



Steve Troxler
Commissioner

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

Donald H. Delozier
State Director

September 21, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ronnie Sink
Ms. Barbara Sink
2841 Ridge Road
Lexington, NC 27295

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS
OF THE MEAT INSPECTION LAW
G.S. § 106-549.17 and 106-549.23

Dear Mr. Ronnie Sink & Ms. Barbara Sink,

Pursuant to North Carolina General Statute (G.S.) 106-549.35(c) this letter is notice of a civil penalty by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry Inspection Division (NCDA&CS). The civil penalty assessment document 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 Mr. Donald H. Delozier, Director, Meat & Poultry Inspection Division, who may be contacted by telephone at (919) 733-4136. Settlement offers do not extend the 60 day deadline for payment or filing of a contested case petition.

Mr. Ronnie Sink & Ms. Barbara Sink
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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
Mr. Donald H. Delozier, 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:

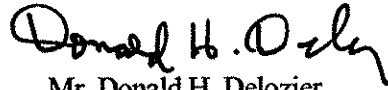
Mr. Ray Starling
North Carolina Department of Agriculture and Consumer Services
Process Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001

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.

Mr. Ronnie Sink & Ms. Barbara Sink
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Your attention to this matter is appreciated.

Sincerely,



Mr. Donald H. Delozier
Director, Meat & Poultry Inspection Division

DHD:aw

Attachments: Assessment Document

CC: Ms. Anne J. Brown, Special Deputy Attorney General

- F. Mr. Yoi Kpa also stated in a signed statement dated June 20, 2009 that Mr. Ronnie Sink shackled and hoisted the beef carcass up with his tractor with a front in loader and provided cold water from a garden type water hose to use for slaughtering and processing the cow.
- G. CO Pollard observed nine wooden pallets lying on the ground throughout the property which were covered with black plastic and appeared to be additional locations where animals had been previously slaughtered and processed.
- H. CO Pollard also observed four cow hides, animal offal and legs from a goat and/or sheep which were lying on the ground around the wooden pallets which appeared to be from a previous day or that days slaughter and processing activities.
- I. The observations and conditions described above constitute numerous unsanitary conditions and practices which led to the direct adulteration of the slaughtered animals. These unsanitary conditions and practices included:
 - a. animals being slaughtered/processed (eviscerated, washed, cut-up, etc.) in 90 degree temperatures;
 - b. slaughter/processing utensils (knives, axe, hatchet, etc.) showed no signs of routine cleaning or any means of sanitizing the utensils;
 - c. carcass offal, bones, hooves, leg pieces and beef hides were lying on the ground from that day's slaughter/processing activities;
 - d. blood and fecal material was observed running all over the ground in the slaughter/processing area from that day's slaughter activities; and
 - e. there was no evidence of any hot water available.
- J. On June 20, 2009, Mr. Ronnie Sink, 2841 Ridge Road, Lexington, NC, stated in a signed statement that he has operated and provided an uninspected slaughter facility/location and service to the general public without the benefit of NCDA or USDA inspection on his property for approximately six years.
- K. Mr. Ronnie Sink, 2841 Ridge Road, Lexington, NC, stated in a signed statement dated June 20, 2009 that he was aware that the operating/providing an uninspected slaughter facility/location and service to the general public was a violation of the North Carolina Compulsory Meat Inspection Law.
- L. The slaughtering/processing facility/location owned and operated by Mr. Ronnie Sink & Ms. Barbara Sink is not a NCDA or USDA inspected facility.

II. CONCLUSIONS OF LAW

- A. Mr. Ronnie Sink & Ms. Barbara Sink are found to be in violation of G.S. § 106-549.17 and 106-549.23 by:
1. failing to obtain inspection of animals prior to slaughter;
 2. prohibited slaughter except in compliance with the requirements;
 3. prohibited sale of misbranded (no mark of inspection or required labeling) and adulterated (unfit for human consumption) meat products and may be assessed a civil penalty of up to five thousand (\$5,000.00) dollars per violation under G.S. §106-549.35(c).
- B. The Commissioner of Agriculture, pursuant to G.S. §106-549.35(c) has the authority to assess civil penalties in this matter. The authority has been delegated to Mr. Donald H. Delozier, Director, Meat and Poultry Inspection Division by the Commissioner of Agriculture pursuant to G.S. §143B-10(a).

III. DECISION

As required by G.S. §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 G.S. § 106-549.17 & 106-549.23.

Accordingly Mr. Ronnie Sink & Ms. Barbara Sink are assessed a civil penalty of:

\$8,000.00 for violating G.S. § 106-549.17 and 106-549.23
\$8,000.00 TOTAL AMOUNT ASSESSED.

Sept. 21, 2009
Date

Donald H. Delozier
Mr. Donald H. Delozier, Director
Meat and Poultry Inspection Division

CONTINUATION SHEET
Form C&E-1a (Page 2)
Ronnie Sink
Barbara Sink

PREDICATION

This investigation is a result of information received from a confidential informant who alleged the illegal slaughtering and processing of animals was being conducted on the property of Mr. Ronnie and Barbara Sink, 2841 Ridge Road, Lexington NC.

SYNOPSIS OF FACTS

On June 20, 2009, at approximately 11:30 a.m., North Carolina Department of Agriculture and Consumer Services (NCDA & CS), Meat and Poultry Inspection Division (MPID) Food Compliance Officers Percy Russell, Jr. and Melanie Pollard, along with members of the Davidson County Sherriff's Department and the NC State Bureau of Investigation executed a search warrant of the property owned by Mr. Ronnie and Barbara Sink, located at the vicinity of 2841 Ridge Road, Lexington N.C. on behalf of the North Carolina Department of Agriculture and Consumer Services. The search warrant was in reference to the possible operation of a clandestine slaughter/processing facility/location by and/or for the general public without required state (NCDA) or federal (USDA) inspection.

SEE CASE EXHIBIT 1 – Search Warrant, State of NC, Davidson Co.

Upon arriving at the property of Mr. Ronnie and Barbara Sink, Food Compliance Officers Russell and Pollard observed approximately three females and three males processing a beef cattle carcass that had been shackled and hoisted up in the air by using a tractor with a front end loader.

The six individuals were further processing (cutting) the beef cattle carcass into quarters with the dirty hide intact and placing the meat/hide from the beef cattle carcass in black plastic trash bags. The individuals in turn placed the black plastic trash bags in plastic containers and in turn placed the

SEE 2ND CONTINUATION SHEET