



Steve Troxler  
Commissioner

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

Dr. Beth Yongue  
State Director

April 3, 2018

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

Mr. Pedro Hernandez  
Ms. Zenaida Hernandez  
1945 Dilling Farm Road  
Charlotte, NC 28214

Mr. Felicito Phillip Hernandez  
624 Trailing Rock Road  
Charlotte, NC 28214

**RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS  
OF THE MEAT INSPECTION LAWS AND POULTRY PRODUCTS INSPECTION LAWS  
GENERAL STATUTES § 106-549.17 and 106-549.23.**

Dear Mr. Pedro Hernandez, Ms. Zenaida Hernandez, Mr. Felicito Phillip Hernandez

Pursuant to North Carolina General Statutes (G.S.) 106-549.35(c) and (G.S.) 106-549.59(a1) this letter is notice of a civil penalty by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division (NCDA&CS). The civil penalty assessment document 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 General Statutes §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:

1001 Mail Service Center, Raleigh, North Carolina 27699-1001 • (919) 733-4136  
Toll Free Hearing Impaired: 1-800-735-2982 • Toll Free Speech Impaired: 1-877-735-8200  
[www.ncagr.com/meatpoultry](http://www.ncagr.com/meatpoultry)  
Equal Opportunity in Employment and Services

Mr. Pedro Hernandez  
Ms. Zenaida Hernandez  
Mr. Felicito Phillip Hernandez  
Page 2

-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  
Mr. Joe Reardon, Assistant Commissioner  
Ms. Tina Hlabse, General Counsel

Mr. Pedro Hernandez  
Ms. Zenaida Hernandez  
Mr. Felicito Phillip Hernandez  
Page 3

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

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

IN THE MATTER OF )

Mr. Pedro Hernandez )  
Ms. Zenaida Hernandez )  
Mr. Felicito Hernandez )

FOR VIOLATIONS OF THE N.C. COMPULSORY )  
MEAT INSPECTION LAW AND N.C. POULTRY )  
POULTRY PRODUCTS LAW )  
G.S. § 106-549.17, § 106-549.23(1), § 106-549.23(3)(a) )  
§ 106-549.23(3)(a) & § 106-549.23(3)(b) )

NOTICE OF VIOLATIONS  
AND ASSESSMENT OF  
CIVIL PENALTY

Acting pursuant to North Carolina General Statute (G.S.) § 106-549.35(c), § 106-549.17, § 106-549.23(1), § 106-549.23(3)(a), § 106-549.23(3)(a) & § 106-549.23(3)(b). Dr. Beth Yongue, Director, Meat and Poultry Inspection Division of North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

I. FINDINGS OF FACTS:

- A. This investigation is a result of anonymous information received on February 12, 2018, at the North Carolina Department of Agriculture & Consumer Services, Meat and Poultry Inspection Division, Raleigh Office alleging that there was a non-inspected slaughter and processing operation being conducted at Big H Farms, 1945 Dilling Farm Road, Charlotte, North Carolina.
- B. On February 17, 2018, a confidential informant, while posing as a member of the general public, went to 1945 Dilling Farm Road, Charlotte, North Carolina also known as Big H Farms, where an apparent non-inspected slaughter and processing operation appeared to be in full operation, without the benefit of NCDA (State) or USDA (Federal) inspection.
- C. After arriving at the property, the confidential informant, spoke with a farm employee and requested to purchase some beef meat. The farm employee told the confidential informant to go to another section of the farm (the restaurant style building area) where he observed a small amount of non-inspected, misbranded and/or adulterated beef meat being stored, offered for sale and sold to the general public. Also, while the confidential informant was waiting, he observed a partially visible beef carcass that was hanging behind a plastic style partition (this animal was slaughtered prior to the confidential informant's arrival).

- D. A farm employee then packaged approximately five (5) pounds of the beef meat into a small non-food grade plastic bag. The non-food grade plastic bag stated the following: "Have A Nice Day", "Thank You Gracias".
- E. On February 17, 2018, the confidential informant, paid six (6) dollars per pound for the beef meat a total of \$30.00.
- F. The non-inspected, misbranded and/or adulterated meat products were transferred from the confidential informant to Compliance Officer Philip Renshaw (hereinafter, CO Renshaw, respectively) relevant to chain of custody proceedings.
- G. Upon taking custody of the non-inspected, misbranded and/or adulterated meat products, CO Renshaw examined and photographed the contents and saw no NCDA (State) or USDA (Federal) marks of inspection or required labeling on the meat products or packaging.
- H. CO Renshaw transferred the above mentioned non-inspected, misbranded and/or adulterated meat products to the MPID Raleigh Compliance Office, following the Division chain of custody proceedings.
- I. Big H Farms (1945 Dilling Farm Road, Charlotte, North Carolina) owned/operated by Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez, does not operate under County, State (NCDA) or Federal (USDA) inspection.
- J. On October 14, 2011, Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez were found to be slaughtering (without the benefit of NCDA or USDA inspection), processing, storing, offering for sale and selling non-inspected, misbranded and/or adulterated meat products and poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes § 106-549.17 and § 106-549.23 and the North Carolina Poultry Products Inspection Laws, General Statute § 106-549.56.
- K. On June 21, 2012, Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez were issued a civil penalty of \$68,000.00, later settled for \$54,000.00, by the North Carolina Department of Agriculture & Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID) for the slaughtering (without the benefit of NCDA or USDA inspection), processing, storing, offering for sale and selling of non-inspected, misbranded and/or adulterated meat products and poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes § 106-549.17, § 106-549.23 and § 106-406 and the North Carolina Poultry Products Inspection Laws, General Statutes § 106-549.53 and § 106-549.56.

L. On January 20, 2018, Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez were found to be slaughtering (without the benefit of NCDA or USDA inspection), processing, storing, offering for sale and selling non-inspected, misbranded and/or adulterated meat products and misbranded poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes § 106-549.17 and § 106-549.23 and the North Carolina Poultry Products Inspection Laws, General Statute § 106-549.56.

M. On February 19, 2018, Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez were issued a civil penalty of \$112,000.00 by the North Carolina Department of Agriculture & Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID) for the slaughtering (without the benefit of NCDA or USDA inspection), processing, storing, offering for sale and selling of non-inspected, misbranded and/or adulterated meat products and misbranded poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statutes § 106-549.17, and § 106-549.23 and the North Carolina Poultry Products Inspection Laws, General Statute § 106-549.56.

## II. CONCLUSIONS OF LAW

- A. Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Hernandez are found to be slaughtering (without the benefit of NCDA (State) or USDA (Federal) inspection), processing, storing, offering for sale and selling non-inspected, misbranded and/or adulterated meat products to the general public and in addition, the unacceptable insanitary conditions at the location/facility were such that all products slaughtered (without the benefit of NCDA (State) or USDA (Federal) inspection), processed, stored, offered for sale and sold would be rendered adulterated in violation of General Statutes § 106-549.17 and § 106-549.23 and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under General Statute §106-549.35(c) and under General Statute §106-549.59 (a1).
- B. The Commissioner of Agriculture, pursuant to General Statute §106-549.35(c) and General Statute §106-549.59 (a1) has the authority to assess civil penalties in this matter. The authority has been delegated to Dr. Beth Yongue, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to General Statute §143B-10(a).

Mr. Pedro Hernandez  
Ms. Zenaida Hernandez  
Mr. Felicito Phillip Hernandez  
Page 6

III. DECISION

As required by General Statute §106-549.35(c) and General Statute §106-549.59 (a1) and in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation of General Statutes § 106-549.17 and §106-549.23.

Accordingly, Mr. Pedro Hernandez, Ms. Zenaida Hernandez and Mr. Felicito Phillip Hernandez are assessed a civil penalty of:

- (\$5,000.00) §106-549.17.(a) - Inspection of Animals Before Slaughter
- (\$5,000.00) §106-549.23.(1) - Prohibited Slaughter
- (\$5,000.00) §106-549.23.(3)(a) - Prohibited Sale (Misbranded)
- (\$5,000.00) §106-549.23.(3)(b) - Articles Required to be Inspected
- (\$5,000.00) §106-549.23.(3)(a) - Prohibited Sale (Adulterated)

\$25,000.00 for violating General Statutes §106-549.17, §106-549.23(1), §106-549.23(3)(a), §106-549.23(3)(b) & §106-549.23(3)(a).

\$25,000.00 TOTAL AMOUNT ASSESSED.

April 3, 2018  
Date

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