

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.

The facts tending to establish the foregoing grounds for issuance of a search warrant are described in my attached affidavit and give me reason to believe that Alvin Schlangen is selling food not produced on his farm without a license and is selling unpasteurized milk to the public at locations other than the farm on which the milk was produced. Each act is a violation of Minnesota law, particularly Minnesota Statutes §§ 28A.04 and 32.393, and is a misdemeanor.

Wherefore, I request that a search warrant be issued to Sergeant Tim McCarty, the officer assigned by the St. Paul Police Department to execute the warrant applied for, and any other law enforcement officers or Minnesota Department of Agriculture employees he deems necessary, between the hours of 7:00 AM and 8:00 PM, to search the hereinbefore described vehicle and persons(s) for the above described property and things; to seize the above-described vehicle, property and things; to take photographs and/or videotapes of places searched and items seized; to turn-over seized property to the Minnesota Department of Agriculture ("MDA") for sampling and investigation; to permit the MDA to summarily destroy readily perishable food products as authorized by Minn. Stat. § 31.05, subd. (d); and to permit the MDA to keep said property and things, exclusive of readily perishable product subject to summary destruction, in its custody until the same be dealt with according to law.

Affiant

Subscribed and sworn to before me this
7 day of march, 2011



Judge of District Court

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

SEARCH WARRANT

TO: Officer Adam Harmon, Minneapolis Police Department and any accompanying law enforcement officers or Minnesota Department of Agriculture employees.

WHEREAS: James R. Roettger of the Minnesota Department of Agriculture has this day on oath, made application to the said Court applying for issuance of search warrant to conduct a search of

Vehicle: White Dodge van MN license # UUE 773,

Person: Alvin Schlangen and other persons in or in close proximity to and associated with the above vehicle,

Located in public areas or in parking or drive areas serving 179 Snelling Ave. in St. Paul in the county of Ramsey, State of Minnesota.

for the following described property and things:

1. White Dodge van MN license # UUE 773;
2. Records that show the ownership, control, affiliation, management and/or operation of the food production, storage and/or delivery operation of Alvin Schlangen or other entity under his direction or control;
3. Records related to the unlawful sale and/or delivery of food products by Alvin Schlangen or other entity under his direction or control;
4. Food (and any containers) 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 law; and
5. Objects or other items which could be used to identify the perpetrator(s) and/or establish actual or constructive possession of the aforementioned items

WHEREAS: The application and the supporting affidavit of James R. Roettger compliance officer of the Minnesota Department of Agriculture 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.

The Court further finds that probable cause exists to believe that the above-described property and things are or will be in or in close proximity to the above-described premises and on the above described persons.

NOW, THEREFORE, you, Sergeant Tim McCarty, assisted by any other law enforcement officers or Minnesota Department of Agriculture employees you deems necessary and between the hours of 7:00 AM and 8:00 PM are hereby commanded to search the hereinbefore described vehicle and persons(s) for the above described property and things; to seize the above-described vehicle, property and things; to take photographs and/or videotapes of places searched and items seized; to turn-over seized property to the Minnesota Department of Agriculture ("MDA") for sampling and investigation; to permit the MDA to summarily destroy readily perishable food products as authorized by Minn. Stat. § 31.05, subd. (d); and to permit the MDA to keep said property and things, exclusive of readily perishable product subject to summary destruction, in its custody until the same be dealt with according to law.

BY THE COURT:

Dated: March 7, 2011



JUDGE OF DISTRICT COURT

produced, selling unpasteurized dairy products, and selling custom uninspected meat all violated Minnesota law and gave him a written order to stop.

A search warrant was executed at Mr. Schlangen's farm in Stearns County on June 23, 2010. Mr. Schlangen produces and sells chicken eggs and chickens on his small (approximately 5 acre) farm. The search found evidence of illegal unlicensed food sales, including finding quantities of the following products unpasteurized milk that was not produced on his farm (he has no dairy), unpasteurized milk and butter, and uninspected custom slaughter meat.

On July 27, 2010 MDA had an administrative meeting with Mr. Schlangen and again informed him not to sell any food that he did not produce without a license, ~~and~~ not to sell unpasteurized milk and butter and not to sell uninspected custom slaughter meat.

In December 2010, MDA inspectors inspected (not a sanitary inspection) Mr. Schlangen's farm (approximately 5 acres) at 33236 Oakland Rd, Freeport, MN and found evidence that he had been selling food that he had not produced on his farm without a license. Inspection of the farm also did not disclose dairy production facilities, dairy cows, beef cattle, citrus trees or plants, or almond trees on the farm and therefore no production of these types of foods. Inspectors found dairy products, frozen foods, and food products that had been purchased from others and that Mr. Schlangen was reselling. MDA again warned Mr. Schlangen not to sell, without a license, food that he had not raised on his farm and not to sell unpasteurized milk and butter.

Mr. Alvin Schlangen sells food at farmers markets from a white dodge delivery van delivery van license # MN UUE-773.

On February 14, 2011, I received a telephone call from a person who identified himself and stated that he is a tenant of the building located at 302 61st St. West, Minneapolis, MN. The person was concerned that another tenant, Alvin Schlangen, was conducting illegal activity in the building and that authorities might mistakenly think other building tenants like himself were involved. The tenant informed me of the following:

That Mr. Schlangen leases space from Traditional Foods Warehouse at 302 61st St. West, Minneapolis, MN. This space is the east most room and loading dock area of this building. It is accessible through an interior and exterior door and loading dock. It is the eastern 30% of the building.

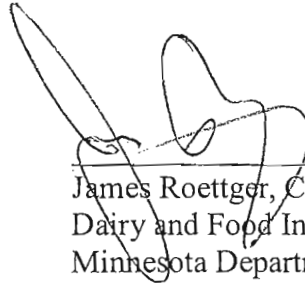
That Mr. Schlangen is storing and selling foods at that location, including apples, oranges, lemons, almonds, unpasteurized butter, and unpasteurized milk.

That Mr. Schlangen is also delivering these foods to other locations via a white van that departs from the warehouse.

That Mr. Schlangen makes food sales from this warehouse location on Saturdays and operates a delivery route using a white van other days.

That Mr. Schlangen buys unpasteurized milk in the Rochester MN area, often on Tuesdays, brings it to the warehouse Tuesday night via the van. He either transfers the milk to the warehouse or leaves it in his van overnight. He delivers milk and other food via his white van next day (generally Wednesday) often starting at about 7:00 a.m.

END OF AFFIDAVIT.



James Roettger, Compliance Officer
Dairy and Food Inspection Division
Minnesota Department of Agriculture

Subscribed and sworn to before me this
7 day of March, 2011



Judge of District Court

AG: #2775453-v2