



Steve Troxler  
Commissioner

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

Dr. Beth Yongue  
State Director

November 6, 2018

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

Mr. Cirilo Gonzalez  
Tienda Y Tortilleria Los Remedios  
902 Breazeale Avenue  
Mt. Olive, North Carolina 28365

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS  
OF THE MEAT INSPECTION LAWS  
G.S. § 106-549.23

Dear Mr. Cirilo Gonzalez,

Pursuant to North Carolina General Statutes §§ 106-549.35(c) and 106-549.23 (3) (a) & (b), this letter is notice of 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 below:

**-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  
Joe Reardon, Assistant Commissioner  
Tina Hlabse, General Counsel

STATE OF NORTH CAROLINA  
COUNTY OF WAYNE

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

IN THE MATTER OF

Mr. Cirilo Gonzalez  
Tienda Y Tortilleria Los Remedios

FOR VIOLATIONS OF N.C. COMPULSORY  
MEAT INSPECTION LAWS  
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 (3) (a) & (b), Dr. Beth Yongue, Director, Meat and Poultry Inspection Division (MPID) of the North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

**I. FINDINGS OF FACTS:**

- A. On August 13, 2018, NCDA & CS, MPID, Food Compliance Officer Melanie Pollard (hereinafter CO Pollard) visited Tienda Y Tortilleria Los Remedios, 902 Breazeale Avenue, Mt. Olive, North Carolina 28365, to perform a planned compliance review.
- B. CO Pollard spoke with Mr. Cirilo Gonzalez who identified himself as the owner/operator of Tienda Y Tortilleria Los Remedios.
- C. CO Pollard observed consumer size packages of misbranded/non-inspected (no mark of inspection or required labeling) cooked pork skins, bearing no label and no N.C.D.A. (State) or U.S.D.A. (Federal) mark of inspection, being offered for sale to the general public.
- D. An estimated ten (10) pounds of non-inspected/misbranded meat products were N.C. Detained (Tag Number 4545) and photographed.
- E. Tienda Y Tortilleria Los Remedios does not operate under County, State, or Federal inspection.
- F. In a signed statement dated August 13, 2018, Mr. Cirilo Gonzalez, owner/operator of Tienda Y Tortilleria Los Remedios, stated that he purchased large bags of cooked pork skins form a Hispanic Man at the Wallace Flea Market, 1562 N. Norwood Street, Wallace, North Carolina 28466, which did not contain a N.C.D.A. or U.S.D.A. mark of inspection or required labeling and could not supply an invoice to that effect nor could he supply the gentleman's name or contact information.
- G. Mr. Gonzalez stated that he in-turn transported the bags of misbranded/non-inspected cooked pork skin back to his place of business where he placed the cooked pork skins into consumer size clear plastic bags without the benefits of State (NCDA), Federal (USDA) or County Inspection for the sole purpose of resale to the general public.
- H. Mr. Cirilo Gonzalez stated in a signed statement dated August 13, 2018, that he transported, processed, stored, offered for sale and sold the misbranded/non-inspected meat products (cooked pork skins) to the general public.

- I. Approximately ten (10) pounds of the N.C. Detained packages of cooked pork skins were voluntarily destroyed by Mr. Cirilo Gonzalez after signing for C & E 3a (Voluntary Destruction of Detained Product).
- J. On August 13, 2018, Tienda Y Tortilleria Los Remedios was issued an on-site cease and desist letter for the selling of misbranded meat products.
- K. On October 11, 2017, a Notice of Warning was issued by the North Carolina Department of Agriculture and Consumer Services (N.C.D.A. & C.S.), Meat and Poultry Inspection Division (M.P.I.D.) to Tienda Y Tortilleria Los Remedios for the processing, storing, offering for sale and selling of misbranded/non-inspected meat products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23(3)(a) & (b).

II. CONCLUSIONS OF LAW

- A. Mr. Cirilo Gonzalez/Tienda Y Tortilleria Los Remedios was found to be transporting, processing, storing, offering for sale and selling misbranded/non-inspected meat products to the general public in violation of General Statute §106-549.23 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 Statutes § 106-549.23.

Accordingly, Mr. Cirilo Gonzalez/Tienda Y Tortilleria Los Remedios  
is assessed a civil penalty of:

\$500.00 for violating § 106-549.23(3)(a) – (Misbranded/Non-Inspected Meat)

\$500.00 for violating § 106-549.23(3)(b) – (Misbranded/Non-Inspected Meat)

**\$1,000.00 TOTAL AMOUNT ASSESSED.**

November 6, 2018  
Date

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