



Steve Troxler
Commissioner

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

Donald H. Delozier
State Director

December 28, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Terry Christenbury
9111 Reed Mine Road
Midland, NC 28107

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

Dear Mr. Terry Christenbury:

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.

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. 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

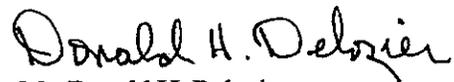
Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

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.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Donald H. Delozier".

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

DHD:aw

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

- F. On the property of Mr. Terry Christenbury, FCO's Russell and Moody observed an area to the right side of the primary residence with several fresh blood spots on the ground which appeared to be from that day's slaughtering activities.
- G. Several unsanitary conditions and practices were observed which included:
 - a. slaughter/processing utensils (knives) showed no signs of routine cleaning or any means of sanitizing the utensils;
 - b. there was no evidence of any hot water or sanitizers available for the slaughter/processing of the animals;
 - c. slaughter/processing activities were being conducted directly on the ground;
 - d. no acceptable building, enclosure and/or equipment such as tables, hoisting devices, etc.
- H. FCO's Russell and Moody observed, videotaped and photographed the non-inspected, illegal slaughter/processing activities being conducted at the facility/location being operated by Mr. Terry Christenbury on November 6, 2011.
- I. On November 6, 2011, Mr. Terry Christenbury stated in a signed statement that he operated and provided a location for the general public to buy live goats and slaughter them on his property.
- J. Mr. Christenbury stated that on November 6, 2011, he sold three goats to people that came to his farm and allowed them to slaughter the goats that they purchased from him on his property.
- K. In a signed statement dated February 15, 2010, Mr. Terry Christenbury stated that he had never allowed people to come to his farm and conduct on farm slaughter activities and that he was aware that if he allowed people to come to his farm to conduct on farm slaughter activities that he would be operating/providing an uninspected slaughter facility/location and service to the general public in violation of the North Carolina Compulsory Meat Inspection Law.
- L. On February 15, 2010, FCO Russell supplied Mr. Terry Christenbury with a copy of the MPID Notice 35-08 dated 11/17/08 "On Farm Slaughter Activities" and explained the contents of the Notice to him.

II. CONCLUSIONS OF LAW

- A. Mr. Terry Christenbury found to be operating/providing a non-inspected slaughter facility/location and service to the general public without the benefit of State (NCDA) or Federal (USDA) inspection, in violation of General Statutes 106-549.23 and 106-549.17 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) and G.S. §106-549.59 (a1) 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

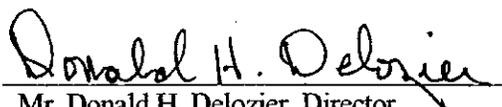
As required by G.S. §106-549.35(c) in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation of G.S. § 106-549.23 and G.S. §106-549.24.

Accordingly Mr. Terry Christenbury is assessed a civil penalty of:

\$7,000.00 for violating G.S. § 106-549.23 and G.S. §106-549.17
\$7,000.00 TOTAL AMOUNT ASSESSED.

DEC. 28, 2011

Date



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