

STATE OF MINNESOTA  
DEPARTMENT OF AGRICULTURE, DAIRY & FOOD

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Charges in Re. H. C. ANDERSON  
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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, and other laws make and prefer the following charges against H. C. Anderson.

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.)

Reasons for removal of H. C. Anderson on ground of neglect of duty.

A.

H. C. Anderson, the inspector in question, was an employe of the state in the service of the Dairy and Food Department. His duties are defined by law. The territory in which he operates covers several counties in and around Grand Rapids, Minnesota. His home is at Cohasset, about seven (7) miles from Grand Rapids. With reference to this entire territory, by reason of the proximity of his home to Grand Rapids, he would have an excellent opportunity to watch violations of the dairy and food laws in that city.

The principal duties of an obvious character for this locality are referable to mis-branding and short-weighing of butter, since the output of butter in this area is consumed in other parts of the state, in cities of the first-class and probably in cities outside the state. As aforesaid, through neglect, wilful, premeditated or otherwise, this inspector has permitted numerous and constant violations of the dairy and food laws to go on at Grand Rapids.

On Monday, June 8th, 1931, as an illustration, a three-pound jar of butter was purchased from a co-operative creamery, and said three-pound jar of butter, in addition to an ordinary trade name inscription, bore only the words indicating that the butter contained in the jar was fresh. An official examination of the jar disclosed the net weight to be two pounds, thirteen and three-eighths ounces (2 lb. 13 3/8 oz.), water 15.29 percent and fat 80.70 percent, that

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said jar of butter was two and five-eighths ounces (2 5/8 ozs.) short in weight, equivalent to 5.4 percent, that said sample bore no statement giving the name and address of the manufacturer and net weight, as required by law; hence, the handling thereof by the manufacturer is illegal under the law; that the manufacturer thereof, while indicating his friendship for said inspector and admitting that said inspector was present in said manufacturing establishment and that said jars of butter, as aforesaid, were displayed before said inspector on divers and numerous occasions, averred that he had never been ordered to comply with the law; (that a copy of the official certificate, containing a report on said sample of butter, is on file and of record with Henry Hoffman, Jr., Chief Chemist of the Dairy and Food Division).

B.

That in addition to the foregoing, said inspector has been generally neglectful of his duties along the lines indicated aforesaid in his entire territory and that the foregoing is one instance thereof.

Reasons for removal of H. C. Anderson on ground of incompetency.

A.

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, so conduct himself as to cause a minimum of friction between factions and likewise he should be free from personal prejudices, bias and the influence of others; that above all, he must do his part in the enforcement of the laws relating to dairy and food inspection fearlessly and without becoming involved in the personal affairs of licensees.

Prior to June 1st, 1930, this inspector, acting upon the influence of one or a group of dealers, sought to rigidly enforce a certain dairy and food law upon a competitor; that the competitor, resentful of the official conduct of the inspector, came back with a charge that if that law were to be enforced against him, that he would insist upon other laws being enforced against his competitors; that as a result, a passive agreement was made whereby both competitors would abstain from hurling charges at each other in consideration of neither of them being prosecuted for their respective violations; that all the foregoing matter is relative to dealings in and around and near the residence of said inspector; that the conduct of said inspector in allowing such a situation to go on unheeded is rank incompetence on the part of the inspector.

B.

That as another instance and example of said inspector's incompetency herewith is submitted the illustrative part of an affidavit, the original of which is on file, together with other names, here and elsewhere referred to, in the office of the Commissioner.

" \_\_\_\_\_, being duly sworn, deposes and says \* \* \* \* that he has known H. C. Anderson, as dairy and food inspector for the said Department of Agriculture, for the past five or six years; that during said time your affiant has been most unfairly humiliated and maliciously persecuted by said Anderson (in his official capacity); that as specific instance thereof, your affiant states that

during the time Anderson has been inspector, your affiant was arrested and charged with the commission of a crime as regards pure food laws, at least six (6) times; that in only the first instance, did your affiant plead guilty, and then did so under pressure and because at said time it was indicated to him that to pay said fine would be considerably cheaper than to fight it out in court and pay attorneys' fees. Further, your affiant sayeth that said Anderson has been deliberately using his office under the influences of competitive creameries in the same neighborhood wherein affiant does business \* \* \* \*; that the first arrest, as aforesaid, was one in the series deliberately plotted against me to put me out of business. In one case commenced by this inspector, I was forced to and did expend the sum of \$250.00 in attorneys' fees; I was found Not Guilty. \* \* \* \* As another specific instance of persecution, affiant was arrested for over-rating butter fat. \* \* \* \* (The complaint in this case was filed by other creameries locally, etc. \* \* \* I was found Not Guilty. Further affiant sayeth not except that this affidavit is made voluntarily, and that in making the same I am free from any personal feeling or bias in the matter whatever. I have lived all my life as a peaceable citizen, have never been arrested or accused of any crime whatever."

C.

That one of the major duties of a dairy and food inspector and one which is indicative of his competence as an inspector is his ability to secure and prepare for the County Attorney or prosecuting officer, the necessary evidence to sustain a case, so that a violation may be proven beyond a reasonable doubt.

That in a certain case tried before a court of competent jurisdiction, between the months of May and June, 1931, in a simple prosecution for short testing of cream, the state's case was very weak due to the incompetency of said inspector, combined with carelessness and neglect in the preparation of same; that the following observations were made during the course of said trial:

1. No preservative had been put in the cream samples;
2. The cream was carried around five days before it was tested;
3. The charge had been made to read "mis-reading of cream tests" when the facts were that the actual charge should have been "altering the test after the test was made;"
4. This inspector made a very poor impression on the stand and lost practically all the dignity and importance of the position of dairy and food inspector by contradicting himself and by the weak nature of his testimony;
5. The inspector had no jars to obtain samples in. Prior to the case, these had to be supplied by outside sources, who also had to gather together all the cream samples.

In the case of the offender, this inspector had taken tests on four previous cases, all of which were erroneous and two of which were taken into court but lost by the state due to lack of evidence. In the particular case aforesaid, this inspector was extremely reluctant in making the arrest and did so only after repeated urging; that the foregoing is definite incompetency; that

the public at large, the citizens of the community in which this inspector operates and the legitimate creamery associations are entitled to normal protection far superior to the type indicated above, since the practices of the offender in this case were obvious.

Reasons for removal of H. C. Anderson on ground of immoral conduct.

A.

H. C. Anderson 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:

H. C. Anderson did knowingly present for audit, allowance for 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 19th day of June, 1930, H. C. Anderson made out Voucher No. 90, a document of official character used as a basis for obtaining money from the Treasurer of the state of Minnesota; that said voucher was, upon information and belief, signed in blank by the cashier or clerk of a leading hotel in the city of Hibbing, Minnesota; that the sum which said clerk or cashier for said hotel intended to insert therein and the amount which was truthfully and correctly presentable on said voucher was the sum of \$2.00; that the sum which was entered on the abstract of expenses of said H. C. Anderson for said month and which was actually received and appropriated by said H. C. Anderson was the sum of \$4.00, ostensibly representative of two days lodging at said hotel; that in truth and in fact said H. C. Anderson registered at said hotel on June 18th, 1930 and checked out from said hotel on June 19th, 1930 and that the amount of money paid to said hotel was for lodging for the period between June 18th, 1930 and June 19th, 1930 and was the sum of \$2.00 and no more; and that this was the only registration of said H. C. Anderson during the month of June, 1930 at said hotel.

B.

That as another example of the same immoral conduct, the facts in reference thereto are herein set out in full:

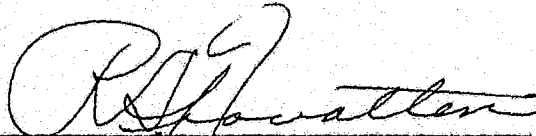
That on or about the 5th day of September, 1930, said H. C. Anderson made out an official voucher, used as a basis for obtaining money from the Treasurer of the state of Minnesota and that said voucher was signed in blank by the cashier of a reputable hotel in the city of St. Paul; that the amount which was intended to be inserted therein and the amount which was truthfully and correctly presentable on said voucher was the sum of \$7.50; that the sum which was entered in the abstract of expenses of said H. C. Anderson for said month and which was actually received and appropriated by said H. C. Anderson was the sum of \$9.00, ostensibly representative of six days lodging at said hotel and was so indicated in the abstract made and signed by said H. C. Anderson; that in truth and in fact, said H. C. Anderson registered at said hotel on August 31, 1930 at 7:55 p.m. and he checked out from said hotel on September 5th, 1930 and that the amount of money paid to said hotel for lodging for the

period between August 31st, 1930 and September 5th, 1930 was \$7.50.

NOTE

H. C. Anderson was removed from office on August 31st, 1931. The charges herein contained, giving the reasons for such removal, are filed with the Secretary of State on the second day of September, 1931.

Dated September 2nd, 1931.



Commissioner of Agriculture,  
Dairy & Food.

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