

COUNTY OF LORAIN)

SEARCH WARRANT

) ss:  
STATE OF OHIO )

IN THE COURT OF COMMON PLEAS

To any Law Enforcement Officer of the Ohio Department of Public Safety and/or any law enforcement officer.

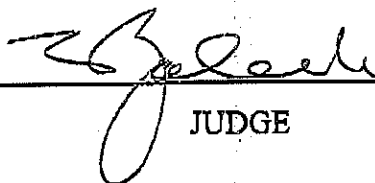
**WHEREAS**, there has been filed before me an Affidavit consisting of 3(three) pages(s), a copy of which is attached hereto, designated as Exhibit "A" and incorporated herein as though fully rewritten herein, demonstrating probable cause for a search to be made of 43565 State Route 303, Pittsfield Township, Ohio an establishment known as the Manna Storehouse and the residence attached and any outbuilding and/or delivery truck at the time of the search on the property. The Manna Storehouse building bears the words "Manna Storehouse" next to the main entrance. Currently, the owners of the building are believed to be JOHN F. AND JACQUELINE H. STOWERS. The search is to be made for certain evidence, to wit: any perishable items including eggs, beef or lamb products, or turkey and other poultry items, invoices, orders, bills of sale, applications and customer lists or other business records tending to show the conduct of a retail business including personal property and documents tending to establish the identity of the person/persons in control of the premises as well as customers, employees, owners, agents, sales persons, and assigns of the business; all goods purchased or received from the commission of criminal offenses; any and all documents representing proceeds from the commission of criminal offenses; and bank records, any ledgers, and safes, any information regarding safety deposit boxes, and safety deposit box keys or entrance/access media; any investment accounts records; any computers, any external electronic storage media, including, but not limited to floppy discs, DVD's, CD's; any external data

drives, including, but not limited to, thumb or flash drives; any and cell phones, pagers, Blackberrys, Sidekicks, PDA's and any accompanying records for such device; any documents establishing an ownership or possessory interest in any real property and any contraband; knowing the same to be held in or evidence of Ohio Revised Code Section 3717.12 and 3717.99.

On or about November 25, 2008 Judge Edward Zaleski signed a warrant for a search to be made for certain evidence for beef and lamb products. This warrant was to be served within (three) 3 days of issuance of the order. Although, being tracked, as of today's date November 26, 2008, the package containing the beef and lamb products has not been delivered. Based on tracking information we are not sure when the aforementioned package will arrive and such arrival may be beyond the warrant period. Thus, a second warrant is required to accommodate this extension of days contingency. The individuals under investigation operate independently of the investigator's desired timeline.

**YOU ARE HEREBY COMMANDED** to search by announcing your presence the above-named place for the property described, serving this warrant and making the search during the day with three (3) days from the issuance of this order, and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and return this warrant to the Clerk of Courts of the Lorain County Court of Common Pleas upon execution.

Given under my hand on Nov 26, 2008.

  
\_\_\_\_\_  
JUDGE

**AFFIDAVIT**

STATE OF OHIO  
PLEAS

IN THE COURT OF COMMON

SS:  
LORAIN COUNTY

EXHIBIT "A"

Before me, Judge Edward M. Zaleski, a Judge of the Court of Common Pleas, Lorain County, Ohio, personally appeared Agent William Lesho, who, being duly sworn according to law, states that he has reason and cause to believe and does believe the following statements are true:

That in the Pittsfield Township, County of Lorain, and State of Ohio, and in and on the premises known as 43565 State Route 303, Pittsfield Township, Ohio, a residence described as a two story wooden frame house, the owners of this residence, who are believed to be Jacqueline H. Stowers and John F. Stowers have been operating a retail food establishment without a license in violation of 3717.21 of the Ohio Revised Code outside of any exclusions provided in Sec 3717.22 of the Ohio Revised Code.

The following criminal offenses have occurred, to wit: Operating a retail food establishment without a license in violation of 3717.21 of the Ohio Revised Code outside of any exclusions provided in Sec 3717.22 of the Ohio Revised Code.

That said property, dwelling, and/or premises contain the following property for which search authorization and seizure is sought external electronic storage media, including, but not limited to floppy discs, DVD's, CD's; any external data drives, including, but not limited to, thumb or flash drives; any and cell phones, pagers,

Blackberrys, Sidekicks, PDA's and any accompanying records for such device; any records with an indicia of hidden wealth and/or fruits of illegal income; any contraband.

The facts upon which affiant bases such belief and the facts tending to establish the grounds for the issuance of a search warrant are as follows:

1. That your affiant is currently employed as an Agent with the Ohio Department of Agriculture. Affiant has been an enforcement agent for 20 years.

2. That on or about September 16, 2008 your affiant received a request for investigative assistance from the Lorain County Health Department under Ohio Revised Code Sec 3715.73. A copy of this letter is attached hereto and marked Exhibit "A".

3. Affiant was further informed that there may be a violation of Sec. 3717.21 of the Ohio Revised Code being committed at 43565 State Route 303, Pittsfield Township, Ohio. A copy of this letter is attached hereto and marked Exhibit "A". The owners of the business, Known as the Manna Storehouse, refused to cooperate in any manner and threatened prosecution of the health inspector. A copy of this letter is attached hereto and marked Exhibit "B".

4. An investigation ensued. During the course of the investigation, your affiant was able to copy a part of the internet website for the Manna Warehouse at <http://www.mannastorehouse.com>. A copy of this information is attached hereto and marked Exhibit "C".

5. On or about September 30, 2008, affiant stopped at the Manna Storehouse at 43565 State Route 303, Pittsfield Township, Ohio and spoke to John Stowers about becoming a member. John Stowers advised him to make an appointment and come back because it was a holiday and the storehouse wasn't open.

6. On or about October 7, 2008, your affiant returned and was allowed to complete an application and purchase one (1) dozen eggs in the amount of \$3.25. Your affiant paid membership fee of \$5.00.

7. On or about October 7, 2008, your affiant observed that the Manna Storehouse is a room attached to the residence. There is a sign on the door which leads to the Manna Storehouse that indicates the store was private, not a business, and not open to the public. The storehouse building is attached to the single family dwelling and has an outside entrance. It is lined with shelving holding dry goods for sale, contains refrigerators and

possibly freezers. Any invoices, policies, rules, applications, orders, receipts and other business records are in the main residence.

8. In discussion with perishable food providers, your affiant has been advised of deliveries of perishable meat and poultry products for sale to consumers on November 26, 2008.

9. That your affiant seeks authorization to search for any perishable products, including but not limited to eggs, processed beef or lambs ready for sale to retail customers as well as any rules, regulations, invoices, order forms, customer lists, or business records including any bank records, any ledgers, any safes, any information regarding safety deposit boxes, any safety deposit box keys or entrance/access media; any investment account records; any computers, any external electronic storage media, including, but not limited to floppy discs, DVD's, CD's; any external data drives, including, but not limited to, thumb or flash drives; any and cell phones, pagers, Blackberrys, Sidekicks, PDA's and any accompanying records for such device; any documents establishing a ownership or possessory interest in any real property; any records with an indicia of hidden wealth and/or fruits of illegal income; any contraband as probable cause exists that illegal activity is being conducted from the establishment.

10. On or about November 25, 2008, Judge Edward M. Zaleski signed a warrant for a search to be made for certain evidence for beef and lamb products. This warrant was to be served within (three) 3 days of issuance of the order. Although, being tracked, as of today's date November 26, 2008, the package containing the beef and lamb products has not been delivered. Based on tracking information we are not sure when the aforementioned package will arrive and such arrival may be beyond the warrant period. Thus, a second warrant is required to accommodate this extension of days contingency. The individuals under investigation operate independently of the investigator's desired timeline.

Affiant avers that it is urgently necessary that the above-mentioned premises be searched in the day season, to prevent the loss, sale, destruction, removal, or concealment of the item(s) sought.

William Lesko  
WILLIAM LESHO

Sworn to and subscribed before me on Nov 26, 2008.

E. M. Zaleski  
JUDGE



LORAIN COUNTY GENERAL HEALTH DISTRICT  
9880 SOUTH MURRAY RIDGE ROAD  
ELYRIA, OHIO 44035

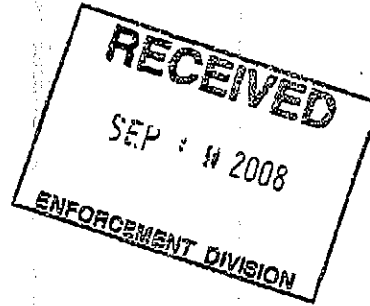
TELEPHONE  
Area Code 440  
Elyria 322-6367  
Lorain 244-3418  
244-2209  
Columbia Station 236-8722  
Fax Line 322-0911  
www.loraincountyhealth.com

"For The Health of Us All"  
KENNETH G. PEARCE, M.P.H.  
HEALTH COMMISSIONER

cc: J. PATTERSON  
DR. M. HOCKMAN  
G. HILL

September 16, 2008

Mr. Charles Kirchner  
Ohio Department of Agriculture  
Food Safety Division  
8995 East Main Street  
Reynoldsburg, OH 43068-3399



Re: Request for enforcement support

Dear Mr. Kirchner,

The existence of Manna Storehouse came to the attention of Dorothy Kloos, registered sanitarian with this department. In reviewing the website for this operation (see attachment) she has determined that this operation may be required to be licensed as a retail food establishment or as a warehouse operation by Ohio Department of Agriculture.

Dorothy and two other inspectors visited the premises on November 30, 2007 and were told to leave the property before the inspectors could make observations of the operation. Before leaving the premises, Dorothy left a letter addressed to John and Jackie Stowers (see attachment) with excerpts of law regarding the requirements for operating a retail food establishment, including the Health Department's authority. Also, a copy of the Ohio Revised Code, Chapter 3717 with pertinent passages highlighted was left with Jacqueline Stowers and Dorothy instructed her how to use the table of contents to find necessary information.

Then the our office received a letter from Jacqueline Stowers dated December 10, 2007 denying that the operation needs a license, that we must have permission to enter their property, and we were to provide information listed on page 2 of her letter.

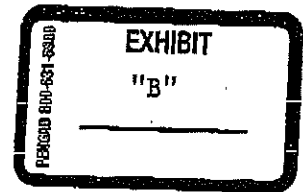
This matter was referred to the Lorain County Prosecutor office for a response to the Stowers' letter. They are requesting assistance and by way of this letter we are requesting that the Ohio Department of Agriculture assist the Health Department in gathering evidence regarding the Manna Storehouse operation and, if this operation must be licensed, assist the Health Department in preparing case if prosecution is necessary.

I have also sent a copy of this by way of email along with the attachments mentioned above.

Sincerely,

James J. Boddy R.S.  
Director of Environmental Health

RECEIVED SEP 19 2008



Lorain County General Health District  
Dorothy D. Kloos, Registered Sanitarian,  
9880 South Murray Ridge Road  
Elyria, OH 44035

December 10, 2007

Declaration of Intent, Notice & Demand

Dear Ms. Kloos,

On November 29, 2007 you called and asked to do an inspection of our private property as a food service operation. We informed you we were unclear exactly to what you were discussing and asked you to send your information to us through the mail so we could review your paperwork. You agreed and the conversation was ended. The very next day you and two other accomplices entered our private property without permission and attempted to do an inspection. You were informed that we couldn't answer any questions and would have to review the information.

After reading your letter and the information you left we have come to the conclusion that your mistaken position is that we are operating a "retail food establishment" or a "food service operation" without a license. We are not operating a "retail food establishment" or a "food service operation" under the Ohio Revised Code and any perceived activities that might resemble a "retail food establishment" or a "food service operation" would be clearly exempt from the requirement to be licensed as a "retail food establishment", under Ohio Revised Code 3717.22 (B) including multiple numbered subsections. We declare now that we DO NOT want to be a "licensed retail food establishment" or a "food service operation" and we DO NOT plan to become one in the future and that we will not knowingly conduct any activities that would require that type of licensing.

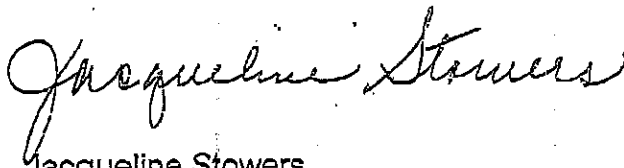
Since you have betrayed our trust by trying to cunningly coerce unlawful entry into our house and private property under the guise of an "inspection", we are now giving you LEGAL NOTICE that our Private Property is not to be entered or visited without permission by us in writing. We feel that you knew or should have known that an unlawful entry is a crime and we will not tolerate anymore unwanted surprise visits. All further communications shall be in writing so that we can document all correspondences including any violations of our rights, any violations of the law, or even any violations of administrative procedures that you may commit. Any violation will result in litigation being instigated against you and your agency. You do have the right to remain silent, anything you say can and will be used against you and your agency in a court of law. If you do not understand your rights with regards to this matter please consult your attorney.

Please provide the following within 20 days from the above date:

1. Your official title and outline of your duties and responsibilities.
2. The qualification list for your office and a copy of your completed qualifications to hold such office.
3. The name of your direct supervisor and his/her title with same qualifications.
4. Copies of any statements, complaints, letters or similar materials that, pursuant to your letter, lead you to believe we are operating a retail food establishment that needs to be licensed under O.R.C. 37717.21
5. Copies of any statements, lists, complaints, letters or similar materials that, pursuant to your letter, lead you to believe we are conducting any activities that are not exempt under O.R.C. 3717.22 (B) and would require that type of licensing and list those activities accordingly with excerpts from the Ohio Revised Code.

Thank you for your cooperation in this matter and we look forward to your reply.

Respectfully Submitted,



Jacqueline Stowers  
43565 State Route 303  
LaGrange, OH 44050