



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

June 9, 2015

Greensboro Pet Spa and Resort
Attn: Dr. J. Kinnarney
2206 Martin Luther King Jr. Drive
Greensboro, North Carolina 27406

UPS Tracking Number Signature Required
1Z 210 617 42 5722 6831

NOTICE OF CIVIL PENALTY

**RE: CIVIL PENALTY ASSESSMENT FOR VIOLATION OF TITLE 02, N. C.
ADMINISTRATIVE CODE, CHAPTER 52J, SECTION .0210 (c)**

Dear Dr. Kinnarney:

Pursuant to N.C. Gen. Stat. § 19A-40 I am issuing this notice to you that Greensboro Pet Spa and Resort is assessed a civil penalty of \$500.00, 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)
GREENSBORO PET SPA AND RESORT) NOTICE OF VIOLATION,
) ASSESSMENT OF CIVIL
) PENALTY
)
) For Violation Of:
) Title 2 N.C. Administrative Code 52J
) .0210 (c)

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 Greensboro Pet Spa and Resort ("GPS&R") is a boarding kennel licensed pursuant to N.C. Gen. Stat. §19A-26.
2. From May 15 – 17, 2015, Kindall a 7 year old 19.4 pound neutered male Yorkie/Poodle dog was boarded at GPS&R.
3. On May 17, 2015 as part of the boarding, Kindall was groomed by a contract groomer while on the premises of GPS&R.
4. The groomer relayed that Kindall fell off the table "a few times" while leashed to the arm of the grooming table.
5. The groomer also relayed that the arm of the grooming table fell and hit Kindall on the head.
6. The groomer admits she saw that Kindall's eye was bleeding. She states that she notified the kennel attendant.
7. The kennel attendant admits that he called Kindall's owner but did not leave a message when she did not answer the call.
8. Despite being aware of Kindall's injuries, neither the groomer nor the kennel attendant sought veterinary care for the dog's injuries.
9. Kindall was taken by his owner from the boarding facility to a veterinary clinic for examination.
10. Kindall was diagnosed with bilateral eye injuries. Bruising was also present in the following locations: gums, ear, neck, side of his head and around his eye.
11. These injuries are consistent with blunt force trauma and/or strangulation.

As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, alleges that GPS&R, either by act or omission, violated the

following provision of the N.C. Administrative Codes: North Carolina Administrative Code 52J .0210 (c)
(See Appendix for text of cited General Statutes and Administrative Codes).

§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.)

II. CORRECTIVE ACTIONS REQUIRED

GPS&R shall develop written policies and procedures that detail appropriate provision of veterinary care for animals that become ill or injured while at the facility. These policies and procedures must be in compliance with the N. C. Animal Welfare Act and the N. C. Administrative Code. Please provide these policies and procedures to the AWS for review and approval within 7 days of receipt of this letter.

III. 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 violation listed above.

Accordingly, GPS&R is assessed a civil penalty of: \$500.00 for violating North Carolina Administrative Code 02 NCAC 52J .021002 (c).

\$500.00 TOTAL AMOUNT ASSESSED

6/9/2015

Date



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

Appendix

N.C. Administrative Codes 52J .0210 (c)

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. 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.

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