



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

May 14, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tommy Bailey
Rayfield's Meat Center
4450 NC-109 South
Wadesboro, North Carolina 28170

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

Dear Mr. Tommy Bailey,

Pursuant to North Carolina General Statutes § 106-549.35(c) and 106-549.23, you are hereby assessed a civil penalty by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID). 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. TOMMY BAILEY)
RAYFIELD'S MEAT CENTER)
)
FOR VIOLATIONS OF THE NORTH CAROLINA)
COMPULSORY MEAT INSPECTION LAW)
N.C.G.S. §§ 106-549.23)

NOTICE OF VIOLATIONS
AND ASSESSMENT OF
CIVIL PENALTY

Acting pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.23, Dr. Beth Yongue, Director, Meat and Poultry Inspection Division (MPID) of North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

I. FINDINGS OF FACTS:

- A. On February 19, 2019, NCDA&CS, MPID, Food Compliance Officer Philip Renshaw (hereinafter CO Renshaw) visited Marshville Rockstore, BBQ, 6608 East Marshville Boulevard, Marshville, North Carolina 28103, to perform a random compliance review.
- B. CO Renshaw observed misbranded (no mark of inspection or required labeling) meat products (pork fatback and country ham) 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. Marshville Rockstore BBQ operates as a retail store and a restaurant under the Union County Environmental Health Department Inspection and does not operate under Federal (U.S.D.A.) or State (N.C.D.A.) Inspection.
- D. An estimated six (6) pounds of misbranded meat products were N.C. Detained (Tag # 4616) and photographed.
- E. On February 20, 2019, CO Renshaw spoke with Mr. Don Stegall who identified himself as the owner/operator of Marshville Rockstore BBQ.
- F. On February 20, 2019, Mr. Don Stegall stated in a signed statement that the misbranded pork fatback and country ham were purchased wholesale in small packages, which did not contain the State (N.C.D.A.) or Federal (U.S.D.A.) mark of inspection and/or required labeling from Rayfield's Meat Center, 6608 East Marshville Boulevard, Marshville, North Carolina 28103.
- G. Rayfield's Meat Center operates under Federal (U.S.D.A.) Inspection, Est. # 34769 and under the Anson County Environmental Health Department Inspection as a restaurant.
- H. Mr. Don Stegall, owner/operator of Marshville Rockstore BBQ, stated the misbranded pork fatback and country ham were formulated, processed and packaged by Rayfield's Meat Center, 4450 NC 109 South, Wadesboro, North Carolina 28770 into individual small (approximately 1.2 pounds per package) Styrofoam trays wrapped in thin plastic wrap, in-which Rayfield's Meat Center applied a label that stated: Rayfield's Meat Center, Wadesboro, North Carolina, 28170, product name, ingredients, rice, sell by date, net weight and safe handling instructions but no N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection.

- I. On February 20, 2019, Mr. Don Stegall, owner/operator of Marshville Rockstore BBQ, stated in a signed Statement that he stored, offered for sale and sold the misbranded pork fatback and country ham to the general public for approximately two (2) months.
- J. On February 20, 2019, approximately six (6) pounds of misbranded meat products were released to Mr. Don Stegall for his personal use after signing form C & E 15 (Release of Detained Product).
- K. On February 19, 2019, an on-site cease and desist letter was issued to Marshville Rockstore BBQ for the storing, offering for sale and selling of misbranded meat products to the general public.
- L. On February 22, 2019, CO Renshaw spoke with Mr. Tommy Bailey, owner/operator of Rayfield's Meat Center, 4450 NC Highway 109 South, Wadesboro, North Carolina 28170 in reference to his processing, storing, transporting, offering for sale and selling misbranded meat products wholesale to Marshville Rockstore BBQ for the sole purpose of resale to the general public.
- M. On February 22, 2019, Mr. Tommy Bailey, owner/operator of Rayfield's Meat Center, stated in a signed statement that in his retail exemption area of his U.S.D.A. inspected facility, he would formulate and process the pork fatback and country ham and Rayfield's Meat Center employees would attach a retail label to the retail exemption meat products that did not bear the State (N.C.D.A.) or Federal (U.S.D.A.) mark of inspection and/or required labeling.
- N. Mr. Tommy Bailey stated in a signed statement dated February 22, 2019, that Rayfield's Meat Center has processed, stored, transported, offered for sale and sold misbranded meat products (pork fatback and country ham) wholesale to a retail store for the sole purpose of resale to the general public.
- O. On February 22, 2019, Mr. Tommy Bailey, owner/operator of Rayfield's Meat Center, was issued an on-site cease and desist letter for the selling of misbranded meat products.
- P. On June 26, 2017, Rayfield's Meat Center was issued a Notice of Warning (N.O.W.) from the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division for the violation of the North Carolina Meat Inspection Law, General Statutes 106-549.23 and North Carolina Poultry Products Inspection Law, General Statutes 106-549.56.

II. CONCLUSIONS OF LAW

- A. Mr. Tommy Bailey/Rayfield's Meat Center was found to be processing, storing, transporting, offering for sale and selling misbranded meat products wholesale to a retail store for the sole purpose of resale to the general public in violation of General Statute §106-549.23(3)(b) and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under North Carolina General Statutes § 106.549.35 (c)
- B. The Commissioner of Agriculture, pursuant to North Carolina General Statute §106.549.35 (c) 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 North Carolina General Statute § 143B-10(a).

III. DECISION

- A. As required by North Carolina General Statute § 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 General Statute § 106-549.23

Accordingly, Mr. Tommy Bailey/Rayfield's Meat Center is assessed a civil penalty of:

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

\$500.00 TOTAL AMOUNT ASSESSED.

May 14, 2019
Date

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