

**FILED**

AUG 05 2009

THOMAS R. FALLQUIST  
SPOKANE COUNTY CLERKSTATEMENT OF INVESTIGATING OFFICER  
AFFIDAVIT OF FACTSSTATE OF WASHINGTON  
COUNTY OF SPOKANE

REPORT NUMBER: 09-233502

DEFENDANT: HOLMES, RYAN M.  
(B/M 02/25/63)DEFENDANT: STEENHARD, BRIAN D.  
(W/M 03/09/71)

09103019-8

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The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the City and County of Spokane, State of Washington, because:

**VICTIM SHAWEN** will testify:

1. He is a 70 year old male who recently underwent open heart surgery and has two stents. He uses a respirator device and takes 'Advair' which is a prescription medication (steroid) used to open the breathing passages of the lungs after the patient suffers some type of high-stress event.
2. He was contacted by Ryan Martineau, who attends his church. Martineau asked if he would bail him out of jail on a DUI charge.
3. Martineau told him he had a \$7500 bond with Ryan Holmes of Holmes Bond Company.
4. The night of 03/23/09, he went to Holmes Bros. Bond office at 703 ½ North Monroe to bond Martineau out of jail. The lights were fairly dim and he had difficulties reading the contract. He did not realize the importance of reading the fine print. Homes did not provide any details regarding the contract. The bond fee was approximately \$700, which he paid with his STCU debit card.
5. He signed a contract, not reading it thoroughly due to the late hour, and believed that Martineau would show up for court. Mr. Holmes did not explain any of the pertinent and relevant details of the contract.

6. On 06/22/09, Holmes and Steenhard came to his home. Steenhard wore a badge on a chain around his neck. At the time, he thought Steenhard was a police officer. Further:
  - Steenhard and Holmes were at his residence for an hour to an hour and a half, badgering him to pay back money for the situation involving Martineau.
  - Holmes did not provide any paperwork or documentation.
  - Holmes said he attempted to get money from his (Shawen's) account using Shawen's debit card information from the original transaction.
  - Holmes wanted \$5,000. Steenhard said that was not enough so he changed the amount to \$6000 (six thousand). Holmes told him that they were not going to leave without it. He believed the men were going to "get rough" with him.
  - He told Investigator Clarkson of his fear of Holmes and Steenhard. He said "I knew I was not a match for them... I'm 70," indicating he felt threatened.
  - The men were making him nervous. He went inside his house to avoid the men, but they followed him inside without an invitation or permission and continued pressuring him to give them the money.
  - He did not see a gun, but believed due to the circumstances, that they might be armed. He thought Steenhard looked familiar and in an attempt to try and make a connection with them, he asked where Steenhard attended high school. Steenhard said he went to Rogers High school.
  - Steenhard and Holmes were very aggressive. Steenhard kept getting to close, within six inches of his face, telling him he had no other options – he had to pay Holmes the money.
  - He was afraid they would do something to him if he did not cooperate and as he had recently undergone open heart surgery and had two stents as well as breathing problems, he was afraid of any physical altercation.
  - Defendant Holmes told him they would only take cash and it had to be "now."
  - When he used the phone to contact his credit union, both men stood over him in an intimidating manner. He believed he had no choice, but to cooperate. He told Investigator Clarkson that he felt that he "I had no choice, absolutely none."
  - He finally agreed to go to Spokane Teachers Credit Union, to see if he could get any money there.
  - They followed him to the bank and followed him into STCU.
  - He obtained a \$6,000 cashier's check with a credit card cash advance, which he gave to Holmes.
  - Holmes left at that time with no further incident.
  - Afterwards, Shawen found himself short of breath. Shawen has had open heart surgery and has two stents. He uses a respirator device. He also takes Advair, which is a prescription steroid used to open breathing passages to the lungs It is frequently used after a patient suffers from a high stress event.
  - Due to the trauma of this incident, his daughter, a nurse, has needed to stay with him to assist in his medical care.
7. He was afraid of retaliation if he reported the incident but believed it was a crime. On 06/24/09, he went to the Sheriff's office to report this but the deputy told him it was a civil case and did not take a report.

8. On 07/13/09, he spoke with Officer Sue Mann at the police front desk. She filed a report for him regarding the incident.
9. He went to Holmes office on or about 07/13/09. He requested a copy of the paperwork from Holmes. Holmes got in his face and said, ""Don't even think about suing me", and "If you take me to court, you're going to pay." He felt threatened by Holmes.

**OFFICER SUE MANN #212 will testify:**

1. She is the front desk officer for the Spokane Police Department.
2. She took the basic information for the face sheet report.
3. She contacted the courts and reviewed additional documentation that she had obtained. These documents included the following information:
  - On 03/03/09, Martineau was arrested for Driving Under the Influence (DUI) The bond was set at \$7500.
  - On 06/12/09, Martineau bonded out with Holmes
  - on 06/12/09, the courts issued an arrest warrant for
  - on 06/15/09, Martineau's attorney requested a warrant recall from the courts. A new court date was scheduled for 07/01/09 for the recall.
  - A log provided by Steenhard (recovery agent) states he conducted surveillance at Martineau's address from 06/18/09 through 06/19/09
  - On 06/19/09, Spokane County Sheriff's deputies arrested. The bond company did not assist with the arrest.
  - Martineau was in custody on Friday 06/19/09.
  - On 06/22/09 at 1400 hours, Martineau went to court and the judge exonerated the bond.
  - On 06/20/09 Holmes turned in a "surrender" at Spokane County Jail, stating law enforcement assisted him with the apprehension.
  - Martineau was remanded to Geiger as flight risk
  - On 06/22/09 at 1500 hours, Holmes collected \$6,000 from Robert Shawen
  - Shawen received a contract and log sheet submitted by recovery agent, Brian Steenhard #061, stating his fee was \$3,650.
4. After compiling this information she completed her report and forwarded it to Department of Licensing, Professional License Investigators.

**WITNESS CLARKSON will testify:**

1. He has been an investigator for the Department of Licensing since 2004.
2. He specifically works in Business and Professions Division, Investigation Section.
3. He received a referral from Officer Sue Mann. After reviewing the documentation he contacted Shawen and took the above information. Based upon his experience, he felt this was a criminal case and referred it to the Spokane Police Department for further investigation.
4. There is no reason for the actions of defendant Holmes or defendant Steenhard as the normal course of action to recover money is small claims court. Neither has authority under the bail bond laws (WAC 308-19-455; WAC 308-19-240) to attempt such recovery of monies owed..

**DETECTIVE KIMBERLY will testify:**

1. He received this case for follow up investigation from Investigator Clarkson with Department of Licensing.
2. He reviewed Clarkson's report and spoke to him, taking the above statement.
3. He reviewed Officer Mann's additional information as well as the documentation.
4. He contacted defendant Holmes at his office at 703 ½ N. Monroe on 07/29/09 for an interview. He was told the following by Mr. Holmes:
  - Mr. Shawen was the indemnitor on bail bond for Mr. Martineau. The contract was signed on 03/23/09. He was the notary on the contract.
  - Mr. Martineau failed to show for his court date and as such, a warrant was issued for his arrest.
  - Prior to them picking up Mr. Martineau, law enforcement found him and arrested him on the warrant.
  - His bounty hunter had been keeping Martineau under full surveillance on 06/18 and 06/19/09 and as such, had a \$3,650 bill.
  - Based on that he attempted to utilize Shawen's debit card as the indemnitor on the case to obtain \$10,000 from Mr. Shawen's account.
  - He did proceed with the action and this detective asked if he kept the full \$10,000 and the defendant stated that he did not, that he found that he only needed \$6,000 and he replaced \$4,000 back into the account.
  - I then asked if he had an itemized list of charges that add up to the \$6,000 and he said that he did. The list actually added up to only \$3650.00.
  - He handed me several copies of Mr. Steenhard's time and I asked him again if he did put \$4,000 back into victim Shawen's account. He said he most definitely did, he wouldn't keep something like that.
  - As he was searching his file for other documentation for me he found a stapled receipt that showed negative \$10,550 on the inside of the file.
  - He said that he forgot, he didn't actually succeed in obtaining the \$10,000 from Mr. Shawen's debit account. He had tried and apparently didn't have enough in there. The money was pulled back out of his own account and he was charged an additional \$550 for the transaction. Thus, the \$10,550 negative amount on the receipt.
5. I then asked how he retrieved the money.
  - He said both he and Mr. Steenhard had gone out to Mr. Shawen's residence because they were unable to get Mr. Shawen to return his calls. Upon arrival they found Mr. Shawen outside. They explained who they were and that they were there because they needed to collect money reference Martineau as Mr. Shawen was the indemnitor. I asked how long they had been there and Mr. Holmes said, he thought, about an hour.
  - He said Mr. Shawen wanted to rectify the situation and invited both of them into his house, where he called is wife first, to let her know what was happening, and then the bank to arrange for funding. They then followed Mr. Shawen to his bank where Mr. Shawen retrieved cash of \$6,000 and paid them.
  - Mr. Holmes stated he had told Mr. Shawen that he actually owed a couple of hundred dollars more than that but he would erase that debt if he was paid immediately, which he did.

- I asked Mr. Holmes how Mr. Shawen was able to afford that when he didn't have the \$10,000 originally in his account. Defendant Holmes said that Steenhard had suggested since Mr. Shawen's land was paid off that Mr. Shawen could take out a loan against the land.
  - I explained that I was confused, that if it went as smoothly as he had explained, why were they at the residence for an hour. He said it was because Mr. Shawen couldn't figure out how he would be able to repay the debt that had accrued.
  - I asked what happens normally in cases of people not paying. He said he normally has to take them to small claims court to retrieve his money.
  - He explained that he had a friend that owed him ten hundred dollars that he's known since high school that hasn't paid and another person he's known for a long time that owes him \$75 that refuses to pay.
  - I asked him what the difference was between those cases and this case if Mr. Shawen didn't want to pay.
  - He stated that in this case he knew that Mr. Shawen had the funds available and that's why he went to his house.
  - I asked why he didn't take Mr. Shawen to court if Mr. Shawen wasn't paying. He stated again, because he knew Mr. Shawen had the funds.
  - I asked Mr. Holmes if Mr. Steenhard had some sort of badge or identification and he stated that Mr. Steenhard did have a badge as a recovery agent.
6. I contacted defendant Steenhard on 07/29/09, at approximately 1615 hours, by phone.
- He said he was wearing his recovery agent badge and he is dual certified as a surety agent/bondsman as well as a recovery agent for fugitives.
  - He stated that Mr. Holmes was not very aware of the laws and options surrounding his position as a bond agent.
7. I reviewed a filed Affidavit of Surrender by defendant Holmes indicating that law enforcement assisted him in the apprehension of Mr. Martineau. Defendant Holmes and defendant Steenhard both admitted that Mr. Martineau was apprehended by law enforcement without their aid.
8. I obtained a copy of Victim Shawen's Spokane Teacher's Credit Union cashier's check authorization. I found Mr. Shawen's signature on the authorization line.

At this time I find there is sufficient probable cause to support the following charges on Defendant Ryan M. Holmes (B/M 02/25/63):

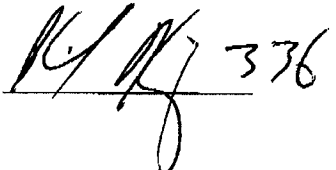
- 1) 1 count 1<sup>st</sup> Degree Extortion for the circumstances surrounding the obtaining of the \$6000 cashiers check.
- 2) 1 count of 1<sup>st</sup> Degree Theft for the actual obtaining of the \$6000 cashiers check from Victim Shawen.
- 3) 1 count of Attempted 1<sup>st</sup> Degree Theft for the attempted obtaining of \$10,000 from Victim Shawen's Spokane Teacher's Credit Union (STCU) account.
- 4) Obtaining a signature under duress/deception due to the signature involved in the authorization of Victim Shawen's cashiers check from STCU.
- 5) 1 count of Residential Burglary for entering/remaining unlawfully into Victim Shawen's residence with the intent to commit a crime therein (theft, extortion).

- 6) 1 count of 2nd Degree Identity Theft for unlawfully maintaining and using a record of Victim Shawen's STCU debit card financial information (attempted 1<sup>st</sup> degree theft of \$10,000.00).
- 7) Offering a false Instrument For Filing or Record due to the false information on the Affidavit of Surrender submitted by Defendant Holmes.

I also find sufficient probable cause to support the following charges on Defendant Brian D. Steenhard (W/M 03/09/71):

- 1) 1 count 1<sup>st</sup> Degree Extortion for being an accomplice during the circumstances surrounding the obtaining of the \$6000 cashiers check.
- 2) 1 count of 1<sup>st</sup> Degree Theft for being an accomplice during the actual obtaining of the \$6000 cashiers check from Victim Shawen.
- 3) Obtaining a signature under duress/deception for being an accomplice during the situation involved with obtaining the signature involved in the authorization of Victim Shawen's cashiers check from STCU.
- 4) 1 count of Residential Burglary for entering/remaining unlawfully into Victim Shawen's residence with the intent to commit a crime therein (theft, extortion).

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (9A.72.085)

DATE: 7-31-09 PLACE: SPOKANE, WASHINGTON SIGNATURE:  336