



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

November 16, 2015

A. Scott Jackson  
Registered Agent  
United Animal Coalition  
701 Green Valley Road  
Suite 100  
Greensboro, NC 27409

**NOTICE OF CIVIL PENALTY**

**Re: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF TITLE 02, N. C. ADMINISTRATIVE CODE, CHAPTER 52J, SECTION .0210 (b) and (c).  
Facility: Davidson County Animal Shelter**

Dear Mr. Jackson:

Pursuant to N. C. General Statute § 19A-40 I am issuing this notice to you that the United Animal Coalition is assessed a civil penalty of \$10,000.00 as provided in the enclosed Notice of Violations.

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 with the N. C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to N. C. General Statute § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may present your offer to me. I can be contacted by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment of 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. General Statute § 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 ("OAH"). 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 at 919-431-3000. 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,



Patricia Norris, DVM  
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: R. Douglas Meckes, DVM, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Joe Reardon, Assistant Commissioner, NCDA&CS

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT  
OF AGRICULTURE AND CONSUMER  
SERVICES, VETERINARY DIVISION  
ANIMAL WELFARE SECTION

IN THE MATTER OF )  
)  
UNited ANIMAL COALITION DBA ) NOTICE OF VIOLATIONS  
DAVIDSON COUNTY ANIMAL SHELTER ) ASSESSMENT OF CIVIL PENALTY  
)  
) FOR VIOLATIONS OF  
) 02 NCAC 52J .0210 (b) and (c)

Acting pursuant to N.C. Gen. Stat. § 19A-30, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

### FINDINGS OF FACT

1. On June 11, 2015, Dr. Patricia Norris, Director, AWS, NCDA&CS conducted a complaint investigation, including a records review, on the premises of the United Animal Coalition DBA Davidson County Animal Shelter ("UAC"), located at 490 Glendale Road, Lexington, NC, concerning the lack of care of a severely injured dog. Dr. Norris' review of UAC records included review of UAC's Annual Program of Veterinary Care dated April 27, 2015 that was submitted to AWS with its license application. UAC's Annual Program of Veterinary Care indicated that "[a]ll ill or injured animals are removed from the general public and placed in our sick isolation areas. Veterinary Technicians provide medication prescribed by our veterinarian as she directs. **Any severely ill or injured animals are taken to outside veterinarians for immediate evaluation and veterinarians' recommendations and protocol are followed.**" (emphasis added) Dr. Norris' findings are as follows:

- a) The investigation of the records revealed that on intake the dog was noted to appear paralyzed from the shoulders down and possibly have a broken back. It was also noted that the dog was placed on "pain meds thru stray period." The dog was euthanized three (3) days after intake. There is no record of a veterinary examination.
  - b) By the date of the investigation, the dog had already been euthanized.
2. On August 13, 2015, Dr. Norris returned to the shelter to continue her complaint investigation. Dr. Norris' review of UAC records again included review of UAC's Annual Program of Veterinary Care. Dr. Norris' review of UAC records revealed the following:
- a) In January 2015 nine (9) animals were found dead in their kennels. Five (5) of these were dogs and four (4) were cats.
  - b) In February 2015 twenty-three (23) animals were found dead in their kennels. Five (5) of these were dogs and nineteen (19) were cats.
  - c) In March 2015 nine (9) animals were found dead in their kennels. Five (5) of these were dogs and four (4) were cats.
  - d) In April 2015 forty-seven (47) animals were found dead in their kennels. Four (4) of these were dogs and forty-three (43) were cats. From April 1-14, 2015 there were seven (7) deaths. From April 15-30, there were forty (40) deaths.
  - e) In May 2015 ninety-six (96) animals were found dead in their kennels. Five (5) of these were dogs and ninety-one (91) were cats.

- f) In June 2015 ninety-one (91) animals were found dead in their kennels. Five (5) of these were dogs and eighty-six (86) were cats.
- g) In July 2015 ninety-two (92) animals were found dead in their kennels. Fourteen (14) of these were dogs and seventy-eight (78) were cats.
- h) From August 1-12, 2015 thirty-eight (38) animals were found dead in their kennels. Four (4) of these were dogs and thirty-four (34) were cats.

3. Review of the euthanasia records for the shelter from May 1 through August 13, 2015 revealed an overwhelming number of euthanasias due to moderate to severe medical reasons and/or contagious disease.

4. No written program for disease control written by a veterinarian could be located that addressed this apparent disease problem.

## CONCLUSIONS

As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, finds that you either by act or omission, violated the provisions the North Carolina Administrative Code 52J .0210 (b) and (c).

(See Appendix for text of cited General Statutes and Administrative Codes)

## CIVIL PENALTIES

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 the United Animal Coalition is assessed a civil penalty. The amount of the penalty for each violation is detailed below:

- 1) \$5,000.00 for failure to provide adequate veterinary care to the dog noted in Findings of Fact, Section 1; and
- 2) \$5,000.00 for failure to obtain and follow a veterinarian's written recommendation for correcting a disease problem that persisted for more than 30 days at the facility.

**\$10,000.00 TOTAL AMOUNT ASSESSED**

11/16/2015  
Date

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

## Appendix

### RELEVANT LAWS AND REGULATIONS

#### § 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.)

#### 02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes.

(b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.

(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. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

(d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

*History Note:* Authority G.S. 19A-24;  
Eff. April 1, 1984;  
Amended Eff. March 23, 2009; January 1, 2005.