

State of Minnesota  
County of Hennepin

District Court  
4th Judicial District

Prosecutor File No.  
Court File No.

17A11207  
27-CR-19-77

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State of Minnesota,  
Plaintiff,

**COMPLAINT**  
Summons

vs.

**STEPHEN FRENZ DOB: 10/08/1963**

4521 East Lake Harriet Pkwy  
Minneapolis, MN 55419

Defendant.

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

**COUNT I**

**Charge: Perjury-In any Writing-Under Oath**

Minnesota Statute: 609.48.1(2), with reference to: 609.48.4(2)

Maximum Sentence: 5 YEARS AND/OR \$10,000

Offense Level: Felony

Offense Date (on or about): 03/02/2016

Control #(ICR#): 17327425

Charge Description: That on or about March 2, 2016, in Hennepin County, Minnesota, STEPHEN ANDREW FRENZ made false material statement(s) not believing it to be true in a writing required or authorized by law to be under oath or affirmation.

## STATEMENT OF PROBABLE CAUSE

Complainant has investigated the facts and circumstances of this offense and believes the following establishes probable cause:

Complainant was assigned to investigate an allegation of perjury committed by Stephen Andrew Frenz, date of birth 10/8/63, Defendant herein, in connection with Hennepin County District Court Case No. 27-CV-HC-16-461, a tenants' remedies action filed on January 20, 2016.

The action was filed by IX of Powderhorn Park, a housing-related neighborhood organization, against Defendant and two related corporate entities, in an effort to correct deficiencies at an apartment building owned by Defendant and located at 3057 14th Avenue South, Minneapolis, Hennepin County, Minnesota. The deficiencies alleged included inadequate heat, compromised security and infestation of mice, bedbugs, roaches and other insects.

The allegation of perjury, which came from a housing court referee, indicated that Defendant submitted an affidavit in support of a motion for summary judgment in which he swore to facts that he knew to be false. The summary judgment motion was filed by Defendant on March 2, 2016, in Hennepin County District Court, Minneapolis, Hennepin County, Minnesota.

Pursuant to Min. Stat. § 504B.395 and § 504B.001, Subd. 5, a "housing-related neighborhood organization" only has standing to bring an action if it has obtained the written permission of the residential tenants of a majority of the occupied units of the rental property. If the plaintiff lacks the requisite number of tenants supporting the action, the case cannot proceed. In an attempt to defeat the action, Defendant executed and filed an affidavit in which he stated:

1. I am a Defendant in the above-captioned matter. I have personal knowledge of the facts attested to in this Affidavit.
2. At the time the above-captioned Complaint was filed on January 20, 2016, eleven units were occupied at the Property.
3. As of today, only ten units are occupied at the Property given that [F. D. and M.I.] moved out of the Property February 29, 2016.
4. [M.A.R.] moved out of the Property on November 2, 2015.

Defendant's affidavit was "subscribed and sworn" before a notary public prior to filing. The notary, Jeffrey Shields, was an employee of Defendant at The Apartment Shop, LLC.

Defendant's production of documents in support of his affidavit included tenant ledgers and files that purported to be for tenants who, for the purposes of the complaint, are identified with the initials P.E.G - Unit C, M.N.C. - Unit 104 and L.M. - Unit 202. Defendant claimed that as those units were occupied, the plaintiffs lacked a majority of tenants to support the petition. Defendant also produced invoices for pest control services that seemed to indicate that those units were occupied. In addition, on February 5, 2016, Defendant participated in an inspection of the building in which he personally opened the door to each unit and represented that Units C, 104 and 202 were occupied by tenants.

Shortly after filing the summary judgment motion, affidavit and supporting documents, the Court received a letter from Defendant's counsel, withdrawing not only the motion for summary judgment, but also from their representation of Defendant. Counsel for Defendant also informed the court that they were withdrawing certain documents relevant to Units C, 104 and 202 and that the Court should not rely on the documents. On March 16, 2016, Defendant filed a "Redacted Frenz Affidavit" in which paragraphs 2 and 3 were redacted, removing references to the number of occupied units in 3057 14th Avenue South. Defendant's counsel then withdrew.

Complainant reviewed a quantity of documents from the Hennepin County District Court Housing Court file, including documents filed by parties to the case, exhibits submitted and orders and findings by the Court. Complainant also interviewed witnesses in the case, including attorneys for the plaintiff, witnesses from the

case and individuals whose names appeared on the falsified tenant documents submitted by Defendant in an attempt to obtain dismissal of the case filed against him.

Complainant learned that Defendant was not only aware of the perjurious nature of his affidavit, but also actively generated false evidence, altered documents and participated in an inspection at the building where he indicated units were occupied by tenants when they were vacant.

Witnesses who had been present during the inspection of the building, which occurred weeks before the filing of the motion, reported that Defendant was personally present during the inspection, which included all 17 units in the building, as well as the boiler room, laundry room and a storage room. Defendant himself led them through the building and knocked on the door of 11 units which he claimed were occupied. The other units he walked into without knocking. One of the attorneys remembered that while they were inspecting Unit C, Defendant had chastised one of the plaintiffs' inspectors to respect the tenants' property. Unit C was very sparsely furnished, with a bed and a pot on the stove. In Unit 104, there were some children's shoes, but no toys, clothing or other items that would be expected if a child was living there. Complainant spoke to Jeffrey Shields, an employee of The Apartment Shop. Shields confirmed that he had notarized Defendant's signature on the affidavit that was filed on March 2, 2016 in Hennepin County District Court. Shields previously testified at the hearing on the tenant's remedies action that he worked as a controller for Defendant's company, with his primary responsibility as the collection of revenues. Shields testified that he was also responsible for the preparation of tenant ledgers, and contrary to Defendant's assertion in his affidavit, Units C, 104 and 202 were not occupied. Shields was shown the tenant ledgers submitted by Defendant and said that their records system did not have tenants in those units with the names that appeared on Defendant's submissions.

On April 14, 2016, Michael Cogan testified that he provided pest control services for Defendant. Cogan testified that he provided invoices for pest control services to Defendant and had done so for units C, 104 and 202 at 3057 14th Avenue South. Cogan testified that he was contacted by Defendant on January 27, 2016 by Defendant, who told him that he lost some of the documents and asked him to rewrite them without the word "vacant," for those units, and send the revised invoices to him. He confirmed that information when later interviewed by Complainant.

On April 30, 2018, Complainant contacted L. M. and spoke to him by telephone in a recorded conversation. L.M. was asked if he ever lived at 3057 14th Avenue South and he said "no." L.M. said that he used to work for The Apartment Shop. Complainant tried to set up a time to meet with L.M., but was unsuccessful in doing so. On May 2, 2018, Complainant returned a call to L.M. L.M. told the investigator that he had thought about it and didn't want to give false information, but that he had signed a lease for 3057 14th Avenue South, but did not move in. L.M. said that he had lived in his current apartment for 20 years.

On August 17, 2018, a Minneapolis Police Department investigator located M.N.C. at an apartment in Minneapolis. The address was not 3057 14th Avenue South. He was asked if he had signed a lease and lived at 3057 14th Avenue South. With the assistance of another individual who spoke English, M.N.C. said that he had lived there for two months, paying cash and money order. He also had been working in the building while staying there. M.N.C. said that he knows the Defendant and has worked for him for 12-15 years. M.N.C. agreed to do a recorded statement with the assistance of a translator on another date.

On September 17, 2018, Complainant received a phone call from an individual who was calling on behalf of M.N.C. The friend said that M.N.C. wanted to correct some information and needed her assistance as he does not speak English. The friend indicated that Defendant approached M.N.C. and asked him to sign a lease for 3057 14th Avenue South. M.N.C. said that he did not pay any rent and never lived in the apartment. M.N.C. said that he worked for Defendant and Defendant told him that if his friends came here from Mexico they could stay in the apartment.

On November 14, 2018, M.N.C. gave a formal, recorded statement with the assistance of a translator. M.N.C. confirmed that he was an employee of Defendant, who had approached him and asked him to sign a lease on January 2, 2016. M.N.C. said he signed the lease as a favor to Defendant and was unaware of a lawsuit.

Complainant checked multiple database systems and could not find any information confirming that P.E.G

was, in fact, a real person.  
Defendant is not in custody.

## SIGNATURES AND APPROVALS

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

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

**Complainant**

David Stichter  
Police Sergeant  
350 S 5th St  
Minneapolis, MN 55415-1389  
Badge: 6837

Electronically Signed:  
12/31/2018 02:11 PM  
Hennepin County, Minnesota

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

**Prosecuting Attorney**

Susan Crumb  
300 S 6th St  
Minneapolis, MN 55487  
(612) 348-5550

Electronically Signed:  
12/31/2018 12:55 PM

**FINDING OF PROBABLE CAUSE**

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

**SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ AM/PM before the above-named court at 300 S Sixth Street, Minneapolis, MN 55487 to answer this complaint.

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

**WARRANT**

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

*Execute in MN Only*

*Execute Nationwide*

*Execute in Border States*

**ORDER OF DETENTION**

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

Bail: \$3,000.00

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 31, 2018.

Judicial Officer

Sarah West  
Judge

Electronically Signed: 12/31/2018 02:40 PM

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

**COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**State of Minnesota**

Plaintiff

vs.

**STEPHEN FRENZ**

Defendant

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

Signature of Authorized Service Agent: