



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 23, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Margarita Moran
Two Brothers Pork Skins
1611 North Ridge Avenue
Kannapolis, NC 28083

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF THE NORTH CAROLINA MEAT
INSPECTION LAWS, N.C.G.S. § 106-549.23 AND 106-549.24.

Dear Ms. Margarita Moran,

Pursuant to North Carolina General Statutes § 106-549.35(c), 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) 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)
MS. MARGARITA MORAN)
TWO BROTHERS PORK SKINS)

FOR VIOLATIONS OF THE NORTH CAROLINA)
COMPULSORY MEAT INSPECTION LAW)

) NOTICE OF VIOLATIONS
) AND ASSESSMENT OF
) CIVIL PENALTY

N.C.G.S. §§ 106-549.23(3)(a), 106-549.23(3)(b), 106-549.23(4), 106-549.24(b)(2), 106-549.24(b)(6).

Acting pursuant to North Carolina General Statutes §§ 106-549.35(c), 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 March 19, 2019, NCDA&CS, MPID, Food Compliance Officer Melanie Pollard (hereinafter CO Pollard) visited Tienda Latino Americana, 2642 Carolina Beach Road, Unit 5, Wilmington, North Carolina 28412, to perform a random compliance review.
- B. CO Pollard observed non-inspected (fraudulently bearing the U.S.D.A. mark of inspection Est. # 40259, Two Brothers Pork Skins) Chicharron Prensado (cooked pork meat with spices) bearing a label that did not contain the required labeling information (complete and accurate ingredient statement, safe handling instruction/statement) being offered for sale to the general public.
- C. Two Brothers Pork Skins operates as a Talmage-Aiken (T.A.), United States Department of Agriculture (U.S.D.A.) (Federal) inspected food processing facility (U.S.D.A Establishment Number 40259).
- D. An estimated six (6) pounds (six (6) packages) of non-inspected (fraudulently bearing the U.S.D.A. (Federal) mark of inspection) meat products were N.C. Detained (Tag # 4576) and photographed.
- E. On March 19, 2019, CO Pollard obtained invoices that documented the receipt of the non-inspected meat products from Dulce Esperanza (Distributer) in Archdale, North Carolina (complete address was not documented on the receipt).
- F. On March 20, 2019, NCDA&CS, MPID, Food Compliance Officers Philip Renshaw and Jake Groce (hereinafter CO Renshaw and Groce) spoke with Ms. Margarita Moran, who identified herself as the manager/operator of Two Brothers Pork Skins, 1611 North Ridge Avenue, Kannapolis, North Carolina 28083, in reference to the processing, storing, transporting, offering for sale and selling/wholesaling non-inspected meat products that were fraudulently bearing the U.S.D.A. mark of inspection and did not contain the required labeling to a distributor and retail stores for the sole purpose of resale to the general public.

- G. The investigation revealed that the non-inspected meat products included Chicharron Prensado (cooked pork with spices) and Cueritos (cooked pork skins in brine), which were produced without the benefit of N.C.D.A. (State) or U.S.D.A. (Federal) inspection as early as October 5, 2017.
- H. Ms. Margarita Moran, manager/operator of Two Brothers Pork Skins, stated in a signed statement dated March 20, 2019, that Two Brothers Pork Skins processed (formulated, cooked/pickled, labeled and packaged), stored, transported, offered for sale and sold the non-inspected Chicharron Prensado (cooked pork with spices) and Cueritos (cooked pork skins in brine) wholesale to a distributor and retail stores for the sole purpose of resale to the general public for approximately one (1) year.
- I. Ms. Margarita Moran, manager/operator of Two Brothers Pork Skins, was issued an on-site cease and desist letter for the processing, storing, transporting, offering sale and selling non-inspected meat products (Chicharron Prensado and Cueritos) wholesale to a distributor and retail stores for the sole purpose of resale to the general public.
- J. On March 22, 2019, CO Pollard interviewed Ms. Angie Funez, manager/operator of Tienda Latino Americana, 2642 Carolina Beach Road, Unit 5, Wilmington, North Carolina 28412 and obtained a signed shipper's and receiver's certification for the wholesale purchase of the non-inspected meat products from Two Brothers Pork Skins.
- K. On March 22, 2019, approximately ten (10) pounds of the N.C. Detained Chicharron Prensado and Cueritos appeared wholesome, were identified or labeled "Not For Sale" and released to Angie Funez, manager/operator of Tienda Latino Americana, for her to return the non-inspected meat products back to Two Brothers Pork Skins after signing Form C & E 15 (Release of Detained Product).

II. CONCLUSIONS OF LAW

- A. Ms. Margarita Moran/Two Brothers Pork Skins was found to be processing, storing, transporting, offering for sale and selling non-inspected meat products wholesale to a distributor and retail stores for the sole purpose of resale to the general public in violation of General Statute §106-549.23(3)(b) and 106-549.24(b)(6) 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 and 106-549.24.

Accordingly, Ms. Margarita Moran/Two Brothers Pork Skins
is assessed a civil penalty of:

\$2,000.00 for violating N.C.G.S. § 106-549.23(3)(b) – Articles Required to be Inspected

\$2,000.00 for violating N.C.G.S. § 106-549.24 (b)(6) – Knowingly represent that any article has been
Inspected and passed

\$4,000.00 TOTAL AMOUNT ASSESSED.

May 23, 2019
Date

Dr Beth Yongue

Dr. Beth Yongue
Director, Meat and Poultry Inspection Division