



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

December 27, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Henry "Skip" Neese
Mrs. Patricia Neese
3931 Alamance Church Road
Liberty, NC 27298

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT INSPECTION LAWS, N.C.G.S. § 106-549.23(1), AND FAILURE TO PROPERLY DISPOSE OF DEAD DOMESTICATED ANIMALS, N.C.G.S. § 106-403.

Dear Mr. Henry "Skip" Neese and Mrs. Patricia Neese,

Pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-405.20, 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) 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. Christopher McLennan, Assistant Attorney General

Mr. Joe Reardon, Assistant Commissioner

Ms. Tina Hlabse, General Counsel

IN THE MATTER OF)
MR. HENRY "SKIP" NEESE)
AND MRS. PATRICIA NEESE)
)
)
FOR VIOLATIONS OF THE NORTH CAROLINA)
MEAT INSPECTION LAWS,)
N.C.G.S. § 106-549.23(1),)
AND FAILURE TO PROPERLY DISPOSE OF DEAD)
DOMESTICATED ANIMALS, N.C.G.S. § 106-403.)

NOTICE OF VIOLATIONS
AND ASSESSMENT OF
CIVIL PENALTY

Acting pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-405.20, Dr. Beth Yongue, Director, Meat and Poultry Inspection Division of North Carolina Department of Agriculture and Consumer Services makes the following:

I. FINDINGS OF FACTS:

- A. This investigation is a result of information received by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID), from an anonymous informant, which alleged that Mr. Henry "Skip" Neese and Mrs. Patricia Neese, 3931 Alamance Church Road, Liberty, North Carolina 27298, were operating an illegal/non-inspected slaughter and processing operation for the general public without the required NCDA&CS (state) or the United States Department of Agriculture (federal) inspection.
- B. On August 21, 2018, NCDA&CS, MPID, Food Compliance Officer Jake Groce conducted mobile surveillance at 3931 Alamance Church Road, Liberty, North Carolina 27298, and observed several individuals participating in the illegal/non-inspected slaughter of livestock.
- C. On August 21, 2018, NCDA&CS, MPID, Food Compliance Officers Jake Groce, Philip Renshaw, Marin Lackman, Melanie Pollard, and Daniel Moody (hereinafter CO Groce, CO Renshaw, CO Lackman, CO Pollard, and CO Moody), along with members of the North Carolina Forest Service Officers Amery Wells, David LaFon, James Niemyer, and Glen Coley, entered the property of Mr. Henry "Skip" Neese and Mrs. Patricia Neese, located at 3931 Alamance Church Road, Liberty, North Carolina 27298, by way of a Settlement Agreement granting right of entry to NCDA&CS, MPID, filed on July 20, 2007.
- D. Upon entering the property, CO's Groce, Renshaw, Lackman, Pollard, and Moody observed illegal/non-inspected slaughter and processing operation actively operating in multiple locations throughout the farm.
- E. Upon entering the property, CO's Groce, Renshaw, Lackman, Pollard, and Moody observed, photographed, videotaped the location and conditions being used by Mr. Henry "Skip" Neese and Mrs. Patricia Neese to slaughter, process, and sell misbranded/non-inspected and/or adulterated meat products to the general public.

- F. On August 21, 2018, after entering the property of Mr. Henry "Skip" Neese and Mrs. Patricia Neese, CO's Groce, Renshaw, Lackman, Pollard, and Moody observed approximately twenty (20) vehicles on the property, several farm structures and buildings, livestock holding pens, numerous animals including hogs, lambs, sheep, goats, cattle, chickens, other birds and dogs in the holding pens and roaming the area. Mr. Henry "Skip" Neese was also observed by the CO's arriving with approximately five (5) to six (6) goats/lambs and a bovine on his trailer for his customers to purchase and slaughter.
- G. CO's Groce, Renshaw, Lackman, Pollard, and Moody observed thirty (30) to forty (40) individuals throughout the farm engaged in the non-inspected slaughter and processing activities of sheep/lamb/goat carcasses in unsanitary conditions.
- H. Unsanitary conditions observed included but were not limited to carcasses and carcass parts being stored and carried in wheel-barrows and carcasses and their parts being processed directly on the ground, pieces of filthy cardboard, non-food-grade wooded tables, tree stumps, and ground mostly covered with mud, feces, and livestock digestive contents and blood.
- I. The individuals that were processing the animals were chopping and cutting up the carcasses with contaminated knives and axes where animal ingesta and digesta, flies, dirt, and grass were observed all over the processing areas and directly on the carcasses and meat products.
- J. There was one dead bovine lying on the ground shackled by the leg and the shackled was tied to a trailer. It appeared to have been there for more than 24 hours as it was bloated, there was a putrid odor coming from the carcass and one of its eyes was missing. There were 3 large areas that contained amounts too numerous to count of animal bones, decaying animal hides and animal hair.
- K. There were no sanitation stations, potable hoses, hot water, detergents or sanitizer observed on the property.
- L. Some of the animal carcasses were observed being burned with a propane torch while the animal hide was still attached. Some individuals appeared to be taking all offal material with them while others left the offal material lying on the ground.
- M. CO's Groce, Renshaw, Lackman, Pollard, and Moody observed twenty (20) carcasses and carcass parts being stored and processed in insanitary conditions throughout the farm/property.
- N. The individuals or groups would complete the slaughter and processing of the animals they had purchased from Mr. Henry "Skip" Neese and then pack the meat into buckets, bags, or other containers and load it into their vehicles.
- O. Mr. Henry "Skip" Neese refused to cease activities or sign any formal statement.
- P. On August 21, 2018, Mr. Henry "Skip" Neese and Mrs. Patricia Neese were issued an on-site Cease and Desist Letter (Form C & E 20) for operating an illegal non-inspected slaughter and processing operation.
- Q. On August 21, 2018, Mr. Henry "Skip" Neese and Mrs. Patricia Neese were also issued a Custom Exemption of Federal Regulation Letter (Form C & E 19).

- R. On August 21, 2018, Mr. Salifou Bossou Toure stated in a signed statement that he and along with other families present on the property of Mr. Henry "Skip" Neese and Mrs. Patricia Neese, 3931 Alamance Church Road, Liberty, North Carolina 27298, purchased live lambs from Mr. Henry "Skip" Neese for \$225.00 for each lamb and that they used Mr. Neese's property and equipment such as knives, tables, water hoses, and water to slaughter and process the animals they purchased.
- S. Other individuals present on the property also stated that they purchased animals from the property owner for the purpose of slaughter and processing.
- T. Mr. Henry "Skip" Neese and Mrs. Patricia Neese, owners/operators of 3931 Alamance Church Road, Liberty, North Carolina 27298, did not operate under state or federal inspection.

II. CONCLUSIONS OF LAW

- A. Mr. Henry "Skip" Neese and Mrs. Patricia Neese were found to be slaughtering, without state or federal inspection, processing, storing, offering for sale, and selling misbranded/non-inspected and/or adulterated meat products to the general public in violation of North Carolina General Statutes § 106-549.23(1), and may be assessed a civil penalty of up to five thousand dollars (\$5,000.00) per violation under North Carolina General Statutes § 106-549.35(c).
- B. Mr. Henry "Skip" Neese and Mrs. Patricia Neese also failed to properly dispose of dead animals in accordance with North Carolina General Statute § 106-403 and may be assessed a civil penalty of up to five thousand dollars (\$5,000.00) in accordance with North Carolina General Statute § 106-405.20.
- C. The Commissioner of Agriculture, pursuant to North Carolina General Statutes §§ 106-405.20 and 106-549.35(c) 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 North Carolina General Statute §143B-10(a).

III. DECISION

- A. As required by North Carolina General Statutes §§ 106-549.35(c) and 106-405.20, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations of North Carolina General Statutes §§ 106-549.23(1) and 106-403, particularly Mr. Henry "Skip" Neese's lack of concern that the unsanitary conditions on his farm could lead to a public health threat.
- B. Accordingly, Mr. Henry "Skip" Neese and Mrs. Patricia Neese are assessed a civil penalty of:

\$10,000.00 (\$500.00 per each of the twenty animals) for violation of N.C.G.S. §106-549.23(1) - Prohibited Slaughter; and
\$2,000.00 (\$500.00 for one deceased unburied cow and \$500.00 each for three large areas of piles of animal remains) for violation of N.C.G.S. §106-403 - Disposition of Dead Animals.

TOTAL AMOUNT ASSESSED: \$12,000.00.

December 27, 2018
Date

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