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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,

Plaintiff,

v.

SUZANNE C. FOSS (001),  
TERRY J. FOSS (002),  
KRISTOPHER FOSS (003), and  
ALICIA TORRES (004),

Defendants.

**65 SGJ 12**

**INDICTMENT**

**CHARGING VIOLATIONS OF:**

COUNTS 1-7, Fraudulent Schemes and  
Artifices, class 2 felonies, A.R.S. § 13-2310  
(Defendant 001)

COUNTS 3, 4, & 7, Fraudulent Schemes and  
Artifices, class 2 felonies, A.R.S. § 13-2310  
(Defendant 002)

COUNTS 4 & 7, Fraudulent Schemes and  
Artifices, class 2 felonies, A.R.S. § 13-2310  
(Defendant 003)

COUNT 6, Fraudulent Schemes and  
Artifices, a class 2 felony, A.R.S. § 13-2310  
(Defendant 004)

COUNT 8, Theft, a class 6 felony, A.R.S. §  
13-1802 (Defendant 004)

COUNT 9, Theft, a class 5 felony, A.R.S. §  
13-1802 (Defendant 004)

COUNT 10, Conspiracy, a class 2 felony,  
A.R.S. § 13-1003 (All Defendants)

The Arizona State Grand Jury charges on this 29th day of June 2009, that in or from Maricopa County, Arizona:

**ALLEGATIONS COMMON TO ALL COUNTS**

The Colorado River Regional Crisis Shelter, located in Parker, Arizona, provides emergency shelter, counseling and other assistance to women and children who are victims of domestic violence. The Crisis Shelter opened in the summer of 1997, and it serves the southern Arizona region. SUZANNE C. FOSS (001) began her employment with the Crisis Shelter on June 26, 1997, when she took the position of Assistant Director. She was promoted to the Crisis Shelter's Executive Director approximately 1 year later. She served in that position until she resigned from the Crisis Shelter on July 27, 2007. TERRY J. FOSS (002), husband of SUZANNE C. FOSS, was employed by the Crisis Shelter from sometime in 2004 to sometime in 2007 in the capacity of Shelter Manager. KRISTOPHER FOSS (003), the son of SUZANNE FOSS and TERRY FOSS, was employed by the shelter in various capacities from sometime in 2004 to sometime in 2007.

For many of the years that SUZANNE FOSS was employed by the Crisis Shelter, ALICIA TORRES (004) served as her assistant. ALICIA TORRES began her employment with the Shelter in November of 2000. When SUZANNE FOSS resigned in July of 2007, she recommended ALICIA TORRES to replace her as Executive Director. ALICIA TORRES was appointed Executive Director and served in that position until March 11, 2008, when she was terminated as a result of allegations of wrongdoing that are included within this indictment.

**COUNT 1: FRAUDULENT SCHEMES AND ARTIFICES**

Between about October 1, 2005 to June 30, 2006, SUZANNE FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or

fraudulent pretenses, representations, promised or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This occurred when SUZANNE FOSS prepared false documentation and/or participated in the preparation of false documentation detailing interaction with alleged victims of domestic violence and various law enforcement agencies. Based on this documentation, the Crisis Shelter received grant monies that SUZANNE FOSS then either took for her own personal use or allowed ALICIA TORRES to take for her own personal use. For example, SUZANNE FOSS created an “On Call Victim Advocate Log” entry dated October 1, 2005, in which she claims the Parker Police Department requested her assistance for 5.5 hours to assist a victim who was sexually assaulted by her husband. This entry was entirely fabricated and was used to obtain grant funds for the Crisis Shelter based on the federal Victim of Crimes Act, which SUZANNE FOSS then took for her own personal use. SUZANNE FOSS fabricated approximately 37 additional log entries for a total of approximately 208 hours during this 9-month period, resulting in payments totaling approximately \$2,220. Additionally, SUZANNE FOSS assisted ALICIA TORRES in fabricating approximately 48 log entries for a total of approximately 270 hours during this 9-month period, resulting in additional payments totaling \$2,880.

## **COUNT 2: FRAUDULENT SCHEMES AND ARTIFICES**

Between about August 8, 2007, and February 16, 2008, SUZANNE FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when SUZANNE FOSS applied for and received Unemployment Compensation Benefits by claiming that she was “laid off” from the Crisis Shelter when in fact she voluntarily resigned from the Crisis Shelter to relocate to another state. During this period, SUZANNE FOSS collected \$6,240 in benefits.

### **COUNT 3: FRAUDULENT SCHEMES AND ARTIFICES**

Between about August 22, 2007, and April 11, 2009, TERRY FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when TERRY FOSS applied for and received Unemployment Compensation Benefits by claiming that he was laid off from the Crisis Shelter when in fact he voluntarily resigned from the Crisis Shelter to relocate to another state. During this period, TERRY FOSS collected \$14,160 in benefits.

### **COUNT 4: FRAUDULENT SCHEMES AND ARTIFICES**

Between about January 1, 2004, and December 31, 2007, SUZANNE FOSS, TERRY FOSS, and/or KRISTOPHER FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promises or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when SUZANNE FOSS, TERRY FOSS, and/or KRISTOPHER FOSS made false representations and material omissions in order to obtain payments from the Crisis Shelter for: (1) time that was not worked, (2) “comp time,” or overtime, to which they were not entitled or that was not worked, or (3) vacation time that was either not earned or was already used. Additionally, SUZANNE FOSS, TERRY FOSS, and/or KRISTOPHER FOSS failed to take deductions for vacation time that was used. SUZANNE FOSS received a benefit of approximately \$57,643 during this time period.

### **COUNT 5: FRAUDULENT SCHEMES AND ARTIFICES**

Between about January 1, 2005 and March 31, 2008, SUZANNE FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of

false or fraudulent pretenses, representations, promised or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when SUZANNE FOSS obtained personal reimbursement from the Crisis Shelter alleged to be for the cost of medical insurance and allowed and assisted ALICIA TORRES in doing the same, when the Crisis Shelter already provided medical insurance to both SUZANNE FOSS and ALICIA TORRES in a group policy that covered all Crisis Shelter employees. During this period, SUZANNE FOSS obtained approximately \$9,600 in medical insurance reimbursements and ALICIA TORRES received \$9,800 in medical insurance reimbursements.

#### **COUNT 6: FRAUDULENT SCHEMES AND ARTIFICES**

Between about January 1, 2004, and March 31, 2008, SUZANNE FOSS and ALICIA TORRES acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promised or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when SUZANNE FOSS and ALICIA TORRES took for their own personal use, or allowed others to take for their personal use, items that were donated by others to the Crisis Shelter for use by the Crisis Shelter and those persons it serves. Items donated to the Crisis Shelter include for example, clothing, furniture, fixtures, computers, an automobile, and a boat.

#### **COUNT 7: FRAUDULENT SCHEMES AND ARTIFICES**

Between about January 1, 2004 and March 31, 2008, SUZANNE FOSS, TERRY FOSS, and KRISTOPHER FOSS acted pursuant to a scheme or artifice to defraud and knowingly obtained a benefit by means of false or fraudulent pretenses, representations, promised or material omissions, in violation of A.R.S. §§ 13-2310, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when SUZANNE FOSS, TERRY FOSS, and KRISTOPHER FOSS made false and fraudulent claims and obtained monetary reimbursement from the Crisis Shelter for themselves and for others for the following: (1) travel expenses and/or mileage expenses; (2) cell phone expenses and (3) other miscellaneous expenses for office and residential items.

#### **COUNT 8: THEFT**

Between about January 1, 2004 and March 31, 2008, ALICIA TORRES controlled the property of another with the intent to deprive the other person of the property, and/or converted for an unauthorized use property of another that was entrusted to her or placed in her possession or control for a limited, authorized use, in violation of A.R.S. §§ 13-1802, 13-1801, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when ALICEA TORRES took items donated to the Crisis Shelter for use by the Crisis Shelter, such as pallets of cabinetry donated by Home Depot, for her own personal use. The value of the cabinetry exceeds \$1,000.

#### **COUNT 9: THEFT**

Between about January 1, 2004 and March 31, 2008, ALICIA TORRES controlled the property of another with the intent to deprive the other person of the property, and/or converted for an unauthorized use property of another that was entrusted to her or placed in her possession or control for a limited, authorized use, in violation of A.R.S. §§ 13-1802, 13-1801, 13-105, 3-301 through 303, and 13-701 through -703.

This conduct occurred when ALICIA TORRES paid her boyfriend with Crisis Shelter funds for work that he did not perform. This amount exceeds \$2,000.

#### **COUNT 10: CONSPIRACY**

Between about January 1, 2004 and March 31, 2008, SUZANNE FOSS, TERRY FOSS, KRISTOPHER FOSS, and ALICIA TORRES, with the intent to promote or aid in the commission of the offenses contained in this indictment, agreed with one or more persons

that at least one of them or another person would engage in the conduct constituting the offense and at least one of the parties committed an overt act in furtherance of the offenses contained in this indictment, in violation of A.R.S. § 13-1003, 13-1802(A), 13-2310, 13-2312, 13-105, 3-301 through 303, and 13-701 through -703.

**COUNT 11: ILLEGAL ENTERPRISE**

Between about January 1, 2004 and March 31, 2008, SUZANNE FOSS, TERRY FOSS, KRISTOPHER FOSS, and ALICIA TORRES were associated with an enterprise and conducted the affairs of the enterprise through racketeering and/or participated directly or indirectly in the conduct of an enterprise knowing it was being conducted through racketeering, in violation of A.R.S. § 13-2312, 13-105, 3-301 through 303, and 13-701 through -703. The racketeering violations are the offenses contained in this indictment.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in Maricopa and La Paz Counties, Arizona.

TERRY GODDARD  
ATTORNEY GENERAL  
STATE OF ARIZONA

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(A "True Bill")

Dated: \_\_\_\_\_

\_\_\_\_\_  
Monica B. Klapper  
Assistant Attorney General

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Foreperson of the State Grand Jury

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