

State of Wisconsin

Circuit Court

Polk County

COUNTY OF POLK,

-VS-

Plaintiff,

DA Case No.: 2009PL000302

Assigned DA/ADA: Daniel P. Steffen

Agency Case No.:

Patrick M Monchilovich  
2531 County Rd E  
Cumberland, WI 54829

Court Case No.: 09FO

Defendant,

**SUMMONS**

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of committing the offense of:

THE OFFENSE OF:

Livestock Premises Registration

DATE OF VIOLATION:

6/12/2008

CONTRARY TO:

95.51(2)(a)1

The original of such complaint has been filed in the office of the Clerk of Courts for Polk County.

You, the defendant, are therefore summoned to appear before the Circuit Court – Criminal Division of Polk County at the Polk County Justice Center, 1005 West Main Street, Balsam Lake, Wisconsin on:

DATE/TIME: March 17, 2009 @ 1:00 PM

Date: 2-25-09

  
District Attorney

State Bar No. 1032485




**DEMAND FOR RELIEF**

WHEREFORE, the State of Wisconsin demands judgment against the defendant as follows:

1. The court order civil forfeiture to the State of Wisconsin for the violations specified in paragraph 4 in the amount of not less than \$200 nor more than \$5,000 for violations of ss. 95.51(2)(a)1., Stats. 17.02(1), Wis. Admin. Code.
2. Payment of applicable assessments specified in ss. 165.755(1)(a), 302.46(1), Stats., and the additional 26% penalty assessment under s. 757.05(1), Stats.
3. Payment of the fees assessed in forfeiture actions in accordance with ss. 814.63(1)(b), 814.634(1)(2) and 814.635, Stats.
4. Payment of the State's costs and disbursements regarding this action in accordance with s. 814.04, Stats.
5. Any other relief the court finds just and equitable.

Signed this 25 day of February, 2009.

By   
Daniel P. Steffen, 1822485  
District Attorney  
Polk County



### BACKGROUND

5. The livestock premises registration program was created by 2003 Wis. Act 229. This program is intended to protect animal health and the security of the food chain. Among other things, premises registration facilitates more effective disease control and a rapid response to animal disease emergencies, thus helping limit the financial impact on the livestock industry.
6. Under the premises registration rule, a person who keeps livestock in this state must register with the Department of Agriculture, Trade and Consumer Protection. DATCP assigns a unique premises registration number, generated by the United States Department of Agriculture, to each registered premises. Registration information is confidential, and there is no fee to register. Premise registration must be renewed every three years.

### CIRCUMSTANCES

7. On June 12, 2008, Duane Brandner and Melissa Cochran interviewed Pat Monchilovich at his farm at 2531 County Road E, Cumberland, WI 54829. Pat Monchilovich was offered assistance with completing the application for livestock premises registration. The failure to register a livestock premises may result in fines and further legal action was explained to Pat Monchilovich. Pat refused to proceed with the premises registration application. A warning letter for failure to register the livestock premises at 2531 County Road E, Cumberland, WI was hand delivered to Pat Monchilovich. A review of the Wisconsin Department of Agriculture, Trade and Consumer Protection records, as of November 20, 2008, showed Pat and on Melissa Monchilovich had not registered their premises.



STATE OF WISCONSIN

CIRCUIT COURT

POLK COUNTY

STATE OF WISCONSIN,

Plaintiff,

V.

PATRICK M. MONCHILOVICH

MELISSA E. MONCHILOVICH

2531 COUNTY RD. E

CUMBERLAND WI 54829,

Defendant.

CASE NO. 09FO

CASE CODE

UNCLASSIFIED

**COMPLAINT SEEKING CIVIL FORFEITURE**

The State of Wisconsin, by its attorney, Dan Steffen, District Attorney, Polk County, Wisconsin, brings this action against the defendant herein and complains and alleges as follows:

**JURISDICTION**

1. This complaint is filed and these proceedings are instituted pursuant to Section 778.01, Stats., and Section 95.99(3), Stats., to recover a civil forfeiture for violations of ss. 95.51(2)(a)1., Stats. and ATCP 17.02(1), Wis. Admin. Code.
2. The Wisconsin Department of Agriculture, Trade and Consumer Protection (hereafter referred to as DATCP) is a state agency authorized by law to investigate, regulate and enforce Wisconsin animal health rules and statutes. Pursuant to ss. 93.07(1), 93.07(10), 95.20, 95.51, DATCP has authority to register livestock premises, regulate the movement of livestock to prevent disease and to protect the health of humans and the health of animals.

**DEFENDANT**

3. Defendants, Melissa E. Monchilovich, d/o/b 12/29/71 and Patrick M. Monchilovich, d/o/b 9/17/70, reside at 2531 County Rd. E, Cumberland, WI 54829.

**PARTICULAR OFFENSE CHARGED**

4. On June 12, 2008 the defendants, were keeping livestock at a location in this state without a livestock premises registration, contrary to ss. 95.51(2)(a)1., Stats. and 17.02(1), Wis. Admin. Code.