



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. Beth Yongue
Director

January 3, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Jaccius Clairmond
God's Grace Convenience Store
129 South Center Street
Mt. Olive, NC 28365

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT INSPECTION LAWS, N.C.G.S. §§ 106-549.23(3) AND THE NORTH CAROLINA POULTRY PRODUCTS INSPECTION ACT, N.C.G.S. §106-549.56(a)(2).

Dear Mr. Jaccius Clairmond,

Pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.59(a1), 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. 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 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. 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

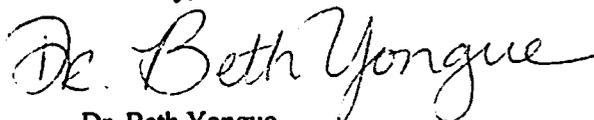
Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 431-3000. You must serve NCDA&CS by mailing a copy of the petition to:

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. Beth Yongue
Director, Meat & Poultry Inspection Division

MEY:dm

Attachments: Assessment Document
CC: Mr. Christopher McLennan, Assistant Attorney General
Mr. Joe Reardon, Assistant Commissioner
Ms. Tina Hlabse, General Counsel

IN THE MATTER OF)
MR. JACCIUS CLAIRMOND)
GOD'S GRACE CONVENIENCE STORE)

) NOTICE OF VIOLATIONS AND
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATIONS:
) N.C.G.S. §§ 106-549.23(3) AND 106-
) 549.56(a)(2).

Acting pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.59 (a1), Dr. Beth Yongue, 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 November 13, 2019, N.C.D.A. & C.S., M.P.I.D., Food Compliance Officer Melanie Pollard (hereinafter CO Pollard) visited God's Grace Convenience Store, 129 South Center Street, Mt. Olive, North Carolina 28365, to perform a planned compliance review.
- B. CO Pollard observed and photographed misbranded meat (cooked beef pastries) and poultry (cooked chicken pastries) 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. God's Grace Convenience Store does not operate under U.S.D.A. (Federal) or N.C.D.A (State) Inspection.
- D. On November 13, 2019, an estimated one hundred (100) pounds (20 boxes of cooked chicken pastries and 20 boxes of cooked beef pastries) were N.C. Detained.
- E. Mr. Clairmond claim in a signed statement dated November 13, 2019 that he purchased the boxes of cooked beef and chicken pastries from Mica's Bakery, 507 Bridgeville Highway, Seaford, DE 19973, but he could not provide an invoice to that effect.
- F. Mr. Clairmond stated that he in turn transported the boxes of misbranded cooked beef and chicken pastries back to his place of business where he offered for sale the whole box of beef and chicken pastries to the general public.
- G. The cooked beef and chicken pastries were packaged in white bakery boxes, weighing approximately 2-5 lbs. each, which did not contain a U.S.D.A. (Federal) or N.C.D.A. (State) mark of inspection or required labeling.
- H. God's Grace Convenience Store transported, stored, offered for sale and sold misbranded meat and poultry products to the general public for approximately four (4) months.
- I. On November 13, 2019, the approximately one hundred (100) pounds of the N.C. Detained boxes of misbranded meat and poultry products were released to Mr. Jaccius Clairmond for his personal use after signing form C & E 15 (Release of Detained Product).

- J. On November 13, 2019, Mr. Jaccius Clairmond, owner/operator of God's Grace Convenience Store, was issued an on-site cease and desist letter for the transporting, storing, offering for sale and selling of misbranded meat and poultry products to the general public.
- K. On January 16, 2019, God's Grace Convenience Store was found to be processing, 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 February 26, 2019, God's Grace Convenience Store 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.

II. CONCLUSIONS OF LAW

- A. Mr. Jaccius Clairmond, owner/operator of God's Grace Convenience Store, was found to be transporting, storing, offering for sale and selling misbranded meat and poultry products to the general public in violation of N.C.G.S. §§ 106-549.23(3) and 106-549.56(a)(2) 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) and 106-549.59(a1).
- B. The Commissioner of Agriculture, pursuant to N.C.G.S. §§106.549.35(c) and 106-549.59(a1), 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 N.C.G.S. § 143B-10(a).

III. DECISION

- A. As required by N.C.G.S. §§106-549.35(c) and 106-549.59(a1), 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) and 106-549.56(a)(2).

Accordingly, Mr. Jaccius Clairmond/God's Grace Convenience Store is assessed a civil penalty of:

\$500.00 for violating N.C.G.S. § 106-549.23(3) – Articles Required to be Inspected

\$500.00 for violating N.C.G.S. § 106-549.56(a)(2)- Articles Required to be Inspected

\$1000.00 TOTAL AMOUNT ASSESSED.

1/3/2020
Date

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