



Steve Troxler
Commissioner

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

Donald H. Delozier
State Director

February 2, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mekong Oriental Market
Mr. Van Thao Nguyen
Ms. Thuy Thi Ha
3707 High Point Road
Greensboro NC 27407

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

Dear Mr. Van Thao Nguyen & Ms. Thuy Thi Ha:

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:

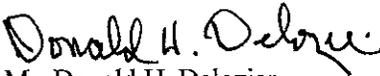
Mr. Ray Starling
North Carolina Department of Agriculture and Consumer Services
Process Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

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.

Mekong Oriental Market
Page 3

Your attention to this matter is appreciated.

Sincerely,



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

DHD:aw

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

IN THE MATTER OF)
)
Mekong Oriental Market)
)
)
FOR VIOLATIONS OF THE N.C. COMPULSORY)
MEAT INSPECTION LAW)
G.S. § 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. Donald H. Delozier, 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 January 6, 2012, NCDA & CS, MPID Food Compliance Officer Percy Russell (hereinafter, FCO Russell, respectively) visited Mekong Oriental Market, 3707 High Point Road, Greensboro, NC.
- B. FCO Russell spoke with Ms. Thuy Thi Ha (hereinafter, Ms. Ha, respectively), who identified herself as the owner and operator of Mekong Oriental Market.
- C. FCO Russell inspected the goods being offered to the general public for sale at Mekong Oriental Market and discovered that some of the meat products being offered for sale lacked required labeling, rendering them misbranded.
- D. FCO Russell surveyed the entire inventory of meat products on hand and found misbranded/non-inspected pork blood.
- E. FCO Russell NC detained and photographed one container weighing approximately twenty-five (25) pounds of the above-referenced meat product, comprising the entire inventory on hand of such meat products at Mekong Oriental Market.
- F. Ms. Ha informed FCO Russell that she allegedly purchased the above referenced misbranded pork blood in a bulk box from International Supermarket, 4520 North Tryon Street, Charlotte, NC, but could not provide invoices to that effect.
- G. Ms. Ha stated that she removed the pork blood from the box and placed it into a plastic container and allowed her customers to take a plastic bag and select the pieces of pork blood that they wanted to purchase.
- H. Ms. Ha stated that she weighed the plastic bag of pork blood and in turn sold the non-inspected/misbranded pork blood to her customers.
- I. Ms. Ha stated that she purchased the pork blood from International Supermarket for the sole purpose of resale to the general public and further processed the pork blood without the benefit of state or federal inspection.

- J. Mekong Oriental Market does not operate under county, state or federal inspection.
- K. On January 6, 2012, FCO Russell issued Mekong Oriental Market an on-site cease and desist order prohibiting the sale of misbranded/non-inspected meat products.
- L. The NCDA & CS, MPID had previously found Mekong Oriental Market to be violating the North Carolina Compulsory Meat Inspection Law and/or the North Carolina Poultry Products Inspection Law on:
 - a. September 20, 2001and;
 - b. July 14, 2011.
- M. The North Carolina Attorney General's Office issued Mekong Oriental Market a Letter of Warning (LOW) dated October 18, 2001 concerning the previous violation found on September 20, 2001.
- N. The North Carolina Department of Agriculture and Consumer Service, Meat and Poultry Inspection Division issued Mekong Oriental Market a Notice of Warning (NOW) dated August 9, 2011 concerning the previous violation found on July 14, 2011.

II. CONCLUSIONS OF LAW

- A. Mekong Oriental Market found to be transporting, processing, storing and offering for sale non-inspected/misbranded (no NCDA or USDA mark of inspection or required labeling) meat products in violation of General Statutes 106-549.23 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) 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.

Accordingly Mr. Van Thao Nguyen and Ms. Thuy Thi Ha, owner/operators of Mekong Oriental Market, are assessed a civil penalty of:

\$1200.00 for violating G.S. § 106-549.23
\$1200.00 TOTAL AMOUNT ASSESSED.

Feb. 2, 2012
Date

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