

Pursuant to G.S. §119-59(c), the North Carolina Department of Agriculture may assess a civil penalty against any person or company that violates a provision of North Carolina G.S. §119 Article 5 or any rule adopted under it. Requests for extensions to correct some items will be considered ***but will not*** affect the findings or decisions contained in the Assessment of Civil Penalties. Extension requests must be made prior to the due date of the penalty and can be made online at <http://www.ncmhtd.com/Standards/LP/RequestExtension.asp>.

If you are assessed for a civil penalty, you must respond within 60 days of the issue date of letter using one of three options:

1. **Pay the assessed penalty.** To pay the penalty by check or money order, please make the check payable to the North Carolina Department of Agriculture & Consumer Services and send it to Marcus Helfrich, Standards Division Director, 1050 Mail Service Center, Raleigh, NC 27699.

To pay using a credit card, please call 984-236-4800 and ask to speak to Jessica Larreau. Please have the inspection number ready.

Please note: Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment of the penalty are continuing in nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you. In addition, pursuant to G.S. §147.86.23, a late fee of 10% will be included with overdue penalties referred to the Attorney General's Office as well as simple interest charges at an annual rate of 5%, as set in G.S. §105.241.21.

2. **Request to settle with the Department.** 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 Marcus Helfrich, Director, Standards Division, who may be contacted by telephone at (984) 236-4755 or by email to marcus.helfrich@ncagr.gov. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Please note: Settlements are not guaranteed to be accepted. Please be prepared to present what work has been completed to date to resolve the problem that led to the civil penalty as well as why the issue has not been resolved if the work has not been completed.

3. **File a written petition for a contested case hearing in the Office of Administrative Hearings (OAH) appealing the civil penalty assessment.** If you file a contested case petition, it must be in writing and in the form prescribed by N.C. General Statute §150B-23 and be accompanied with payment for the filing fee of twenty dollars (\$20.00), or a request for a waiver of the fee. File the original petition and one copy with:

NC Office of Administrative Hearings

1711 New Hope Church Rd
Raleigh, NC 27609-6285

Any questions about filing a petition may be directed to the Clerk of OAH by telephoning (984) 236-1850. You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture & Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, North Carolina 27699-1001