



Steven W. Troxler  
Commissioner

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

Steven Wells, DVM  
Interim State Veterinarian

September 24, 2014

Animal Control Officer Steve Rector  
Gaston County Animal Shelter  
ATTN: Captain W S Milton  
220 Leisure Lane  
Dallas, NC 28034

SENT VIA UPS  
1Z210617245579  
0223

**Notice of Warning**

**Re: Violations of Title 02, N.C. Administrative Code (NCAC) Chapter 52J, Section(s)  
listed below**

Shelter: Gaston County Animal Shelter  
220 Leisure Lane

Dear Officer Rector and Captain Milton:

Mr. Jay Blatche, Animal Health Technician ("AHT Blatche") with the North Carolina Department of Agriculture & Consumer Services, Veterinary Division, Animal Welfare Section, , investigated a complaint concerning your facility, Gaston County Animal Shelter (the "shelter") on May 16, 2014. The complaint alleged that the complaining party's dog had gone missing on Sunday, May 3, 2014, and he could not contact the shelter to find out if his dog was there because it was closed that day. The owner alleged that he checked the shelter's website to see if a photo of the dog was there. He did not find his dog's image there. The complaint described the dog as weighing about ten pounds and having been "born with a limp..."

The complaint alleged that the owner visited the shelter Monday, May 5, 2014, but did not find his dog there. The owner also claims that he saw empty enclosures during his visit to the shelter. A neighbor told the owner he had seen the dog on Sunday, May 4, and it had been picked up by Gaston County animal control. The owner then called the shelter Tuesday morning, May 6, but was told that his dog had not been picked up.

The complaint alleged that the owner was able to identify the animal control officer who picked up his dog on Sunday. When the owner spoke with the ACO, he was told that his dog "had been immediately KILLED (sic) since he had a limp and he looked like he had some 'age on him.'"

AHT Blatche spoke to ACO Rector on May 16, 2014. ACO Rector said that he picked up a dog on May 3, 2014, and completed an animal entry sheet ("AET") for it. The AET states that the dog was injured with a swollen right hip and was unable to put pressure on it. The AET also states that the dog had been confined by a resident that (sic) stated the dog was injured and he did not know the owner. The AET or computer record indicates that, after examining it, ACO Rector requested and received permission to euthanize the dog from Field Supervisor Steven Hay. ACO Rector told AHT Blatche that it is the shelter's policy to euthanize injured and/or ill animals if the animal has no identification i.e. rabies tag, identification collar or microchip. The shelter does not have a contract or part-time veterinarian on staff to verify the severity of an animal's injuries or illness.

Based on the results of this investigation, you may have violated the following provision of the North Carolina Animal Welfare Act:

**§ 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.

Had the shelter held this dog pending evaluation of its hip condition until Monday and placed a photograph of the dog on its website, its owner would likely have been able to recover it from the shelter. Further, ACO Rector failed to distinguish a chronic hip problem from an acute injury. While an animal with an recent, acute injury can reasonably be deemed unadoptable or suffering from a serious injury, an animal with a chronic limp may not be suffering and may reasonably be deemed adoptable and in no need of euthanasia. Thus, in this instance, the shelter's policies implementing the cited statute may have resulted in a violation of that statute and prevented this complaining owner from recovering his dog.

**The shelter is hereby requested to provide proposals for changes to your existing policies and procedures that will prevent a recurrence of this situation and support full compliance with the NCAWA. Please send a written reply to the Section by no later than ten business days from the date you receive this Notice of Warning. If you do not respond and make appropriate changes to your policies and procedures, the Section may, upon finding a serious violation of this NCAWA provision, take appropriate action as authorized under the NCAWA. Such action may include suspension or revocation of your shelter registration and/or euthanasia technician certification.**

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 "Steven C. Wells, DVM". The signature is written in a cursive style with a large, stylized "S" and "W".

Steven C. Wells, DVM

Interim State Veterinarian

North Carolina Department of Agriculture & Consumer  
Services

BHB/bhb

cc: Mr. Barry Bloch, Assistant Attorney General  
Mr. Jay Blatche