



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

May 28, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tahir Pervez Khan
D/B/A High Point Halal Meats
338 Eaton Drive
High Point, NC 27265

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT INSPECTION LAWS, N.C.G.S. §§ 106-549.23(3)(b) AND 106-549.24(b)(b)(6), AND THE NORTH CAROLINA POULTRY PRODUCTS INSPECTION ACT, N.C.G.S. § 106-549.56(a)(2)(b) AND (c)(6).

Dear Mr. Tahir Pervez Khan,

Pursuant to North Carolina General Statutes § 106-549.35(c) and 106-549.59(al), you are hereby assessed a civil penalty by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division ("NCDA&CS"). 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 N.C.G.S. § 150B-23. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, North Carolina 27699-1001

You must serve NCDA&CS by mailing a copy of the petition to:

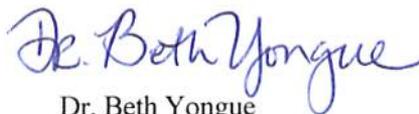
Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Process Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

Additional information may be obtained by visiting <https://www.oah.nc.gov/>. Any questions about filing a petition may be directed to the Clerk of OAH by telephone (919) 431-3000.

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
TAHIR PERVEZ KHAN D/B/A
HIGH POINT HALAL MEATS

) NOTICE OF VIOLATIONS AND
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATIONS OF:
) N.C.G.S. §§ 106-549.23(3)(b); 106-549.24(b)(6);
) AND 106-549.56(a)(2)(b) AND (c)(6).

Pursuant to N.C.G.S. §§ 106-549.35(c) and 106-549.59(al), Dr. Beth Yongue, Director, North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division (“NCDA&CS”), makes the following:

I. FINDINGS OF FACTS:

1. On January 29, 2019, NCDA&CS, MPID, Food Compliance Officer Jake Groce (“CO Groce”) conducted a random compliance review at Makkah Market, 1700-E East Bessemer Avenue, Greensboro, North Carolina 27405.
2. CO Groce observed chicken breasts, both intact and ground, and cut-up lamb packaged in both zip lock style plastic bags and clear plastic bags labeled with “High Point Halal Meats” labels bearing the N.C.D.A. (State) mark of inspection P-318.
3. High Point Halal Meats operates as an N.C.D.A. (State) inspected slaughter and custom processing establishment. However, High Point Halal Meats is not authorized or inspected under N.C.D.A. (State) inspection to process poultry products or further process raw ground and raw not-ground meat products.
4. The High Point Halal Meats’ chicken breast and cut-up lamb products observed by CO Groce at Makkah Market bearing the N.C.D.A. (State) inspection label were never inspected by NCDA&CS’ inspectors.
5. Eight (8) packages of chicken breasts, both intact and ground, estimated twenty-five (25) pounds in total, bearing the N.C.D.A. (State) mark of inspection were detained and photographed by CO Groce under N.C. Detained Tag # 4419.
6. CO Groce determined that the eight (8) detained packages of chicken breast were produced without benefit of inspection.
7. On January 31, 2019, CO Groce spoke with Mr. Abdul Khan who identified himself as the manager of Makkah Market.
8. In a signed statement dated January 31, 2019, Mr. Abdul Khan, alleged that in or about September of 2018 he went to High Point Halal Meats, 338 Eaton Drive, High Point, North Carolina 27265, and purchased twenty-five to thirty (25-30) pounds of lamb meat, fifteen to twenty (15-20) pounds of beef meat and chicken products and, in turn along with the employees of High Point Halal Meats, processed and packaged the meat and poultry products and placed the N.C.D.A. (State) mark of inspection (P-318) on the products. None of the products had been inspected by NCDA&CS inspectors. Mr. Abdul Khan then transported the non-inspected meat and poultry products back to his place of business for the sole purpose of resale to the general public.
9. On February 4, 2019, CO Groce spoke with Mr. Tahir Pervez Khan who identified himself as the owner and operator of High Point Halal Meats.

10. In a signed statement dated February 4, 2019, Mr. Tahir Pervez Khan stated that he was unaware that his employees had processed, stored, offered for sale, and sold non-inspected meat and poultry products bearing the N.C.D.A. mark of inspection to Mr. Abdul Khan, manager of Makkah Market, for the sole purpose of resale to the general public in or about September of 2018 and was not able to provide any records of the transaction nor was he able to provide the source of the meat and poultry processed for the transaction.
11. On February 4, 2019, High Point Halal Meats was issued by NCDA&CS an on-site cease and desist letter for the selling of meat and poultry products bearing the N.C.D.A. mark of inspection without having been inspected.
12. Mr. Tahir Pervez Khan, doing business as High Point Halal Meats, has a history of noncompliance with the laws and regulations of NCDA&CS as follows:
 - a. On January 12, 2012, NCDA&CS suspended inspection of High Point Halal Meats for egregious inhumane treatment of livestock.
 - b. On February 2, 2012, inspection at High Point Halal Meats was suspended for a second time for egregious inhumane treatment of livestock.
 - c. On August 3, 2012, inspection at High Point Halal Meats was suspended for a third time for producing and shipping adulterated products.
 - d. On August 17, 2012, Mr. Tahir Pervez Khan, doing business as High Point Halal Meats, was found by NCDA&CS to be slaughtering, processing, storing, transporting, offering for sale, and selling misbranded, non-inspected, and adulterated meat products without State (N.C.D.A.) or Federal (U.S.D.A.) mark of inspection or the required labeling to a meat market for the sole purpose of resale to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, N.C.G.S. §§ 106-549.17 and 106-549.23.
 - e. On August 29, 2012, inspection at High Point Halal Meats was suspended a fourth time for producing and shipping adulterated products.
 - f. On October 10, 2012, as a result of the August 17, 2012 investigation, NCDA&CS issued a civil penalty in the amount of sixteen thousand dollars (\$16,000.00) against Mr. Tahir Pervez Khan, doing business as High Point Halal Meats, for the slaughtering, processing, storing, transporting, offering for sale and selling of misbranded, non-inspected, and adulterated meat products with no marks of inspection or required labeling to retail meat markets for the sole purpose of resale to the general public.
 - g. On November 21, 2012, Mr. Tahir Pervez Khan entered into a settlement agreement with NCDA&CS to pay ten thousand dollars (\$10,000.00) and to comply with the laws and rules enforced by NCDA&CS in the future, including the North Carolina Meat Inspection Laws and Poultry Inspection Act.
 - h. On May 17, 2013, High Point Halal Meats was issued a letter of concern by NCDA&CS for use of profanity towards an NCDA&CS inspector and for attempted intimidation.
 - i. On September 3, 2014, inspection at High Point Halal Meats was suspended for a fifth time for egregious inhumane treatment of livestock.

- j. On July 2, 2015, inspection at High Point Halal Meats was suspended for a sixth time for verbal intimidation of an NCDA&CS inspector.
- k. On October 26, 2015, NCDA&CS withheld High Point Halal Meats' marks of inspection for violation of a regulatory control action. Mr. Tahir Pervez Khan shipped a goat carcass with a retain tag issued by NCDA&CS. The retain tag was issued to detain the carcass to allow NCDA&CS to conduct testing for antibiotic residues.
- l. On December 5, 2017, inspection at High Point Halal Meats was suspended for an eighth time for egregious inhumane treatment of livestock.
- m. On October 12, 2018, High Point Halal Meats was issued a notice of intended enforcement action for having an inadequate hazard analysis and critical control points and sanitation standard operating procedure systems in place.
- n. On October 16, 2018, Mr. Tahir Pervez Khan requested a voluntary suspension of inspection to correct the items listed in the October 12, 2018 Notice of Intended Enforcement Action letter issued by NCDA&CS.
- o. On February 7, 2019, NCDA&CS suspended inspection at High Point Halal Meats for the ninth time for producing and shipping misbranded product.
- p. On March 20, 2019, suspension of inspection for High Point Halal Meats was held in abeyance after High Point Halal Meats satisfactorily addressed the issues identified in the February 7, 2019 Notice of Suspension. A new grant of inspection was issued by NCDA&CS revoking custom exempt and retail exempt privileges at High Point Halal Meats.

II. CONCLUSIONS OF LAW

- 13. N.C.G.S. § 106-549.23(3)(b) prohibits the selling, transporting, offering for sale or transportation, or receiving for transportation of carcasses, parts of carcasses, meat, or meat food products that are required to be inspected under the North Carolina Meat Inspection Laws of the North Carolina General Statutes Chapter 106, Article 49B, unless they have been so inspected and passed.
- 14. N.C.G.S. § 106-549.24(b)(6) prohibits the representation by any person, firm, or corporation that an article has been inspected and passed under the North Carolina Meat Inspection Laws when in fact the article has not been inspected and passed.
- 15. N.C.G.S. § 106-549.56(a)(2)(b) prohibits the selling, transporting, offering for sale or transportation, or receiving for transportation of any poultry products that are required to be inspected under the North Carolina Poultry Products Inspection Act of the North Carolina General Statutes Chapter 106, Article 49D, unless they have been so inspected and passed.
- 16. N.C.G.S. § 106-549.56(c)(6) prohibits the representation by any person that an article has been inspected and passed under the North Carolina Poultry Products Inspection Act when in fact the article has not been inspected and passed.
- 17. Based on CO Groce and NCDA&CS' investigations, Mr. Tahir Pervez Khan, doing business as High Point Halal Meats, was in violation of N.C.G.S. §§ 106-549.23(3)(b); 106-549.24(b)(6); and 106-549.56(a)(2)(b) and (c)(6).
- 18. N.C.G.S. § 106-549.35(c) authorizes the Commissioner of Agriculture to assess a civil penalty of not more than five thousand dollars (\$5,000.00) against any person who violates a provision of the North Carolina

Meat Inspection Laws or any rule promulgated thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

19. N.C.G.S. § 106-549.59(a1) authorizes the Commissioner of Agriculture to assess a civil penalty of not more than five thousand dollars (\$5,000.00) against any person who violates a provision under the Poultry Products Inspection Act or any rule adopted thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.
20. The Commissioner of Agriculture has delegated these authorities to Dr. Beth Yongue, Director, Meat and Poultry Inspection Division pursuant to N.C.G.S. § 143B-10(a).

III. DECISION

21. 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 violations of N.C.G.S. §§ 106-549.23(3)(b); 106-549.24(b)(6); and 106-549.56(a)(2)(b) and (c)(6).
22. Specifically, I have considered the history of Mr. Tahir Pervez Khan's noncompliance with the Meat Inspection Laws and Poultry Products Inspection Act indicating a pattern of repeat violations. Mr. Tahir Pervez Khan previously in the settlement agreement he entered into with NCDA&CS agreed to comply with the Meat Inspection Laws and Poultry Products Inspection Act.
23. In addition, I find that the documented violations pose a risk to the general public both in terms of public health but also consumer protection. The laws Mr. Tahir Pervez Khan violated in this civil penalty are designed to ensure the safety of meat and poultry products in North Carolina and protect consumer confidence in North Carolina meat and poultry products.
24. Moreover, I find especially egregious that Mr. Tahir Pervez Khan's products bear the N.C.D.A. (State) inspection label when in fact they have not been inspected.
25. Accordingly, Mr. Tahir Pervez Khan, doing business as High Point Halal Meats, is assessed a civil penalty of:

\$5,000 for violating N.C.G.S. § 106-549.23(3)(b)
\$5,000 for violating N.C.G.S. § 106-549.24(b)(6)
\$5,000 for violating N.C.G.S. § 106-549.56(a)(2)(b)
\$5,000 for violating N.C.G.S. § 106-549.56(c)(6)

\$20,000 TOTAL AMOUNT ASSESSED.

May 28, 2019
Date

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