



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

January 11, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Carolyn Jones
A Full Measure, Inc., Est. 40282
1995 NC Highway 801 South
Advance, North Carolina 27006

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

Dear Ms. Jones:

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. Carolyn Jones
A Full Measure, Inc.

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 November 8, 2018, NCDA&CS, MPID, Food Compliance Officer Jake Groce (hereinafter CO Groce) visited A Full Measure, Inc., 1995 North Carolina Highway 801 South, Advance, North Carolina 27006, to perform a planned compliance review.
- B. CO Groce interviewed with Ms. Carolyn Jones who identified herself as the owner/operator of A Full Measure, Inc., in reference to possibly processing, storing, transporting, offering for sale and selling misbranded/non-inspected meat products wholesale to a retail store for the sole purpose of resale to the general public.
- C. A Full Measure, Inc. operates as a Talmadge-Aiken (T.A.) United States Department of Agriculture (U.S.D.A.), Food Safety Inspection Service (F.S.I.S.), inspected food processing facility (U.S.D.A. Est. # M40282).
- D. In a signed statement dated November 8, 2018, Ms. Carolyn Jones, owner/operator of A Full Measure, Inc., stated that on October 8, 2018, A Full Measure Inc. shipped twelve (12) two (2)-pound plastic containers of "56 Cowboy Beans" chili containing ground beef and four (4) one (1)-pound plastic containers of "56 Cowboy Beans" chili containing ground beef to For your Convenience, 1700 Glenwood Avenue, Suite 100, Raleigh, North Carolina 27608, for the sole purpose of resale to the general public.
- E. All containers of "56 Cowboy Beans" chili were labeled with a label bearing the product name, ingredient statement, cooking instructions and the net weight, but did not bear the N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection and was produced without the benefit of Federal (U.S.D.A.) Inspection.
- F. Ms. Carolyn Jones, owner/operator of A Full Measure, Inc., also stated in a signed statement dated November 8, 2018, A Full Measure, Inc. shipped six (6) one (1)-pound containers of "56 Cowboy Beans" chili containing beef labeled with the U.S.D.A. (Federal) mark of inspection to Go Coconuts, 1550 North Main Street, High Point, North Carolina 27262, for the sole purpose of resale to the general public despite the fact that "56 Cowboy Beans" chili containing ground beef had not yet been approved for Federal (U.S.D.A.) inspection.

- G. Ms. Carolyn Jones, owner/operator of A Full Measure, Inc., stated in a signed statement dated November 8, 2018, that she had processed, transported, stored, offered for sale and sold misbranded/non-inspected (no U.S.D.A. or N.C.D.A. mark of inspection) meat products (Chili containing beef) to For Your Convenience for the sole purpose of resale to the general public.
- H. On September 25, 2014, A Full Measure was found to be processing, storing, offering for sale and selling misbranded meat products to a retail store for the sole purpose of resale to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes 106-549.23(3).
- I. On November 5, 2014, a Notice of Warning was issued by the North Carolina Department of Agriculture and Consumer Services (N.C.D.A.&C.S.), Meat and Poultry Inspection Division (M.P.I.D.) to A Full Measure, Inc. for the processing, storing, offering for sale and selling of misbranded meat products to a retail stores for the sole purpose of resale to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23(3).
- J. On July 19, 2007, Ms. Carolyn Jones was found to be processing, storing, transporting, offering for sale and selling misbranded/non-inspected poultry products to a retail store for the sole purpose of resale to the general public in violation of the North Carolina Poultry Products Inspection Law, General Statutes 106-549.56.
- K. On November 13, 2007, a Notice of Warning was issued by the North Carolina Department of Agriculture and Consumer Services (N.C.D.A.&C.S.), Meat and Poultry Inspection Division (M.P.I.D.) to Ms. Carolyn Jones for the processing, storing, offering for sale and selling of misbranded/non-inspected poultry products retail stores for the sole purpose of resale to the general public in violation of the North Carolina Poultry Products Inspection Law, General Statutes 106-549.56.

II. CONCLUSIONS OF LAW

- A. Ms. Carolyn Jones/ A Full Measure, Inc. was 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. Carolyn Jones/A Full Measure, Inc.
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.

January 11, 2019
Date

Dr. Beth Yongue

Dr. Beth Yongue
Director, Meat and Poultry Inspection Division