



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

November 27, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

M&M Farms
Mr. Charles Roland McGlamery
Ms. Linda Foster McGlamery
5151 Barrier-Georgeville Road
Mount Pleasant, North Carolina 28124

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS
OF THE MEAT AND POULTRY INSPECTION LAWS
G.S. § 106- 549.17, § 106- 549.23(1), § 106- 549.23(3)(a) and § 106-549.23(3)(b)

Dear Mr. McGlamery,

Pursuant to North Carolina General Statutes § 106-549.35(c), § 106- 549.17, § 106- 549.23(1), § 106- 549.23(3)(a) and § 106-549.23(3)(b), 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 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 CABARRUS

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

IN THE MATTER OF

Mr. Charles Roland McGlamery and
Ms. Linda Foster McGlamery

FOR VIOLATIONS OF NORTH CAROLINA
COMPULSORY MEAT INSPECTION LAWS
G.S. § 106- 549.17, § 106- 549.23(1),
§ 106- 549.23(3)(a) & § 106-549.23(3)(b)

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) NOTICE OF VIOLATIONS
) AND ASSESSMENT OF
) CIVIL PENALTY
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Acting pursuant to North Carolina General Statutes § 106-549.35(c), § 106- 549.17, § 106- 549.23(1), § 106-549.23(3)(a) and § 106-549.23(3)(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. This investigation is a result of information received from an anonymous complainant which alleged that M&M Farms, 5151 Barrier-Georgeville Road, Mount Pleasant, North Carolina 28124 is illegally slaughtering (without the benefit of NCDA (State) or USDA (Federal) inspection) goats and lambs and processing the carcasses for the general public.
- B. On September 1, 2017, NCDA & CS, MPID, Compliance Officers Daniel E. Moody Jr. and Philip Renshaw (hereinafter, CO Moody and Renshaw), along with members of the North Carolina Forest Service Officers Chief Amery Wells and James Niemyer, arrived at the property owned by Ms. Linda Foster McGlamery and managed by Mr. Charles Roland McGlamery located at 5151 Barrier-Georgeville Road, Mount Pleasant, North Carolina 28124 and announced the execution of an Administrative Search Warrant for the property on behalf of the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division.
- C. Upon entering the property, CO's Renshaw and Moody observed and photographed the location and conditions being used by Mr. Charles Roland McGlamery, Manager/Operator of M&M Farms, to slaughter, process and sell misbranded/non-inspected meat products to the general public.
- D. On September 1, 2017, after entering the property of Mr. Charles Roland McGlamery & Ms. Linda Foster McGlamery, CO Renshaw and CO Moody observed approximately seventeen (17) vehicles, approximately twenty-five (25) individuals, approximately fourteen (14) goats/lambs with hide and viscera removed and suspended from gambrels and ropes inside a metal building with a concrete floor.

- E. After entering the property, CO Renshaw interviewed Mr. Charles Roland McGlamery, about the alleged illegal slaughtering (without the benefit of NCDA (State) or USDA (Federal) inspection), processing, 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.
- F. Located inside of the metal building were approximately seven (7) goat/lamb carcasses suspended with gambrels, chains and ropes with the hide and viscera removed. There were two (2) goat/lambs cleaned and cut-up placed into two 48 quart coolers, one (1) goat/lamb was cleaned and placed into a white trash bag, one (1) goat/lamb was cleaned and placed onto clear plastic that was located on a wooden platform and approximately three (3) goats/lambs were already cleaned, cut-up, bagged and placed into the individual's (customer's) vehicle.
- G. The metal building/structure was mainly used for farming and had various tools (rusty & dirty), farm equipment, feed, seed, chemicals, old wooden structural components, exposed insulation on the metal walls, toys, furniture, tables, chairs and two (2) large garage doors that were open and allowing flies, dust and other insects to freely enter the building during the slaughter and processing operation.
- H. Upon further examination of the property, CO's Moody and Renshaw also observed on the property nine (9) live goats/lambs located in a livestock trailer, two (2) goats/lambs located in a small pen by the garage door in the back of the building and an unknown amount of goats/lambs and cattle in the pasture located on the property.
- I. On September 1, 2017, while interviewing Mr. Charles Roland McGlamery, CO Renshaw observed a customer list for twenty-seven (27) goats/lambs to be sold and slaughtered for the 2017 "Eid" Festival. Mr. McGlamery stated that he would charge an average of \$215.00 per animal and in-turn assist with the slaughtering and processing of the animal.
- J. Mr. Charles Roland McGlamery stated that September 1, 2017, he has illegally slaughtered (without the benefit of State (NCDA) or Federal (USDA) inspection), processed, stored, offered for sale and sold fourteen (14) goats and lambs weighing approximately 72 pounds per animal and approximately \$215.00 per animal to the general public during the 2017 "Eid" Festival.
- K. Mr. Charles Roland McGlamery, in a signed statement stated that since September 10, 2016, he has sold livestock to individuals and has in-turn assisted with the slaughtering and processing of those animals on his property.
- L. Mr. Charles Roland McGlamery, manager/operator of 5151 Barrier-Georgeville Road, Mount Pleasant, North Carolina 28124, does not operate under County, State (NCDA) or Federal (USDA) inspection.
- M. On September 1, 2017, Mr. Charles Roland McGlamery & Ms. Linda Foster McGlamery were issued a Custom Exemption of Federal Regulation Letter (Form C&E 19).
- N. On September 1, 2017, Mr. Charles Roland McGlamery & Ms. Linda Foster McGlamery were also issued an on-site Cease and Desist Letter (Form C&E 20) for the slaughtering (without the benefit of State (NCDA) or Federal (USDA) inspection), processing, storing, offering for sale and selling of misbranded/non-inspected meat products to the general public.

II. CONCLUSIONS OF LAW

- A. Mr. Charles Roland McGlamery & Ms. Linda Foster McGlamery/M&M Farms were found to be slaughtering (without the benefit of NCDA (State) or USDA (Federal) inspection), processing, storing, offering for sale and selling misbranded/non-inspected meat products to the general public in violation of General Statutes § 106-549.17, § 106-549.23(1), § 106-549.23(3)(a) and § 106-549.23(3)(b) and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under North Carolina General Statute § 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 § 106-549.17, § 106-549.23(1), § 106- 549.23(3)(a) and § 106-549.23(3)(b).

Accordingly, Mr. Charles Roland McGlamery & Ms. Linda Foster McGlamery/M&M Farms is assessed a civil penalty of:

\$2,000.00 for violating G.S. § 106-549.17 – (Inspection Before Slaughter/Meat)
\$2,000.00 for violating G.S. § 106-549.23(1) – (Prohibited Slaughter/Meat)
\$2,000.00 for violating G.S. § 106-549.23(3)(a) – (Misbranded/Meat)
\$2,000.00 for violating G.S. § 106-549.23(3)(b) – (Non-Inspected/Meat)

\$8,000.00 TOTAL AMOUNT ASSESSED.

Nov. 27, 2017

Date

Dr. Beth Yongue

Dr. Beth Yongue

Director, Meat and Poultry Inspection Division