DAVIE DAIRY FARM
AN ANIMAL RECOVERY MISSION UNDERCOVER INVESTIGATION

Presented By: Animal Recovery Mission (ARM)
December 20th, 2017

Contact Information
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Phone: 305 807 6252
Web URL: www.animalrecoverymission.org
Established in 2010, The Animal Recovery Mission (ARM), is a non-profit investigative organization dedicated to eliminating extreme animal cruelty operations worldwide. ARM stands out as a vanguard and uncompromising defending force for the welfare of animals. In addition, ARM strives to put an end to, and preventing pain, suffering and torture as a result of inhumane practices.

The mission of the organization is to implement direct-action tactics to investigate, document and expose illegal activities of extreme animal cruelty. The organization’s primary goals are to improve the quality of life for animals and to educate the public regarding animal cruelty, the practices that contribute to animal cruelty and the illegal animal slaughter. Achieving these goals contribute to an increased awareness of the unforeseen ethical, social and environmental implications of animal abuse and produce effective changes in the treatment of defenseless animals.

Animal cruelty investigations taken on by ARM operatives include, but are not limited to; animal slaughter farms, animal sacrifice operations, illegal horse sales and slaughter, and animal fighting operations. In addition, ARM is focusing upon the pressing issues and concerns of animal welfare within the animal agriculture and factory farming sector.

Since 2010, ARM’s undercover investigations have led to the closure of up to 138 illegal animal cruelty operations in the state of Florida alone. The following report provides detailed findings gathered during ARM’s investigation of a dairy farm located in Ockeechobee Florida-known as Larson Dairy.
SUMMARY OF INVESTIGATION

Between July and September of 2017 an ARM Investigator was hired by Davie Dairy as a maintenance worker. Davie Dairy is a small and local dairy located in Okeechobee Florida. The investigator was under the direction of Richard Couto, President of Animal Recovery Mission. The ARM Investigator was issued and utilized surveillance equipment to capture the violations noted within this report. It should be noted that Davie Dairy was not specifically targeted for recent abuse allegations. The Investigator was sent to multiple dairy farms in Okeechobee County. Davie Dairy was the first farm to hire the investigator.

The ARM Investigator was assigned to work with the outside maintenance crew. Part of their duty is to herd cows and calves throughout the property. During this time, cows are kicked, whipped and electrically prodded. As cows are loaded onto trailers, employees are seen whipping cows repeatedly with fiberglass poles. These poles are intended to be utilized to sort out cattle, not to be used as an object to whip. On occasions, the cows were whipped so hard that the fiberglass pole would break. One employee, known by the name of Willie, was observed by the ARM Investigator jumping and screaming behind the cows, viciously whipping them multiple times on the back and sides of their bodies. The poles were handed out by the Supervisor, only known by the name of Tommy.

During the process of loading cows onto trailers, they were also electrically prodded multiple times as they attempted to enter. It is a confusing process and cows are overcrowded when transported. As they are attempting to enter an already overcrowded trailer, they are prodded
from behind until they squeeze the last one in. A Davie Dairy employee, Harry Seger, is observed using the electrical prod in the udder and vaginal area of the cows.

The overcrowding of cows into the trailers caused cows to fall and be trampled. One cow is observed on the ground as other cows attempt to move over her. The cow is stepped on the head repeatedly by passing cows. An employee (Harry Seger) is later observed walking into the trailer and kicking the down cow in the head and body until it got up.

Loading and offloading calves were accomplished in an abusive form as well. Maintenance Supervisor, Tommy, instructed the ARM Investigator and employees to move calves by pulling on their ears and tails. Employees are observed grabbing them with such force by the ear and tail that at times the calves would be lifted off the ground. The process of moving the calves is usually done when they need to be weighed, given shots and moved to another holding area. In order for calves to be given shots they are shuttled into a small enclosure. While inside, they panic and begin to trample over each other. Calves are then dragged out by the ears and placed into the awaiting trailer. The weighing is conducted by Joseph Murphy. He is observed kicking and hitting the calves with objects in his hand. Several times as calves move closer to him, he kicks them in the face to move them away. Supervisor, Tommy, never once attempted to stop this from occurring.

New born calves are transported off property to another state. The loading process for this transport is a very traumatic experience. Davie Dairy employees are seen throwing calves into the air and into the second deck of a transport trailer. At times the calves need to be caught by the employees so they don’t fall back out of the trailer onto the ground. Other calves are flipped into the second deck and land onto their backs. They are packed so tight into the trailer that they must be forcefully pushed in. At one point, Willie is seen open handed smacking a cow in the face to try and move it back. Meanwhile, Dairy owner Theodore Berman is standing directly behind the employee and at no time attempts to correct the issue. It should also be noted that there is no ramp on the property to safely load the calves and dairy owner, Theodore Berman, is always on site during the loading process.

Juvenile cows are held in smaller enclosures. The enclosures have a limited amount of grass. A large area of the enclosure contains dirt. Often times these areas become flooded and the dirt turns into thick mud. Several juvenile cows are found stuck in the mud where they drown. Employees are often times heard joking about the cows committing suicide.

Dying calves and juvenile cows at Davie Dairy are not given any medical attention. The ARM Investigator brought it to the attention of the calf care takers and the supervisor, Tommy. The care takers told the Investigator that they are instructed not to give any life saving attention to the calves. Once the calves begin to show signs death they are not to treat them and to let them die. Supervisor, Tommy, was told by the Investigator that a calf was suffering in the field and the Investigator was told to let it die and he can pick it up tomorrow to bury it. This is a common practice at Davie Dairy.

It was clear that several calves were dying from heat exhaustion. At times, the ARM Investigator was able to record temperatures exceeding 115 degrees. Calves are observed panting and too weak to walk. The water available to them is dirty and covered in algae. One water trough contained algae and a dead bird decomposing inside of it.

Milk collected throughout the day is picked up by distribution trucks from Southeast Milk. Southeast Milk is a highly profitable co-op owned company that is made up of over 320 dairy farms, including Davie Dairy Farm. Here, dairy products are processed and distributed to large supermarket conglomerates such as Publix.
LOCATION
Detail by Entity Name

Florida Profit Corporation
DAVIE DAIRY INC.

Filing Information
Document Number 216240
FEI/EIN Number 59-0846515
Date Filed 10/08/1958
State FL
Status ACTIVE

Principal Address
3105 N.E. 128TH AVE.
BERMAN RD
OKEECHOBE, FL 34974

Changed: 02/21/2011

Mailing Address
3105 N.E. 128TH AVE.
BERMAN RD
OKEECHOBE, FL 34974

Changed: 03/20/2012

Registered Agent Name & Address
BERMAN, WILLIAM
4080 N 41 CT
HOLLYWOOD, FL 33021

Address Changed: 01/24/1983

Officer/Director Detail

Name & Address

Title P

BERMAN, WILLIAM B
4080 N 41ST COURT
HOLLYWOOD, FL 33021

Title TS

RUTLEDGE, GLYNN
Owner & Property Info

Owner's Name: DAVIE DAIRY INC
Site Address: 3105 NE 128TH AVE, OKEECHOBEE
Mailing Address: 3105 N E 128 AVE OKEECHOBEE, FL 349741070
Description: ALL LESS E 50 FT & RD R/W 66 BY 986 FT 11 375 38E 635.50 ACRES

NOTE: This description is not to be used as the Legal Description for this parcel in any legal transaction.

Property & Assessment Values

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2017 Certified Values

| Just Value   | $3,734,410.00 |
| Class Value  | $1,545,169.00 |
| Assessed Value | $1,545,169.00 |
| Exempt Value | $0.00 |
| Total Taxable Value | $1,545,169.00 |

Sales History

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DAVIE DAIRY: 3105 NE 128th AVE
OKEECHOBEE, FL. 34974
CRIMES - VIOLATIONS
## Farm Inspection Summary
### Between 10/26/2015 And 10/26/2017

**Davie Dairy, Inc. #2**  
**Permit No.:** 12-1104-FARM  
**Inspector:** Stokes  
**Coop-BTU:** 12-610

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<td>14e,19c</td>
<td>NOTE: Make sure calibration hose is disconnected after use.</td>
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| CMS-2016-054 | 05/02/2016  | RT   | 92    | 5Ca,8a,19c,19g     | NOTE: Seal milk tanks to wall.  
NOTE: Bottoms of door frame in milkroom are starting to rot, please repair.               |
| ZC-2016-027  | 05/09/2016  | IMS  | 94    | 2d,3a,19c           | Last Inspection 5.2.16 5Ca, 19c, 8a, 19g 92%                                              |
| CMS-2016-092 | 08/04/2016  | RT   | 86    | 6a,12a,15a,16a,19c*,19d,19g | RVWL Sent 8-5-16  
All repeat violations have been corrected                                                   |
| CMS-2016-111 | 08/23/2016  | FU   | 100   |                     |                                                                                           |
| CMS-2016-144 | 11/16/2016  | RT   | 93    | 8a,14e,19g         | Note: Remove tape from vacuum lines in parlor  
Note: Turn vent pipe down at well                                                          |
| CMS-2017-025 | 02/02/2017  | RT   | 93    | 2b,6a,19g          | Note: Replace rusty support above tank 1 man hole.  
Note: CIP line above tank 2 needs to be capped when milking.  
Note: Replace lid on toilet room trash can.                                                |
| CMS-2017-085 | 06/29/2017  | FU   | 100   |                     | Follow up inspection 2b: Follow-up inspection, cutting panel in back of parlor-corrected.  
All repeat violations have been corrected.                                                 |
| CMS-2017-105 | 08/16/2017  | RT   | 94    | 15a,16b,19d        | Note: Watch milkroom cleanliness, top of tanks and milklines.                            |

**Average:** 94
REFERENCES
The 2017 Florida Statutes

Title XLVI
CRIMES

Chapter 823
PUBLIC NUISANCES

823.14 Florida Right to Farm Act.—
(1) SHORT TITLE.—This section shall be known and may be cited as the “Florida Right to Farm Act.”
(2) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that agricultural production is a major contributor to the economy of the state; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of agricultural activities preserves the landscape and environmental resources of the state, contributes to the increase of tourism, and furthers the economic self-sufficiency of the people of the state; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the state. The Legislature further finds that agricultural activities conducted on farm land in urbanizing areas are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and even force the premature removal of the farm land from agricultural use. It is the purpose of this act to protect reasonable agricultural activities conducted on farm land from nuisance suits.
(3) DEFINITIONS.—As used in this section:
(a) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.
(b) “Farm operation” means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or aquaculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.
(c) “Farm product” means any plant, as defined in s. 581.011, or animal or insect useful to humans and includes, but is not limited to, any product derived therefrom.
(d) “Established date of operation” means the date the farm operation commenced. If the farm operation is subsequently expanded within the original boundaries of the farm land, the established date of operation of the expansion shall also be considered as the date the original farm operation commenced. If the land boundaries of the farm are subsequently expanded, the established date of operation for each expansion is deemed to be a separate and independent established date of operation. The expanded operation shall not divest the farm operation of a previous established date of operation.
(4) FARM OPERATION NOT TO BE OR BECOME A NUISANCE.—
(a) No farm operation which has been in operation for 1 year or more since its established date of operation and which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm operation conforms to generally accepted agricultural and management practices, except that the following conditions shall constitute evidence of a nuisance:
1. The presence of untreated or improperly treated human waste, garbage, offal, dead animals, dangerous waste materials, or gases which are harmful to human or animal life.
2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
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2. The presence of improperly built or improperly maintained septic tanks, water closets, or privies.
Dairy Industry Inspections

The Florida Department of Agriculture and Consumer Services (FDACS) is charged with the regulation of all dairy facilities and related operations in Florida. Our team provides oversight of all Grade "A" dairy farms, Grade "A" processing plants, single service facilities, tanker washes, bulk milk haulers, manufactured milk processing plants, dairy distribution facilities and wholesale frozen dessert and/or ice cream mix facilities.

The Grade "A" dairy program is a cooperative program with the U.S. Food and Drug Administration (FDA). FDACS and the FDA work together to ensure the safety of all dairy products produced in Florida. To ensure the program is being administered in accordance with FDA and the National Conference on Interstate Milk Shipments, FDA Regional Milk Specialists conduct routine inspections and program evaluations to evaluate the effective implementation of the Pasteurized Milk Ordinance, as adopted in Florida Administrative Code.

Contact Us

Bureau of Dairy Industry
3125 Conner Boulevard
Tallahassee, Florida 32309
(850) 245-5410
Zachary.Conlin@FreshFromFlorida.com

http://www.freshfromflorida.com/Business-Services/Dairy-Industry-Inspections
It's a New Day in Public Health.
The Florida Department of Health works to protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts.

Hazardous Waste Site Health Risk Assessment Program

Since 1987, the Florida Department of Health (the Department) has received a grant from the federal Agency for Toxic Substances and Disease Registry (ATSDR). This grant funds a program to assess the public health risk from such sites. The program produces health assessment reports based on environmental data. Learn more about the health assessment process and see past reports. (health-assessments.html)

HAZARDOUS WASTE SITES IN FLORIDA

What is a hazardous waste site?
A hazardous waste site may be a former landfill, it could be the site of a former industry or where crops were once grown. It could be any place where chemicals have gotten into the soil, water or air. Contact with the chemicals found at such sites may harm health.

How many sites in Florida are on the National Priorities List (NPL)?
As of October 2015, the U.S. Environmental Protection Agency (http://www.epa.gov) (EPA) has 65 hazardous waste sites in Florida either on the final or proposed National Priorities List (NPL) (http://www2.epa.gov/superfund/superfund-national-priorities-list-npl). This also includes NPL caliber sites or Superfund Alternative sites, which also merit federal interest. EPA has more details on the NPL site listing process. This includes a database that EPA keeps on sites. They call it the Comprehensive Environmental Response, Compensation, and Liability Information System (http://www2.epa.gov/enviro/cerclis-overview) (CERCLIS). Some people also call it Superfund.

What data does FDOH review to assess a site?
Agriculture: Laws and Regulations that Apply to Your Agricultural Operation by Farm Activity

Related Information

- Laws and Regulations by Statute
- Upcoming and Recent Compliance Dates
- Programs, Practices, and Topics of Interest
- Join the Ag Center's News Service

This is a general description of EPA's requirements, and should only be used as a guide. Since rules and regulations may change, use this information as a starting place to determine which regulations apply to your agricultural operation.

About these lists:

- Programs applicable to the general public, common to multiple sectors, manufacturers of food products, and retailers may not be included.
- Some requirements only apply after a threshold is reached [e.g., size, geographical location].
- Many States have similar requirements to EPA's but may be more stringent or broader in scope.

Check with your State and/or EPA Regional Office for more information.

- Aquaculture
- Livestock and Poultry including beef, dairy, swine, poultry
- Crop production including nurseries, greenhouses, forestry
- Provision of Drinking Water
- Farm Facilities, Fuel and Equipment
- Buildings/Construction/Renovation
- Chemical Handling
- Air Emissions/Releases
- Wastes

Livestock, Poultry and Aquaculture (including beef, dairy, swine, poultry, aquaculture)

<table>
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<tr>
<th>Topic</th>
<th>Type of Farm or Ranch Activity</th>
<th>Link to Program Area Information</th>
<th>Requirements of Farm</th>
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Wastes
Florida Department of Environmental Protection

Okeechobee Field Office

c/o SFWMD
3800 NW 16th Boulevard
Okeechobee, FL 34972

The Okeechobee Field Office (OFO) provides a wide variety of services to the regulated and unregulated public, local government and various state and federal agencies. Some of these activities include:

- Routine Compliance/Enforcement activities on the Lake Okeechobee Basin Dairy Farms, which vary in size from 600 to 2200 milk cows per barn. These facilities have been under extreme scrutiny for decades in effort to reduce nutrient pollution to Lake Okeechobee. Facilities are now permitted as Concentrated Animal Feeding Operations (CAFO) as required by the United States Environmental Protection Agency (EPA).

- Compliance/Enforcement activities on environmental restoration projects, including Kissimmee River restoration, Northern Everglades stormwater treatment areas, former dairy remediation programs, South Florida Water Management Dairy Best Available Technologies (BAT) projects and numerous other restoration efforts in the Lake Okeechobee and Northern Everglades areas.

- Receive and respond to environmental complaints within Okeechobee and Western Martin and St. Lucie Counties. Complete detailed reports on complaints and take enforcement action when needed. These complaints can include Hazardous Waste, Solid Waste, Drinking Water, Wastewater, Air, State Lands and Wetland Impacts.

- Act as an information clearing house for the Department and its various programs

- Participate in Interagency Workshops and Public Meetings

- Evaluate various pilot projects related to stormwater and wastewater management within the nutrient sensitive Lake Okeechobee Basins

- Provide non-binding wetland delineations of residential properties to determine if permitting will be necessary

- Provide outreach to the community in terms of environmental programs and policies

The SED Okeechobee Field Office (OFO) has two full time employees:

- **Greg Kennedy**, Office: (863) 462-5888 / Cell: (863) 634-5557
- **John Renfranz**, Office: (863) 462-5891 / Cell: (863) 532-1083

Last updated: February 20, 2015

Southeast District ~ 3301 Gun Club Road, MSC 7210-1, West Palm Beach, Florida 33406  (561) 681-6600 (phone) / (561) 681-6755 (fax)
The CARES Program Mission

To promote environmentally sound farming practices while educating the public on agriculture's role in protecting Florida's natural resources.

News Items

Clay County's Carolyn Weeks of Weeks Farms Recognized for Environmental Stewardship

Clay County's Jim Farley of Farley Cattle Co. Recognized for Environmental Stewardship

Okaloosa's David Youngblood Recognized for Environmental Stewardship
FARM Animal Care

Created by the National Milk Producers Federation (NMFP), with support from Dairy Management, Inc. (DMI). FARM Animal Care raises the bar for the entire dairy industry by creating a culture of continuous improvement. The FARM Animal Program establishes dairy animal welfare management guidelines, which are verified by both trained second and third party evaluators. This system provides the documentation and proof points to assure dairy customers and consumers that dairy farmers do the right thing for their dairy cows because it's the right thing to do. The second party evaluation is completed on every participating dairy at a minimum of once every three years. This evaluation provides dairy farms with an external review of their animal care practices based on FARM Program guidelines, highlighting the best management practices followed on the dairy and providing a method of continuous improvement where additional opportunities are presented.

Currently, 98% of the U.S. domestic milk supply participates in the National Dairy FARM Animal Care Program. This number is generated based on the production of FARM Animal Care Participants verses United States Department of Agriculture Reports on annual nationwide milk production.

**Governance Structure**

NMPF BOARD OF DIRECTORS

NMPF ANIMAL HEALTH & WELLBEING COMMITTEE
FARM Animal Care Technical Writing Group

The FARM Animal Care Technical Writing Group is made up of dairy farmers, veterinarians, animal scientists, and other industry representatives. The group helps ensure that the FARM Animal Care Program fosters a culture of continuous improvement and that the best management practices, which are the cornerstone of the program, evolve with the latest research on animal welfare and humane handling.

Karen Jordan, DVM - Farmer, Chairwoman
Nigel Cook, DVM, PhD - University of Wisconsin
David Darr - Dairy Farmers of America, Inc.
Chase DeColte - National Cattlemen’s Beef Association
Richard Doak, DVM - Maryland & Virginia Milk Producers Cooperative
Marcia Endres, Ph D. - University of Minnesota
Paul Humphrey - Foremost Farms USA
FARM Animal Care Standards

The National Dairy FARM Animal Care standards are reviewed every three years. These standards make up the Animal Care Manual and are what influence the on-farm Animal Care evaluation.

Minimum Animal Care Requirements for Participation

A valid Veterinary-Client Patient Relationship
The farm owner/manager and the Veterinarian of Record (VOR) needs to have a completed and signed Veterinarian-Client Patient Relationship form on an annual basis.

A signed Dairy Cattle Care Ethics form & Training documentation for all employees with animal care responsibilities
All employees with animal care responsibilities need to have completed basic stockmanship training and signed a Dairy Cattle Care Ethics Agreement on an annual basis. Additionally, employees must be trained on their area of animal care responsibilities and have the training documented (example: a calf feeder needs to be trained in proper calf feeding, handling and other care expectations). Read more about employee training and training resources.

Ceased routine Tail Docking
The practice of routine tail docking must have been phased out by January 1, 2017. The National Dairy FARM Animal Care Program opposes the routine tail docking of dairy animals.

Animal Care Manuals


What Happens If These Standards Are Not Met?

If any of these areas are considered unsatisfactorily met on the farm when evaluated, a Mandatory Corrective Action Plan is triggered and will need to be resolved and verified by a follow-up evaluation within 12 months. If that area is not resolved within that timeframe, the farm will risk probation and eventual suspension from the FARM Animal Care Program.
WORKERS
PHOTOGRAPHS