



Steven W. Troxler
Commissioner

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

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Dr. Karen Beck
Director

April 20, 2022

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Furman Howell
Kountry's Pork Skins, LLC.
5463 Trade Street
Hope Mills, North Carolina 28348

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

Dear Mr. Furman Howell,

Pursuant to North Carolina General Statutes §§ 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:

Mr. Jonathan Lanier
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

KB:dm

Attachments: Assessment Document

Certified Mail 9214 8901 9403 8373 9208 84

CC: Ms. Christina L. Waggett, Assistant Commissioner
Mr. Jonathan Lanier, General Counsel
Mr. Christopher McLennan, Special Deputy Attorney General
Mr. Daniel Moody, Compliance Supervisor

IN THE MATTER OF
MR. FURMAN HOWELL
KOUNTRY'S PORK SKINS, LLC.

) 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.) of North Carolina Department of Agriculture and Consumer Services ("N.C.D.A. & C.S.") makes the following:

I. FINDINGS OF FACTS:

- A. On March 22, 2022, N.C.D.A. & C.S., M.P.I.D., Food Compliance Officer Marvin Lackman (hereinafter "CO Lackman") visited Joey's Place, 315 South 5th Street, St. Pauls, North Carolina 28384, to perform a random compliance review.
- B. CO Lackman observed and photographed misbranded/non-inspected meat (fully cooked pork skins) products, that did not contain the N.C.D.A. & C.S. (State) or U.S.D.A. (Federal) mark of inspection or required labeling, being offered for sale to the general public.
- C. Joey's Place does not operate under U.S.D.A. (Federal) or N.C.D.A. & C.S. (State) Inspection, but operates under Roberson County Environmental Health Department as a restaurant.
- D. On March 22, 2022, an estimated seven (7) pounds (twenty-three (23) bags) of misbranded/non-inspected meat products (fully cooked pork skins) were N.C. Detained at Joey's Place.
- E. Ms. Erin Weindel, manager/operator of Joey's Place, stated in a signed statement dated March 23, 2022, that the misbranded/non-inspected fully cooked pork skins were purchased wholesale from Mr. Furman Howell, owner/operator of Kountry's Pork Skins, 5463 Trade Street, Hope Mills, North Carolina 28348, over the past three (3) months. She stated that Mr. Howell transported the fully cooked pork skins, which were packaged in clear plastic bags containing no N.C.D.A. & C.S. or U.S.D.A. required labeling, to Joey's Place and provided invoices to that effect.
- F. On March 23, 2022, approximately seven (7) pounds of the N.C. Detained misbranded/non-inspected meat products (fully cooked pork skins) were voluntarily destroyed by Ms. Erin Weindel, owner/operator of Joey's Place, after signing form C&E 3a (Voluntary Destruction of Detained Product).
- G. On March 23, 2022, Joey's Place was issued an on-site cease and desist letter for storing, offering for sale and selling misbranded/non-inspected meat products (fully cooked pork skins) to the general public.

- H. On March 28, 2022, N.C.D.A. & C.S., M.P.I.D. Food Compliance Officer Lackman spoke with Mr. Furman Howell, owner/operator of Kountry's Pork Skins, LLC., 5463 Trade Street, Hope Mills, North Carolina 28348, in reference to the processing, storing, transporting, offering for sale and selling/wholesaling misbranded/non-inspected fully cooked pork skins to Joey's Place, for the sole purpose of resale to the general public
- I. Mr. Furman Howell does not operate under County, State (N.C.D.A. & C.S.) or Federal (U.S.D.A.) Inspection.
- J. In a signed statement dated March 28, 2022, Mr. Furman Howell, stated that he purchased U.S.D.A. inspected dehydrated pork skin pellets from American Skins, LLC., 140 Industrial Dr., Burgaw, North Carolina 28425 and alleged that he transported the cases of pork skin pellets to Kountry's Pork Skins, LLC., 5463 Trade Street, Hope Mills, North Carolina 28348, where he is in the process of obtaining N.C.D.A. & C.S., M.P.I.D. inspection at that location.
- K. Mr. Howell alleged that he cooked, seasoned and packaged the misbranded/non-inspected fully cooked pork skins at his place of business, Kountry's Pork Skins, LLC., 5463 Trade Street, Hope Mills, North Carolina 28348, without the benefits of State (N.C.D.A. & C.S.) or Federal (U.S.D.A.) inspection.
- L. Mr. Howell packaged the fully cooked pork skins in clear plastic bags and applied a label that stated "Kountry's Pork Skins" and included a flavor, net weight, "Nutritional Facts", ingredients and distributed by Kountry's Pork Skins, LLC., P.O. Box 9243, Fayetteville, North Carolina 28311.
- M. In a signed statement dated March 28, 2022, Mr. Furman Howell, owner/operator of Kountry's Pork Skins, LLC., stated that he processed, stored, transported, offered for sale and sold/wholesaled the misbranded/non-inspected fully cooked pork skins to Joey's Place for three (3) months (January 2022-March 2022), for the sole purpose of resale to the general public.
- N. On March 28, 2022, Mr. Furman Howell, owner/operator of Kountry's Pork Skins, LLC., was issued an on-site cease and desist letter for processing, storing, transporting, offering for sale and selling/wholesaling of misbranded/non-inspected meat products (fully cooked pork skins) to a retail store for the sole purpose of reselling to the general public.
- O. On February 23, 2021, Mr. Furman Howell contacted the N.C.D.A. & C.S., M.P.I.D. to learn what the rules and regulations were for him to begin cooking, processing and packaging cooked pork skins and wholesale to various stores.
- P. On April 19, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was found to be processing, storing, offering for sale and selling/wholesaling misbranded/non-inspected meat products (fully cooked pork skins) to the general public in violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23.
- Q. On April 23, 2021, Mr. Furman Howell contacted the N.C.D.A. & C.S., M.P.I.D. to schedule a courtesy review at the location where he was going to cook, process and package cooked pork skins to wholesale.

- R. On May 19, 2021, Mr. Isaac Newberry, Area III Supervisor, performed a courtesy review at Kountry's Pork Skins, owned/operated by Mr. Furman Howell, 5463 Trade Street, Hope Mills, North Carolina 28348 and sent Mr. Furman Howell a list of recommendations for compliance via e-mail.
- S. On June 23, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was issued a Notice of Warning (NOW) from the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division for the violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. §106-549.23 and USPS Tracking System verified that the NOW was received on June 25, 2021.
- T. On August 3, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was found to be processing, storing, offering for sale and selling/wholesaling misbranded/non-inspected meat products (fully cooked pork skins) to the general public in violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. § 106-549.23.
- U. On December 8, 2021, Mr. Furman Howell, 101 Kensington Circle, Fayetteville, North Carolina 28301, was issued a Civil Penalty from the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division for the violation of the North Carolina Compulsory Meat Inspection Law, N.C.G.S. §106-549.23 and USPS Tracking System verified that the Civil Penalty was received on December 8, 2021.

II. CONCLUSIONS OF LAW

- A. Mr. Furman Howell was processing, storing, transporting, offering for sale and selling/wholesaling misbranded/non-inspected meat products to a retail store for the sole purpose of resale to the general public in violation of N.C.G.S. §106-549.23(3) and 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 N.C.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 N.C.G.S. §106-549.23(3).

Accordingly, Mr. Furman Howell owner/operator of Kountry's Pork Skins, LLC is assessed a civil penalty of:

- \$2,000.00 - for violating N.C.G.S. §106-549.23(3) – Articles Required to be Inspected (January 2022 Invoice)
- \$2,000.00 - for violating N.C.G.S. §106-549.23(3) – Articles Required to be Inspected (February 2022 Invoice)
- \$2,000.00 - for violating N.C.G.S. §106-549.23(3) – Articles Required to be Inspected (March 2022 Invoice)

\$6,000.00 TOTAL AMOUNT ASSESSED.

20 APR 2022

Date

Karen Beck

Dr. Karen Beck, State Director

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