



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

June 18, 2015

Columbus County Animal Control
Attn: Rossie Hayes
Shelter Manager
288 Legion Drive
Whiteville, NC 28472

UPS Tracking Number Signature Required

1Z 210 61742 5607 5238

NOTICE OF CIVIL PENALTY

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF NORTH CAROLINA GENERAL STATUTES §§ 19A-32.1 (a) and (b) (1)

Dear Mr. Hayes:

Pursuant to N.C. Gen. Stat. § 19A-40 I am issuing this notice to you that Columbus County Animal Control is assessed a civil penalty of \$5,000.00, as provided in the enclosed Notice of Violations and Order.

With regard to the civil penalty, 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 NCOAH to appeal the penalty assessment.

Pursuant to N.C. Gen. Stat. § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, present your offer to me. I may be contacted by telephone at (919) 715-7111. 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 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
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. Gen. Stat. § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

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:

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 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,

A handwritten signature in black ink, appearing to read 'Patricia Norris', written in a cursive style.

Patricia Norris, DVM
Director, Animal Welfare Section

Attachment: Assessment Document

cc: R. Douglas Meckes, DVM, North Carolina State Veterinarian
Mr. Barry Bloch, Assistant Attorney General, N.C. Department of Justice
Ms. Tina Hlabse, General Counsel, NCDA&CS
Mr. Joe Reardon, Assistant Commissioner, NCDA&CS

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES,
VETERINARY DIVISION

IN THE MATTER OF
COLUMBUS COUNTY ANIMAL
CONTROL

) NOTICE OF VIOLATIONS,
) ASSESSMENT OF CIVIL
) PENALTY
)
) For Violations Of:
) N. C. Gen. Stat. §§19A-32.1 (a) and (b) (1)

Acting pursuant to N.C. Gen. Stat. §19A-40, Dr. Patricia Norris, Director of the Animal Welfare Section (“AWS”), Veterinary Division, North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

I. FINDINGS OF FACT

1. At all times pertinent to this matter Columbus County Animal Control (“CCAC” or the “shelter”) is an animal shelter registered pursuant to N.C. Gen. Stat. §19A-26.
2. On May 19, 2015 two female pit bull dogs were impounded at the shelter.
3. The impound sheets indicate that the dogs had been surrendered by the owner of the dogs. No proof of ownership was provided at the time of impoundment.
4. The impound sheets indicate that the dogs were to be held until 2 PM on May 22, 2015 to fulfill the 72 hours minimum holding period.
5. The impound sheet for the euthanized dog documents the euthanasia as occurring on May 21, 2015.
6. The paperwork for the euthanized dog does not document a serious illness or injury to justify the euthanasia prior to the 72 hour minimal holding period
7. The impound sheet for the released dog documents the owner reclaim as occurring on May 21, 2015.

As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, alleges that CCAC, either by act or omission, violated the following provisions of the N. C. General Statute 19A-32.1 (a), (b) (1) and (i). (See Appendix for text of cited General Statutes)

II. CORRECTIVE ACTIONS REQUIRED

CCAC shall develop written policies and procedures that detail the decision parameters for the euthanasia of animals as well as the required documentation. These policies and procedures must be in compliance with the N. C. Animal Welfare Act and the N. C. Administrative Code. These policies and procedures are to be provided to the AWS for review and approval within 7 days of receipt of this letter.

III. N. C. General Statute §19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s.6: 1998-215,s.3.)

The Director notes that Columbus County Animal Control Shelter was assessed a civil penalty for \$6,500.00 on November 26, 2013. That civil penalty was assessed for violation of N. C. General Statute§19A-32.1.

IV. DECISION

As required by N.C. Gen. Stat. § 19A-40 in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, CCAC is assessed a civil penalty of: \$5,000.00 for violating N. C. Gen. Stat. §§19A-32.1 (a) and (b) (1).

\$5,000.00 TOTAL AMOUNT ASSESSED

6/18/2015
Date



Dr. Patricia Norris
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

Appendix

N. C. General Statutes §§19A-32.1 (a) and (b) (1)

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

(1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.

(2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.