



Steve Troxler
Commissioner

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

W. Alan Wade
State Director

November 3, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gene Collins
Bargain Center Discount Grocery
3485 Highway 27 East
Lincolnton, North Carolina 28092

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS
OF THE MEAT AND POULTRY INSPECTION LAWS
G.S. § 106-549.23

Dear Mr. Collins,

Pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.23 (3) (a) & (b), 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 Notice of Violations and Assessment of Civil Penalty 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. W. Alan Wade, Director, Meat & Poultry Inspection Division, who may be contacted by telephone at (919) 707-3180. Settlement offers do not extend the 60 day deadline for payment or filing of a contested case petition.

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
Mr. W. Alan Wade, 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

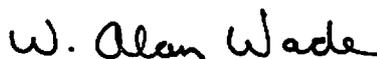
Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
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.

Your attention to this matter is appreciated.

Sincerely,



Mr. W. Alan Wade
Director, Meat & Poultry Inspection Division

WAW:cp

Attachments: Assessment Document
CC: Mr. Chris McLennan, Assistant Attorney General
Joe Reardon, Assistant Commissioner
Tina Hlabse, General Counsel

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

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

IN THE MATTER OF

Mr. Gene Collins/Bargain Center Discount Grocery

FOR VIOLATIONS OF N.C. COMPULSORY
MEAT INSPECTION LAWS
G.S. § 106-549.23

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NOTICE OF VIOLATIONS
AND ASSESSMENT OF
CIVIL PENALTY

Acting pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.23 (3) (a) & (b), Mr. W. Alan Wade, Director, Meat and Poultry Inspection Division (MPID) of the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

I. FINDINGS OF FACTS:

- A. On October 11, 2016 NCDA&CS, MPID, Food Compliance Officer Philip Renshaw (hereinafter CO Renshaw) visited Bargain Center Discount Grocery, 3485 Highway 27 East, Lincolnton, North Carolina 28092, to perform a planned compliance review.
- B. CO Renshaw spoke with Mr. Gene Collins who identified himself as the owner/operator of Bargain Center Discount Grocery.
- C. CO Renshaw observed misbranded (no mark of inspection or required labeling) frozen raw Beef Ribeye Steaks, bearing no label and no N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection, being offered for sale to the general public.
- D. An estimated 8 pounds of non-inspected, misbranded meat products were N.C. Detained (Tag Number 4639) and photographed.
- E. Bargain Center Discount Grocery does not operate under County, State, or Federal inspection.
- F. In a signed statement dated October 11, 2016, Mr. Gene Collins, owner/operator of Bargain Center Discount Grocery, stated that the misbranded meat products were purchased in large packages, which contained the U.S.D.A. mark of inspection and required labeling from A.L. Beck & Sons, Inc. (U.S.D.A. Est. #6639), Winston-Salem, North Carolina.
- G. Mr. Gene Collins further stated that he removed and opened the packages of beef ribeye steaks in the rear storage area of his retail store and placed the raw meat on a cardboard box surface for processing.
- H. Mr. Collins then processed (cut) the beef ribeye into four (4) ounce beef ribeye steaks and in turn placed the beef ribeye steaks in foam trays and then wrapped them with clear plastic wrap.
- I. Mr. Collins placed the misbranded beef ribeye steaks into the establishment's retail freezer where the misbranded Beef Ribeye Steaks were offered for sale and sold to the general public without the required labeling or the N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection.

- J. Mr. Gene Collins stated in a signed statement dated October 11, 2016 that he processed, stored, offered for sale and sold the misbranded meat products (Beef Ribeye Steaks) to the general public.
- K. On February 8, 2016 a Notice of Warning was issued to Bargain Center Discount Grocery for the storing, offering for sale and selling of misbranded poultry products to the general public in violation of the North Carolina Poultry Products Inspection Law, General Statute § 106-549.56 (a)(2)(a) & (b).
- L. On December 01, 2014, a Notice of Warning was issued to Bargain Center Discount Grocery for the storing, offering for sale and selling of misbranded meat products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23(3)(a) & (b).

II. CONCLUSIONS OF LAW

- A. Mr. Gene Collins/Bargain Center Discount Grocery was found to be processing, storing, offering for sale and selling misbranded meat products to the general public in violation of General Statute §106-549.23 and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under North Carolina General Statutes § 106.549.35 (c).
- B. The Commissioner of Agriculture, pursuant to North Carolina General Statute §106.549.35 (c), has the authority to assess civil penalties in this matter. This authority has been delegated to Mr. W. Alan Wade, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to North Carolina General Statute § 143B-10(a).

III. DECISION

- A. As required by North Carolina General Statute § 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 General Statutes § 106-549.23.

Accordingly Mr. Gene Collins/ Bargain Center Discount Grocery is assessed a civil penalty of:

\$3,000.00 for violating § 106-549.23(3)(a) and (b).

\$3,000.00 TOTAL AMOUNT ASSESSED.

11/3/2016
Date

W. Alan Wade
W. Alan Wade
Director, Meat and Poultry Inspection Division