

State of Minnesota
County of Stearns

District Court
7th Judicial District

Prosecutor File No.
Court File No.

CR-2020-668
73-CR-20-1939

State of Minnesota,

Plaintiff,

vs.

ANDREW CHARLES WELSH DOB: 09/27/1979

10448 345th Street
St. Joseph, MN 56374

Defendant.

COMPLAINT

Order of Detention

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: Arson-1st Deg-Building-Used Combust/Flammable Material

Minnesota Statute: 609.561.3(a), with reference to: 609.561.3(a)

Maximum Sentence: 20 years imprisonment, a \$20,000 fine, or both.

Offense Level: Felony

Offense Date (on or about): 02/16/2020 to 02/17/2020

Control #(ICR#): 20007322

Charge Description: That the defendant, Andrew Charles Welsh, then and there being, did wrongfully, unlawfully, feloniously, by means of fire or explosives, intentionally destroy or damage any building with the use of flammable material, to-wit: a flammable liquid.

COUNT II

Charge: Arson-1st Degree-Dwelling

Minnesota Statute: 609.561.1, with reference to: 609.561.1

Maximum Sentence: 20 years imprisonment, a \$20,000 fine, or both.

Offense Level: Felony

Offense Date (on or about): 02/16/2020 to 02/17/2020

Control #(ICR#): 20007322

Charge Description: That the defendant, Andrew Charles Welsh, then and there being, did wrongfully, unlawfully, feloniously, by means of fire or explosives, intentionally destroy or damage any building that is used as a dwelling at the time the act was committed, whether the inhabitant was present therein at the time of the act or not, or any building appurtenant to or connected with a dwelling whether the property of the actor or of another.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

At approximately 2:45 a.m. on Monday, February 17, 2020, St. Cloud firefighters responded to a fire at the Press Bar and Parlor ("Press Bar"), located at 502 West Saint Germain Street, in the City of St. Cloud, County of Stearns, State of Minnesota. The Press Bar was a two-story building with a basement located on the corner of 5th Avenue South and West Saint Germain Street. The Press Bar had two main entrances, the "South" entrance located on 5th Avenue South and the "North" entrance located on the corner of West Saint Germain Street.

The Press Bar shared a common wall with a multi-use building located directly to its west. The first floor of the adjacent building is commercial property occupied by Cowboy Jacks Bar. The second floor of the adjacent building includes apartment units. Two tenants were living upstairs in their respective apartments on the night of the fire.

Pre-Fire Timeline

Investigation revealed that the Press Bar was open on the evening of Sunday February 16, 2020. St. Cloud City surveillance camera feeds captured individuals entering and exiting the Press Bar. At approximately 9:02 p.m., a white 2015 Acadia SUV, MN license plate 056RBU, parked directly in front of the Press Bar on 5th Avenue South. The vehicle registered to the bar's owner, Andrew Charles Welsh, DOB: 09/27/1979, the defendant herein. The defendant remained in his vehicle for approximately 28 minutes, before exiting and entering the Press Bar through the south entrance.

At approximately 2:08 a.m. on Monday morning, February 17, 2020, T.P.A., an adult male bar employee who is fully identified in police reports, is observed on city surveillance cameras exiting the south entrance of the Press Bar. At approximately 2:11 a.m., the defendant exited from the south entrance and was observed on surveillance video entering his vehicle and driving away. No other individuals exited or entered the Press Bar between the time the defendant left and the time fire fighters responded.

T.P.A. provided multiple statements to investigators that were corroborated by surveillance video, phone records, fire fighters, and additional sources. T.P.A. stated that he had opened the bar alone at 7:00 p.m. on Sunday evening. T.P.A. stated that he regularly closed the Press Bar down before 1:30 a.m. due to the lack of customers on Sunday evening/Monday mornings.

T.P.A. stated that when he arrived to work, he had observed that the south entrance door was unlocked. T.P.A. had gone into the basement to collect the blue money bag for the till that was set out for him the previous evening. T.P.A. stated that the bag normally included \$500 for the till, but only included \$300. T.P.A. stated that this had happened more than once. T.P.A. stated that he contacted the defendant, but the defendant told T.P.A. he put out the wrong bag.

T.P.A. opened only the second floor area of the Press Bar for customers. T.P.A. used a table and chairs to block off access down the stairs to the main floor area. T.P.A. left the north entrance door locked. This layout was common practice on shifts with few customers. Fire fighters made observations of the layout of the second floor and the table and chairs that corroborated T.P.A.'s account.

T.P.A. stated that the defendant arrived to the Press Bar and stayed in his office basement much later than normal for a Sunday night. T.P.A. stated that the defendant regularly kept the money in multiple blue bank

bags in a safe in his basement office. These bags were used to move currency to and from the cash registers to that safe. T.P.A. stated that the defendant remained downstairs in his basement office for most of the evening, coming up only a few times.

T.P.A. stated that, just before they closed the bar, the defendant offered to take the wash rags downstairs along with the evening's blue bank bag with cash. This prevented T.P.A. from going into the basement. T.P.A. stated that the defendant went down to the basement and returned upstairs in what he estimated was under 30 seconds.

After T.P.A. left the bar, the defendant got into his vehicle and drove away. T.P.A. estimated this was approximately 2:15 a.m. T.P.A. stated that he had not re-entered the bar and had walked to his residence. T.P.A. stated that he was called by the police back to the scene for a key to the bar. T.P.A. returned to the Press Bar and brought a key. T.P.A. tried to unlock the Press Bar for fire fighters before being advised of the danger. T.P.A. could only initially see smoke. T.P.A. stated he called the defendant repeatedly and attempted to communicate with him, but the defendant did not answer.

During the investigation, a search warrant was executed to obtain the defendant's Verizon phone records around the time of the fire. The Verizon phone number registered to the defendant and listed the Press Bar's physical address, along with a secondary address of a residence in St. Joseph. These records, converted to Central Standard Time, corroborate T.P.A.'s statements.

On Sunday, February 16th, T.P.A. and the defendant exchanged text messages. At approximately 4:00 p.m., the defendant texted "I will be in around 10 tonight." At 7:02 p.m., T.P.A. texted the defendant and stated that the "alley door was unlocked." The defendant did not respond. Two minutes later, at 7:04 p.m., T.P.A. texted "Why is the bank so thin?" At 7:05 p.m., the defendant responded: "I grabbed the wrong one last night to put out."

At 12:58 a.m. on Monday, February 17th, T.P.A. texted the defendant: "Totally empty, you want me to stay open?" The defendant responded: "Start getting ready we will close at 1:30 I will be up."

T.P.A. would text and call the defendant numerous times that evening after learning the Press Bar was on fire. These texts include:

3:15 a.m. - Andy the Press was on fire...like I would take a picture of it but there are cops everywhere.

3:25 a.m. - Did you start the dryer?

3:26 a.m. - They did break the corner door.

3:33 a.m. - You need to get down here. It's getting worse.

3:37 a.m. - They said there is a hole burned through the first floor from the basement.

The defendant did not respond to T.P.A.'s messages. T.P.A. stated that this was not normal.

Fire Detection and Fire Fight

At approximately 2:29 a.m., city surveillance cameras first depicted smoke puffs near the West Saint Germain Street side of the Press Bar. This was 18 minutes from the time the defendant exited the Press Bar. By 2:33 a.m., smoke is visible on security cameras from the rooftops. At 2:35 a.m., there was significant smoke in the area and surveillance cameras first show smoke coming out of the base of the north wall of the Press Bar, where the sidewalk meets the wall immediately adjacent to Cowboy Jacks.

By 2:39 a.m., 28 minutes after the defendant exited the Press Bar, the adjacent Cowboy Jacks fire alarm

strobe had activated from a smoke detector inside. At approximately 2:41 a.m., 911 dispatchers received a report of the commercial fire alarm at Cowboy Jacks. At the same time, dispatchers received a second 911 call from S.A.S., an adult female tenant living in one of four separate units above Cowboy Jacks. S.A.S. reported seeing smoke and was advised to evacuate the building.

S.A.S. gave a taped statement indicating that she had been awoken by the Cowboy Jacks fire alarm. S.A.S. went into the hallway and observed the only other male tenant who was living in a nearby unit. S.A.S. looked back out through her bedroom window that faced West Saint Germain Street. S.A.S. saw smoke wafting out of a building, but was unclear if it was from Cowboy Jacks or the Press Bar. Both S.A.S. and her neighbor then evacuated the building. S.A.S. stated that the St. Cloud Fire Department arrived within approximately two minutes. S.A.S. stated that she provided keys to her apartment unit floor and observed T.P.A. return to provide keys to the Press Bar.

The Press Bar did not provide an alert of the fire inside the building. St. Cloud Fire Department (SCFD) fire fighters arrived on scene at approximately 2:45 a.m. Fire fighters initially responded to the upstairs of the Cowboy Jacks building as the smoke appeared to be coming from that area. After clearing the upstairs of the apartment area, fire fighters began to observe that the smoke was coming from the Press Bar.

At approximately 2:52 a.m., the SCFD vented the Press Bar's north entrance door located on West Saint Germain Street. At approximately 2:58 a.m., the first of three fire fighter crews who would enter the Press Bar came in the north entrance. Hose lines were inserted through the front door for 1st floor fire suppression efforts. The initial fire fighter crew was able to observe smoke but no fire on the second and main levels. During the fire fight, crews on both the first floor and in the basement reported zero visibility. In these areas, the crews could not see past their own hands and relied on thermal imaging cameras for navigation.

Fire fighter crews observed a 2-3 foot wide hole and another hole of unspecified size in the main floor.

At approximately 3:21 a.m., another fire fighter crew entered the south entrance door. At approximately 3:33 a.m., audio of fire department communications indicate that fire fighters had discovered a small area of fire on the main floor and were putting water on it.

By 3:35 a.m., a fire fighter crew had reached the bottom of the basement stairs and had encountered significant heat and smoke, which indicated to them that a fire was in the basement. At 3:39 a.m., a second crew entered the south entrance and was able to make it past the base of the stairs and down toward the basement office area. Fire fighters were able to insert approximately 100 feet of hose line through the south entrance into the basement. This crew observed significantly more fire and applied water to the fire for significantly longer than the other crews that had entered the basement. Fire fighters observed apparent structural collapse from the first floor into the basement.

By 4:23 a.m., fire fighters audibly described a "working fire" and "multiple holes in the floor." Fire fighters could be heard commenting on the lack of stability of the floor. At 4:33 a.m., after 90 minutes of fighting the fire and while the third crew was still within the basement, SCFD Command ordered the evacuation of personnel from the structure.

As the basement fire fighter crew retreated upstairs, one of the fire fighters became disoriented and tried to move further into the basement, until he was re-directed by his co-workers to the stairs and safety. Just minutes after the last fire fighter escaped, the entire Press Bar was fully engulfed in flames.

By 5:49 a.m., while the crews fought the fire from the exterior of the Press Bar, the entire east wall along Fifth Avenue (aka "Bravo Wall") suddenly cracked and collapsed. The SCFD had to change to defensive

tactics and ordered the remaining standing walls of the Press Bar to be pushed in with an excavator that had been called to the scene by SCFD. This helped prevent the fire from spreading further to neighboring buildings and allowed fire fighters to extinguish the remaining flames.

Fire Cause and Origin Investigation

To help investigate the cause of the fire, the St. Cloud Fire Department, St. Cloud Police Department, and St. Cloud City and Minnesota State Fire Marshals, along with agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), sought assistance from the ATF's National Response Team (NRT). The NRT includes dozens of highly trained, Certified Fire Investigators from across the nation. The NRT investigates serious and complex fires throughout the United States. The NRT seeks to determine the cause and origin of these fires in both accidental and incendiary (i.e. intentionally lit) fires. This was the 853rd NRT call-out since its inception.

Investigators spent 2 days removing large debris from the site of the Press Bar with a backhoe and a crane and then using buckets and hand-sorting smaller debris. Investigators thoroughly documented photographic evidence of the entire scene throughout the investigation. After clearing the rubble, they discovered that even though the Press Bar had been demolished, an oxygen deficient environment and the elevated nature of the fire lead to the survival of areas of the basement office. This enabled investigators to clearly observe the original burn patterns on walls and furniture and document clear fire patterns in the defendant's office in the Press Bar basement. These fire patterns established that the fire originated from the top of the defendant's desk in the basement office.

Fire patterns and damage observed in the basement office and basement hallway were consistent with an elevated fire with an origin on top of the desk surface. The fire patterns and damage observed were inconsistent with an appliance failure on top of the desk. The electrical appliances and artifacts from the desk were examined and no evidence of failure was observed.

The fire left a uniform "clean" white burn on the western wall of the defendant's basement office next to the desk—this is the common wall shared by Cowboy Jacks. According to investigators, this burn pattern indicated that the flames had quickly spread to cover that portion of the wall. Based upon the investigator's training and experience, this finding was consistent with a fire started by an accelerant across the area, and inconsistent with a single appliance failure in a fixed location, or the upward v-shaped pattern that would be observed from a fire lit or otherwise originating in a single location.

Investigators employed an ATF Accelerant Detection Canine that is specifically trained to alert to the presence of accelerants. The canine indicated the presence of potential accelerants on multiple parts of the defendant's office desk. Investigators collected samples from the desk and sent them to the ATF Forensic Science Laboratory for testing. Test results indicated the presence of an ignitable liquid on the sample taken from the north section of the desk.

The ATF team systematically ruled out all potential accidental causes for the fire. From all of these findings, investigators determined that the fire was incendiary and that accelerant on the top of the defendant's basement office desk was intentionally lit.

In subsequent taped statements following the fire, the defendant admitted that he was the last one in the office and that he took down the sales for the night and towels before coming back out, shutting the lights off, and exiting the building. The defendant admitted that he saw no signs of fire at that time. The defendant stated that there were no accelerants or other items present that could have caused the fire. The defendant told police that the only other person closing the bar with him was his employee, T.P.A. The defendant claimed that he and T.P.A. left the bar together that evening, which is inconsistent with the city surveillance

video's depiction of the defendant exiting approximately three minutes after T.P.A.

Financial Motive

Investigators learned that the defendant and his now ex-wife purchased the Press Bar in 2016 for approximately \$850,000 through a Contract for Deed. The defendant stated that he owed approximately \$550,000 on the Contract for Deed at the time of the fire. According to multiple employees, the Press Bar's business had been declining, specifically to the point where the defendant was reducing staff and had ended the sale of tap beer.

The defendant and his ex-wife divorced in the fall of 2019. The defendant and his ex-wife were required to list the Press Bar for sale by January 20, 2020. Investigators learned from the defendant and others that he met with realtors but did not put the Press Bar up for sale. They also learned that the defendant, in multiple applications for public medical assistance in the past several years, had omitted the Press Bar because they claimed it was not producing income.

The defendant had an insurance policy on the Press Bar and Parlor, which covered approximately \$1.3 million for building repairs and approximately \$300,000 for equipment repairs. This did not include the potential value of selling the land itself in the Press Bar's downtown location.

Search Warrants / Arrest

On February 29, 2020, ATF investigators and the St. Cloud Police Department executed search warrants at the defendant and his ex-wife's properties in St. Joseph and Sauk Rapids. Upon arrival at the Sauk Rapids property, investigators located the defendant in his truck and placed him under arrest. Investigators observed \$1,948 in varied denominations of paper-clipped currency inside the defendant's truck. On the floor of the defendant's vehicle, investigators located a bottle of Ronsonol lighter fuel.

At the Sauk Rapids residence, investigators observed that the home appeared minimally lived in, with only a few items of men's clothing, an empty suitcase, several towels, and several rolls of toilet paper. This is inconsistent with recent statements by the defendant to public assistance investigators. The defendant had told these investigators that he had resided in Sauk Rapids residence. On the night of the fire, the defendant claimed he had driven to his ex-wife's St. Joseph residence where he was sleeping on the couch. The defendant claimed that, after arriving, he had then turned his phone off and thus missed calls and texts from T.P.A. and another employee. T.P.A. stated that he had heard the defendant's phone ring when he called him.

At the St. Joseph property, over 31 boxes of financial records were located. Investigation of those and other financial records remains ongoing.

Based upon the entirety of the investigation, investigators determined that the defendant had the means, possessed the motive, and had the sole opportunity to commit arson. The evidence establishes that the defendant intentionally used an accelerant on his office desk and ignited the vapors from the accelerant, causing the Press Bar fire. The resulting fire caused damage to the entire Press Bar property, the property connected to the Press Bar, and endangered the residential tenants on the other side of the appurtenant wall above Cowboy Jacks.

Your complainant has reason to believe and does believe that the above facts are true and accurate.

The above facts constitute your complainant's basis for believing that, on or between February 16 and February 17, 2020, in the City of St. Cloud, County of Stearns, State of Minnesota, the above-named

defendant committed the offenses described herein:

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

Ryne J Stegura
Court Officer
101 11th Avenue N
St. Cloud, MN 56302

Electronically Signed:
03/03/2020 10:54 AM
Stearns County, Minnesota

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

Prosecuting Attorney

Kyle R. Triggs
Assistant County Attorney
705 Courthouse Square
St. Cloud, MN 56303
(320) 656-3880

Electronically Signed:
03/03/2020 10:51 AM

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 725 Courthouse Square, St. Cloud, MN 56303 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: \$
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: March 3, 2020.

Judicial Officer

John H. Scherer
Judge of District Court

Electronically Signed: 03/03/2020 11:10 AM

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

**COUNTY OF STEARNS
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Andrew Charles Welsh

Defendant

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

Signature of Authorized Service Agent: