



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

July 14, 2014

Ms. Brenda Wright
Arbor Creek Kennels
426 Flat Creek Church Road
Weaverville, NC 28787

UPS

1Z21067A853882399

Notice of Warning

Re: Violation of Title 02, N.C. Administrative Code Chapter 52J, Section .0210 & G.S. 19A-30

Board Kennel: Arbor Creek Kennels
License No. 10,295

Dear Ms. Wright:

As you know, this office received a complaint about your boarding kennel arising from injuries suffered by an animal in your care, "Seamus," in December of 2013. This dog's owner submitted an extensive and detailed complaint about injuries the dog suffered before the owner's family members picked up the dog. You supplied a detailed response to the complaint describing discovery of the dog's injury and the care you provided.

This office reviewed your response and the contents of your licensing file, including your Plan of Veterinary Care ("PVC"). The PVC clearly states that "emergency" cases will be taken to a veterinary emergency care facility for assessment and treatment.

Your written response to this office clearly indicates that you did not take "Seamus" to an emergency veterinary facility even though he had suffered a traumatic loss of an appendage. Instead you attempted to assess and treat this dog for its apparent injuries, delaying care from a qualified veterinarian. Your decision was contrary to what you represented to be your policy and practice in the PVC you filed with your application for your boarding kennel license.

Based on the results of the above visit, you may have violated the following section of the Animal Welfare Act and provision in Chapter 52J of the N.C. Administrative Code:

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

(1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased.

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility's certificate of registration pursuant to G.S. 19A-30 or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,

A handwritten signature in black ink that reads "David T. Marshall DVM". The signature is written in a cursive style with a large initial "D" and "M".

David Marshall, DVM
North Carolina State Veterinarian

BHB/bhb

cc: Mr. Barry Bloch, Assistant Attorney General