

State of Minnesota
County of Freeborn

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

21CR00001
24-CR-21-137

State of Minnesota,

Plaintiff,

vs.

MELISSA LYNN HANSON DOB: 07/14/1964

82299 200th Street
Hayward, MN 56043

Defendant.

COMPLAINT

Summons

Amended

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 12/16/2020, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 20-99, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

COUNT II

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 12/18/2020, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 20-99, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A

person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

COUNT III

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 12/19/2020, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 21-103, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

COUNT IV

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 12/23/2020, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 21-103, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

COUNT V

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 12/30/2020, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 21-103, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.

COUNT VI

Charge: Emergency Powers - Violate any emergency powers order or rule

Minnesota Statute: 12.45, with reference to: 12.45

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/16/2020

Control #(ICR#): 00000000

Charge Description: On or about 01/03/2021, in the County of Freeborn, Melissa Lynn Hanson, being a person who willfully violated Executive Order 21-103, a provision of this chapter or a rule or order having the force and effect of law issued under authority of this chapter, prohibiting restaurants and bars offering food and beverages to allow on-premises consumption or dine-in service to members of the public. A person violating this provision is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days.



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STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your Complainant, Carla Cincotta, is a peace officer employed by the MN DPS- Alcohol and Gambling Enforcement Division. In this capacity, your Complainant believes the following to be true and correct.

Executive Order 20-99 prohibited restaurants and bars from offering food or beverages for on-premises consumption. This order was effective from November 20, 2020 at 11:59 p.m. through December 18, 2020 at 11:59 p.m. Executive Order 20-103 extended the prohibition on restaurants and bars offering food or beverages for on-premises consumption. Executive Order 20-103 was effective December 18, 2020 at 11:59 p.m. through January 10, 2021 at 11:59 p.m.

On or about December 15, 2020, Minnesota Alcohol and Gambling Enforcement Division (AGED) received information via a social media post The Interchange would be open to indoor dining beginning on December 16, 2020. The social media post stated, "ANNOUNCEMENT! Dear Patrons, As the owner of The Interchange, I have decided to open for IN-DOOR DINING beginning WEDNESDAY, DECEMBER 16TH in defiance of the governor's illegal shutdowns. According to the 14th Amendment: as a United States citizen I have the right to life, liberty, and property. This means I have the right to legally operate my business and earn a living doing so. Thank you for your support in these very trying times. Lisa Hanson – Owner & Proprietor"

On December 16, 2020, at approximately 10:54 a.m., Inspector DeMars inspected The Interchange located at 211 South Broadway, Albert Lea, Freeborn County, Minnesota, and found The Interchange to be open for indoor, on premise consumption of food and beverages. Patrons were sitting at tables inside The Interchange consuming food and beverages. Inspector spoke with Melissa Lynn Hanson: DOB 07/14/1964 (hereinafter "Defendant") and she stated she will continue to allow indoor dine-in services in violation of the executive order.

On or about December 17, 2020, Det. Mortenson recorded videos taken on December 16, 2020 by KTTC and KAAL news media covering the December 16, 2020 opening of The Interchange for indoor dining. The KAAL video showed patrons sitting at tables and a bar inside The Interchange consuming food and beverages. Defendant is seen standing inside The Interchange with patrons sitting at tables who appear to be consuming food and beverages behind her. Defendant stated The Interchange was fully opened and would remain open for indoor dining.

On or about December 17, 2020, a social media post from The Interchange stated, "FRIDAY NIGHT LIVE MUSIC at the Interchange! FEATURING CHLOE HOPE & KARTER KENIS December 18th. Doors open at 5pm. Live music @ 5:30 to 8pm or later. Come in and enjoy your favorite Flatbread, Taps are open, and the wine will be flowing! RESERVATIONS ENCOURAGED 507-383-4070 211 S Broadway Av Albert Lea, MN."

On or about December 18, 2020, at 4:45 p.m. Special Agents Rezny and Biagini conducted an executive order compliance check at The Interchange Wine & Coffee Bristo located at 211 S. Broadway, Albert Lea, Freeborn County, Minnesota. They entered The Interchange and ordered a coffee at the front counter. They observed multiple individuals inside of the business, including at least one occupied table near the back of the business. There appeared to be possibly alcoholic beverages in wine glasses on the occupied table. There also appeared to be a possibly alcoholic beverage in a glass on a bar area near a wall. Live music was being played by a male with a guitar.

On or about December 19, 2020 at 11:15 a.m., Inspector Finkenbiner conducted an executive order compliance check at The Interchange Wine & Coffee Bristo located at 211 S. Broadway, Albert Lea, Freeborn County, Minnesota. He walked by on the sidewalk and observed the interior of The Interchange. He observed patrons entering into the establishment and patrons inside sitting at tables who appeared to be consuming beverages.

On or about December 23, 2020 at 09:00 a.m., in a KIMT3 video Defendant stated, "We are still open for business. We are continuing to operate as normal." The video shows Defendant inside The Interchange. It also shows patrons sitting at tables inside The Interchange who appear to be consuming food and beverages.

On or about December 30, 2020 at 09:54 a.m., Special Agents Biagini and Kelley conducted an executive order compliance check at The Interchange Wine & Coffee Bristo located at 211 S. Broadway, Albert Lea, Freeborn County, Minnesota. The sign on the front of the building indicated The Interchange was "open" and another hanging sign on scaffolding in front indicated, "The Interchange is OPEN Please Come in." Special Agents entered The Interchange and placed an order at the front counter for two coffees and then sat a table inside. The female who served them and a male working in the kitchen area brought the coffees to the table where the agents were sitting. The agents consumed their coffees inside for approximately twenty minutes. While inside The Interchange, special agents observed a female sitting at a bar area with an open laptop and at least one beverage next to her. Special agents observed a male sitting down in a chair with at least one beverage next to him.

On or about January 3, 2021 at 3:22 p.m., The Interchange began livestreaming via Facebook the interior of its business. Agent Carla Cincotta watched the video and noted the video documented patrons sitting at tables inside who appeared to be consuming food and beverages. The video shows males playing live music inside the establishment.

Defendant is the owner of The Interchange. Between December 16, 2020 and January 10, 2021, Defendant has posted multiple livestream videos and posts via Facebook and given statements to media outlets indicating The Interchange will continue to operate normally and provide indoor on premises dining in violation of the Executive Orders.

PLEASE TAKE NOTICE: Pursuant to Minn. Stat. degree 609.49., intentional failure to appear for duly scheduled court appearances may result in additional criminal charges, and in addition to any arrest warrant that may otherwise be issued by the Court.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant	Carla Cincotta Director 445 Minnesota Street Suite 1600 St Paul, MN 55101 Badge: 776	Electronically Signed: 12/05/2021 01:32 PM Ramsey County, MN
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Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Kelly D Martinez 211 E Clark Street Albert Lea, MN 56007 (507) 377-4320	Electronically Signed: 12/05/2021 01:07 PM
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FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear as directed in the Notice of Hearing before the above-named court to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$
Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 6, 2021.

Judicial Officer

Joseph Bueltel
Judge

Electronically Signed: 12/06/2021 08:41 AM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF FREEBORN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Melissa Lynn Hanson

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE

*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Melissa Lynn Hanson
DOB: 07/14/1964
Address: 82299 200th Street
Hayward, MN 56043

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender:

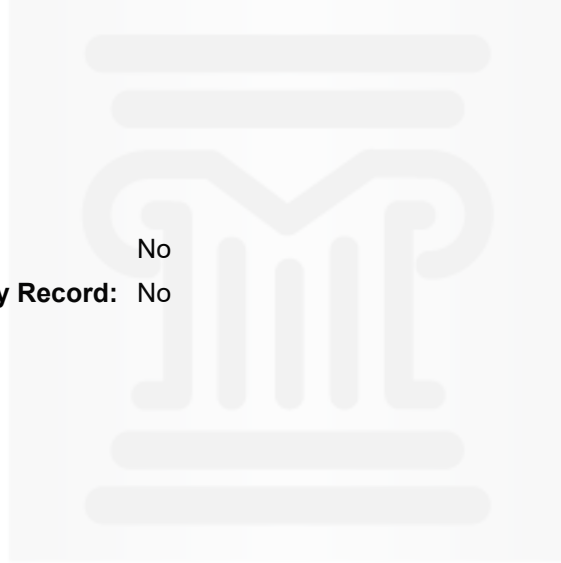
Race:

Fingerprints Required per Statute: No

Fingerprint match to Criminal History Record: No

Driver's License #:

Alcohol Concentration:



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STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
2	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
3	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
4	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
5	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
6	Charge	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000
	Penalty	12/16/2020	12.45 Emergency Powers - Violate any emergency powers order or rule	Misdemeanor	Y3990	N	MNGED0000	00000000