



Steve Troxler
Commissioner

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

Dr. Beth Yongue
State Director

October 11, 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Herode Fleurant
Trinity Supermarket, Inc.
105 East Pollock Street
Mount Olive, North Carolina 28365

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

Dear Mr. Fleurant,

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. Herode Fleurant
Trinity Supermarket, Inc.

FOR VIOLATIONS OF THE NORTH CAROLINA
COMPULSORY MEAT INSPECTION LAWS
GENERAL STATUTES § 106-549.23

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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 July 18, 2017, NCDA&CS, MPID, Food Compliance Officers Melanie Pollard and Daniel Moody (hereinafter CO Pollard and CO Moody) visited Trinity Supermarket, Inc., 105 East Pollock Street, Mount Olive, North Carolina 28365, to perform a Planned Compliance Review.
- B. CO Pollard and CO Moody spoke with Ms. Landie Stflare who identified herself as an employee /operator of Trinity Supermarket, Inc.
- C. CO Pollard and CO Moody observed misbranded/non-inspected (no mark of inspection or required labeling) season pork called “pork andri”, bearing no label and no NCDA (State) or USDA (Federal) mark of inspection, being offered for sale to the general public.
- D. An estimated 12 pounds (50 clear plastic bags) of non-inspected, misbranded meat products were N.C. Detained (Tag Number 4483) and photographed.
- E. Trinity Supermarket, Inc. does not operate under County, State, or Federal inspection.
- F. In a signed statement dated July 18, 2017, Ms. Landie Stflare, employee/operator of Trinity Supermarket, Inc., stated that the misbranded/non-inspected meat products, for the past thirteen (13) months, was being purchased in small consumer size packages, which did not contain the USDA mark of inspection and required labeling from individuals located in Florida and Maryland. The individuals located in Florida and Maryland processed, formulated and packaged the misbranded/non-inspected season pork called “pork andri”, without the benefit of USDA inspection, for Mr. Herode Fleurant owner/operator of Trinity Supermarket, Inc. for the sole purpose of resale to the general public.
- G. Ms. Landie Stflare then stated that they placed the misbranded/non-inspected season pork called “pork andri” into the establishment’s retail cooler where the misbranded/non-inspected meat products were offered for sale and sold to the general public without the required labeling or the NCDA (State) or USDA (Federal) mark of inspection.

- H. Ms. Landie Stflare stated in a signed statement dated July 18, 2017, that Trinity Supermarket, Inc. transported, stored, offered for sale and sold the misbranded/non-inspected meat products (season pork called "pork andri") to the general public.
- I. On January 13, 2017, a Notice of Warning was issued by the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID), to Trinity Supermarket, Inc. for the processing, transporting, storing, offering for sale and selling of misbranded/non-inspected meat and poultry products to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23 and the North Carolina Poultry Products Inspection Laws, General Statute § 106-549.56.
- J. On November 14, 2016, the North Carolina Department of Agriculture and Consumer Services (NCDA&CS), Meat and Poultry Inspection Division (MPID), Compliance Officer Daniel E. Moody Jr. issued Trinity Supermarket, Inc. a violation for the processing, transporting, storing, offering for sale and selling of misbranded/non-inspected meat products (goat meat, cow feet, pork feet, "pork andri" and whole chickens) to the general public in violation of the North Carolina Compulsory Meat Inspection Laws, General Statute § 106-549.23 and the North Carolina Poultry Products Inspection Laws, General Statute § 106-549.56.

II. CONCLUSIONS OF LAW

- A. Mr. Herode Fleurant/Trinity Supermarket, Inc. were found to be transporting, 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. Herode Fleurant/Trinity Supermarket, Inc.
is assessed a civil penalty of:

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

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

\$1,000.00 TOTAL AMOUNT ASSESSED

October 11, 2017

Date

Dr. Beth Yongue

Dr. Beth Yongue

Director, Meat and Poultry Inspection Division