



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Denver District Office of Field Operations
Denver Federal Center, Building 45
PO Box 25387
Denver, Colorado 80225-0387
Telephone: (303) 236-9800
Fax: (303) 236-9794

SENT VIA FEDEX & FACSIMILE

February 20, 2009

Mr. Rick De Los Santos, Owner
Pecos Valley Meats – Est. 7299 M
3845 Cedarvale Road
Roswell, NM 88023

NOTICE OF SUSPENSION HELD IN ABEYANCE

Dear Mr. De Los Santos:

On January 23, 2009, the Food Safety and Inspection Service (FSIS) provided you with a written "Notice of Suspension" of the assignment of inspectors at your establishment, Pecos Valley Meats – Est. 7299 M, Roswell, New Mexico, in accordance with 9 CFR 500.4 (a), (b), (c), and (d) (Rules of Practice).

The suspension was based on the failure to adequately respond to the Notice of Intended Enforcement (NOIE) that was issued to Pecos Valley Meats, Est. 7299 M, Roswell, New Mexico, on January 12, 2009. The NOIE was based on your firm's failure to comply with 9 CFR 417.2 (a) (1); 417.2 (b) (1); 417.2 (c); 417.5 (a) (1); 417.5 (a) (2); 417.2 (c) (4); 417.3 (a); 417.5 (a) (3); 310.25 (a) (2) (i); 310.25 (a) (2) (iii); 310.25 (a) (4); 310.22 (e) (1); 310.22 (e) (3); 310.22 (e) (4); 310.22 (f); 416.2 (a); 416.4 (d); 416.13 (b); 416.13 (c); 416.14; 416.15 (a); and 416.15 (b). Your firm responded to the NOIE via facsimiles sent to the Denver District Office on January 15 and January 22, 2009. Your firm responded in writing to the NOS via facsimiles sent to the Denver District Office on January 30, February 9, February 11, February 13, and on February 19, 2009. Your responses were reviewed and FSIS personnel determined the responses adequately addressed the concerns outlined in the letter of suspension. Based on this decision, FSIS will hold the Suspension in Abeyance.

As a federally inspected establishment, you are expected to comply with the Federal Meat Inspection Act (FMIA) and all regulations promulgated there under. The regulations require an establishment to take appropriate action(s) when either management of the establishment or FSIS determines that the plant's SSOP, HACCP or other systems may be ineffective.

It is important for you to understand that FSIS has the responsibility to initiate action if your establishment fails to operate in accordance with the regulatory requirements. Your failure to comply with regulatory requirements or to implement the measures addressed in your written

responses may result in FSIS initiating additional enforcement action which could include a recommendation to withdraw inspection and/or other appropriate administrative or legal actions.

A copy of the FSIS Verification Plan will be presented and discussed with you at a later date to assist you in understanding the nature and importance of the Agency's verification activities. This FSIS Verification Plan is designed to ensure that your establishment fully implements the revisions to your SSOP and HACCP plans and other corrective actions stated in your submissions and that these revisions and corrective actions are effective in assuring future regulatory compliance.

The FSIS Verification Plan identifies your corrective action, the relevant regulatory requirements, and the ISP code under which FSIS personnel will verify implementation and execution, along with any time frames and training identified in your proposals.

FSIS personnel assigned to your establishment are available for discussion should you have any questions in regard to this or any other matter. You may also call the Denver District Office at (303) 236-9800.

Sincerely,



Dr. Ron Nelson
District Manager
Denver District

Cc: QER
Establishment File
J. Adams, DDM
A. Gallegos, DDM
R. Reeder, DDM
S. Symons, DDICS
[Redacted] FLS
[Redacted] Relief PHV/IIC
[Redacted] CSI
M. Siller, RMS/OPEER