

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

JUDICIAL DISTRICT

RECEIPT, INVENTORY AND RETURN

I, Greg Pittman, received the attached search warrant issued by the Honorable Edward I. Lynch, Judge of District Court, on June 15, 2010, and have executed it as follows:

Pursuant to said warrant, on June 16, 2010, at 8 o'clock a.m., the Minnesota Department of Agriculture 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 Agriculture took into custody samples of food product and rodent droppings, as well as electronic and hard copy financial and processing records.

I, Greg Pittman, 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.



Greg Pittman

Subscribed and sworn to before me this
18th day of June, 2010.



NOTARY PUBLIC

FILED

JUN 18 2010

KAREN V. MESSNER
COURT ADMINISTRATOR
SIBLEY COUNTY, MINN.

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

Food Establishment Inspection Report

REPORT #: 60 DATE 6/16/10

ESTABLISHMENT LIC. HOLDER	Michael Hartmann	LIC. #/TYPE PURPOSE	n/a / Dairy Investigation	COUNTY	Sibley
ADDRESS	61896 326th St	CITY	Gibbon	ZIP	55335
		PHONE			

OBSERVATIONS AND CORRECTIVE ACTIONS

ITEM #	Violations cited in this report must be corrected within the inspector's specified time frames.
	The following samples were collected:
1)	Real Milk 1/2 gallon best if used by JUN 22 2010
2)	Real Milk 1/2 gallon best if used by JUN 22 2010
3)	Real Milk 1/2 gallon best if used by JUN 22 2010
4)	Real Milk 1/2 gallon best if used by JUN 25 2010
5)	Real Milk 1/2 gallon best if used by JUN 25 2010
6)	Real Milk 1/2 gallon best if used by JUN 25 2010
7)	Skim Milk 1/2 gallon best if used by JUN 11 2010
8)	Large Block of Cheese 8 lbs
9)	Large Block of Cheese 7.5 lbs
10)	Large Block of Cheese 7.2 lbs
11)	Large Block of Cheese 7.4 lbs
12)	Large flavored block of cheese
13)	Large flavored block of cheese
14)	Small Package of Cheese
15)	Small Package of Cheese
16)	Small Package of Cheese
17)	1 lb. package of butter
18)	1 lb. package of butter
19)	1 lb. package of butter
20)	1 lb. package of butter from freezer
21)	Lard in wrapper from freezer
22)	Molasses Chocolate Chip Ice Cream 1/2 gallon
23)	Molasses Chocolate Chip Ice Cream 1/2 gallon
24)	Vanilla Ice Cream 1/2 gallon
25)	Vanilla Ice Cream 1/2 gallon
26)	Rodent Droppings from Washroom
27)	Rodent Droppings from Creamery Attic
28)	Raw Milk bulk tank 36°F
29)	Raw Milk bulk tank 36°F

INSPECTOR (PRINT NAME): Daye Radd SIGNATURE: Daye Radd DATE: 6/16/10
 SUPERVISOR (PRINT NAME): Heidi K... SIGNATURE: Heidi K... DATE: 6/16/2010

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

Food Establishment Inspection Report

REPORT #: 61 DATE 6/16/10

ESTABLISHMENT Michael Hartmann	LIC. #/TYPE N/A Dairy	COUNTY Sibley
LIC. HOLDER	PURPOSE Investigation	
ADDRESS 61896 326th St	CITY Gibbon	ZIP 55335
		PHONE

Redacted Investigative Data

Photographs were taken, processing and financial records were collected, electronic hard drives were collected (quantity of 3).
Harddrives collected are described as follows:
1) Sn: BTPR817008X G^{quad} 2) LG ~~stack~~ upright white
3) Comtrade Express Warranty #332491

Presented to Roger Hartmann - refused to sign 6-16-10
 PERSON IN CHARGE (PRINT NAME) SIGNATURE DATE
 Dale Radek *[Signature]* Lee Pittman 6/16/10
 INSPECTOR (PRINT NAME) SIGNATURE DATE
 Kristin Vigor *[Signature]* Andrew Clark *[Signature]* 6/16/10

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

FIRST JUDICIAL DISTRICT

SEARCH WARRANT

TO: Greg Pittman and Kristin Viger of the Minnesota Department of Agriculture, representatives of the Minnesota Department of Health, and any accompanying law enforcement officers or agency employees.

WHEREAS: Greg Pittman and the Minnesota Department of Agriculture has this day on oath, made application to the said Court applying for issuance of an administrative warrant to conduct an administrative inspection of the premises described as the farm located at 61896 326th St, Gibbon, MN 55335 in the County of Sibley;

WHEREAS: Greg Pittman 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. Records that show the ownership, control, affiliation and operation of the farm operation of Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
2. Management records relating to the farm operation of Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
3. Records related to the unlawful sale of farm products by Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
4. Samples of farm products including but not limited to raw milk;
5. Samples of adulterated and/or misbranded food;
6. Samples of fecal material, and other substances in which harmful bacteria are or may be present;
7. Food the sale or use of which is prohibited by law, or manufactured, sold, used, transported, offered for sale or transportation or had in possession with intent to use, sell, or transport in violation of any provision thereof;
8. 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

9. 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, computer(s), 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, and photos attached thereto, of the Minnesota Department of Agriculture and Greg Pittman were 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 Greg Pittman and Kristin Viger of the Minnesota Department of Agriculture, representatives 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 8 P.M. OR AT SUCH OTHER TIME AS THE MILKING COWS ARE REASONABLY ACCESSIBLE FOR SAMPLING, TO REQUIRE THAT THE MILKING COWS BE BROUGHT TO THE MILKING PARLOR FOR SAMPLING, TO CONDUCT AN ADMINISTRATIVE INSPECTION OF THE ABOVE-DESCRIBED FOOD HANDLING OPERATION AS AUTHORIZED BY MINN. STAT. § 17.984 AND THE MINNESOTA FOOD LAW, TO SEARCH THE DESCRIBED PREMISES FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, TO SEIZE SAID PROEPRTY AND THINGS AND TO RETAIN THEM SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated: June 15, 2010

11:30 a.m.



JUDGE OF DISTRICT COURT

**APPLICATION FOR SEARCH WARRANT
AND SUPPORTING AFFIDAVIT**

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SIBLEY

FIRST JUDICIAL DISTRICT

I, Greg Pittman, 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. Records that show the ownership, control, affiliation and operation of the farm operation of Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
2. Management records relating to the farm operation of Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
3. Records related to the unlawful sale of farm products by Michael Hartmann, Diane Hartmann, and Roger Hartmann or other entity under the direction or control of the aforementioned individuals;
4. Samples of farm products including but not limited to raw milk;
5. Samples of adulterated and/or misbranded food;
6. Samples of fecal material, and other substances in which harmful bacteria are or may be present;
7. Food the sale or use of which is prohibited by law, or manufactured, sold, used, transported, offered for sale or transportation or had in possession with intent to use, sell, or transport in violation of any provision thereof;
8. 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

9. 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, computer(s), 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 ("MDH") that linked an outbreak of E. Coli 0157 to the food handling operation located at 61896 326th St. in Gibbon. Eight cases have been confirmed with the same PFGE pattern, six of which have reported consuming products, and two of which were confirmed as having been in contact with, or presumed to have been in contact with cases that consumed Hartmann product and became ill. No other link has been identified in the course of MDA's investigation. MDA is charged with the duty to enforce Minnesota's food laws, including licensing, labeling, and sanitation requirements for food production. MDA is also charged with the duty to investigate to ensure a safe and healthy food supply in Minnesota.

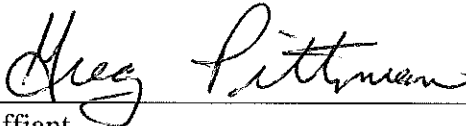
On May 26, 2010, a warrant was sought to permit the search of the above-described premises and seizure of evidence and adulterated product related to the dairy operation of Michael Hartmann. MDA participated in a search of the above-described premises on May 26, 2010. Although MDA was able to obtain some samples, investigators were unable to obtain fecal samples from Hartmann's milk cows, which will help to determine the source of the food-borne illnesses reported to MDA by MDH. Michael Hartmann's milking cows were pastured when MDA, MDH, and law enforcement arrived to obtain samples on May 26, 2010. Michael

Hartmann refused to remove a bull from the pasture, or to bring the milking cows to the milking parlor to permit inspectors to obtain fecal samples from the animals, thereby frustrating the search by preventing MDA and MDH access to the milking cows for sampling. In addition, the above-described food handling operation proved to be larger than expected, and lab technicians were unable to complete sampling of all product in the time allotted by the May 26, 2010 search warrant.

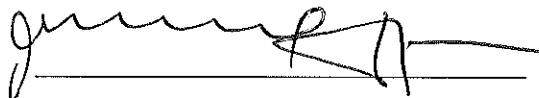
Also during the May 26, 2010 search, MDA inspectors observed many additional apparent violations of Minnesota Food Law. MDA has issued no permits or licenses to the above-named individuals or for food manufacturing or processing on the above-described premises. Michael Hartmann appears to be engaged in the unlawful production and/or sale of uninspected meat; misbranded products; unpasteurized milk products including cheese, butter, yogurt and ice cream; processing and/or manufacturing food without required license(s); and production of food in insanitary conditions. Specifically, I observed milk products, including 100 cases of bottled milk labeled "real" milk, and 20 cases of bottled milk labeled "skim" that violate the Minnesota Food law's labeling provisions. *See e.g.* attached photos at pages 8-11. In addition to being misbranded, these cases of milk are adulterated pursuant to Minn. Stat. § 31.121 and 32.21 because the milk was drawn in a filthy or insanitary place. The attached photos at pages 1-7 document the condition of the milk barn on May 26, 2010. Several samples drawn from the bottled milk tested positive for phosphatase, indicating the milk was not pasteurized or was pasteurized incorrectly. I observed large quantities of meat presumably held for sale bearing no inspection stamp or required labeling for uninspected meat.

Based upon prior contacts with the above-named individuals, your Affiant believes a warrant will be necessary to carry out the Commissioner's duty to inspect food handling operations. Michael Hartmann routinely refuses requests for his cooperation with routine inspections to ensure compliance with sanitation and other food law requirements.

Wherefore, Affiant requests a search warrant be issued, commanding Kristin Viger and Greg Pittman of the Minnesota Department of Agriculture, representatives 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 8 p.m., or at such other time as the milking cows are reasonably accessible for sampling, to require that the milking cows be brought to the milking parlor for sampling, to conduct an administrative inspection of the above-described food handling operation as authorized by Minn. Stat. § 17.984, 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.


Affiant

Subscribed and sworn to before me this
11th day of June, 2010



Judge of District Court