

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE DAIRY AND FOOD

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CHARGES IN RE L. S. MUNRO  
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Now comes R. A. Trovatten, Commissioner of Agriculture, Dairy and Food of and for the State of Minnesota, and upon and because of the immediately following record, does, pursuant to Section 3861, et sequor, Mason's Minnesota Statutes for 1927, make and prefer the following charges against L. S. Munro.

RECORD

(The charges herein enumerated have been considered for several months prior to the date of filing. An opportunity to resign was given the inspector who first submitted his resignation and then sought to withdraw the same. Upon this inspector's insistent demand that the charges against him be preferred, the same are herein contained and made public pursuant to law).

Reasons for removal of L. S. Munro on ground of neglect of duty.

A. L. S. Munro, inspector, has within his territory for operation, the City of Duluth. For more than a period of a year last past, Munro has been flagrantly neglectful of his duties as a dairy and food inspector in Duluth. Violations of the dairy and food laws have been numerous and obvious to, and ascertainable by, not only an inspector presumptively qualified to ferret out such violations, but even to laymen who have constantly complained of the inefficient service obtained from the dairy and food inspector at Duluth. In the face of this situation, there have been within the past year practically no arrests for violations of the dairy and food laws emanating from this source and communal interests of Duluth have on the whole recognized that the only policing authority representing the State have been effective from the division of produce marketing and that the inspector in charge from the latter division cannot consistently handle the dairy and food inspector's employment in addition to his own.

B. The matter of neglect of duty has extended to serious proportions in the matter of actual inspection service, which has been negligible within the past year. Thousands of eggs and large quantities of butter have been shipped in to one dealer who resides at Duluth and who has his place of business in the heart of the market area and said Munro has been in said place not more than twice within said year. That without prejudicing the good faith of this particular dealer, the public has not had the advantage of the local inspection service for which it has paid the salary of said L. S. Munro.

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Two inspections in one year for a large produce house dealing in any aggregate of butter and eggs is insufficient to maintain any kind of standard of inspection service. That this dealer, as well as others, do a large volume of business in Duluth in butter and in eggs was well known to said Munro.

C. That said Munro has been neglectful of his duty in making regular inspection visits covering fruits and kindred perishable commodities is true in other instances and specifically, in the case of a large fruit and produce company of Duluth handling an exceedingly large volume of interstate business consisting of incoming fruit and produce from other states each month of the year. That one certain corporation owning and operating a large number of retail stores in the City of Duluth has not had the advantage of inspection service, nor has the State of Minnesota in its behalf, had the advantage of the inspection service of said Munro in practically all of said stores except one main store having a meat department. That as to said store, said inspector has called with more than frequent regularity. That upon being asked whether he called on any of the other stores, said inspector replied that he could not do this as he was too busy.

D. That said inspector Munro has utterly failed and neglected to exercise reasonable intelligence in order to get in touch with and gain the cooperation of large distributors of retail food commodities and that as a specific instance thereof, he has negligently failed to contact with, or make, a real inspection at and about the various properties, stores and distributive food channels of a large corporation owning and operating several unit stores and that the manager of said stores in said district of Duluth does not know him, has never heard of him or seen him during the period of three and a half years during which he has been general manager of said stores.

That during all the times herein alleged, it is the duty of each inspector to render public service effectively and efficiently; to get in touch with and personally know the operating heads and managers of stores doing any volume of business in perishable foods and, in fact, all food for human consumption. That in a city of the size of Duluth, it is necessary that in order to render dutiful service, that an inspector be constantly on the alert to find and ascertain sources of inedible food, misbranded food, falsely labeled food, improperly weighted food and this applies to the inspection of, and knowledge concerning, dairies, creameries, ice cream manufacturing plants and that as to all of the foregoing, said Munro has been guilty of dire neglect of duty.

Reasons for removal of L. S. Munro on ground of incompetence.

That during all the times herein, an inspector acting in the high employment of dairy and food inspector, must, in order to properly fulfill the duties of that position, obtain the friendly cooperation of the public, the retail dealers and purveyors of food, the jobbers and wholesalers. Said Munro, except in isolated cases, is incompetent to carry out the foregoing principles of conduct. That his personality is obnoxious and insufficient to make or to

gain and secure the necessary cooperation, but by reason of his inability to meet the aforesaid heads of channels of trade, it has been and will be impossible to obtain that proper degree of cooperation necessary to make the dairy and food inspection work in the vicinity of Duluth a success. That the complainant herein has received actual complaints in reference thereto.

That dairy and food inspectors are not licensed to practice law by virtue of their employment. That on or about the 15th of September, 1930, upon the seizure of a car of peaches at Duluth, said Munro incompetently and negligently gave legal advice to the purchaser of said car of peaches by having then and there instructed said dealer to not honor his legal obligations to the seller to whom the purchaser had issued a check, and specifically instructed him to stop payment on said check. That at said time and place, said inspector had no authority from his superior officers, no authority under the law to give such advice. He was not competent under the law to give legal advice. It was not in the line of his duty but interfered with the competent discharge of his duty. That the property rights of others were affected by the advice of said inspector, as aforesaid, which was under color of apparent authority relied upon.

Reasons for removal of L. S. Munro on ground of immoral conduct.

L. S. Munro has been guilty of immoral conduct amounting to moral turpitude and as an example of the same, the facts in reference thereto are herein set out in full.

L. S. Munro with intent to defraud, did knowingly present for audit, allowance or payment to the Department of Administration and Finance, to the State Auditor and to the State Treasurer authorized to audit, allow or pay bills, claims or charges against the State, a false and fraudulent claim consisting of a voucher, which said voucher contained a false and fraudulent charge item or claim, in this, to-wit:

That on or about the 16th day of October, 1930, L.S. Munro made out voucher No. 1, a document of official character used as a basis for obtaining money from the treasury of the State of Minnesota. That said voucher was signed in blank by the cashier of a leading hotel in the City of St. Paul. That the amount which was intended to be inserted therein and the amount which was truthfully and correctly presentable on said voucher was the sum of Six (\$6.00) Dollars. That the sum which was entered on the abstract of expenses of said Munro for said month and which was actually received and appropriated by said L. S. Munro was the sum of Nine (\$9.00) Dollars, ostensibly representative of three days' lodging at said hotel. That in truth and in fact, said L. S. Munro was the guest of said hotel for two days prior to the execution of said voucher, and not three.

NOTE

L. S. Munro was removed from office on August 31, 1931. The charges herein contained giving the reasons for such removal are filed with the Secretary of State on the first day of September, 1931.

Dated September 1, 1931.

  
R. A. TROVATTEN, COMMISSIONER OF AGRICULTURE