

STATE OF MINNESOTA
COUNTY OF OTTER TAIL

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT

COURT FILE NO.: _____

PROSECUTOR FILE NO.: 08F-212

State of Minnesota,

Plaintiff,

v.

Kathy Jo Bauck DOB: 04/03/56
51402 410th Street
New York Mills, MN 56567

Defendant.

Summons Warrant

Order of Detention

Amended

Tab charge Previously Filed

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):

Count 1

Cruelty to Animals

In Violation Of: 343.21 Subd. 7 and 9(d)

Penalty: 0-2 years and/or \$5,000 fine

On or between May 5, 2008, and May 17, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, willfully instigated or in any way further acted cruelly towards a pet or companion animal or caused an act tending to produce cruelty to animals, which resulted in death or great bodily harm, specifically, a female Bichon.

Count 2

Cruelty to Animals

In Violation Of: 343.21 Subd. 7 and 9(d)

Penalty: 0-2 years and/or \$5,000 fine

On or between May 1, 2008, and May 12, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, willfully instigated or in any way further acted cruelly towards a pet or companion animal, or caused an act tending to produce cruelty to animals, which resulted in death or great bodily harm, specifically, a female Pug.

Count 3**Cruelty to Animals****In Violation Of: 343.21 Subd. 7 and 9(d)****Penalty: 0-2 years and/or \$5,000 fine**

On or about May 17, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, willfully instigated or in any way further acted cruelly towards a pet or companion animal, or caused an act tending to produce cruelty to animals, which resulted in death or great bodily harm, specifically, a Shih Tzu located in a pen in the red barn.

Count 4**Cruelty to Animals****In Violation Of: 343.21 Subd. 7 and 9(d)****Penalty: 0-2 years and/or \$5,000 fine**

On or between April 23, 2008, and May 23, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, willfully instigated or in any way furthered act of cruelty to animals which resulted in substantial bodily harm in a pet or companion animal.

Count 5**Torture****In Violation Of: 343.21 Subd. 1 and 9(b)****Penalty: 0-1 years and/or \$3,000 fine**

On or between April 23, 2008, and May 23, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, did torture, neglect or unjustifiably injure, maim, mutilate or kill any animal, whether it belongs to that person or another person, and that animal was a pet or companion animal and the violation resulted in substantial bodily harm to the pet or companion animal.

Count 6**Torture****In Violation Of: 343.21 Subd. 1 and 9(b)****Penalty: 0-90 days and/or \$1,000 fine**

On or between May 3 and 4, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, did torture, neglect or unjustifiably injure, maim, mutilate or kill any animal, whether it belongs to that person or another person.

Count 7**Cruelty to Animals****In Violation Of: 343.21 Subd. 7****Penalty: 0-90 days and/or \$1,000 fine**

On or between April 23, 2008, and May 23, 2008, within the County of Otter Tail, one Kathy Jo Bauck, the defendant, did willfully instigate or acted cruelly towards any animal or animals, or any act tending to produce cruelty to animals.

Count 8**Veterinarians--Practice Without License or Permit****In Violation Of: 156.10****Penalty: 0-1 year and/or \$3,000 fine**

On or between April 22, 2008, and May 9, 2008, one Kathy Jo Bauck, the defendant, did practice veterinary medicine in the state without having first secured a veterinary license or temporary permit provided Penicillin, Banamine and Genocin to animals at Pick of the Litter.

Count 9**Veterinarians--Practice Without License or Permit****In Violation Of: 156.10****Penalty: 0-1 year and/or \$3,000 fine**

On or between April 22, 2008, and May 9, 2008, one Kathy Jo Bauck, the defendant, did practice veterinary medicine in the state without having first secured a veterinary license or temporary permit by cropping a litter of Schnauser puppies' ears.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Complainant, Mark Englund, is a duly acting and appointed Deputy Sheriff for the County of Otter Tail, Minnesota, who received information regarding the below-described offense. Between April 22, 2008 and May 10, 2008, KATHY JO BAUCK, hereinafter referred to as the Defendant, was operating and/or working and/or directing employees at Pick of the Litter, Inc., aka, Pick of the Litter Kennels, located at 51402 - 410th Street, in New York Mills, Minnesota, in Otter Tail County. On May 13, 2008, an individual, Jason Smith, employed by the Companion Animal Protection Society, met with Detective Keith Van Dyke of complainant's department, indicating he was currently an employee of the kennel and had personally observed and documented cruelty to animals and violations of law at the kennel. Jason Smith indicated that Defendant was in charge of the kennels and directed him while he was employed there. Smith provided Detective Van Dyke with video and audio recorded onto an MPEG 2 format flash card in a Sting recording device and in two instances took pictures and video with a Samsung Blackjack 2 cellular phone. Smith was wired every other day and took field notes that he typed every day and provided those to Detective Van Dyke.

Smith informed Detective Van Dyke that on April 22, 2008, at around 5:00 p.m., he observed blood on the face of a female white American Bulldog on the western side of the southeast barn, which limped with her misshapen front right paw in the air, which had fur missing from large pink bumps above the toes. Smith observed the dog's cheeks torn open on both sides and openly bleeding with the left side of the dog's face the worst, along with large gashes on her cheeks and had a tear about five inches long, along with a slightly smaller tear on the left cheek. Defendant indicated the dog was always fighting and nothing could be done and began discussing what dogs to groom. On April 23, 2008, Smith informed Defendant that the wounds on the face of the American Bulldog from the day before appeared infected and was told by Defendant to put "Clorox water" on the wounds. Smith did as he was instructed and noted the dog kept pulling away. although Smith only lightly dabbed the solution on the dog's wounds. Clorox water solution would cause undue pain to the animals. Smith saw the wounds were covered in pus and that there was additional bleeding from the left wound. On April 26, 2008, Smith asked Allen Bauck, the defendant's husband, who also works at the kennel, if he should keep putting bleach water on the female American Bulldog's face that was injured, who indicated to Smith that nobody else had. Smith observed the wounds to be infected and in worse shape that afternoon than even the previous day. The left side of the dog's face seemed to have reopened and was bleeding again.

On April 30, 2008, Smith observed an adult female Pug in the puppy room with her right eye bulging out of her head with the eye swollen to twice the size of the other eyeball and appeared bloodshot. Smith asked employee, Marie Rose Robinson, about what had been done, and she said she gave the Pug Penicillin to prevent an infection. On May 1, 2008, while shaving dogs, Smith saw Defendant and Robinson medicating the pug in the puppy room with the swollen, bulging eye and observed Defendant applying ointment to the eye. On May 8, 2008, Smith observed the female Pug with the injured eye had a pink and yellow swell like large pimple coming off her right eyeball and noted that on May 12, 2008, the pug had a fluid-filled growth protruding from her eye, which was much larger than previously noted.

On May 3, 2008, Smith observed Defendant at the western wall of the hay shed pulling a shaved orange Pekingese with a mohawk who was struggling as she lifted him by his scruff. Defendant handed the dog to another worker to place in the Red Barn at

about 1:30 p.m, and Smith continued working with her until that worker returned. At approximately 4:00 p.m, Smith saw the Pekingese with three other small-breed dogs in a center pen of the western room of the Red Barn, kicking, thrashing and going into what appeared to be a seizure. Smith grabbed the dog, which was very cold to the touch, and ran with the dog to Defendant's house, who did not answer the door. Later, Defendant met Smith between the hay shed and break room barn with wet hair where Smith explained the situation, saying the dog appeared to be seizing and was cold to the touch. Defendant said she knew what was happening to the dog and told Evan to put him in the red barn and walked back to her home. On May 4, 2008, Smith worked from 8:30 a.m. to 5:30 p.m. Directly after clocking in, Smith observed that the Pekingese from the prior day was not in its pen and asked what had happened and learned the dog had died. Smith verified with Evan that Defendant had known the dog was seizing when she told him to put the dog in a pen and gave Evan no further instructions on what to do with it. When Smith spoke with Defendant about the dog, she indicated she believed the dog had a heart attack, saying it was a common occurrence with Pekingese.

Smith also informed Detective Van Dyke that several pregnant and nursing dogs at the kennel are emaciated with two severely emaciated with clearly visible hips, ribs and spines. Smith also reported that pregnant dogs are not treated with any medication.

On May 7, 2008, Smith reported that he told Defendant that the pregnant brown and white English Springer Spaniel in the break barn room had a runny nose with her left eye encrusted in green mucus discharge and was heavily emaciated and now had green mucus discharge from her nose. Defendant pointed out nothing can be done for the dog and employee, Corinne, pointed out that not even "cough syrup" can be given to her. Defendant did not go look at the dog or ask any questions about her condition. On May 10, 2008, the emaciated brown and white nursing English Springer Spaniel had two dead puppies out of her litter of nine that afternoon. Employee Jeff was talked to by Smith who indicated Defendant had him give "stats" which is sugar syrup to the puppies. Another puppy was still severely emaciated and several of the puppies' ribs, spines and hips were visible under their taut skin and appeared lethargic. Smith was barely able to tell if the puppies were breathing. Smith brought the two dead puppies to Defendant, who then collected all but three of the remaining pups to put with another nursing mother and said the remaining three were not "going to make it", but that Smith could give them stats if he wanted to. Smith did so and observed the puppy hold its mouth open and gasp after the small amount of syrup was in its mouth. Defendant stated she treated the mother with a shot of Penicillin/Genocin.

On May 5, 2008, Smith worked at the kennel from 8:30 a.m. to 5:30 p.m. and found a female Bichon on the eastern row of the western room of the Red Barn having puppies. One puppy, which appeared partially flattened, was dead on the pen floor. Another live puppy was hanging by an umbilical cord from the mother. Smith informed Defendant of this, who told him to bring the dog to her and injected the mother dog with calcium sulfate to "aid contractions" and then spent 15 minutes trying to reach inside to pull a puppy out. Defendant did not wash or sanitize her hands and brought out a puppy, which was not breathing, and attempted to resuscitate the puppy, who died about two hours later. Defendant again tried to get another puppy out from the dog, with the help of workers Corinne and Abby. The three women alternated using two pairs of surgical clamps and grabbed the puppy inside the mother. Defendant tore off the tail of the puppy and all three women kept pulling tufts of fur attached to bloody skin until Defendant tore off the entire rear leg of

the puppy, which came out dead. On May 7, 2008, Smith observed the female Bichon mother who had stillborn puppies on Monday, May 5, 2008, in the red barn with no puppies in her pen. The dog's pen was covered in feces-stained shaving and her hindquarters were filthy with what appeared to be the remains of afterbirth. The dog was lying on her side, and Smith tried to get the dog to stand only to have her fall back down. Employee, Larry, stated Defendant knew of the dog's condition and said she would check on her later. On May 8, 2008, Smith observed the female Bichon in the red barn was seen laying on the floor of her pen and never got up or moved at any point between 7:15 and 9:45 a.m. On May 9, 2008, the same female Bichon with microchip # 065-822-819, who had puppies on May 5, 2008, was found dead in her pen, still filthy and with her hindquarters covered in afterbirth.

On May 9, 2008, Smith observed the entire afternoon at Pick of the Litter was spent dipping dogs from the Hay Shed, Freedom Barn and Dollar barn in a plastic tub about 6 feet long and 3.5 feet wide and tall and filled 3 feet high with water and Prolate/Lintox-HD. Dr. John Kind from the Minnesota Department of Veterinary Medicine indicated that Prolate/Lintox is extra label use meaning it is not labeled for use on dogs and cats and is only labeled for use on cattle and swine. It is an organo-phosphate, which can be toxic and is dose dependent, meaning the smaller the animal, the greater the chances of getting the toxic exposure. There is no information that this insecticide is effective for what the defendant was trying to treat. Animals are not to be submerged in this kind of solution. The young and the immune suppressed are more likely to get toxic exposure, which could kill the animals. Dogs were dipped by Defendant or Alan Bauck who would submerge the entire dog or all but the dog's head in the dip and then wipe them down. Dogs that were completely submerged blinked repeatedly and some gagged. Dipping of dogs continues at the kennel and includes nursing and pregnant dogs. Defendant dipped dogs, including a Maltese with a large pus-covered sore on the right side of her neck. A female German Shepherd was dipped despite open sores on her ankles. On May 16, 2008, several English Mastiff's were powdered with insecticide, Sevin-5, at Defendant's request. One of the dogs got out of her cage near the northeast corner of the building, so Defendant dragged the dog by her ears with one hand on each ear, for about 20 feet as the dog whined and set her paws on the ground. Defendant then pulled the dog into her pen by the ears and let her go.

On April 22, 2008, Smith helped shave dogs in the Red Barn. Blood was noticed on a whelping Schnauzer three pens down from the doorway in the middle aisle of the western room of the southwest barn. Smith observed seven newborn puppies, and one had a lot of fresh, bright blood on its right ear. Donna stated, "Oh, I guess she clipped their ears." Smith noticed all the puppies' ears had been clipped and had blood on them. One puppy's ear bled without clotting. The following day on April 22, 2008, Smith observed one of the puppies in the litter that had the ear crop done the previous day, breathing shallowly and emaciated, which died later that day. On April 27, 2008, Smith found two dead puppies, which had been in the pen containing the whelping Bichon with puppies which had their tails docked. Employee Corinne told Jason to put the puppies in the trash can. On April 30, 2008, Smith worked from 7:00 a.m., to 5:30 p.m. and noticed in the Red Barn where the Schnauzer puppies had been born in pen #328, who did not have their tails or ears docked, now had docked ears and tails.

On April 24, 2008, Smith also observed Defendant inject 1 cc of clear fluid into a Bichon dog's left hip after it was trying to bite him while waiting to be groomed. The dog was then very mellow while being groomed by Defendant for about 15 minutes.

The dog was then returned to its kennel and did not respond to voice. Defendant then admitted to Smith that she had given the dog a sedative. Again on May 3, 2008, Smith worked from 8:30 to 5:30 in the puppy barns and assisted Defendant do "heat checks". Smith and Defendant came across a Bichon in the southernmost cage who tried to bite Defendant. Defendant then gave the dog about a 1 cc of clear fluid with a syringe into the dog's left hindquarter and in less than one minute the dog was dropping in Smith's arms. Defendant stated she shot the dog with a tranquilizer. On May 7, 2008, Smith observed Defendant give an English Bulldog with a swollen left rear leg a shot of Penicillin and Banamine to the dog and put the dog in a cage with a plate of turkey eggs. On May 9, 2008, Smith again observed Defendant give a shot of Penicillin and Banamine to a black and white husky from the driveway barn which had an open wound about eight inches in diameter on its right side.

On May 14, 2008, Smith was directed by another worker to take an emaciated male Mastiff out of his cage and put in another. The dog had bloody sores on his front elbows, and the left elbow had what appeared to be a chunk of flesh about an inch wide and three inches long torn off of it, revealing a bloody hole about an inch deep in scar tissue. Defendant ripped the hanging chunk of dead flesh off the dog with her hand when it was pointed out to her. Defendant told worker Larry that the dog needed a shot of "pen gen" meaning penicillin antibiotic combination. Smith also pointed out to Defendant that the dog had a snotty nose as well. After a week, there had still been no weight gain on the English Mastiff and on May 24, 2008, Smith heard another worker refer to the dog as "still seizing." At around 12:21 p.m., Smith noted the dog was lying on the ground with blood and saliva spilling out of its mouth. Smith learned that the dog had been seizing all day. Defendant said that Alan had to put the dog down and told workers to find him immediately. Defendant also had Smith get the Shih Tzu with the injured eye in a pen so that Alan could kill that dog as well.

On May 17, 2008, Defendant found what appeared to be a Shih Tzu with its left eye hanging out of its head. The dog was put in a pen in the red barn, where Smith observed it as walking and alert, but not drinking. Defendant had Smith get the Shih Tzu with the injured eye so that Alan could kill it.

On May 23, 2008, Smith noted that the brown and white female Bulldog named Maggie was moved outside after her ears and face again became bloody from rubbing them against her cage, and Smith noted that she was increasingly emaciated. For days, Smith observed the dog with swollen ears and raw bloody skin and no medical treatment provided to the dog. He observed the dog's eyelids so swollen they were shut, with her hips and ribs starting to show and appeared lethargic. On May 27, 2008, Defendant was one pen away from Maggie the Bulldog's pen and did nothing about her condition.

Upon review of the reports, Dr. William M. Rose, DVM, indicated that the situations and attitudes in the statement of Jason Smith's investigation of Defendant are definitely cases of cruelty and apparent unwillingness to correct allegations. Dr. Rose further indicated an abusive situation as described by Smith's reports.

NOTICE

You are hereby notified that failure to appear for court when required to do so is a criminal offense in the State of Minnesota, pursuant to Minn. Stat. 609.49.

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'S NAME:

COMPLAINANT'S SIGNATURE:

Mark Englund

Subscribed and sworn to before the undersigned this 3rd day of July, 2008

NAME/TITLE:

SIGNATURE:

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

Date: _____

PROSECUTING ATTORNEY'S SIGNATURE:

Heather L. Brandborg

Name: Heather L. Brandborg
 Assistant Otter Tail County Attorney
 121 West Junius, Suite 320
 Fergus Falls, MN 56537
 218 998-8400
 Attorney Registration Number: 0344217

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 to 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).

[X] SUMMONS

THEREFORE, YOU THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the _____ day of _____, 20__ at _____ before the above-named court at _____ to answer this complaint.

[] WARRANT

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 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 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, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20__.

JUDICIAL OFFICER: NAME: _____ TITLE: _____

SIGNATURE: _____

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

COUNTY OF OTTER TAIL STATE OF MINNESOTA State of Minnesota Plaintiff vs. Kathy Jo Bauck Defendant

Clerk's Signature or File Stamp: RETURN OF SERVICE I hereby Certify and Return that I have served a copy of this Summons upon the Defendant(s) herein-named. Signature of Authorized Service Agent: