

STATE OF MINNESOTA  
COUNTY OF SIBLEY

DISTRICT COURT  
JUDICIAL DISTRICT

**RECEIPT, INVENTORY AND RETURN**

I, Kristin Viger, received the attached search warrant issued by the Honorable Michael Savre, Judge of District Court, on May 26, 2010, and have executed it as follows:

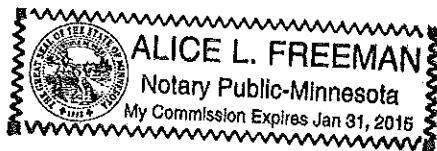
Pursuant to said warrant, on May 26, 2010, at 3 o'clock p.m., the Minnesota Department of Agriculture, the Minnesota Department of Health, and accompanying law enforcement officers searched the premises described in said warrant, and left a true and correct copy of said warrant with Michael Otto Hartmann. Pursuant to the warrant, the property and things listed on the attached documents were taken into custody. I left a copy of the attached Minnesota Department of Agriculture Food Establishment Inspection Report to evidence receipt of the property and things listed above. The Minnesota Department of Health took into custody 80 manure samples, each of which was divided in two to leave a portion with Michael Otto Hartmann.

I, Kristin Viger, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

  
KRISTIN VIGER

Subscribed and sworn to before me this  
4<sup>th</sup> day of June, 2010.

  
NOTARY PUBLIC



**FILED**

JUN 04 2010

KAREN V. MESBNER  
COURT ADMINISTRATOR  
SIBLEY COUNTY, MINN.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

FIRST JUDICIAL DISTRICT

**SEARCH WARRANT**

TO: Kristen Viger and Greg Pittman of the Minnesota Department of Agriculture, Joni Scheffel and Stacy Holzbauer of the Minnesota Department of Health and any accompanying law enforcement officers or agency employees.

WHEREAS: Kristen Viger and the Minnesota Department of Agriculture has this day on oath, made application to the said Court applying for issuance of a search warrant to search premises described as the farm located at 61896 326th St, Gibbon, MN 55335 in the County of Sibley, for the following described property and things:

1. The original and complete records that show the ownership, control, affiliation and operation of the dairy operation of Michael Otto Hartmann or other entity under his direction or control;
2. Any and all management records relating to the dairy operation of Michael Otto Hartmann or other entity under his direction or control;
3. Any and all records related to the sale of milk by Michael Otto Hartmann and any entity under his direction or control;
4. Samples of raw milk, milk products, fecal material, and other substances in which harmful bacteria are or may be present;
5. Adulterated milk or similar;
6. Any objects or other items which could be used to identify the perpetrator(s) and/or establish actual or constructive possession of the aforementioned items; and
7. Photographs and/or videotapes will be taken of the places searched and items seized;

located in the residence, any and all barns, rooms, offices, livestock areas and storage areas including, but not limited to, the rambler/ranch-style residence and attached two-car garage light bluish gray in color, barns, outbuildings, creameries, milk room(s) or milk houses, personal calendars or other personal electronic storage devices, brief cases, audit bags, filing cabinets, credenzas, desks, garages or other areas upon the curtilage and off-site storage areas used by the business to store documents, located at the above address in the County of Sibley, and State of Minnesota.

WHEREAS: The application and supporting affidavit of the Minnesota Department of Agriculture and Kristen Viger was duly presented and read by the Court, and being fully advised in the premises, NOW, THEREFORE, the Court finds that probable cause exists for the issuance of a search warrant upon the following grounds:

1. The property described above was used to commit a crime.
2. The property described above constitutes evidence that tends to show a crime has been committed, or tends to show that a particular person has committed a crime.
3. The property described above represents a significant threat to public health.

The Court further finds that probable cause exists to believe that the above-described property and things are or will be at the above-described premises.

NOW, THEREFORE, YOU Kristen Viger and Greg Pittman of the Minnesota Department of Agriculture, Joni Scheffel and Stacy Holzbauer of the Minnesota Department of Health and any accompanying law enforcement officers or agency employees, ARE HEREBY COMMANDED TO ENTER BETWEEN THE HOURS OF 7 A.M. AND 10 P.M. TO SEARCH THE DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS AND TO SEIZE SAID PROEPRTY AND THINGS AND TO RETAIN THEM SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:



JUDGE OF DISTRICT COURT

Dated: May 26, 2010

Michael R. Savre  
Judge of District Court

**FILED**

JUN 04 2010

KAREN V. MEGSNER  
COURT ADMINISTRATOR  
SIBLEY COUNTY, MINN.

**APPLICATION FOR SEARCH WARRANT  
AND SUPPORTING AFFIDAVIT**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

FIRST JUDICIAL DISTRICT

I, Kristin Viger, apply under oath to this Court for a warrant to search the premises identified in this application for the property and things described in this application.

I know the contents of this application and supporting affidavit and believe they are true. I believe that all persons named in this application who provided information to me are reliable, and I believe the information they provided is true.

I have good reason to believe that the property and things described here:

1. The original and complete records that show the ownership, control, affiliation and operation of the dairy operation of Michael Otto Hartmann or other entity under his direction or control;
2. Any and all management records relating to the dairy operation of Michael Otto Hartmann or other entity under his direction or control;
3. Any and all records related to the sale of milk by Michael Otto Hartmann and any entity under his direction or control;
4. Samples of raw milk, milk products, fecal material, and other substances in which harmful bacteria are or may be present;
5. Adulterated milk or similar;
6. Any objects or other items which could be used to identify the perpetrator(s) and/or establish actual or constructive possession of the aforementioned items; and
7. Photographs and/or videotapes will be taken of the places searched and items seized;

are at these premises:

61896 326th St  
Gibbon, MN 55335

located in the residence, any and all barns, rooms, offices, livestock areas and storage areas including, but not limited to, the rambler/ranch-style residence and attached two-car garage light bluish gray in color, barns, outbuildings, creameries, milk room(s) or milk houses, personal calendars or other personal electronic storage devices, brief cases, audit bags, filing cabinets, credenzas, desks, garages or other areas upon the curtilage and off-site storage areas used by the business to store documents, located at the above address in the County of Sibley, and State of Minnesota.

I apply for issuance of a search warrant on these grounds:

- 1. The property described above was used to commit a crime.
- 2. The property described above constitutes evidence that tends to show a crime has been committed, or tends to show that a particular person has committed a crime.
- 3. The property described above represents a significant threat to public health.

The facts tending to establish the grounds for issuance of a search warrant are as follows:

On May 25, 2010, the Minnesota Department of Agriculture ("MDA") received information from the Minnesota Department of Health, the substance of which is set forth in the attached Affidavit of Joni Scheffel. MDA is charged with the duty to enforce Minnesota's food laws, including the prohibition on the sale of adulterated food and raw milk, and to investigate to ensure a safe and healthy food supply in Minnesota. A warrant is sought to permit the search of the above-described premises and seizure of evidence and adulterated product related to the dairy operation of Michael Otto Hartmann. Based upon prior contact with Michael Otto Hartmann, MDA believes an unannounced search is necessary to prevent the destruction of evidence including adulterated raw milk or milk products and business records related to the raw milk operation.

Wherefore, Affiant requests a search warrant be issued, commanding Kristen Viger and Greg Pittman of the Minnesota Department of Agriculture, Joni Scheffel and Stacy Holzbauer of the Minnesota Department of Health and any accompanying law enforcement officers or agency employees to enter between the hours of 7 a.m. and 10 p.m. to search the hereinbefore described premises for the described property and things, to seize said property and things for sampling and investigation, and to seize or embargo all adulterated product, and keep said property and things in custody until the same be dealt with according to law.

*THIS APPLICATION IS FURTHER SUPPORTED BY THE ATTACHED AFFIDAVIT OF JONI SCHEFFEL.*

*Kristen Viger*  
Affiant

Subscribed and sworn to before me this 26th day of May, 2010

**FILED** *Michael R. Savre*  
Judge of District Court

JUN 04 2010

Michael R. Savre  
Judge of District Court

KAREN V. MESSNER  
COURT ADMINISTRATOR  
SIBLEY COUNTY, MINN.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF JONI SCHEFTEL  
IN SUPPORT OF THE MINNESOTA  
DEPARTMENT OF AGRICULTURE'S  
APPLICATION FOR WARRANT**

STATE OF MINNESOTA)

) ss.

COUNTY OF SIBLEY )

I, Joni Scheftel, state the following under oath:

1. I am the State Public Health Veterinarian for the Minnesota Department of Health. I am board-certified in veterinary Preventative Medicine and am experienced in the investigation of E. coli O157:H7 outbreaks in people.

2. An estimated 73,000 cases of E. coli O157:H7 occur in the United States each year. There are approximately 110 to 150 culture-confirmed cases in Minnesota each year. E. coli O157:H7 is also the primary cause of hemolytic uremic syndrome ("HUS"). Approximately 5 to 10% of children infected with E. coli O157:H7 go on to develop HUS; the case fatality rate for HUS in Minnesota is approximately 5%.

3. Raw milk has been implicated as a source for a variety of infectious diseases, including E. coli O157:H7. Between 1973 and 1992, 46 outbreaks associated with raw milk consumption were reported to the Centers for Disease Control and Prevention. Due to the fact that cattle shed many enteric pathogens in their stool (often asymptotically), there is risk of these pathogens getting into the milk through fecal contamination. However, certain pathogens can also be found in the milk of symptomatic or asymptomatic infected cows.

4. We have identified an outbreak of E. coli O157:H7 infections with indistinguishable pulsed field gel electrophoresis ("PFGE") patterns. This a new PFGE pattern in Minnesota, and there have not been any recent genetic matches nationwide, supporting that this is a local outbreak. To date, there are four cases; all cases have been interviewed regarding illness history and food consumption. The only commonality between the cases is a connection to Michael Otto Hartmann's dairy operation in Gibbon, Minnesota.

5. Case No. 1 is an adult female from Renville County. She had onset of illness on May 1, 2010, and was hospitalized for 4 days. She reports consuming raw milk from Hartmann's dairy operation in Gibbon, Minnesota.

6. Case No. 2 is a minor male from Brown County. He had onset of illness on May 3, 2010. His family reports purchasing raw milk from Hartmann's dairy operation in Gibbon, Minnesota.

7. Case #3 is a minor male from Hennepin County. He had onset of illness on May 10 and was hospitalized overnight. His parents deny he has consumed raw milk; however, he attends a school which was previously known as a location that Hartmann's dairy operation used as a drop-off point to distribute raw milk.

*Recent information is that the parents now report consumption of raw milk and raw milk-cheese*

8. Case No. 4 is a <sup>2-year-old</sup> ~~toddler~~ male from Hennepin County hospitalized with Hemolytic Uremic Syndrome on May 21, 2010, and was reported to the Minnesota Department of Health on May 25, 2010. His symptoms began on May 16, 2010. This toddler has a history of consuming raw milk from the Hartmann's dairy operation.

*The child has HUS - characterized by hemolytic anemia, low platelets and kidney failure*

9. Access to the dairy farm would allow trained specialists from the Minnesota Department of Health and Agriculture to collect milk specimens and samples from cows and the dairy barn environment including manure, and business records establishing the distribution of

*JMS*  
*JMS*

raw milk by this dairy operation. This is important in assessing the source of the outbreak and the patients' illnesses.

10. Joni Scheffel and Stacy Holzbauer will be representing the Minnesota Department of Health and will be accompanied by any law enforcement officers.

FURTHER YOUR AFFIANT SAYETH NOT.

Joni Scheffel  
Joni Scheffel  
Affiant

Subscribed and sworn to before me this  
26<sup>TH</sup> day of MAY, 2010.

Michael R. Savre  
Notary Public JUDGE

Michael R. Savre  
Judge of District Court

**FILED**

JUN 04 2010

KAREN V. MESSNER  
COURT ADMINISTRATOR  
SIBLEY COUNTY, MINN.

STATE OF MINNESOTA, COUNTY OF Sibley District COURT

RECEIPT, INVENTORY AND RETURN

I, Dr. Joni M. Scheftel, received the attached search warrant

issued by the Honorable Judge Savre, on May 26, 2010 (yr) and have executed it as follows:

Pursuant to said warrant, on May 26 2010 (yr) at \_\_\_\_\_ o'clock \_\_\_\_ m., I searched the (premises) (motor vehicle) (person) described in said warrant, and left a true and correct copy of said warrant

(with) (in) (at) Michael Hartmann Dairy Farm

I took into custody the property and things listed below: (attach and identify additional sheet if necessary)

80 manure samples:

|                          |                            |                |                   |        |
|--------------------------|----------------------------|----------------|-------------------|--------|
| 1 calf in hutch          | 5 calves in pen 3 #1       | 29 Cow yard #3 | 43 cow pasture #1 | 57 #1  |
| 2 calf in hutch          | ↓ #2                       | 30 #1          | 44 #2             | 58 #2  |
| 3 calf in hutch near pig | 7 calves pen 2 #1          | 31 #2          | 45 #3             | 59 #3  |
| 4 dairy barn #1          | ↓ #2                       | 32 #1          | 46 #4             | 60 #4  |
| 5 dairy barn #2          | 9 calves pen #1            | 33 #1          | 47 #5             | 61 #5  |
| 6 dairy barn #3          | ↓ #2                       | 34 #1          | 48 #6             | 62 #6  |
| 7 dairy barn #4          | 11 calf in front of stalls | 35 #1          | 49 #7             | 63 #7  |
| 8 dairy barn #5          | 22 bedding cow pen #1      | 36 #1          | 50 #8             | 64 #8  |
| 9 dairy barn #6          | ↓ #2                       | 37 #1          | 51 #9             | 65 #9  |
| 10 dairy barn #7         | manure pits cow pen 2 #1   | 38 #1          | 52 #10            | 66 #10 |
| 11 dairy barn #8         | ↓ #2                       | 39 #1          | 53 #11            | 67 #11 |
| 12 dairy barn #9         | ↓ #3                       | 40 #1          | 54 #12            | 68 #12 |
| 13 dairy barn #10        | cow yard #1                | 41 #1          | 55 #13            | 69 #13 |
| 14 dairy barn #11        | ↓ #2                       | 42 #1          | 56 #14            | 70 #14 |

Strike when appropriate:

- I left a receipt for the property and things listed above with a copy of the warrant.
- None of the items set forth in the search warrant were found.
- I shall (retain) or (deliver) custody of said property as directed by Court order.

I, \_\_\_\_\_, being first duly sworn, upon oath, depose and say that I have read the foregoing receipt, inventory and return and the matters stated are true and correct, except as to such matters stated therein on information and belief, and as to those, I believe them to be true.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (yr)

Notary Public \_\_\_\_\_ County, MN  
My commission expires \_\_\_\_\_

Signature \_\_\_\_\_

Dairy and Food Inspection Division, Ph: 651-201-6027

# Food Establishment Inspection Report

REPORT #: 50 DATE 5/26/10

|  |   |                           |
|--|---|---------------------------|
| ESTABLISHMENT<br><u>Michael Hartmann</u> | LIC. #/TYPE<br><u>none</u>              | COUNTY<br><u>Sibley</u>   |
| LIC. HOLDER                              | PURPOSE<br><u>Special Investigation</u> |                           |
| ADDRESS<br><u>61896 326th St</u>         | CITY<br><u>Gibbon</u>                   | ZIP<br><u>55335</u> PHONE |

## OBSERVATIONS AND CORRECTIVE ACTIONS

| ITEM # | Violations cited in this report must be corrected within the inspector's specified time frames.       |
|--------|---|
|        | An inspection was conducted of this farm, in conjunction with a search warrant issued this date.      |
|        | Samples were collected by investigators Greg Pittman and Kristin Viger. The following were collected: |
|        | <u>Sample #</u> <u>Description</u>  |
|        | 1) DCI Supreme Bottle   |
|        | 2) Raw Milk Cheddar Sep 7, 2009   |
|        | 3) Raw Milk Cheddar April 5, 2010   |
|        | 4) Raw Milk Cheddar Aug 17, 2009  |
|        | 5) Raw Milk Pepperjack 4-17-2010  |
|        | 6) Raw Milk Herb? Spice Gouda July 2009   |
|        | 7) Spring Butter (1 lb.)  |
|        | 8) Whey (bottle)  |
|        | 9) Cream (bottle)   |
|        | 10) Real Milk Jun 05 2010   |
|        | 11) Skim Milk Jun 11 2010   |
|        | 12) Real Milk Jun 05 2010   |
|        | 13) Yogurt  |
|        | 14) Cheese Curds  |
|        | 15) Buttermilk (300g)   |
|        | 16) Real Milk May 06 2010   |
|        | 17) Real Milk May 08 2010   |
|        | 18) Rinse Water from Milk Vat   |
|        | 19) Raw Milk from bulk Vat Jun 05 2010  |
|        | 20-24) Raw Milk from bulk tank  |
|        | Customer records and processing records were collected. Photographs were taken.                       |

Owner refused to sign report - report was read to owner.

|   |                                   |                        |
|---|-----------------------------------|------------------------|
| PERSON IN CHARGE (PRINT NAME)<br><u>Kristin Viger</u> | SIGNATURE<br><u>Kristin Viger</u> | DATE<br><u>5/26/10</u> |
| INSPECTOR (PRINT NAME)<br><u>Greg Pittman</u>         | SIGNATURE<br><u>Greg Pittman</u>  | DATE                   |