



may

Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Meat and Poultry Inspection Division

Donald H. Delozier
State Director

December 5, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Juan Carlos Alonso
Ms. Maria de Los Angeles Alonso
10312 Fanny Brown Road
Raleigh, NC 27603

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS
OF THE MEAT INSPECTION LAW
G.S. § 106-549.17, 106-549.23 and 106-403.

Dear Mr. & Mrs. Juan Carlos Alonso,

Pursuant to North Carolina General Statute (G.S.) 106-549.35(c) this letter is notice of a civil penalty by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division (NCDA&CS). The civil penalty assessment document is attached.

Within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing in the Office of Administrative Hearings appealing the penalty assessment.

Pursuant to G.S. §150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, present your offer to Mr. Donald H. Delozier, Director, Meat & Poultry Inspection Division, who may be contacted by telephone at (919) 733-4136. Settlement offers do not extend the 60 day deadline for payment or filing of a contested case petition.

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Additional information about your options is provided below:

-PAYMENT-

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Donald H. DeLozier, Director
Meat & Poultry Inspection Division
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

-APPEAL-

If you file a contested case petition, it must be in writing and in the form prescribed by G.S. § 150B-23. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-1001

Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

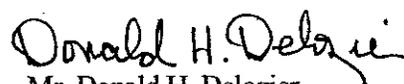
Mr. Ray Starling
North Carolina Department of Agriculture and Consumer Services
Process Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

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Your attention to this matter is appreciated.

Sincerely,



Mr. Donald H. Delozier
Director, Meat & Poultry Inspection Division

DHD:aw

Attachments: Assessment Document

CC: Ms. Anne J. Brown, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF
AGRICULTURE & CONSUMER SERVICES
MEAT & POULTRY INSPECTION DIVISION

IN THE MATTER OF)

Mr. Juan Carlos Alonso)

Ms. Maria de Los Angeles Alonso)

FOR VIOLATIONS OF N.C. COMPULSORY)
MEAT INSPECTION LAW)

G.S. § 106-549.17, 106-549.23 & 106-403)

NOTICE OF VIOLATIONS
AND ASSESSMENT OF
CIVIL PENALTY

Acting pursuant to North Carolina General Statute (G.S.) § 106-549.35(c) Mr. Donald H. Delozier, Director, Meat and Poultry Inspection Division of North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

I. FINDINGS OF FACTS:

- A. This investigation is a result of anonymous information received which alleged that the illegal slaughtering of animals and the processing and selling of the meat products was being conducted by Mr. Juan Carlos Alonso and Ms. Maria de Los Angeles Alonso (hereinafter, Mr. Juan and Ms. Maria, respectively) at 10312 Fanny Brown Road, Raleigh, NC.
- B. On or about June 23, 2011, a Food Inspector with the North Carolina Department of Agriculture & Consumer Services (NCDA & CS), Meat and Poultry Division (MPID), while posing as a member of the general public, contacted Mr. Juan in reference to the purchasing of a slaughtered/dressed goat. Mr. Juan stated that he could purchase the slaughtered/dressed goat around 10:00 am on July 1, 2011 at 10312 Fanny Brown Road, Raleigh, NC.
- C. On July 1, 2011, the NCDA & CS, MPID Food Inspector arrived at 10312 Fanny Brown Road, Raleigh, NC and spoke with Ms. Maria Alonso, who identified herself as Mr. Juan Carlos Alonso wife, in regards to purchasing the slaughtered/dressed goat that he had ordered on or about June 23, 2011.
- D. The NCDA & CS, MPID Food Inspector paid Ms. Maria \$145.00 cash for a slaughtered/dressed goat that was packaged in a white plastic bag which was being stored in a large white chest type ice cooler.
- E. While purchasing the slaughtered/dressed goat, Ms. Maria stated to the NCDA & CS, MPID Food Inspector that she could sell him a slaughtered dressed cow for one dollar a pound, a cooked cow for an additional \$300.00 and/or a cooked goat for an additional \$150.00.
- F. Also while purchasing the slaughtered/dressed goat from Ms. Maria, the NCDA & CS, MPID Food Inspector observed several apparent signs that animal(s) were being slaughtered or had been slaughtered which included a red lifting device which had a chain attached at the top to lift animals while being slaughtered/processed, a rope hanging from the overhead beam which had a partial goat leg attached to the rope and a few knives.

- G. The slaughtered/dressed goat was transferred from the Food Inspector to NCDA & CS, MPID Food Compliance Officer Supervisor Alan Wade (hereinafter, FCO Wade, respectively), relevant to chain of custody proceedings.
- H. Upon taking custody of the slaughtered/dressed goat, FCO Wade transferred the goat directly to the MPID Raleigh Compliance Office, relevant to chain of custody proceedings. FCO Wade and NCDA & CS, MPID Food Compliance Officer Daniel E. Moody Jr. (hereinafter, FCO Moody, respectively), photographed the white plastic bag which contained the slaughtered/dressed goat.
- I. FCO's Wade and Moody removed the dressed goat from the white plastic bag and examined and photographed each cut up piece of the goat meat and did not observe a NCDA or USDA mark of inspection. The cut up goat pieces showed several signs of adulteration which included feces, straw, dirt, unidentifiable foreign material and/or hair on every piece of the goat meat.
- J. On September 29, 2011, NCDA & CS, MPID Food Compliance Officers Willis C. Philyaw (hereinafter, FCO Philyaw, respectively), FCO Wade and FCO Moody, along with members of the Wake County Sherriff's Department, executed a search warrant of the property owned by Mr. Juan Carlos Alonso and Ms. Maria de Los Angeles Alonso, located at 10312 Fanny Brown Road, Raleigh, NC, on behalf of the North Carolina Department of Agriculture and Consumer Services to investigate the slaughtering, processing and selling of misbranded, non-inspected and adulterated meat products to the general public.
- K. Upon entering the property, FCO's Philyaw, Moody and Wade observed, photographed and videotaped several live animals which consisted of: goats, cows, hogs, chickens and ducks on the premises.
- L. A search of the property revealed two separate areas where partial remains and skeletal bones of animals were observed lying directly on top of the ground and some of the animals had been partially burned.
- M. FCO's Philyaw, Moody and Wade observed a shelter area which contained a rope and hoist mechanism which was used to lift the animals during slaughter and processing and a chest type freezer which contained meat in a plastic bag which had feces directly on the surface of the meat.
- N. An additional slaughter area was also observed on the property and it consisted of a sink, water hose, propane tank with singeing hose and various containers.
- O. FCO Wade interviewed Ms. Maria in reference to her slaughtering and selling of non-inspected and/or adulterated meat products to the general public.
- P. Ms. Maria stated on six different occasions that she had never slaughtered, processed or sold any cows, goats or hogs or any meat products to the general public and that she only slaughtered animals for her personal use which she also stated in a signed statement dated September 29, 2011.

- Q. Ms. Maria also stated in a signed statement dated September 29, 2011, that she disposed of the skin, unwanted internals, etc. along with dead chickens and bad eggs by burning them on top of the ground.
- R. Ms. Maria repeatedly provided false information to FCO Wade in reference to the slaughtering and selling of non-inspected meat products by her to the general public when the documented case investigation evidence proved otherwise.
- S. On September 29, 2011, Ms. Maria de Los Angeles Alonso was issued a cease and desist letter for the processing and selling of non-inspected meat products.

II. CONCLUSIONS OF LAW

- A. Mr. Juan Carlos Alonso and Ms. Maria de Los Angeles Alonso found to be slaughtering, processing, storing, offering for sale and selling non-inspected/misbranded and adulterated meat products to the general public and improperly disposing of dead domesticated animals in violation of General Statutes 106-549.17, 106-549.23 and 106-403 and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under G.S. §106-549.35(c).
- B. The Commissioner of Agriculture, pursuant to G.S. §106-549.35(c) has the authority to assess civil penalties in this matter. The authority has been delegated to Mr. Donald H. Delozier, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to G.S. §143B-10(a).

III. DECISION

As required by G.S. §106-549.35(c) in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation of G.S. § 106-549.17, 106-549.23 and 106-403.

Accordingly Mr. Juan Carlos Alonso and Ms. Maria de Los Angeles Alonso is assessed a civil penalty of:

\$10,000.00 for violating G.S. §106-549.17, 106-549.23 and 106-403.
\$10,000.00 TOTAL AMOUNT ASSESSED.

DEC. 5, 2011
Date

Donald H. Delozier
Mr. Donald H. Delozier, Director
Meat and Poultry Inspection Division