

CT	CHARGE STATUTES	MOC	GOC
1	32.393.1		
2	32.393.2		
3	28A.04.1a		
4	31.02(a)		

**MINNEAPOLIS CITY ATTORNEY FILE NUMBER**  
11-13659

**CONTROLLING AGENCY ORI**  
MND0A0200

**CASE CONTROL NUMBER**  
03091101

**CITATION NUMBER**

**SID # {?}**  
**SILS PERSON ID # {?}**  
**SILS TRACKING #**

**MNCIS CASE #**

**CALENDAR DATE**

**State of Minnesota,**

**PLAINTIFF,**

vs.

**Alvin Schlangen**  
**33236 Oakland Rd**  
**Freeport, MN 56331**  
**State/Driver's License # MN N304166027107**

**Date of Birth: October 02, 1957**

**DEFENDANT.**

- GROSS MISDM
- SUMMONS
- GROSS MISDM DWI
- ORDER OF DETENTION
- DOMESTIC ASSAULT
- WARRANT
- If Domestic Assault as defined by MS 518B.01, subd. 2
- MISDEMEANOR
- DATED
- RTCP
- PETTY MISDEMEANOR
- AMENDED COMPLAINT

**Complainant: Compliance Officer James Roettger**

### COMPLAINT

*The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish **PROBABLE CAUSE**:*

That on or about March 9, 2011, at approximately 11:00 a.m. at a warehouse located at 61st Street west in the city of Minneapolis, county of Hennepin, State of Minnesota, Levi J. Muhl, Foods Compliance Officer with the Department of Agriculture went to execute a search warrant at the above address. A man later identified as Alvin Schlangen DOB 10/2/57, defendant herein, has leased the space at the above warehouse to sell milk and other foods.

Upon arrival along with Minneapolis Police Officers, Officer Levi observed the following: fluid milk, eggs, meat, poultry, maple syrup, frozen vegetables and frozen fruit, cheese, yogurt, kefir and other foods. The following items had no labeling of any kind: dairy products that appeared to be milk, yogurt and cheese, meat mixed with other ingredients, oranges with mold, and sea salt in plain jars.

Officer Levi found numerous flyers, website printouts, receipts from personal customers and a receipt pad indicating sales to individual customers listing Schlangen farms as the seller. Jennifer Stepes, Supervisor for the Dairy and Food inspection division of the Department of Agriculture observed that the defendant has a website offering food and fluid milk for sale for human consumption.

The defendant owns a farm located at: 33236 Oakland Road, Freeport, MN 56331. Officer Levi has conducted compliance checks at the defendant's farm. The defendant raises chickens, and sells eggs. The defendant does not have orange trees. The defendant does not have milk bottling equipment on his farm nor does he have food processing equipment on his farm. The defendant does not possess a license to manufacture, process, sell, handle or store food. Officer Levi had the fluid milk that was seized from the defendant's warehouse tested at the Minnesota Department of Agriculture Lab and all samples tested positive for phosphates and were determined to be not pasteurized.

## **OFFENSE**

Based on the foregoing, your complainant believes that on June 13, 2010, within the corporate limits of the City of Minneapolis, Hennepin County, Minnesota, Alvin Schlangen, Defendant herein, did...

### **COUNT 1**

**LIMITATION ON SALE - MILK PASTEURIZATION 32.393.1 (MISDEMEANOR)**

...sell, advertise, offer or expose for sale or hold in possession for sale for the purpose of human consumption milk, fluid milk products, goat milk or sheep milk in fluid form in this state, same having not been pasteurized and cooled, as defined in section 32.391; provided that this section shall not apply to milk, cream, skim milk, goat milk or sheep milk occasionally secured or purchased for personal use by any consumer at the place or farm where the milk is produced;

**PENALTY 0-90 days and/or \$0-1,000**

### **COUNT 2**

**LIMITATION ON SALE - MILK LABELS. 32.393.2 (MISDEMEANOR)**

...sell, offer or expose for sale or hold in possession for sale pasteurized milk, fluid milk, goat milk, or sheep milk without labeling or otherwise designating such as pasteurized milk, pasteurized fluid milk products, pasteurized goat milk, or pasteurized sheep milk, and in the case of pasteurized fluid milk products, without stating the name of the specific product on the label;

**PENALTY 0-90 days and/or \$0-1,000**

### **COUNT 3**

**LICENSE REQUIRED - FOOD BUSINESS. 28A.04.1a (MISDEMEANOR)**

...engage in the business of manufacturing, processing, selling, handling, or storing food without having first obtained from the commissioner a license for doing such business;

**PENALTY 0-90 days and/or \$0-1,000**

### **COUNT 4**

**PROHIBITED ACTS - ADULTERATED OR MISBRANDED FOOD. 31.02(a). (MISDEMEANOR)**

...manufacture, sell, deliver, hold or offer for sale, or cause the manufacture, sale, delivery, holding or offering for sale of any food that is adulterated or misbranded;

**PENALTY 0-90 days and/or \$0-1,000**

**NOTICE: You must appear for every court hearing on this charge. A failure to appear for court on this charge is a criminal offense and may be punished as provided in Minn. Stat. § 609.49.**

THEREFORE, Complainant requests that said 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 the law.

**COMPLAINANT:**

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**James Roettger**

Being duly authorized to prosecute the offense(s) charged, I hereby approve this complaint.

**PROSECUTING ATTORNEY:**

Date: August 03, 2011

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**Michelle Doffing-Baynes (#267338)**  
Assistant City Attorney  
Minneapolis City Attorney's Office  
City Hall, Room 210  
350 South 5th Street  
Minneapolis, MN 55415  
Telephone: (612) 673-2015

August 03, 2011 [KBS]

Court Case #

This COMPLAINT was subscribed and sworn to before the undersigned this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NAME:

SIGNATURE:

TITLE:

**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 detention, if already in custody, pending further proceedings. The Defendant is thereof charged with the above-stated offense.*

**SUMMONS**

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ AM/PM before the above-named court at \_\_\_\_\_ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

**WARRANT**

**EXECUTE IN MINNESOTA ONLY**

*To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named 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 thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.*

**Misdemeanor Only-TO BE COMPLETED AND SIGNED BY JUDGE IF APPLICABLE**

**As the offense stated is a misdemeanor and as the following exigent circumstances exist: \***

I hereby direct that this warrant may be executed at any time of the day or night and on Sundays.

\_\_\_\_\_  
Judge of District Court

**ORDER OF DETENTION**

*Since the above-named Defendant is already in custody; I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings*

Bail: \$

Conditions of Release:

This COMPLAINT- SUMMONS duly subscribed and sworn to, is issued by the undersigned Judicial Officer this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**JUDGE OF DISTRICT COURT**

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

<p>STATE OF MINNESOTA    COUNTY OF HENNEPIN</p> <p>STATE OF MINNESOTA, Plaintiff,</p> <p>vs.</p> <p><b>Alvin Schlangen,</b> Defendant.</p>	<p><i>Clerk's Signature or File Stamp:</i></p> <p><b>RETURN OF SERVICE</b></p> <p>I hereby Certify and Return that I have served a copy of this COMPLAINT – SUMMONS upon Defendant herein-named.</p> <p>Signature of Authorized Service Agent:</p>
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**Office of the Minneapolis City Attorney**

**State of Minnesota v. Alvin Schlangen**

**SILS PERSON ID # {?}**

**Minneapolis City Attorney Case PM # 11-13659**

**Case Control Number:**

**Citation Number:**

**Date of Offense: June 13, 2010**

**Assistant City Attorney: Michelle Doffing-Baynes**

**Complainant: Compliance Officer James Roettger  
Minnesota Department of Agriculture; MND0A0200**

**Cell Phone: {?}**

**Direct Dial: 651-201-6000**

After you and the Judge have signed off on the attached Complaints, please take this complaint packet to the District Court Clerk's Office on the 11<sup>th</sup> floor of the Hennepin County Government Center and give it to the Clerk at the window. They will ensure that all signatures are in order, and they will date stamp this form and place it in the Minneapolis City Attorney basket. Thank you.

Renee Baron, Supervisor, Legal Support Services; (612) 673-2964  
Minneapolis City Attorney's Office  
August 03, 2011

**THIS FORM TO BE ADDED TO  
MINNEAPOLIS CITY ATTORNEY CASE FILE**