



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

February 26, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Amy McNabb
Mommy's EZ Baking
2502 Country Club Road
Hampstead, North Carolina 28443

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

Dear Ms. Amy McNabb,

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) 431-3000. 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 PENDER

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

IN THE MATTER OF

Ms. Amy McNabb
Mommy's EZ Baking

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 November 23, 2018, information was received 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.) Raleigh Office that Ms. Amy McNabb, owner/operator of Mommy's EZ Baking, was observed selling misbranded beef and pork jerky to the general public at the Ocean Isle Beach Holiday Market located at 11 East Second Street, Ocean Isle Beach, North Carolina 28469.
- B. On January 15, 2019, N.C.D.A. & C.S., M.P.I.D., Food Compliance Officer Melanie Pollard (hereinafter CO Pollard) interviewed Ms. Amy McNabb, owner/operator of Mommy's EZ Baking, 2505 Country Club Road, Hampstead, North Carolina 28443.
- C. Mommy's EZ Baking does not operate under County, State (N.C.D.A.) or Federal (U.S.D.A.) inspection for the production of meat and poultry products but has a permit to operate as a Home Processor with the N.C.D.A. & C.S., Food & Drug Protection Division.
- D. Ms. Amy McNabb stated in a signed statement dated January 15, 2019, that she processed beef and pork jerky in her N.C.D.A. & C.S., Food & Drug Protection Division inspected home kitchen located at 2505 Country Club Road, Hampstead, North Carolina 28443.
- E. Ms. McNabb stated that she purchased raw beef and pork bacon from a local Walmart, transported the raw meat back to her N.C.D.A. & C.S., Food & Drug Protection Division inspected home kitchen where she marinated and dehydrated the meat without the benefits of N.C.D.A. (State) or U.S.D.A. (Federal) inspection for the production of meat and poultry products and packaged the beef and pork jerky in glass jars that contained a label with the product name but no ingredient statement or N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection.
- F. Ms. McNabb stated that she would transport the misbranded/non-inspected beef and pork jerky to local farmer's markets and offer it for sale by the piece to the general public.
- G. Ms. McNabb stated in a signed statement dated January 15, 2019, that she processed, stored, transported, offered for sale and sold the misbranded/non-inspected meat products (beef and pork jerky) to the general public for approximately seven (7) months.

- H. On January 15, 2019, Ms. Amy McNabb, owner/operator of Mommy's EZ Baking, was issued an on-site cease and desist letter for the selling of misbranded meat products.
- I. On May 23, 2018, Mommy's EZ Baking, owner/operated by Ms. Amy McNabb was found to be processing, storing, transporting, offering for sale and selling misbranded/non-inspected meat products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes 106-549.23(3)
- J. On June 14, 2018, 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 Ms. Amy McNabb, owner/operator of Mommy's EZ Baking, for the processing, storing, transporting, 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).

II. CONCLUSIONS OF LAW

- A. Ms. Amy McNabb/Mommy's EZ Baking was found to be processing, storing, transporting, 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, Ms. Amy McNabb/Mommy's EZ Baking
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.

February 26, 2018
Date

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