

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION  
2811 AGRICULTURE DRIVE, PO BOX 8911  
MADISON, WI 53708-8911

---

---

IN THE MATTER OF RETAIL FOOD  
ESTABLISHMENT LICENSE NO. 103588-  
F1 OF DANIEL SIEGMANN, D/B/A BACK  
TO THE BEST, LLC, RUBICON,  
WISCONSIN,

Respondent.

DOCKET NO. 09-C-64

SUMMARY  
SPECIAL ORDER

---

---

The Division of Food Safety of the Wisconsin Department of Agriculture, Trade and Consumer Protection hereby makes the following findings of fact, conclusions of law and issues a summary special order under Wis. Stat. 97.12(2)(c), against respondent, Daniel Siegmann, d/b/a Back to the Best, LLC.

JURISDICTION

1. The department has jurisdiction over respondent and the subject matter of this special order. The Division of Food Safety may issue a special order under Wis. Stat. 97.12(2)(c), pursuant to authority granted under Wis. Adm. Code s. ATCP 1.03(2)(b) 2. A stop sale order under Wis. Adm. Code s. ATCP 1.03(1)(a)(5), includes any order issued under Wis. Stat. 97.12(2)(c).

PARTIES

1. Respondent, Daniel Siegmann, d/b/a Back to the Best, LLC a Wisconsin Corporation, is engaged in the business of selling food and operates a retail food establishment located at W1969 County Road N, Rubicon, Dodge County, Wisconsin 53078.

2. Respondent holds Retail Food Establishment license number 103588-F1 issued under s. 97.30(2)(a), Stats. At all times material to this special order, respondent was licensed as a Retail Food Establishment and subject to ch. 97, Stats. and Ch. ATCP 75, Wis. Adm. Code and the WI Food Code.

3. The Division of Food Safety of the Department of Agriculture, Trade and Consumer Protection is part of an agency of the State of Wisconsin and is authorized under s. 97.30, Stats, to license, regulate, and inspect Retail Food Establishments in Wisconsin.

#### FINDINGS OF FACT

1. On June 16, 2009, Mr. Randall Schumann, Legal Counsel for the Wisconsin Department of Financial Institutions (DFI) sent the Division a copy of a letter addressed to Mr. Daniel Seigmann. Mr. Seigmann is the Registered Agent and operates a dairy farm and is licensed by the Department as a milk producer at the same address. The letter informed Mr. Seigmann that the Securities Exemption Order previously issued by DFI could no longer be used as a basis for selling raw milk or raw milk products to customers of Respondent's retail food establishment. (Exhibit B)

2. In July 2009, at least two websites listed the Respondent as a place where raw milk could be purchased through a "share program". (Exhibit C)

3. In July 2009, Bureau of Food Safety & Inspection Field Services Director, Jackie Owens, directed the Division's Regulatory Specialist, Cathy Anderson to investigate and confirm whether or not the Respondent was selling raw milk or raw milk products directly to consumers.

4. On July 16, 2009, Department of Agriculture, Trade and Consumer Protection (DATCP) Investigator Cathleen Anderson and Investigator Kevin Keyser conducted an on-site investigation at Respondent's address to determine whether raw milk and raw milk products were being distributed or offered for sale. At that time, the investigators confirmed that Back to the Best, LLC was operating a retail food establishment, license number 103588-F1, at the same address where Mr. Daniel Siegmann operates as a milk producer. Respondent is the Agent on record for Back to the Best, LLC. Ms. Anderson's report of her investigation, is attached. (Exhibit A)

5. On July 16, 2009, Respondent sold or distributed milk that was not effectively pasteurized to individual consumers in violation of ss. 97.24(2)(a), Wis. Stats. Investigator Kevin Keyser observed Respondent's daughter retrieve a 1 quart jar of raw goat milk from the refrigeration trailer located outside of the retail store. When Investigator Keyser asked what she was doing with the milk, the daughter stated that a customer had just purchased it.

6. On July 16, 2009 and July 21, 2009, Respondent operated a dairy plant where unpasteurized milk was bottled without a valid license issued by the department in violation of ss. 97.20(2)(a), Wis. Stats. On July 16, 2009, Respondent was storing for sale or distribution 39 one-quart glass jars and 11 two-quart glass jars of raw goat milk and on July 21, 2009 Respondent was storing for sale or distribution 19 one-quart glass jars and 1 one-gallon glass jar of raw milk.

7. On July 16, 2009, the respondent stored for sale or distribution 5, two-quart glass jars of raw cream in violation of ss. 97.24(2)(a).

8. On July 21, 2009, Respondent stored for sale or distribution over two dozen 1 lb. packages of raw milk butter manufactured by an unlicensed dairy plant in violation of ch. 3-201.11, Wis. Food Code. (Exhibit D)

#### CONCLUSIONS OF LAW

1. Consumption of unpasteurized raw milk is dangerous to health. No milk or fluid milk products may be sold or distributed under Wis. Stat. 97.24(2)(b), unless the milk and milk products are grade A and pasteurized.

2. The sale or distribution of unpasteurized raw milk and raw milk products creates an imminent health hazard. The public health value of pasteurization is a significant factor in the prevention of disease which may be transmitted through consumption of raw milk and raw milk products. Pasteurization and processing milk in a licensed dairy plant substantially reduces the risk to public health.

#### ORDER

1. IT IS ORDERED that the Respondent, agents and employees, successors or assigns are restrained and enjoined from selling or distributing unpasteurized raw milk or raw milk products, in violation of s. 97.24, Wis. Stats.

2. With the issuance of this order, if the Division finds evidence that the Respondent, agents and employees, successors or assigns has violated this order, the Division will file a complaint with the Department, requesting the revocation of the Respondent's Retail Food Establishment license, Number 103588-F1.

3. The respondent may request a hearing, pursuant to s. 1.03(3), Wis. Adm. Code, as to the issuance of this order. A request for hearing does not automatically postpone or stay the summary special order. The hearing is limited to whether the summary special order is justified in its terms.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE, AND CONSUMER PROTECTION

By: \_\_\_\_\_  
Steven C. Ingham, Administrator  
Division of Food Safety