



**Steve Troxler**  
Commissioner

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

**Dr. Beth Yongue**  
State Director

February 14, 2018

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Maria Perez  
119 Cheyenne Lane  
Mocksville, North Carolina 27028

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

Dear Ms. Perez,

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) 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 DAVIE

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

IN THE MATTER OF

Ms. Maria Perez

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 December 7, 2017, NCDA&CS, MPID, Food Compliance Officer Jake Groce (hereinafter CO Groce) performed a planned compliance review at the American Legion Flea Market, American Legion Avenue, Newton, North Carolina 28658 and visited the retail booth of Ms. Maria Perez.
- B. CO Groce spoke with Ms. Maria Perez who identified herself as the owner/operator of the retail space/booth located at the American Legion Flea Market.
- C. CO Groce observed misbranded/non-inspected (no mark of inspection or required labeling) fully cooked beef tacos and pork tamales, bearing no label and no N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection, being offered for sale to the general public.
- D. An estimated 5 pounds of non-inspected, misbranded meat products were N.C. Detained (Tag Number 4401) and photographed.
- E. Ms. Maria Perez does not operate under County, State, or Federal inspection.
- F. In a signed statement dated December 7, 2017, Ms. Maria Perez, alleged that she purchased approximately two (2) pounds of raw beef meat and approximately one (1) pound of raw pork meat from the local Walmart and transported it back to her residence at 119 Cheyenne Lane, Mocksville, North Carolina 27028.
- G. Ms. Maria Perez, could not provide any receipts/invoices for the purchase of the raw beef meat, raw pork meat and spices used in formulating the misbranded/non-inspected beef tacos and pork tamales.
- H. Ms. Maria Perez, in her non-inspected home kitchen, cooked the raw beef meat and raw pork meat, without the benefit of State (NCDA) or Federal (USDA) inspection. Ms. Maria Perez in-turn commingled the cooked beef meat and spices and place it into soft taco shells to formulate beef tacos. The cooked pork meat, spices and cornmeal were commingled and placed into cornhusker to formulate pork tamales.

- I. Ms. Maria Perez then placed the misbranded/non-inspected fully cooked beef tacos and pork tamales into two (2) 30-quart coolers where she transported the misbranded/non-inspected meat products to the American Legion Flea Market in Newton, North Carolina where they were offered for sale and sold to the general public without the required labeling or the N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection.
- J. Ms. Maria Perez stated in a signed statement dated December 7, 2017, that she processed, stored, transported, offered for sale and sold the misbranded/non-inspected meat products (Beef Tacos and Pork Tamales) to the general public.
- K. On February 21, 2011, Ms. Maria Perez was found to be processing, storing, transporting, offering for sale and selling misbranded/non-inspected meat products to the general public at the Wilkes County Flea Market, 106 Armory Road, North Wilkesboro, North Carolina 28659 in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes 106-549.23(3).
- L. On March 28, 2011, a Notice of Warning (NOW) was issued by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID) to Ms. Maria Perez 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).
- M. On October 18, 2015, Ms. Maria Perez was found to be processing, storing, transporting, offering for sale and selling misbranded/non-inspected meat products to the general public at the Vintage Villa Flea Market, 2924 Rocky Branch Road, Hamptonville, North Carolina 27020 in violation of the North Carolina Compulsory Meat Inspection Law, General Statute 106-549.23(3).
- N. On December 4, 2015, a Notice of Warning (NOW) was issued by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID) to Ms. Maria Perez 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).

II. CONCLUSIONS OF LAW

- A. Ms. Maria Perez were 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. Maria Perez  
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 15, 2018  
Date

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