



Steven W. Troxler
Commissioner

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

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Dr. Karen Beck
Director

April 7, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Ampadu
Charlotte Market
4740 Old Pineville Road, Suite D
Charlotte, North Carolina 28127

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT
INSPECTION LAWS, N.C.G.S. § 106-549.23(3).

Dear Mr. David Ampadu,

Pursuant to North Carolina General Statute § 106-549.35(c), you are hereby assessed a civil penalty by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division. 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. Karen Beck, 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 on the next page:

-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. Karen Beck, 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) 431-3000. 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. Karen Beck
Director, Meat & Poultry Inspection Division

Certified Mail 9214 8901 9403 8337 6018 42

KB:dm

Attachments: Assessment Document

CC: Mr. Christopher McLennan, Assistant Attorney General

Mr. Joe Reardon, Assistant Commissioner

Ms. Tina Hlabse, General Counsel

Mr. Daniel Moody, Compliance Supervisor

IN THE MATTER OF
MR. DAVID AMPADU
CHARLOTTE MARKET

) NOTICE OF VIOLATIONS AND
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATIONS:
) N.C.G.S. § 106-549.23(3)

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

I. FINDINGS OF FACTS:

- A. On March 1, 2021, N.C.D.A. & C.S., M.P.I.D., Food Compliance Officer Philip J. Renshaw (hereinafter CO Renshaw) visited Charlotte Market, 4740 Old Pineville Road, Suite D, Charlotte, North Carolina 28217, to perform a planned compliance review.
- B. CO Renshaw observed and photographed misbranded meat (goat and beef) products that did not contain the N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection or required labeling being offered for sale to the general public.
- C. Charlotte Market does not operate under County Inspection, N.C.D.A (State) Inspection or U.S.D.A. (Federal).
- D. On March 1, 2021, an estimated three hundred ten (310) pounds (one hundred fifty-six (156) plastic bags) of misbranded meat products were N.C. Detained.
- E. Mr. Edward Darkwa, employee of Mr. David Ampadu, stated in a signed statement dated March 1, 2021, that the goat and/or beef meat products were purchased wholesale in seventy-five (75) pound bulk boxes that were labeled with the U.S.D.A. mark of inspection, Est. # 54249 and required labeling from Nourhan Trading Group, 27 Engelhard Avenue, Avenel, New Jersey 07001 and/or Restaurant Depot, 2030 John Crosland, Charlotte, North Carolina 28208 but could not provide an invoice to that effect.
- F. Mr. Darkwa stated that the goat and/or beef meat products were removed from the master containers (bearing the U.S.D.A. (Federal) mark of inspection and required labeling) and the inner contents which contained the goat and/or beef meat were repackaged by employees of Charlotte Market into unlabeled clear plastic bags and unlabeled Ziploc style bags, without the benefits of N.C.D.A. (State) or U.S.D.A. (Federal) inspection, that weighted approximately two (2) pounds each, which did not bear the N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection.
- G. Charlotte Market in-tun offered the individual unlabeled bags of misbranded goat and/or beef meat products for sale to the general public, which did not contain a U.S.D.A. (Federal) or N.C.D.A. (State) mark of inspection or required labeling.

- H. Charlotte Market processed, stored, offered for sale and sold misbranded meat products to the general public for approximately one (1) month.
- I. On March 1, 2021, approximately three hundred ten (310) pounds of the N.C. Detained misbranded goat and/or beef meat products were released to Mr. Edward Darkwa for his personal use after signing form C & E 15 (Release of Detained Product).
- J. On March 1, 2021, Mr. Edward Darkwa, employee/operator of Charlotte Market, was issued an on-site cease and desist letter for the processing, storing, offering for sale and selling of misbranded meat (goat and/or beef) products to the general public.
- K. On November 30, 2016, Charlotte Market was found to be storing, offering for sale and selling misbranded meat and poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23 and the North Carolina Poultry Products Inspection Law, N.C.G.S. § 106-549.56.
- L. On January 13, 2017, Charlotte Market was issued a Notice of Warning from the North Carolina Department of Agriculture, Meat and Poultry Inspection Division for the violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23 and the North Carolina Poultry Products Inspection Law, N.C.G.S. § 106-549.56.
- M. On September 13, 2006, Charlotte Market was found to be storing, offering for sale and selling misbranded meat and poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23 and the North Carolina Poultry Products Inspection Law, N.C.G.S. § 106-549.56.
- N. October 4, 2006, Charlotte Market was issued a Letter of Warning from the North Carolina Department of Agriculture, Meat and Poultry Inspection Division for the violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23 and the North Carolina Poultry Products Inspection Law, N.C.G.S. § 106-549.56.

II. CONCLUSIONS OF LAW

- A. Mr. David Ampadu, owner/operator of Charlotte Market, was found to be processing, storing, offering for sale and selling misbranded meat products to the general public in violation of N.C.G.S. § 106-549.23(3) may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under N.C.G.S. § 106.549.35 (c).
- B. The Commissioner of Agriculture, pursuant to N.C.G.S. § 106.549.35 (c) has the authority to assess civil penalties in this matter. This authority has been delegated to Dr. Karen Beck, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to N.C.G.S. § 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 N.C.G.S. § 106-549.23.

Accordingly, Mr. David Ampadu/Charlotte Market is assessed a civil penalty of:

\$ 1,000.00 for violating N.C.G.S. § 106-549.23(3) – Articles Required to be Inspected

\$ 1,000.00 TOTAL AMOUNT ASSESSED.

Date

Dr. Karen Beck
Director, Meat and Poultry Inspection Division