



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

October 2, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Billy Sipasert
Billy Asian Market
2350 US Highway 29
China Grove, North Carolina 28023

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

Dear Mr. Sipasert,

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 (NCDA&CS), Meat and Poultry Inspection Division (MPID). 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 Dr. Beth Yongue, 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
Dr. Beth Yongue, 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,



Dr. Beth Yongue
Director, Meat & Poultry Inspection Division

MEY:dm

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

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

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

IN THE MATTER OF

Mr. Billy Sipasert
Billy Asian Market

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

)
)
) 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), Dr. Beth Yongue, 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 July 21, 2017, NCDA&CS, MPID, Food Compliance Officer Jake Groce (hereinafter CO Groce) visited Billy Asian Market, 2350 US Highway 29, China Grove, North Carolina 28023, to perform a planned compliance review.
- B. CO Groce spoke with Ms. Amphone Sipasert who identified herself as the manager/operator of Billy Asian Market.
- C. CO Groce observed misbranded/non-inspected (no mark of inspection or required labeling) link pork sausage and beef jerky, 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 14 pounds of non-inspected, misbranded meat products were N.C. Detained (Tag Number 4443) and photographed.
- E. Billy Asian Market does not operate under County, State, or Federal inspection.
- F. In a signed statement dated July 21, 2017, Ms. Amphone Sipasert, manager/operator of Billy Asian Market, stated that the misbranded/non-inspected meat products were delivered in small clear plastic Ziploc style freezer bags, which did not contain the U.S.D.A. mark of inspection and required labeling from a family friend she calls "Toma". "Toma" processed, formulated and packaged the misbranded/non-inspected link pork sausage and beef jerky, in her non-inspected home kitchen, located in Pennsylvania.
- G. Ms. Amphone Sipasert further stated that she in-turn placed a label that contained a price on each of the small clear plastic Ziploc style freezer bags that held the misbranded/non-inspected link pork sausage and beef jerky.
- H. Ms. Amphone Sipasert then placed the misbranded/non-inspected link pork sausage and beef jerky into the establishment's retail cooler where the misbranded/non-inspected meat products 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.

- I. Ms. Amphone Sipasert stated in a signed statement dated July 21, 2017, that she stored, offered for sale and sold the misbranded/non-inspected meat products (link pork sausage and beef jerky) to the general public.
- J. On April 13, 2017, a Notice of Warning was issued by the North Carolina Department of Agriculture and Consumer Services (N.C.D.A.&C.S.), Meat and Poultry Inspection Division (M.P.I.D.) to Billy Asian Market for the storing, offering for sale and selling of misbranded/non-inspected meat products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23(3)(a) & (b).
- K. On March 21, 2017, United States Department of Agriculture (U.S.D.A.), Food Safety and Inspection Services (F.S.I.S.), Office of Program Evaluation Enforcement and Review (O.P.E.E.R.), Compliance Investigation Division (C.I.D), Investigator John Zeberan issued Billy Asian Market of violation for the storing, offering for sale and selling of misbranded/non-inspected meat products (rice noodles with cooked pork and beef jerky) 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. Billy Sipasert/Billy Asian Market were found to be storing, offering for sale and selling misbranded/non-inspected 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 Dr. Beth Yongue, 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. Billy Sipasert/Billy Asian Market
is assessed a civil penalty of:

\$500.00 for violating § 106-549.23(3)(a) – (Misbranded/Non-Inspected Meat)

\$500.00 for violating § 106-549.23(3)(b) – (Misbranded/Non-Inspected Meat)

\$1,000.00 TOTAL AMOUNT ASSESSED.

Oct 2, 2017
Date

Dr. Beth Yongue
Dr. Beth Yongue
Director, Meat and Poultry Inspection Division