

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

Kathy Jo Bauck DOB: 04-03-1956, along with her daughter, Corinne Ann Peters DOB: 10-23-1979, own and/or operate Pick of the Litter Kennels, which is located north of New York Mills, 51402 410th Street, in Otter Tail County. Several hundred dogs are kept in buildings and kennels located on the property. Your Affiant has been aware of the kennel since 1993, and since that time your Affiant has had many law enforcement related issues with Kathy Bauck and the kennel business. Your Affiant has known that Kathy is the owner of the kennel and she resides at the same address as the dog kennel business. Kathy Bauck may have recently signed the Kennel business over to her daughter Corrine Peters; however, this is not confirmed.

In April, 2008, Kathy Bauck pled guilty to practicing without a veterinarian license.

On Tuesday, May 15, 2008, Jason Smith DOB: 02-27-1979, requested to meet with your Affiant and Sgt. Al Frank of the Otter Tail County Sheriff's Office at the Law Enforcement Center in Fergus Falls. Smith explained that he has been working at the Pick of the Litter Kennels since mid April, 2008. During that time Smith has been documenting animal conditions at the Kennel by use of audio and video devices. Smith provided computer disks which contained information that Smith stated showed the poor conditions for the dogs at the Pick of the Litter Kennels.

Upon reviewing the CD's that were provided by Jason Smith there was documentation and video tape of animals suffering from injuries and not being cared for by a veterinarian. There was documentation of dogs delivering puppies where some of the puppies were dead and the female dog did not receive any kind of medical treatment by a veterinarian. There was also documentation of dogs being dipped into water containing Prolate/Hdlintox-HD and some of the dogs were completely submerged. There was documentation that some dogs were emaciated and some of these emaciated dogs were pregnant and nursing puppies.

On Friday, May 30, 2008, I met with Jason Smith a second time at the Law Enforcement Center in Fergus Falls. Jason stated that since our last meeting, much of the same has been going on at the kennel since his first report. There are dogs with health problems that do not receive medical care. There are dogs treated in a cruel way such as being dipped in insecticide while the dogs have open wounds. Jason observed dogs being put in kennels together in which dogs do fight and the resulting wounds are not treated by Kathy Bauck or her daughter Corrine.

Jason also noted that Kathy Bauck keeps approximately one dozen dogs in elevated cages in the woods near the kennels. It is unclear why this is being done.

As a result of the documentation provided by Jason Smith the Otter Tail County Attorney's Office has filed criminal charges in Otter Tail County against Kathy Bauck, and these criminal charges are pending.

On June 13, 2008 the U.S.D.A. conducted an unannounced inspection visit at the Pick of the Litter Kennels and found thirteen (13) dogs where their health and wellbeing were being affected by the operating standards of the kennel. The following is a paragraph lifted from the U.S.D.A. report:

The facility does not have an effective means in place for communicating with the attending veterinarian accurate information on the problems of animal health, behavior, and well-being to the attending veterinarian. In addition, animal health conditions are being missed on the daily observations of animals or daily observations of all animals is not being done. The facility is not documenting that adequate veterinary care is being provided and have deviated from the approved method euthanasia documented on the Program of Veterinary Care. All these items contributed to the suffering of several animals.

On Tuesday, August 19, 2008 I talked with [REDACTED] at the Pick of the Litter Kennels from June 2007 to Friday, August 15, 2008. [REDACTED] stated that on Friday, August 15, 2008, [REDACTED] saw Kathy Bauck euthonize five (5) dogs by use of a large wooden box connected to the exhaust system from an ATV. [REDACTED] described the box as being made from wood, white in color and approximately 4' x 4' in size. This was also the same day [REDACTED] decided to end [REDACTED] employment at Pick of the Litter Kennels. [REDACTED] also described observing Kathy Bauck performing hernia and neutering operations on dogs in which [REDACTED] did not think an anesthesia was used. These operations were performed on a table in the employee break room. [REDACTED]

Your Affiant is requesting a search of the buildings located at the Kathy Bauck property used for the purposes of kenneling dogs and any other structures used to confine dogs for short or long periods of time. Your affiant will be accompanied by representatives of the Minnesota State Humane Society and a veterinarian to determine if any dogs are in need of medial care and also to determine if the conditions at the kennel contribute to the suffering of any dogs.

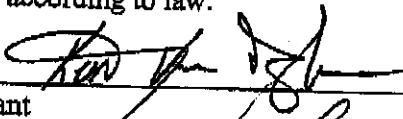
A nighttime search outside the hours of 7:00 a.m. to 8:00 p.m. is necessary to prevent the loss, destruction or removal of the objects of the search or to protect the searchers or the public because:

N/A

An announced entry is necessary (to prevent the loss, destruction or removal of the objects of the search) (and) (to protect the safety of the peace officers or the public) because:

N/A

WHEREFORE, Affiant requests a search warrant be issued, commanding Detective Keith Van Dyke and any peace officer(s) acting under his direction of the State of Minnesota, to enter between the hours of 7:00 a.m. and 8:00 p.m. to search the hereinbefore described (premises) for the described property and things, and to seize said property and things 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 22 day of Aug., 2008



Judge of District Court

SEARCH WARRANT

2-1

STATE OF MINNESOTA, COUNTY OF OTTER TAIL

IN DISTRICT COURT

TO: DETECTIVE KEITH VAN DYKE AND ANY PEACE OFFICERS ACTING UNDER HIS DIRECTION, OF THE STATE OF MINNESOTA.

WHEREAS, Detective Keith Van Dyke has this day on oath, made application to the said Court applying for issuance of a search warrant to search the following described (premises):

Premises of: PICK OF THE LETTER KENNELS located at: 51402 410th Street, New York Mills, MN. All dog kennel structures, out-buildings or warehouse type structures on the property used to confine dogs for long or short periods of time.

located in the township of Pine Lake, County of Otter Tail, State of Minnesota for the following described property and things:

A large wooden box container that is white in color and approximately 4' x 4'. Any dogs in need of veterinarian care and ~~areas or buildings where dogs are kept that are not sanitary or detrimental to the welfare of the dogs.~~ Photographs of areas and buildings where dogs are kept for the evidence of animal maltreatment. *KVD WS*

WHEREAS, the application and supporting affidavit of Detective Keith Van Dyke 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: (Strike inapplicable paragraphs)

1. The property or things above described was used as means of committing a crime.
2. The property or things above-described constitutes evidence which 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)(at the above-described premises).

The Court further finds that a nighttime search outside the hours of 7 a.m. to 8 p.m. is necessary to prevent the loss, destruction or removal of the objects of said search (or to protect the safety of the searchers or the public).

N/A

The Court further finds that entry without announcement of authority or purpose is necessary (to prevent the loss, destruction or removal of the objects of said search) (and) (to protect the safety of the peace officers or the public.)

N/A

NOW, THEREFORE, YOU DETECTIVE KEITH VAN DYKE, AND ANY PEACE OFFICERS ACTING UNDER YOUR DIRECTION, ARE HEREBY COMMANDED TO ENTER BETWEEN THE HOURS OF 7:00 A.M. AND 8:00 P.M TO SEARCH THE DESCRIBED (PREMISES) FOR THE ABOVE-DESCRIBED PROPERTY AND THINGS, AND TO SEIZE SAID PROPERTY AND THINGS AND TO RETAIN THEM IN CUSTODY SUBJECT TO COURT ORDER AND ACCORDING TO LAW.

BY THE COURT:

Dated:

8/22/08



Judge of District Court

STATE OF MINNESOTA, COUNTY OF

Otter Tail

RECEIPT, INVENTORY AND RETURN 3-1

District

COURT

RECEIPT, INVENTORY AND RETURN

Det. Van Dyke

, received the attached search warrant

issued by the Honorable Judge Senyk
executed it as follows:

on Aug 29 ²² 08 (yr) and have

Pursuant to said warrant, on Fri Aug 29 08 (yr) at 1150 o'clock A 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) 51402 410th St.

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

gus box

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.

Subscribed and sworn to before me this 2 day of Sept, 08 (yr)

Otter Tail
Notary Public Deputy County, MN

My commission expires _____

[Signature], 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.

[Signature]
Signature

COURT - WHITE COPY • PROS. ATTY - YELLOW COPY • PEACE OFFICER - PINK COPY • PREMISES/PERSON - GOLD COPY