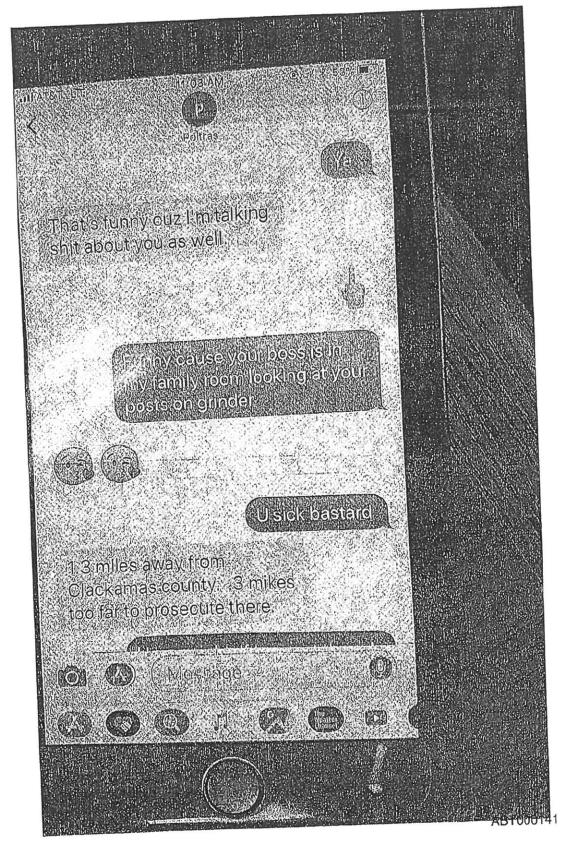


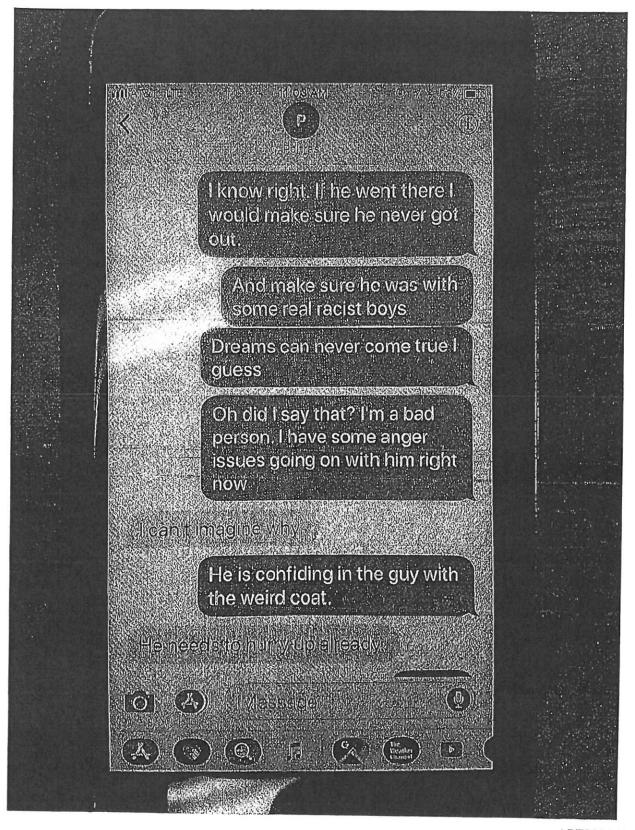


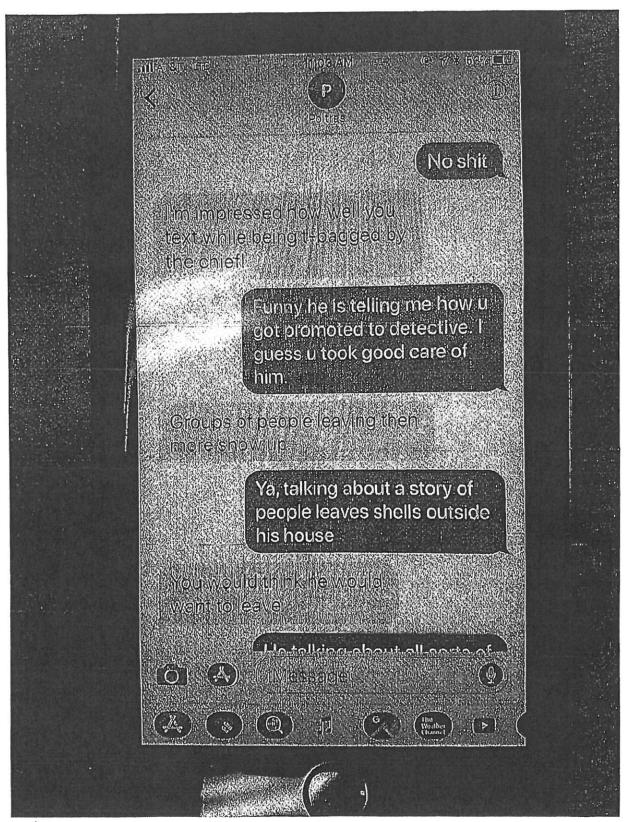


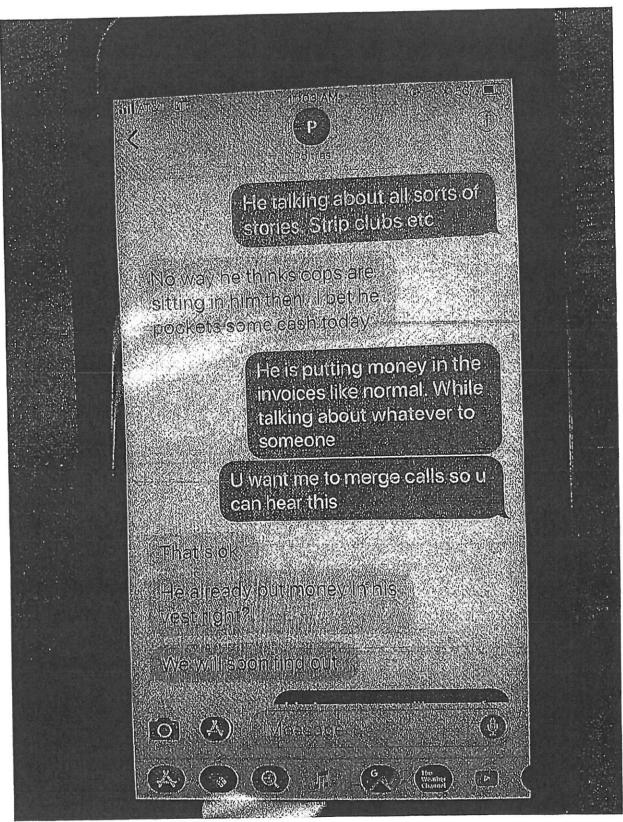


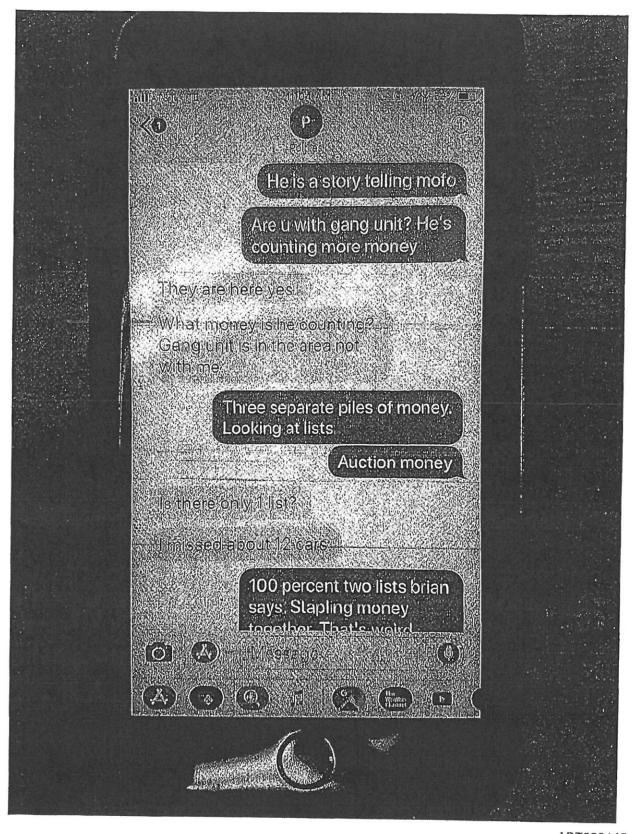


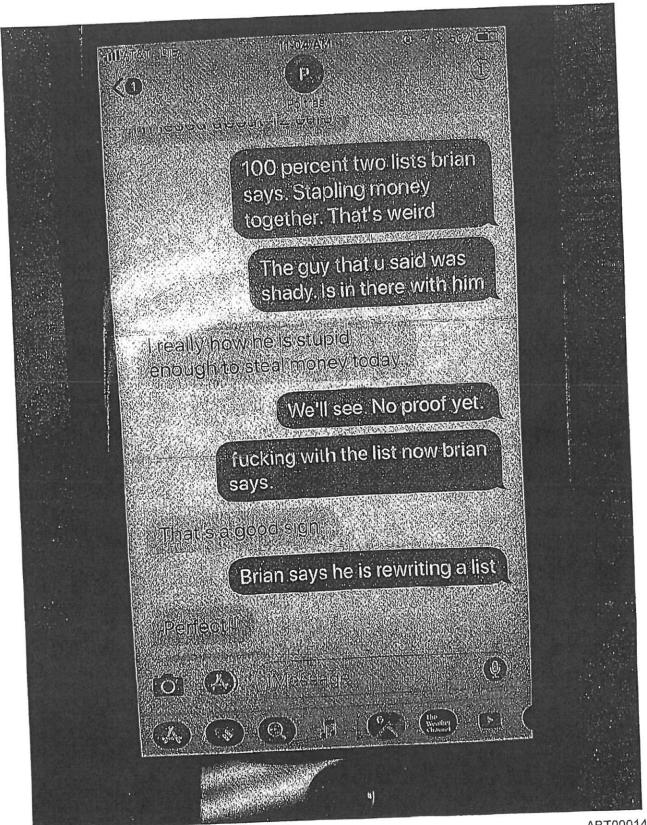


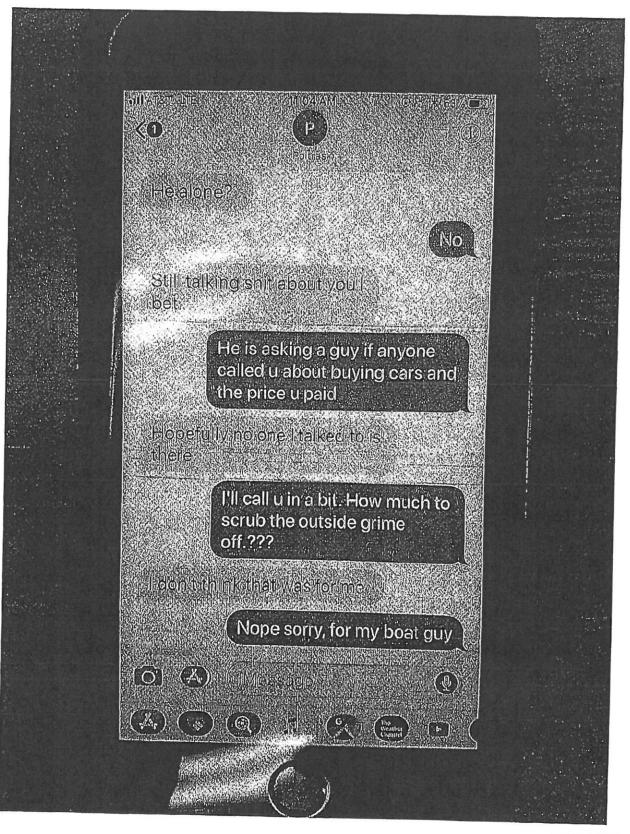


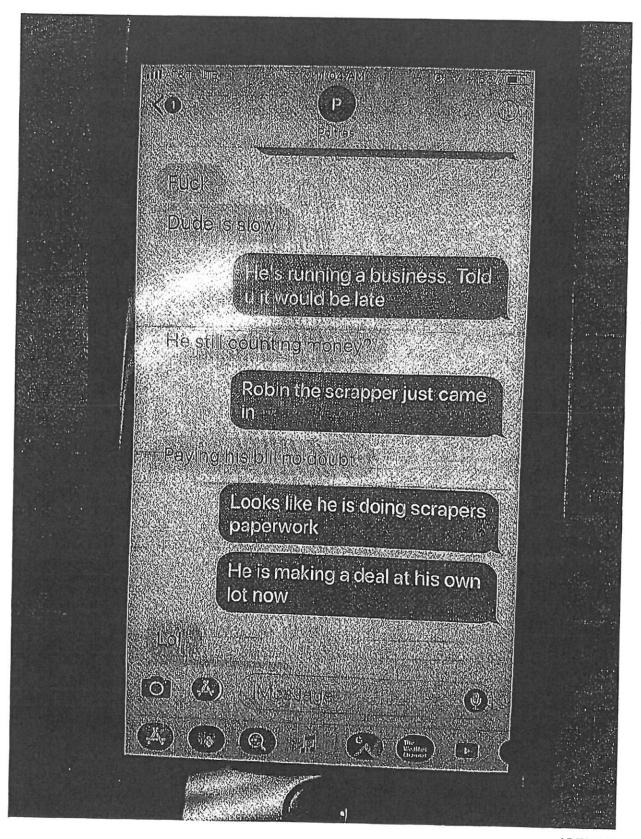


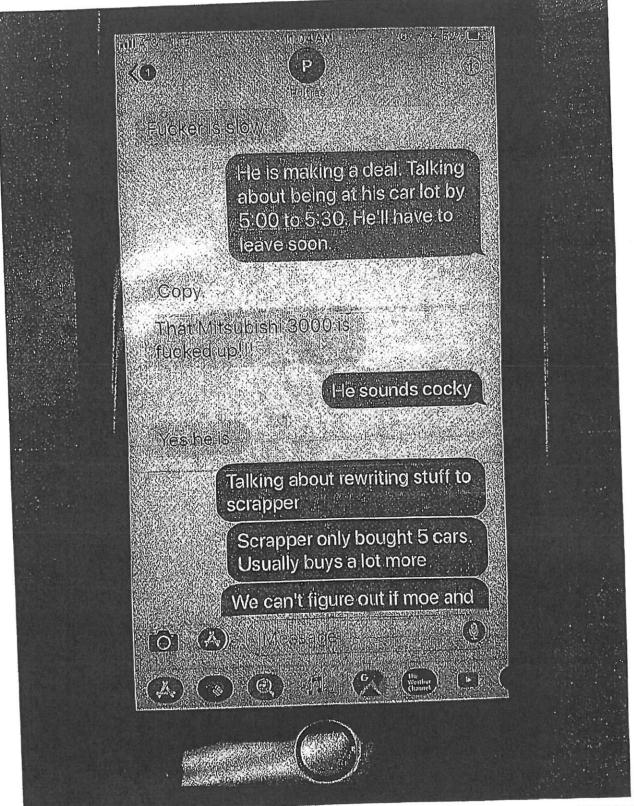


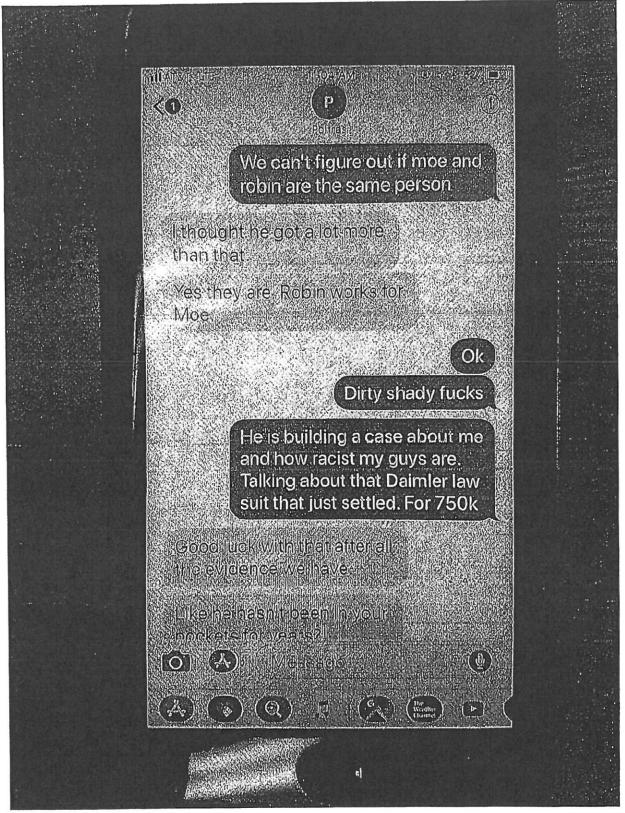


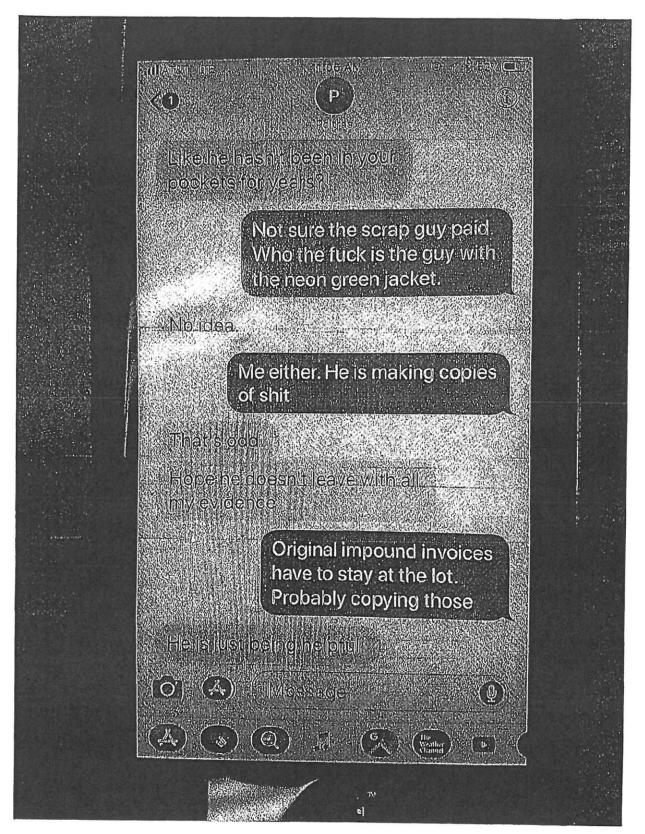


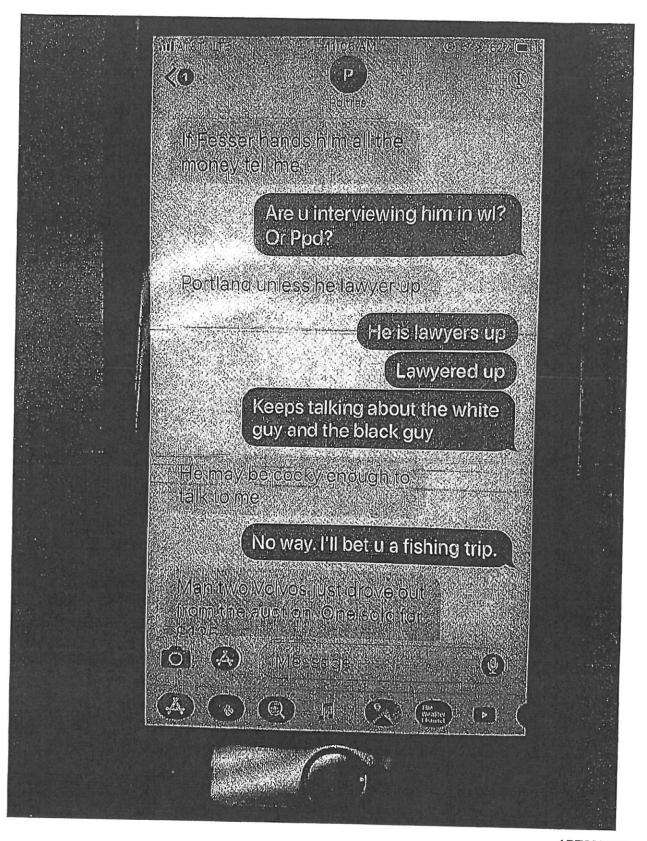


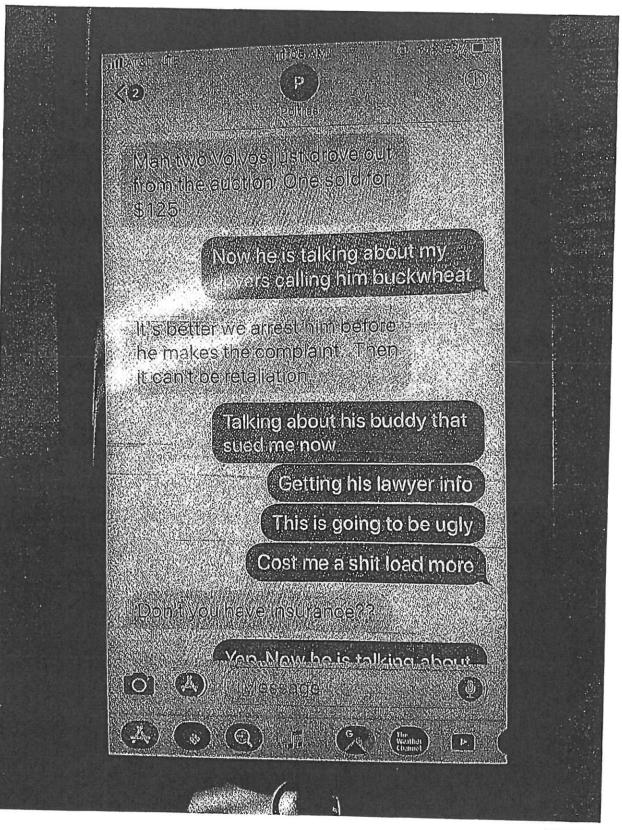












Yep. Now he is talking about the missing folders

Maybe he will say where they are

> U can wish in one hand and shit in the other. He is paranoid as Fuck. Total fucking race card. Fuck me

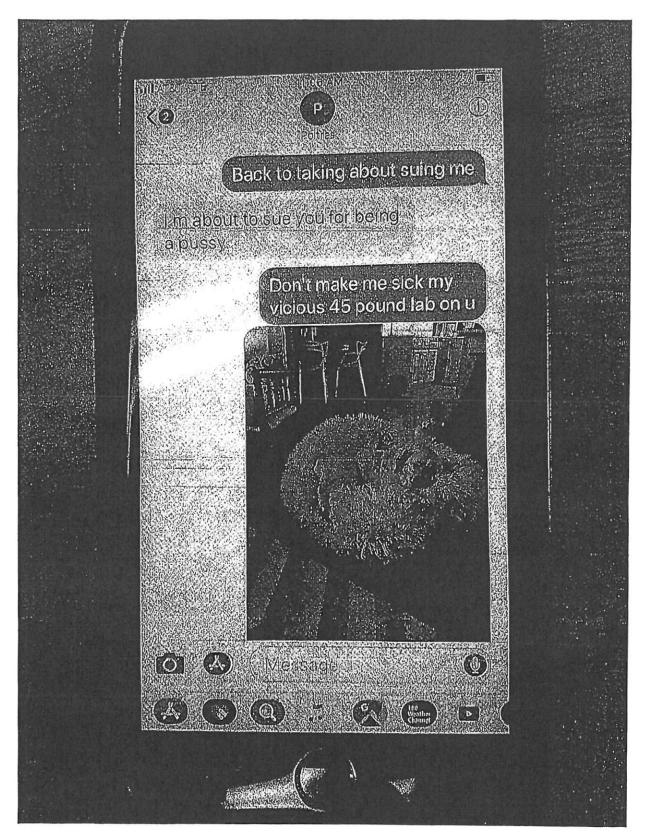
You're acting like a wedge again

No I'm not. Fuck him.

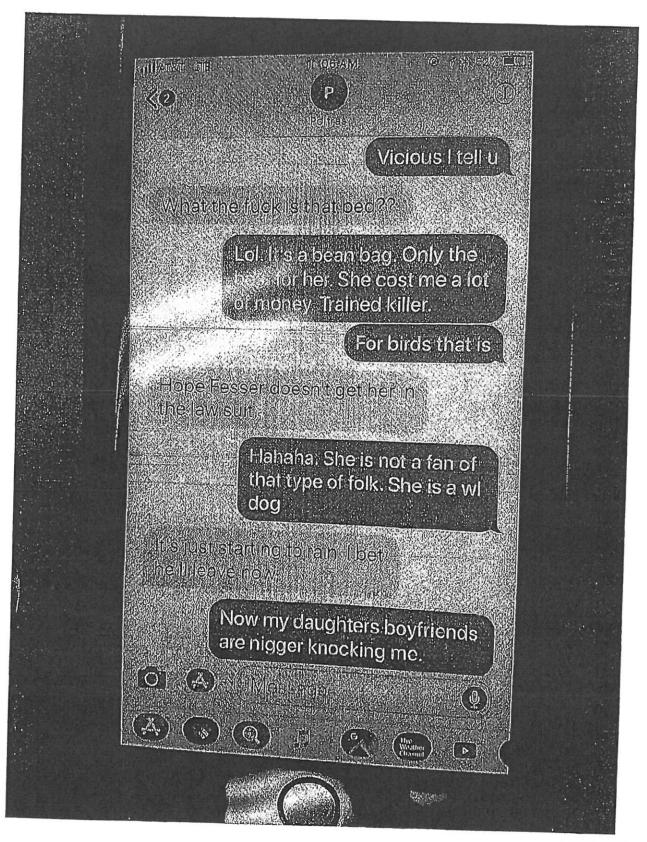
When people steal from you and you catch them Lawsuits don't go very well

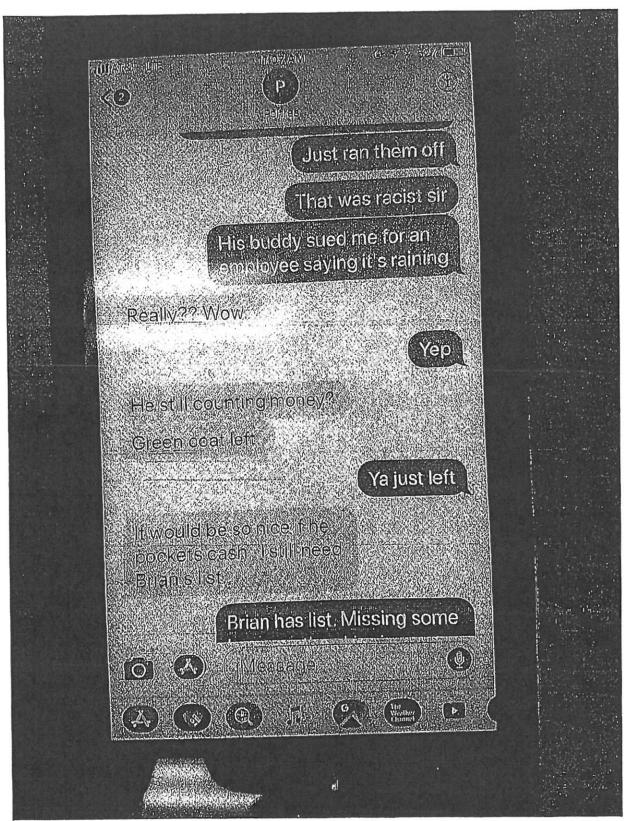
Back to taking about suing me

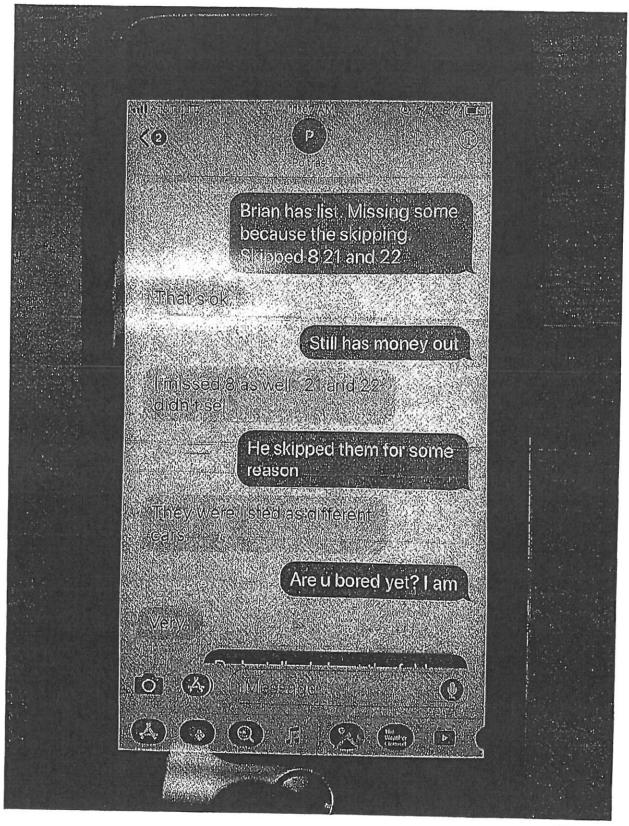


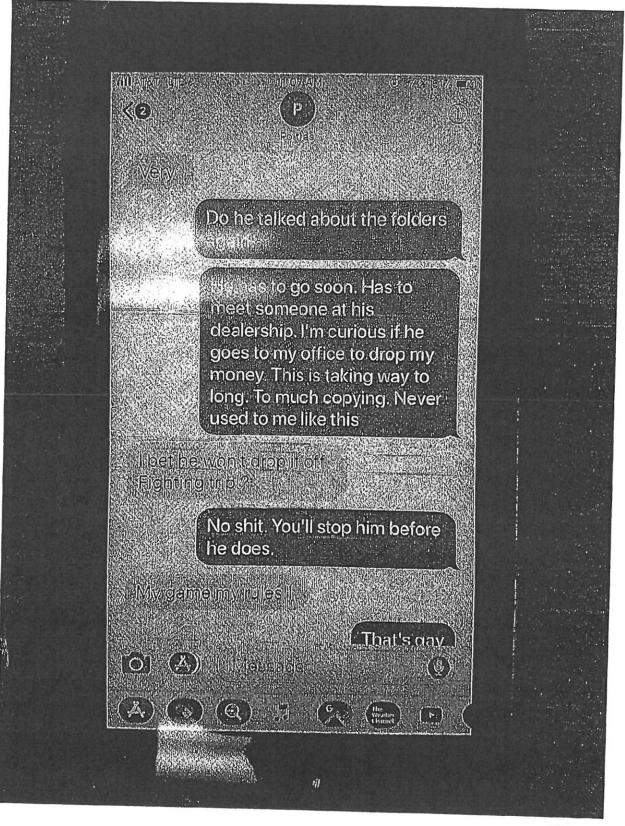


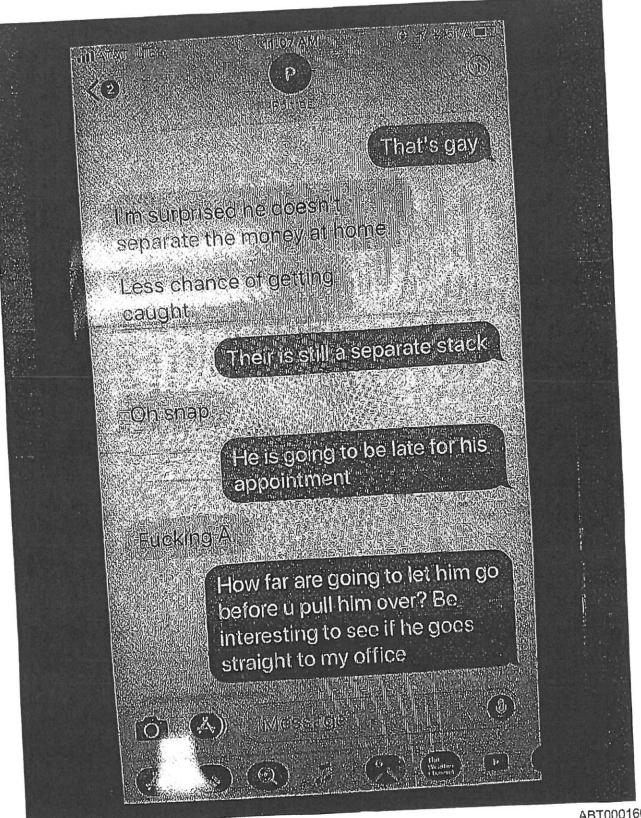
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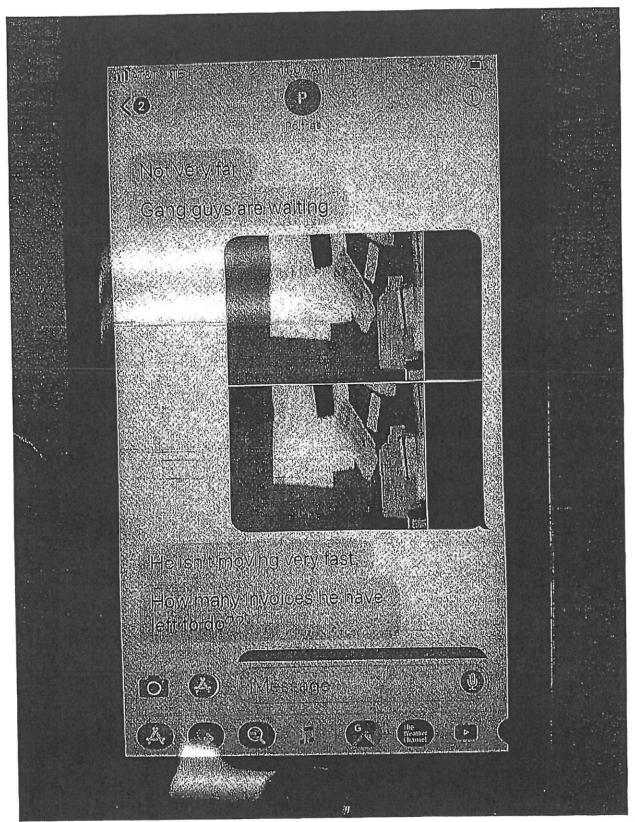




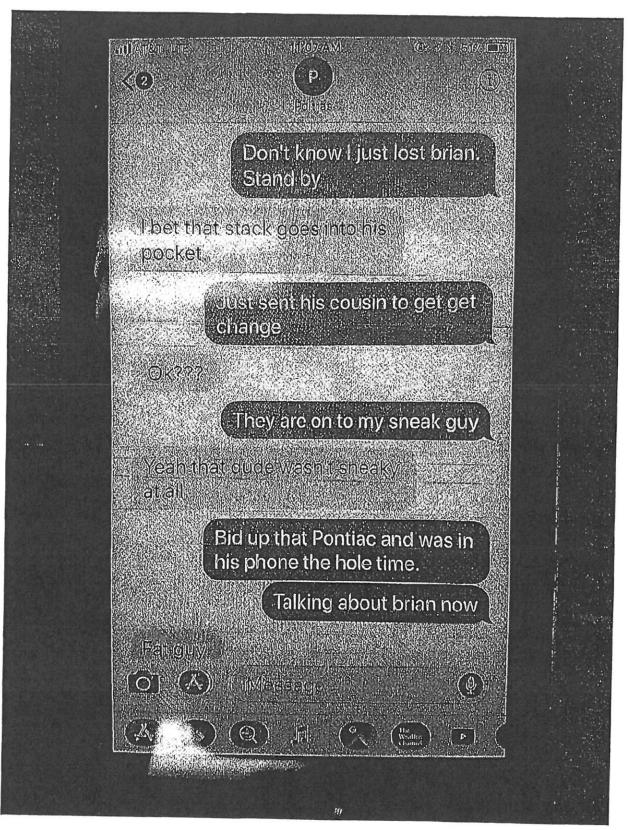


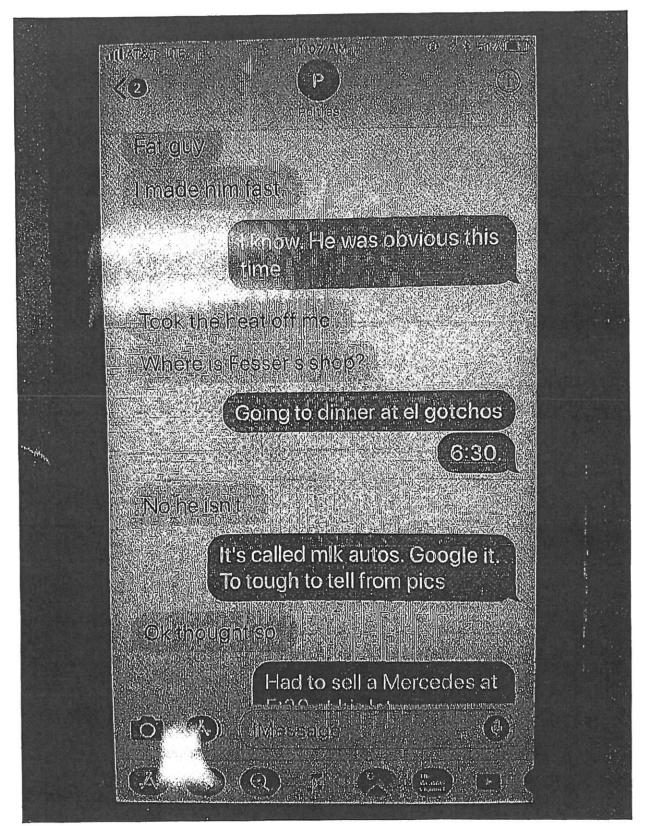


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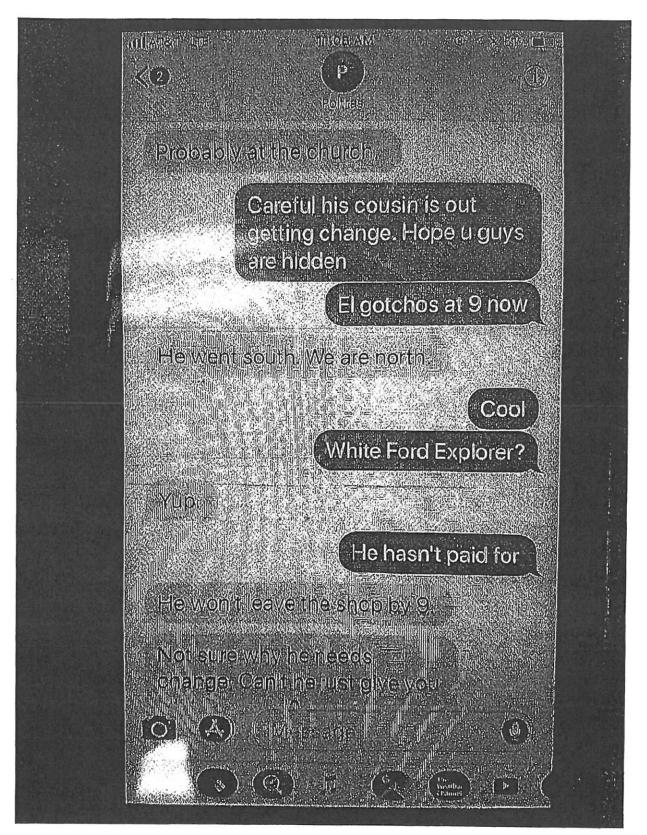


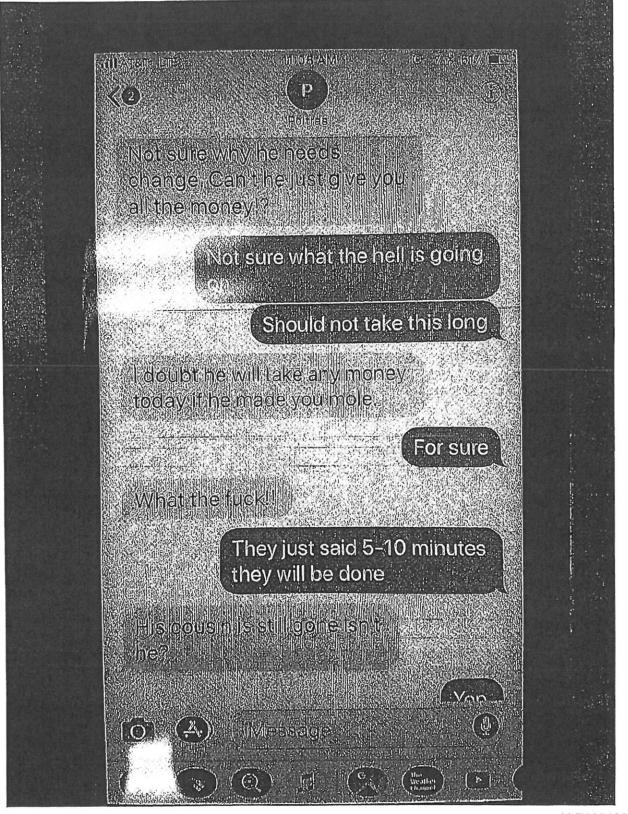
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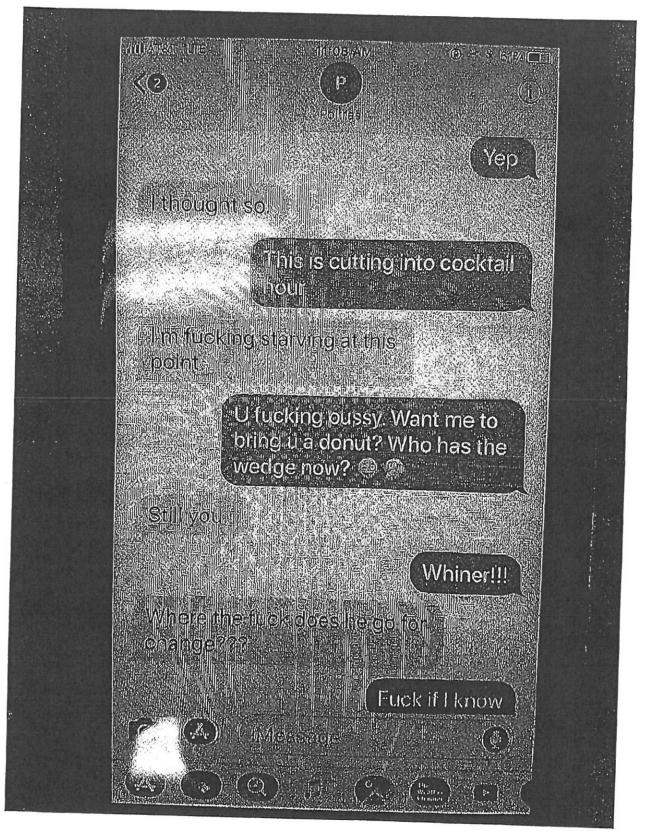


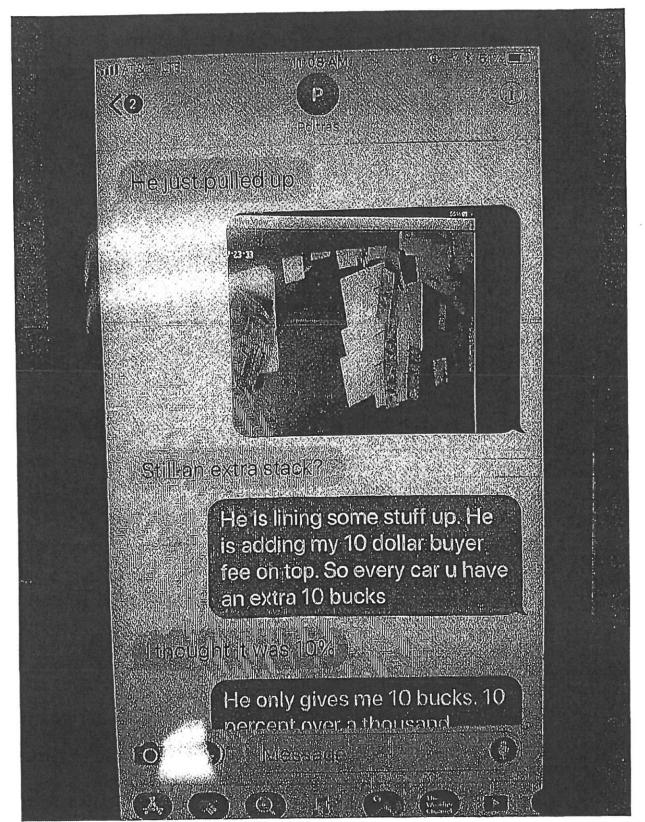


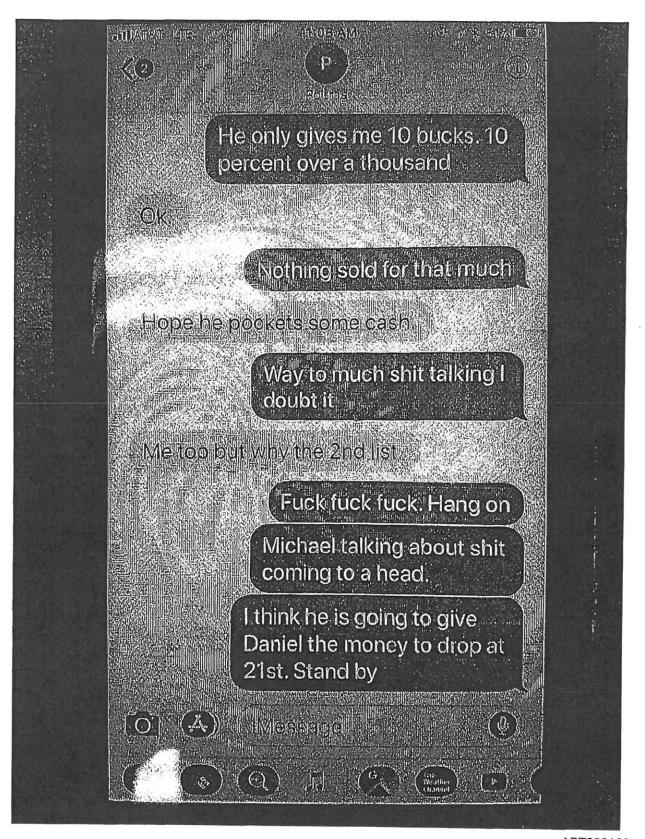


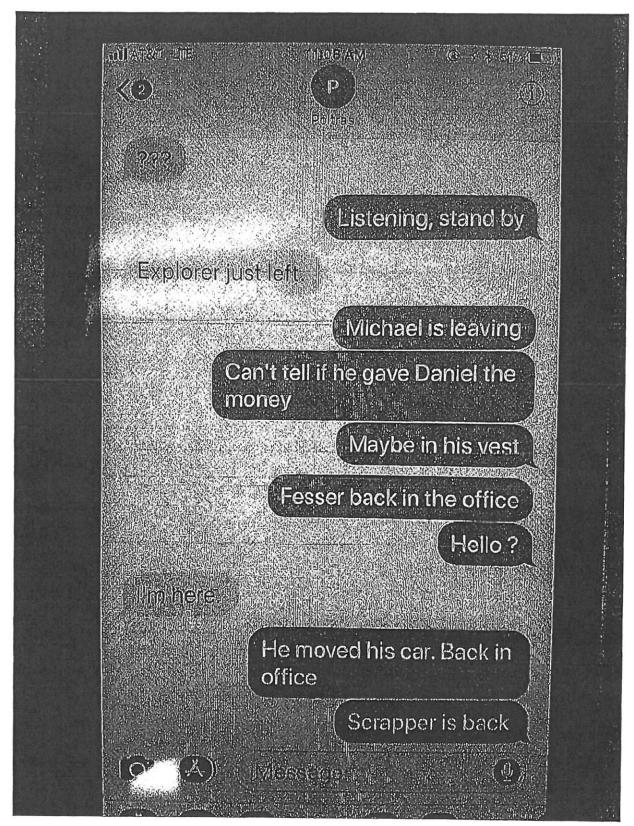


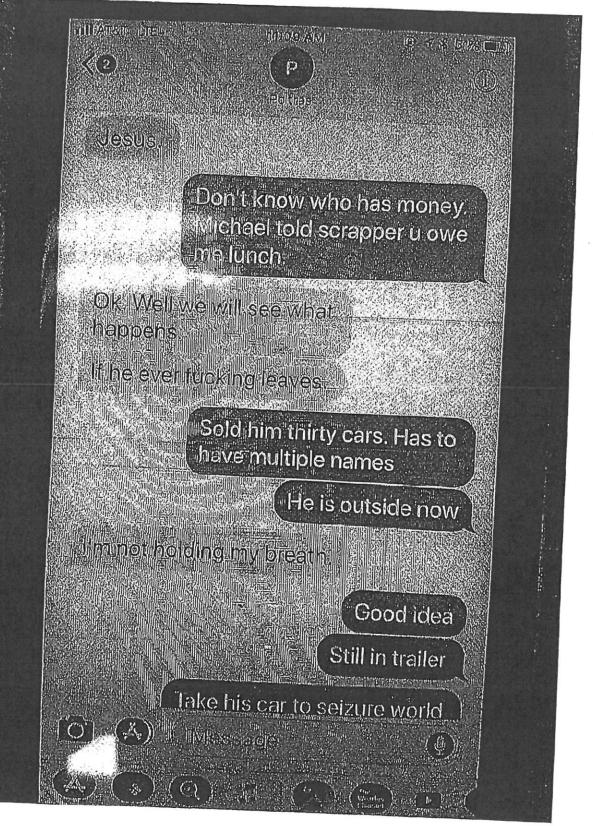


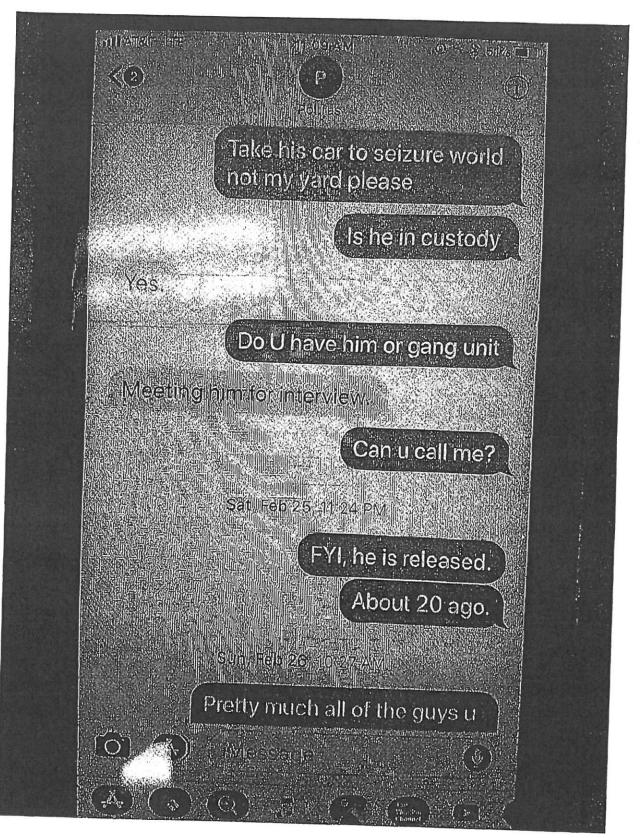


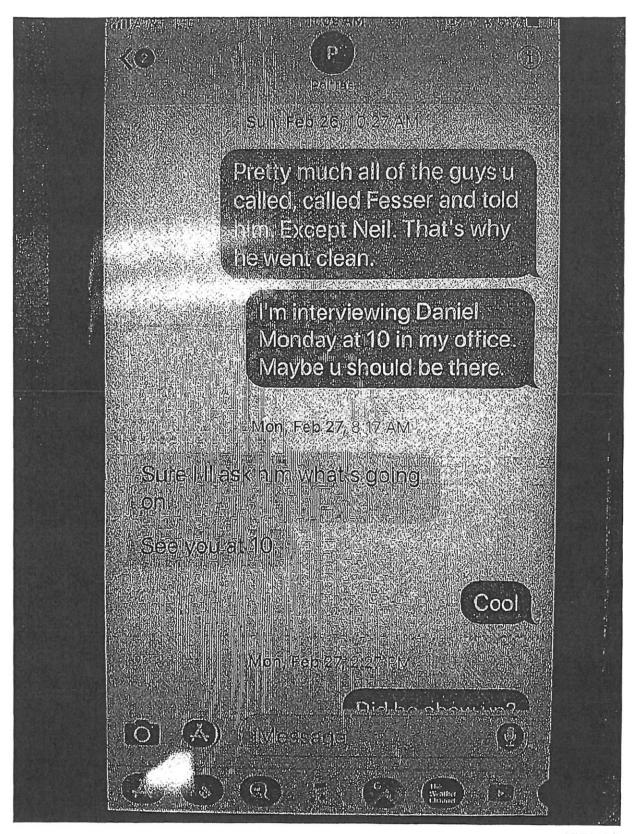


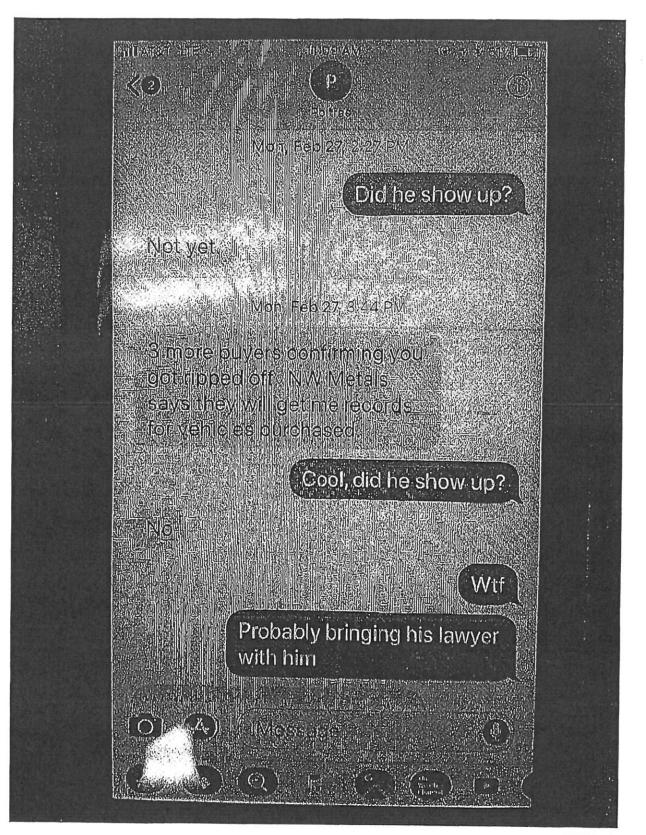


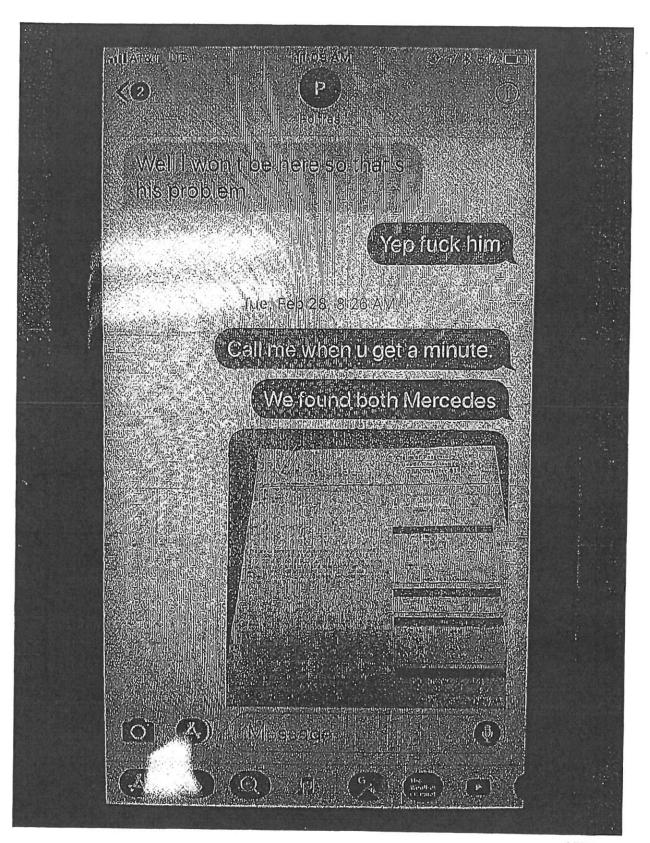


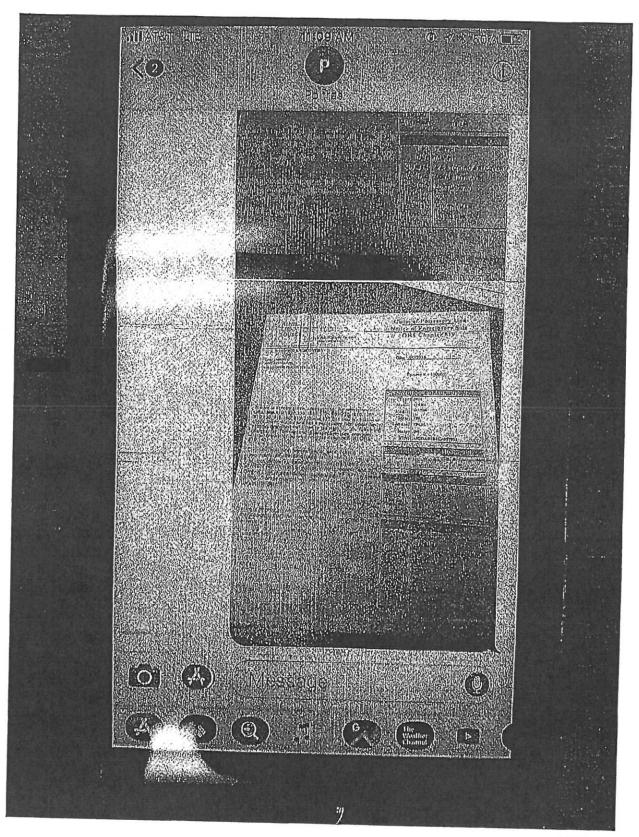












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