



Steve Troxler
Commissioner

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

W. Alan Wade
State Director

January 9, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Mohammed Sbaiti
1169 Joe Womble Road
Pittsboro, North Carolina 27359

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

Dear: Mr. Mohammed Sbaiti

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. 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.

Mr. Mohammed Sbaiti
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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
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, N.C.D.A. & C.S. 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: Ms. Anne J. Brown, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

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

IN THE MATTER OF)

Mr. Mohammed Sbaiti)

FOR VIOLATIONS OF N.C. COMPULSORY)
MEAT INSPECTION LAWS)
G.S. § 106-549.17 and 106-549.23)

)
)
) NOTICE OF VIOLATIONS
) AND ASSESSMENT OF
) CIVIL PENALTY
)
)

Acting pursuant to North Carolina General Statute (G.S.) § 106-549.35(c), Mr. W. Alan Wade, Director, Meat and Poultry Inspection Division (M.P.I.D.) of the North Carolina Department of Agriculture and Consumer Services (N.C.D.A. & C.S.) makes the following:

I. FINDINGS OF FACTS:

- A. On October 4, 2014 NCDA & CS, MPID Food Compliance Officers Daniel E. Moody Jr., Willis Craig Philyaw, Marvin Lackman and Phillip Renshaw (hereinafter, CO Moody, CO Philyaw, CO Lackman and CO Renshaw, respectively), arrived at the property of Mr. Mohammed Sbaiti, 1169 Joe Womble Road, Pittsboro, NC (hereinafter, the Sbaiti's farm), and executed an administrative inspection warrant of the property on behalf of the North Carolina Department of Agriculture and Consumer Services.
- B. While at the Sbaiti's farm on October 4, 2014, CO Moody, CO Philyaw, CO Lackman and CO Renshaw observed, photographed and videotaped a non-inspected slaughter/processing facility/location and services being provided to the general public and in full operation. All of the following findings refer to their observations and findings at the Sbaiti's farm on said date.
- C. On October 4, 2014 CO Moody, CO Philyaw, CO Lackman and CO Renshaw observed approximately 30 males, females and children in a field area on the Sbaiti's farm.
- D. When CO Lackman attempted to question said males, a spokesman for the group stated that the group was at Mr. Sbaiti's farm to purchase a lamb and/or goat for a price of one hundred fifty dollars (\$150.00) per animal and an additional fee of twenty five dollars (\$25.00) for the slaughter and/or processing of each animal.
- E. In addition to the group mentioned above, CO Moody, CO Philyaw, CO Lackman and CO Renshaw also observed six (6) lambs and/or goats that were hanging from a wooden outside structure and in various phases of being slaughtered and processed. Approximately twenty-five (25) live lambs and/or goats were waiting to be slaughtered and processed.

- F. CO Moody, CO Philyaw, CO Lackman and CO Renshaw also observed numerous flies on the carcasses that were being slaughtered and processed. There was no means observed to sterilize or sanitize the knives and other equipment used to slaughter and/or process the animals.
- G. CO Moody, CO Philyaw, CO Lackman and CO Renshaw also observed two males cutting up a lamb carcass on a large dirty wooden stump. The two males placed the cut-up pieces of the lamb carcass in a plastic ice cooler.
- H. CO Moody, CO Philyaw, CO Lackman and CO Renshaw also observed several sheep heads and sheep hides on the ground, in a five gallon bucket and also in a wheel barrow internal organs and animal heads were observed. An excessive amount of blood, ponding water, manure/fecal material was on the ground and around the slaughter area from the day(s) slaughter activities.
- I. CO Moody, CO Philyaw. CO Lackman and CO Renshaw found no means or devices to render the animals insensible to pain prior to the slashing of their throats.
- J. The observations and conditions described above constitute numerous unsanitary conditions and practices which led to the direct adulteration of the slaughtered animals. These unsanitary conditions and practices included:
 - a. animals being processed (washed, cut-up, etc.) directly on a dirty wooden stump;
 - b. slaughter/processing utensils (knives, axe, hatchet, etc.) showed no signs of routine cleaning or any means of sanitizing the utensils;
 - c. carcass offal, bones, hooves, leg pieces, hair, fecal material and several animal heads were lying on the ground, in five gallon buckets and in a wheel barrel from that day's slaughter or processing activities;
 - d. blood, ponding water and fecal material was observed on the ground in the slaughter/processing area from that day's slaughter and previous day(s) slaughter activities;
 - e. no evidence of any hot water or any other means to sanitize equipment or tools; and
 - f. numerous flies were on carcasses due to the open air conditions.
- K. On October 4, 2014, CO Lackman informed Mr. Mohammed Sbaiti to cease and desist from the slaughtering/processing of animals at his non-inspected slaughter/processing location.
- L. The slaughtering/processing facility/location owned and operated by Mr. Mohammed Sbaiti is not a NCDA or USDA inspected facility.

II. CONCLUSIONS OF LAW

- A. Mr. Mohammed Sbaiti violated G.S. §106-549.17 and 106-49.23 by operating/providing a facility and services for the slaughter of animals by/for the general public without benefit of NCDA or USDA inspection 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 General Statute §106-549.35 (c), has the authority to assess civil penalties in this matter. The authority has been delegated to Mr. W. Alan Wade, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to General Statute § 143B-10(a).

III. DECISION

- A. As required by 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 § 106-549.17 and 106-549.23.

Accordingly Mr. Mohammed Sbaiti is assessed a civil penalty of:

\$ 2,000.00 for violating 106-549.23(3)a – (Misbranded Meat/Not Inspected)
\$ 2,000.00 for violating 106-549.23(3)a – (Adulterated Meat)
\$ 2,000.00 for violating 106-549.17a – (Inspection Before Slaughter)

\$6,000.00 for violating General Statutes § 106-549.17 and 106.549.23
\$6,000.00 TOTAL AMOUNT ASSESSED.

January 9, 2015
Date

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