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COON RAPIDS
Minnesota

COPY

November 23, 2011

The Honorable Bethany A. Fountain Lindberg
Anoka County District Court
325 East Main Street
Anoka, MN 55303

Re: Administrative Search Warrant
10320 Grouse Street, Coon Rapids, Minnesota

Dear Judge Fountain Lindberg:

Enclosed herewith please find Affidavit of Leya Drabczak with regard to the above adminstrative search warrant issued October 25, 2010. If you have any questions regarding this matter please contact our office at your earliest convenience.

Thank you for your time and consideration.

Very truly yours

MariBeth L. Parks
Legal Department

bhs

Enclosure

COPY

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF ANOKA **TENTH JUDICIAL DISTRICT**

State of Minnesota }
}
County of Anoka }

AFFIDAVIT OF LEYA DRABCZAK

Your affiant, Leya Drabczak, being first duly sworn upon oath, deposes and states as follows:

1. That affiant is a housing inspector employed by the City of Coon Rapids, Minnesota.

2. That following citizen complaints of a large pile of wood shavings used as animal bedding being disposed of in the backyard at 10320 Grouse Street in the City of Coon Rapids, with a foul smell emanating from the pile, affiant applied for and was granted an Administrative Search Warrant for the premises at said location for prohibited animals.

3. On October 26, 2011 the Administrative Search Warrant was presented to the owner of the property, Scott Nellis, to inspect the property for prohibited animals under City Code Chapter 6-500. The results of that inspection are contained in the Findings of Fact issued by your affiant on October 26, 2011 and attached hereto as Exhibit A.

FURTHER YOUR AFFIANT SAITH NOT.

_____
Leya Drabczak

Subscribed and sworn to before me
this ___ day of November, 2011.

_____
Notary Public

10320 GROUSE ST NW

FINDINGS OF FACT

10/26/2011

10320 Grouse St NW Coon Rapids, MN PID # 22-31-24-41-0111

Owner: Scott Nellis

Single family split entry home on residential lot

Inspected by: Leya Drabczak Housing Official, Coon Rapids Police Department members Mike Plankers, Brad Johnson, Greg Koss and Desiree Toninato. Coon Rapids Fire Department members Nick House and Shannon Moen. Humane Officer Keith Streff.

It was reported that a large pile of wood shavings used as animal bedding was being disposed of in the back yard and a foul smell was coming from the pile. Leya Drabczak Housing Inspector for the City of Coon Rapids inspected the backyard on 10/19/2011 and found it to be of a concern. A internet search by Leya Drabczak found a website operated by Mr. Nellis listing his snake breeding business. (See attached information.) This lead to a request for and administrative search warrant to inspect the property.

Inspection of property for prohibited animals was conducted on 10/26/2011 at approximately 1:40 p.m. The Administrative Search warrant was present to the owner Mr. Scott Nellis of the property at the front door. Officers Des Toninato, Brad Johnson and Humane Officer Keith Streff were present and the front door. Officer Greg Koss and Mike Plankers assisted and were located at the rear of the dwelling. Mr. Nellis read the warrant and granted entry into the property. Mr. Nellis was cooperative with the search.

Upon entering a very strong smell of ammonia could be detected. Inspectors eyes and throat were burning. Inspectors wore masks for the remainder of the inspection.

Room on the mail level near the front door housed approximately 80 snakes of various sizes and species. Cages had glass fronts with sliding doors and were stacked on top of one another from floor to ceiling. Cages were located around the perimeter of the room and an island of cages from floor to ceiling was made in the center of the room. The walkways between the columns of cages was less than three feet. The animals were very active because they had not been fed recently and would strike at the glass as inspectors walked by. The room was dark and the light and ceiling fan could not be turned on because the cages were touching the fixture. Inspectors needed to use flashlights to see what snakes were in the cages. The animals would strike at the glass when lights were shining in their cages.

The upper level living room housed 3 large aquariums with lizards in them. The smell in the upper level of the dwelling was as strong as in the lower level of the dwelling and main level.

The lower level of the dwelling housed 2 separate areas of snakes and rats. One room had approximately 120 snakes in it of various species and sizes. There was a large window in this room which provided ample light. There were various animals located in this room including hissing cockroaches, meal worms and various lizards. The cages were located around the perimeter of the room from floor to ceiling.

The second room the lower level housed various large snakes and rat and mice cages. The cages were stacked on top of one another from floor to ceiling. The mice and rats were housed on one side of the room and the snakes and reptiles along the other. Inspectors estimate that there were approximately 300 snakes and 300 rats and mice combined in the property.

Approximate number of snakes totals 300 and feeder rats and mice total 400. Photographs were taken on site. Mr. Nellis did not have a current inventory list. He stated that there are too many animals to keep track of because he buys sells and breeds continually. We did not have the resources to catalog each animal on site.

Humane Officer Keith Streff inspected the condition of the dwelling and living conditions and overall health of the animals. He asked to see the veterinarian records for the animals as well as any medications used, and the carbon dioxide used in the euthanizing chamber. Officer Streff did not see any reason to remove any of the animals from the dwelling. Mr. Nellis stated that he did not have any venomous snakes at the property. Officer Streff confirmed this statement.

Staff did not post the dwelling uninhabitable as there are no children or vulnerable adults in the dwelling. Staff concluded it was in the best interest of the animals to have a caretaker on site. Coon Rapids Fire Department will be placing this address on the Anoka County Dispatch list to use special care upon entering this home in the event of a fire or medical emergency.

Mr. Nellis received administrative citation # 45839-19955 for the debris in the backyard including animal feces and bedding. A separate administrative citation # 45839-19945 was issued for the removal of the prohibited snakes. A compliance date of 11/06/2011 was given. An appeal application was included in the information provided to Mr. Nellis as well as a copy of the Administrative Search Warrant and City Code Sections 6-500.

Coon Rapids Fire Department conducted an inspection of the air quality. Coon Rapids fire report # 21625 states the levels of gas in a dwelling. Due to the strong smell of urine and feces a member of the North Metro Chemical Assessment Team was called to bring NH3/Ammonia detectors to the scene. The doors of the dwelling had been left open in order to air out the air in the dwelling. The reported levels of gas due to ammonia were elevated and higher that was is normally found in a habitable space. The reports lists a colorless gas with a pungent suffocating odor. Fire Department staff entered the dwelling with ½ face respirators. Prolonged exposure to high levels of ammonia may contribute to health issues of the occupants of 10320 Grouse St NW.

Related Reports

Coon Rapids Police Report # 11244396 dated 10/26/2011

Coon Rapids Fire Department Report # 21625 dated 10/26/2011

10320 GROUSE ST NW

FINDINGS OF FACT

10/26/2011

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Coon Rapids Fire Department Report # 21625 dated 10/26/2011

STATE OF MINNESOTA, COUNTY OF ANOKA **DISTRICT COURT**

STATE OF MINNESOTA)
) **ADMINISTRATIVE SEARCH WARRANT**
COUNTY OF ANOKA)

In re application for administrative search warrant for the premises located at 10320 Grouse Street NW, PIN 22-31-24-41-0111, City of Coon Rapids, Minnesota.

The above-referenced matter came before the undersigned in chambers. DAVID BRODIE, appeared on behalf of the City of Coon Rapids. Based on the file, proceedings, and affidavit herein, the court, being duly advised in the premises, makes the following:

ORDER

TO: The occupants of the above-described premises:

You are hereby ordered to allow access, by Leya Drabczak, City Housing Inspector, Keith Streff, Animal Humane Society Investigator and Officers and agents under their direction and control, to the above-stated premises on October 26, 2011, between the hours of Noon and 4:30 PM, for the purposes of an inspection to determine violations of the Coon Rapids City Code, Chapter 6-500, Non-Domestic Animals, and Minnesota statutes.

2. If the premises appear vacant, or if entry is denied, you, Leya Drabczak and Keith Streff, and agents under your control, may use reasonable force during the above-stated time period to gain entry to the premises for the above-stated purpose. You shall report back to this Court, within five (5) days of the date of the entry, of your findings, by means of a sworn affidavit.

Dated: OCTOBER 25, 2011

BY THE COURT:

Judge of District Court
BETHANY A. FOUNTAIN LINDBERG

STATE OF MINNESOTA, COUNTY OF ANOKA **DISTRICT COURT**

STATE OF MINNESOTA)
)
COUNTY OF ANOKA)

AFFIDAVIT AND APPLICATION IN SUPPORT OF ADMINISTRATIVE SEARCH WARRANT

In re application for administrative search warrant for the premises located at 10320 Grouse Street NW, Coon Rapids, Minnesota, PIN 22-31-24-41-0111.

Leya Drabczak, being first duly sworn upon oath, hereby makes application to this Court for a warrant to inspect the ***premises,*** heretofore described, for the property and things hereinafter described. Affiant knows the contents of this application and supporting affidavit, and the statements herein are true of Affiant's own knowledge, save as to such as are herein stated on information and belief, and as to those, Affiant believes them to be true.

Affiant has good reason to believe, and does believe, that the following described property and things, to wit:

Non-domestic animals in violation of City Code Chapter 6-500 including snakes that are a member of the pit viper or Blodae family such as Asian reticulated pythons, boa constrictors, tree boas and sand boas, specifically California Kingsnakes, Ball Pythons, boa constrictors, and Aussie pythons.

Any domestic, companion, exotic, agriculture or livestock animal determined to be inadequately sheltered, restrained, fed and/or maintained pursuant to the Minnesota animal welfare laws.

Any domestic, companion, exotic, agriculture or livestock animal reasonably determined to have an infectious disease.

Items of identification to show ownership and occupancy of the premises including but not limited to driver's license, utility bills, bank statements or other documentation proving occupancy and possession of the premises.

Any papers and affects describing ownership, proprietorship or legal custody of said animals.

Records providing history of veterinary treatment, drugs used in said treatment, including available feed or receipts of recent purchases of said provisions.

Any public health hazard directly related to animals and/or proper carcass and waste disposal.

are *at the premises,* **described as:**

Lots Forty-six (46), Forty-seven (47), and Forty-eight (48), Block "E", Forest Park, according to the plat thereof on file and of record in the office of the Registrar of Titles of Anoka County, Minnesota.

Residence and detached garage located at 10320 Grouse Street NW, located in the City of Coon Rapids, County of ANOKA, and State of Minnesota, and in support alleges:

1. Affiant is the Housing Inspector employed by the City of Coon Rapids charged with, among other things, the investigation of possible violations of the Coon Rapids City Code.

2. Affiant is informed, through staff and citizen complaints and the internet that the following conditions currently exist on the above-described premises:

On or about October 18, 2011 City Code Enforcement officials received a call from a known confidential reporting party reporting a large pile of shavings from animal cages in the back yard of the above property. The party reported a strong and foul smell coming from the shavings. The reporting party stated that the during a conversation with the owner of the property, Scott Nellis, Mr. Nellis stated that he breeds snakes and has approximately one hundred snakes in the residence. Mr. Nellis also told the reporting party that he breeds rats to feed the snakes. The reporting party stated that during a conversation with Mr. Nellis at the front door of the residence the smell of feces from the residence was overwhelming.

According to Anoka County tax records the property has been owned by Scott Nellis since December 1, 1994.

On or about October 19, 2011 your Affiant viewed the backyard at 10320 Grouse Street and observed two mounds of shavings in the backyard. Your affiant took photographs. Your affiant noticed a pungent smell coming from the mounds and the smell could be noticed from the neighboring property.

After observing the backyard at the residence your Affiant searched the internet and found the website snsnakes.com that reportedly belongs to Mr. Scott Nellis. The website states that Mr. Nellis has been raising and breeding snakes and lizards since 1996 and provides a Coon Rapids, Minnesota post office box. The website states, "Today I specialize in California Kingsnakes, Ball Pythons, various boas, and Aussie Pythons." The website listed various boas for sale.

Your affiant then contacted Animal Humane Society Investigator Keith Streff for assistance in identifying snakes and determining their welfare. Mr. Streff viewed the website and shared his opinion that due to the detailed shipping information, variety of snakes offered for sale, and a list of shows and events, that Mr. Nellis may have a significant inventory of snakes at the residence.

Your affiant contacted the Coon Rapids Police Department for any information regarding the property and Mr. Nellis. Your affiant did not attempt to contact Mr. Nellis directly because according to the Coon Rapids Police Department Mr. Nellis obtained a permit to purchase a handgun three times in three consecutive years.

3. If found to be true, said conditions would constitute a City Code violation, and are potentially a health hazard and/or unsafe condition for occupants of the premises, in violation of Coon Rapids City Code Chapter 6-500, Non-domestic Animals and possibly other sections of the code and state law.

4. Under Coon Rapids City Code your affiant has authority to make inspections, upon reasonable cause to believe there exists on premises any condition which makes such premises in violation of state law or local ordinance at all reasonable times, and shall recourse to all lawful means to secure said entry if such entry is refused.

5. Affiant believes an order from the Court allowing an inspection at a reasonable time is the only way by which affiant can verify the condition of the premises with respect to the alleged violations. Affiant requests the Court to execute an order authorizing affiant to take the following actions:

Authority to search, photograph and evaluate by expert opinion said animals present at the residence.

Authority to seize animal carcass remains.

Authority to seize any animals subject to conditions reasonably determined to be in violation of the Minnesota animal welfare laws or in need of veterinary treatment.

Authority to seize any animals on the property without the proper permits and/or license or that are prohibited by state statute and/or local law.

FURTHER YOUR AFFIANT SAITH NOT.

Affiant

Subscribed and sworn to before me
this 25th day of October, 2011.

Notary Public

MARIBETH L. PARKS
Notary Public-Minnesota
My Commission Expires Jan 31, 2015