



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

January 26, 2016

Steve and Linden Spear
The Haven – Friends for Life
400 Fulford McMillan Drive
Raeford, NC 28376

Re: DENIAL OF ANIMAL SHELTER REGISTRATION
The Haven – Friends for Life Animal Shelter

Dear Mr. and Mrs. Spear:

This letter is in response to the application for registration as an animal shelter with the Animal Welfare Section (“AWS”) of the North Carolina Department of Agriculture and Consumer Services (“NCDA&CS”) for The Haven – Friends for Life Animal Shelter (“The Haven”). As you are aware, pursuant to N. C. General Statute §19-26, no person shall operate an animal shelter without a certification of registration.

Pursuant to your request, AWS conducted a Courtesy Inspection of The Haven on May 27, 2015. This inspection noted numerous deficiencies and areas of non-compliance with the N. C. Animal Welfare Act (“NCAWA”) and its associated regulations that needed to be corrected in order for The Haven to receive its certification of registration. AWS provided you a copy of the NCAWA and its associated rules (02NCAC 52J) at the time of this courtesy inspection. AWS conducted a subsequent Facility Inspection on September 2, 2015. This inspection noted numerous continuing deficiencies and areas of non-compliance. This inspection was marked “Disapproved” due to the number and severity of the deficiencies as reflected in the inspection report. A Notice of Deficiencies dated January 4, 2016 was received by you on January 5, 2016 and included a copy of the September 2, 2015 Facility Inspection Report detailing these deficiencies. The noted deficiencies were related to the failure to provide adequate housing facilities and/or primary enclosures; failure to provide proper sanitation; inadequate temperature, ventilation and odor control; inadequate pest and insect control; failure to provide continuous access to fresh water; lack of adequate socialization and long-term care programs; failure to properly confine animals; failure to provide adequate veterinary care; improper record keeping and inadequate number of employees to maintain the prescribed level of husbandry practices set forth in the NCAWA and its associated rules.

For the reasons set forth in the Notice of Deficiencies and the September 2, 2015 Facility Inspection Report and pursuant to N. C. General Statute §19A-30, the application for the registration of The Haven is hereby DENIED.

If you continue to operate this unregistered animal shelter following receipt of this letter, AWS has the authority to seek legal relief and to impose a civil penalty of up to five thousand dollars (\$5,000.00) per violation pursuant to:

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.

APPEAL

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, N.C. Gen. Stat. § 150B-23, within five (5) days of your receipt of this denial. 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"). 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 919-431-3000.

If you file a contested case petition, 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

Sincerely,

A handwritten signature in black ink, appearing to read 'PN', with a horizontal line extending to the right.

Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

Enclosure

cc:

R. Douglas Meckes, DVM, State Veterinarian,
Joseph Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher McLennan, Assistant Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

IN THE MATTER OF)
)
THE HAVEN – FRIENDS FOR LIFE)
ANIMAL SHELTER)
("THE HAVEN"))
)
)

NOTICE OF DENIAL OF
REGISTRATION
PURSUANT TO
N. C. GENERAL STATUTES
§19A-30(2), (3) AND (8)

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 May 27, 2015, AWS conducted a Courtesy Inspection at The Haven – Friends for Life ("the Haven") located at 400 Fulford McMillan Drive, Raeford, NC 28376.¹
2. Additionally on May 27, 2015, AWS conducted a complaint investigation at the Haven arising out of the death of a foster dog from the Haven.
3. On June 23, 2015, AWS received a registration application dated June 7, 2015 from the Haven.
4. On June 16, 2015, AWS conducted a complaint investigation at the Haven. The complaint investigation concerned an injured dog witnessed by a visitor to the Haven.
5. On July 16, 2015, AWS sent the Haven a copy of the May 2015 Courtesy Inspection Report enclosed with a letter dated July 16, 2015. The Inspection Report detailed the deficiencies found to be present during the inspection. The letter directed that the deficiencies required correction and that the facility needed to be in compliance with the N. C. Animal Welfare Act ("NCAWA") in order to obtain the registration required by those statutes.
6. On September 2, 2015, AWS conducted a Facility Inspection at the Haven.²

¹ The report detailing the findings of the May 27, 2015 Courtesy Inspection is attached hereto as Exhibit A. Exhibit A is hereby incorporated by reference and sets forth additional factual details regarding the violations identified herein.

² The report detailing the findings of the September 2, 2015 Facility Inspection is attached hereto as Exhibit B. Exhibit B is hereby incorporated by reference and sets forth additional factual details regarding the violations identified herein.

7. On January 4, 2015, AWS sent a Notice of Deficiency notifying the Haven of the deficiencies documented on the September 2, 2015 inspection. This notice included the September 2, 2015 inspection report as well as the Contact Forms related to the inspection.
8. On January 25, 2016, AWS conducted a complaint investigation at the Haven. The complaint investigation was initiated by the receipt of 3 complaints concerning the health of animals at the Haven and the conditions under which these animals were being housed.³
9. The results of the above referenced inspections and investigations reveal:
 - a. Violation of N. C. General Statute §19A-32.1(j)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
 - b. Violations of 02 NCAC 52J .0101 (1) – (5) were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the June 16, 2015 complaint investigation. This investigation revealed that the only record the shelter could produce for the dog referenced in the complaint was a single line notation on a surgery log indicating that a beagle received “9 ml euth.”;
 - 3) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 4) to be present during the January 25, 2015 complaint investigation. The shelter could not produce a record for the brown puppy as requested. In addition, the medication logs were not current for the animals being treated.
 - c. Violations of 02 NCAC 52J .0103 were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the May 27, 2015 complaint investigation. At the time of this complaint investigation, AWS requested access to the records of the dogs referenced in the complaint. The shelter owners stated several different reasons for why the records were not on the premises, but then said they would provide them to AWS. To date, AWS has not received the requested records.; and

³ Complaint investigations are not full facility inspections. Therefore, the absence of noted violation at the time of a complaint investigation should not be interpreted as an indication that a violation noted during a previous inspection was absent or had been corrected at the time of the complaint investigation.

- 3) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- d. Violations of 02 NCAC 52J .0201(d) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 3) to be present during the site visit for the January 25, 2016 complaint investigation. Observation of a mouse running from the food storage room of the Walter Reid building led to the discovery of the food in this room being stored on the floor.
- e. Violations of 02 NCAC 52J .0201(e) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 3) to be present during the site visit for the January 25, 2016 complaint investigation. Numerous open barrels were noted to be overflowing with animal waste and soiled litter.
- f. Violation of 02 NCAC 52J .0201(f) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- g. Violations of 02 NCAC 52J .0201(g) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- h. Violations of 02 NCAC 52J .0202(b) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- i. Violations of 02 NCAC 52J .0202(d) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and

- 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- j. Violations of 02 NCAC 52J .0203(a) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- k. Violations of 02 NCAC 52J .0203(b) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- l. Violations of 02 NCAC 52J .0203(c) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- m. Violations of 02 NCAC 52J .0204(a) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- n. Violations of 02 NCAC 52J .0204(b) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- o. Violations of 02 NCAC 52J .0205(b) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).
- p. Violations of 02 NCAC 52J .0205(c) were found:
- 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- q. Violations of 02 NCAC 52J .0206 were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 3) to be present during the site visit for the January 25, 2016 complaint investigation. One dog was noted to have non-potable water, 2 dogs were noted to be without water and numerous cats were noted to be without water.

- r. Violations of 02 NCAC 52J .0207(a) were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- s. Violations of 02 NCAC 52J .0207(b) were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- t. Violations of 02 NCAC 52J .0207(c) were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 3) to be present during the site visit for the January 25, 2016 complaint investigation.

- u. Violations of 02 NCAC 52J .0207(d) were found:
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 3) to be present during the site visit for the January 25, 2016 complaint investigation. The large dumpster was noted to be overflowing with a large accumulation of waste, garbage bags and debris around it.

- v. Violations of 02 NCAC 52J .0208
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- w. Violations of 02 NCAC 52J .0209(3)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- x. Violation of 02 NCAC 52J .0209(5)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B)

- y. Violation of 02 NCAC 52J .0209(6)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- z. Violations of 02 NCAC 52J .0209(7)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A); and
 - 2) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B).

- aa. Violations of 02 NCAC 52J .0210(c)
 - 1) to be present during the Courtesy Inspection on May 27, 2015 (see Exhibit A);
 - 2) to be present during the May 27, 2015 complaint investigation. During the investigation, a seriously ill, moribund black puppy was observed. The staff of the Haven failed to provide veterinary care or to euthanize the puppy.;
 - 3) to be present during the Facility Inspection on September 2, 2015 (see Exhibit B); and
 - 4) to be present during the site visit for the January 25, 2016 complaint investigation. The puppies in the cage containing a significant amount of bloody fluid had not received veterinary care according to the shelter owner.

CONCLUSIONS

1. As a result of the review of the results of for the complaint investigations and the facility inspection on September 2, 2015, NCDA&CS AWS finds that you either by act or omission, have willfully violated and disregarded the following provisions the NCAWA and the rules promulgated thereunder:
 - a. N. C. General Statute §19A-32.1(j);
 - b. 02 NCAC 52J .0101 (1) – (5);

- c. 02 NCAC 52J .0103;
- d. 02 NCAC 52J.0201(d), (e), (f), and (g);
- e. 02 NCAC 52J.0202(b) and (d);
- f. 02 NCAC 52J.0203(a), (b) and (c);
- g. 02 NCAC 52J.0204(a) and (b);
- h. 02 NCAC 52J.0205(b) and (c);
- i. 02 NCAC 52J.0206;
- j. 02 NCAC 52J .0207(a), (b), (c), and (d);
- k. 02 NCAC 52J .0208;
- l. 02 NCAC 52J .0209(3) (5), (6) and (7); and
- m. 02 NCAC 52J .0210(c).

2. AWS finds that you have failed to provide adequate housing facilities and primary enclosures at the Haven. AWS finds that the feeding, watering, sanitizing and housing practices at the Haven are not consistent with the intent of the NCAWA or the rules adopted under the NCAWA.

3. AWS finds that you fail to possess the necessary qualifications and do not meet the requirements of the NCAWA for the issuance or holding of a certificate of registration.

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

REGISTRATION DENIAL

After NCDA&CS impartial investigation, for the reasons stated herein, and pursuant to N. C. General Statute §19A-30(2), (3) and (8), the Director of AWS hereby denies the application for registration of the Haven as an animal shelter.

1/26/2016
Date


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

Exhibit A

Inspection Results
For
Courtesy Inspection May 27, 2015

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results

Date of inspection

courtesy inspection

May 27, 2015

Type of inspection

Type of runs

license type

License #

dogs present

cats present

Number of prim. enclosures

Latitude

Longitude

Name of business

Name of owner

NC

Street address

City

ZIP code

County

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	<input type="text" value="Acceptable"/>	0201 Daily waste removal	<input type="text" value="NOT ACCEPTABLE"/>	0201 Perimeter Fence	<input type="text" value="Acceptable"/>
0201 Meets electrical code	<input type="text" value="Acceptable"/>	0201 Hot and cold water present	<input type="text" value="Acceptable"/>	0201 Adequate drainage	<input type="text" value="Acceptable"/>
0201 Safe electrical power	<input type="text" value="Acceptable"/>	0201 Washroom basin and sink	<input type="text" value="NOT ACCEPTABLE"/>	0201 Access to AWS employees	<input type="text" value="Acceptable"/>
Food and bedding protected 0201	<input type="text" value="Acceptable"/>	0201 Thermometer present	<input type="text" value="NOT ACCEPTABLE"/>	0201 Compliance with welfare	<input type="text" value="Acceptable"/>
		0201 Animals in windows	<input type="text" value="Not applicable"/>		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	<input type="text" value="NOT ACCEPTABLE"/>	Location off-site 0101	<input type="text" value="NOT ACCEPTABLE"/>	Disposition of animals 0101	<input type="text" value="NOT ACCEPTABLE"/>
0101 Descript. of animals, shelter	<input type="text" value="Not Acceptable"/>			Veterinary treatment, shelter 0101	<input type="text" value="NOT ACCEPTABLE"/>

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	<input type="text" value="Not Applicable"/>	0102 Description of animals, kennel	<input type="text" value="Not Applicable"/>	0102 Veterinary treatment, kennel	<input type="text" value="Not Applicable"/>

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	<input type="text" value="NOT ACCEPTABLE"/>	0103 Records match animals	<input type="text" value="NOT ACCEPTABLE"/>	0103 Records kept 1+ year	<input type="text" value="NOT ACCEPTABLE"/>

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

courtesy inspection

Date of inspection

May 27, 2015

The Haven Friends for Life Anim;

Linden & Steve Spears

Raeford

NC

Indoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	NOT ACCEPTABLE	0202 Ventilation, indoor	NOT ACCEPTABLE	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	NOT ACCEPTABLE	0202 Drainage, indoor	Acceptable		

Outdoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	NOT ACCEPTABLE	0203 Protection from elements	NOT ACCEPTABLE
0203 Owner advised, outdoor	Acceptable	0203 Drainage, outdoor	NOT ACCEPTABLE		

Primary enclosures

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	NOT ACCEPTABLE	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	Acceptable
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	NOT ACCEPTABLE	0204 Cats, >= 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	NOT ACCEPTABLE	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	Acceptable
0204 Enclosures in sound repair	NOT ACCEPTABLE	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Acceptable		

Feeding

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	NOT ACCEPTABLE	0205 Feeding, 1 bowl / adult	NOT ACCEPTABLE	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	NOT ACCEPTABLE
0205 Feeding, 2x / day, young	NOT ACCEPTABLE				

Watering

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	NOT ACCEPTABLE	0206 Watering, bowl in good repair	Acceptable

Sanitation/Employees/Classification & Separation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	NOT ACCEPTABLE	0207 Grounds overgrown	NOT ACCEPTABLE	0207 Young given social interact.	NOT ACCEPTABLE
0207 Animals removed while clean	NOT ACCEPTABLE	0207 Pest Control	NOT ACCEPTABLE	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS Inspection Report, continued	Inspection Results	Date of inspection
		May 27, 2015

The Haven Friends for Life Anim; Linden & Steve Spears Raeford NC

Sanitation/Employees/Classification & Separation (continued)

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage	Acceptable
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program	Acceptable
0207 Build./grnds, clean & repair	Acceptable	0207 Owner perm, commingling	Acceptable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	NOT ACCEPTABLE	0210 Daily observation of animals	NOT ACCEPTABLE	0210 Rabies vaccination	NOT ACCEPTABLE
0210 Veterinary care when needed	Not Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				

Transportation: Food and Water

Transportation: Care

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Not Applicable	0304 Observation of animals	Not Applicable

General Statute 19A-32.1

(a) Hold minimum 72 hours	NOT ACCEPTABLE	(b) 1, 2, 3 Make available for adopt.	NOT ACCEPTABLE	(c) Viewing 3 days for 4 hours each	NOT ACCEPTABLE
(d) If animal offsite, photo of animal posted in conspicuous location	NOT ACCEPTABLE	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	NOT ACCEPTABLE	(g) i, ii Owner surrender held unless proof ownership & signed consent	NOT ACCEPTABLE
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	NOT ACCEPTABLE	(i) Release animal to person, record of approved government photo ID	NOT ACCEPTABLE		

Inspection Results**courtesy inspection**

Date of inspection

May 27, 2015

The Haven Friends for Life Anim:

Linden & Steve Spears

Raeford

NC

Narrative Explanation

The Animal Welfare Section team (Dr. Norris, Coordinator Blomquist, Ms. Page & Inspectors Garner, Sholar, Carlson, Blatche, Lloyd, Shore) arrived on the property of the Haven Friends for Life private shelter at 8:55am. At that time Inspector Garner was able to find Ms. Linden Spears in her office located in the barn on the property, and notify her that we were on the premises. Linden asked us to wait outside and she would be with us in just a few minutes. Linden did come outside to let us know she was getting Mr. Steve Spears to assist us. Between 9:10-9:15, Steve did greet us, I introduced the team, and asked Steve if they wished to pursue licensing for the shelter?, he answered "yes". I gave Steve a licensing packet containing a blank application and program of Veterinary Care, along with a copy of the Animal Welfare Act, Administrative Code/Rules, and a copy of Senate Bill 626. I advised the application and program of veterinary care needed to be completed and submitted to our office in 10 days.

At that time, I made Steve aware of a complaint our office had received for this facility, and that Dr. Norris & Coordinator Blomquist would be investigating that complaint, while Ms. Page and Inspector Blatche would be inspecting the buildings used for housing animals on the premises, Inspectors Garner & Sholar would be inspecting the cat houses, and Inspector's Lloyd, Shore & Carlson would be inspecting the outdoor k9 enclosures. I explained to Steve that the areas being inspected today would be to compare the progress as noted in the Action Item List created after the 10-29-13 inspection of the premises, and also to note any additional concerns.

Below is a list of areas out of compliance at this visit. The areas are further detailed in notes and photos taken while on the property, and in the 05-27-15 Haven Item List.

Inspection Results**courtesy inspection****Date of inspection**

May 27, 2015

The Haven Friends for Life Anim;

Linden & Steve Spears

Raeford

NC

Narrative Explanation

*0201- Shelter is not in compliance with all local, state and federal laws pertaining to the welfare of the dogs and cats housed here.

*0201d- Food/Bedding is not properly stored to protect them from contamination or pest infestation.

*0201e- Daily waste removal and disposal is not acceptable, and was made evident by the numerous bags of animal waste, and uncapped barrels of litter waste and fecal matter seen around the property.

*0201f- Washroom, basin or sink area used to wash and food and water bowls, and to assist in cleanliness of caretakers and the property is not acceptable. Barrels of bowls, litter pans, and equipment are seen soaking in cool/tepid water, inspectors were advised this is "clorox water".

* 0201g- Thermometers are not present in every housing facility.

*0101- Records for Animal Shelters are not within Animal Welfare guidelines. Records viewed today were generalized descriptions of the animals, without properly recording the animals origin, or veterinary treatment received.

*0103 - Inspection of records is not acceptable today, due to the generalized description of the animals on the records that were viewed, it was impossible to know for sure if the record inspectors were given, actually belonged to that animal.

0202a- Ambient temperature maintained between 50-85 degrees was unacceptable in the New Cat house #1 (across the drive from cat houses 19-22), a black cat was seen panting in this room, and portable thermometers used by myself and Inspector Sholar read between 85.6-87 degrees.

(Narrative Attached)

check here if a euthanasia inspection form is attached

Digital signature
of inspector

E.Garner
Digitally signed by E.Garner
DN: cn=E.Garner,
o=NCAGR-VET, ou,
email=elizabeth.garner@nc
agr.gov, c=US
Date: 2015.06.12 14:41:42
-04'00'

Signature of
Management

I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date

<input type="text" value="The Haven Friends for Life Animal Shelter"/>	<input type="text" value="Linden & Steve Spears"/>		
Name of business	Name of owner		
<input type="text" value="400 Fulford-McMillan Rd."/>	<input type="text" value="Rae ford"/>	NC	<input type="text" value="28376"/>
Street address	City		ZIP code

Narrative Explanation, continued

*0202b- Ventilation indoors is not present or adequate in every building housing animals, with exception to the Walter Reid Building, which does have A/C and air movement, although strong odors was present in this building as well.

*0202d - Surfaces impervious to moisture, indoors is not acceptable due to cat houses with damaged and exposed wooden surfaces.

0203a - Surfaces impervious to moisture & drainage in outdoor enclosures is not acceptable due to cracked concrete, and bare dirt seen within enclosures.

0203b- adequate housing provided to animals housed outdoors is not acceptable.

0203c - adequate protection from the elements for animals housed outdoors is not acceptable.

0203e - Drainage for outdoor enclosures is not acceptable due to lack of gravel, and an accumulation of thick hair seen around the chain link fencing, restricting the removal of water.

0204a - Cross contamination barriers are not adequate and/or not existent in outdoor enclosures as well as buildings used to house animals in portable wire crates.

0204b - enclosures do not restrict the access of other animals, or prevent escaping due to broken wire and chain link seen in cat houses and outdoor enclosures.

0205 - Adequate food is not provided to the majority of the animals housed here. Inspectors viewed most of the animals without food, or very little food.

0206 - Adequate water is not provided to the majority of the animals housed here. Inspectors viewed most of the animals without water, or with dirty, unpalatable water. (Narrative Attached)

check here if additional pages of narrative are attached check here if a euthanasia inspection form is attached

Digital signature of inspector 

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date

Name of business

Name of owner

Street address

City

NC

ZIP code

Narrative Explanation, continued

*0207a- It is not evident by inspectors that enclosures are sanitized twice daily. Build up of hair, feces, and organic matter was seen in and around enclosures. Also, the

Animal Welfare Team left the property at 11:45-11:55, and workers had not come close to completing their morning routine of cleaning, feeding, and watering.

*0207b- Method of sanitation was not seen as acceptable, as workers were viewed hosing out outdoor enclosures with only a water hose, or mopping the buildings. No evidence of hot water or detergent was seen.

*0207c- Premises are not kept clean and in good repair. Accumulations of trash, junk, animal waste and other discarded equipment is abundant on this property.

*0207d- Pest Control is not adequate at this shelter. Flies, spiders and an excessive amount of rodent holes was seen. Also, inspectors viewed open rat poison traps (as stated by Steve), and there were animals roaming freely around the property.

*0208 - A sufficient number or employees is not provided to maintain the level of care and husbandry as set forth by the Animal Welfare Act.

*0209.3 - Inspectors did not view young animals with any human social interaction, beyond a quick clean up of the enclosure, before staff was on to the next enclosure.

0209.5 - Isolation area and signage is not sufficient for this shelter. There are two isolation buildings utilized, neither of them with a sign posted letting anyone know that the building is housing animals with potential disease. Also animals housed in isolation, is seen housed in open wire crates, which does not restrict any potential air borne viruses or contain infected fecal matter.

*0209.6- An established routine for the animals housed here more than 6 months to include human and animal interaction, access to a space other than the primary enclosure, and a toy, is not evident for the more than 100 animals (especially dogs) housed in the outdoor enclosures.

*0209.7 - Animals confined in primary enclosures or exercise areas is not acceptable due to the numerous animals roaming the property, one large black dog by cat house #1 is chained to a tree, and a lot of animal droppings, which appeared to be canine, throughout the grounds.

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector

E. Garner
Digitally signed by E Garner
DN: cn=E Garner, ou=NCAGS-VET, ou=aws-afasboth, email=ag@ncagr.gov, c=US
Date: 2015.05.11 14:47:54 -0500

Signature of
Management

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

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Narrative Explanation, continued

0210 - Veterinary Care is not acceptable due to the numerous animals on the property that were sick, hurt or with basic wounds going untreated. The animals who were received treatment, as told by Steve or Linden, was not receiving sufficient treatment for the injury, or was receiving treatment that is for the use in other species. Also, records of said treatment, was generalized, and non-specific, with treatment times being exactly the same for each animal on treatment (8am & 6pm) and initialed by Linden.

Senate Bill 626 (19A-32.1) With records being poorly managed, and non descriptive inspectors were unable to verify full compliance with SB626.

Inspection of the premises ended between 11:45-11:55, at which time all members of the Animal Welfare Team departed.

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector

E. Garner
Digitally signed by E. Garner
DN: cn=E. Garner, o=NC AGR VET, ou=
Animal Welfare Services, email=ewan@ncagr.gov, c=US
Date: 2015.05.12 15:02:00 -0400

Signature of
Management

General Facility

10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.) Inspectors viewed bowls, filter pans, and accessories in barrels of water, that were utilized for cleaning and sanitizing	No - major	1.) Some sinks have been properly plumbed, however workers still saw barrels of water outside the Walter Reid building, and behind the Surgery Suite area that were soaking bowls in "Clorox" and water. (02010)
2.) Food not properly stored	Yes	2.) Viewed only 3 people working, other than Mr. & Mrs. Spears today. Also seen one volunteer but did not appear to be working to help care for the animals. (02008)
3.) Waste/Trash removal	No - major	3.) All inspectors saw copious amounts of rodent holes, and some dead rats, flies, and spiders. Also seen open poison (as stated by Mr. Spears), that free roaming dogs had access to. (0207d)
4.) Sufficient personnel	No - major	4.) No clear marking for identification on enclosures, or with the animals housed in that enclosure.
5.) Insect/Vermis Control	No - major	5.) Cleaning while animals present was observed by inspectors. Enclosures were being sprayed by a water hose system, for the cleaning and removal of waste matter, while animals stayed present in that enclosure. (0207a)
		6.) Lack of proper cross contamination barriers is a high concern due to animals housed in wire crates with no barriers between animals to restrict the flow or access of urine, feces, mucous or other bodily fluids and waste matter, to the crate beside and below the one the animal is housed within. Also broken, chewed, or missing plastic boards that serve as cross contamination barriers in outdoor enclosures, allows waste water and other waste matter to move freely between enclosures. (0204a)

Veterinary Medical Treatment & Medical Records: (0101, 0103, 0210)

1.) Dr. Norris requested the owner to produce the records for the animals identified with microchips 982000364881323 & 985112004938097. The owners were unable to produce any records of these animals. Multiple explanations were offered for the lack of records. (Steve says they were at a lawyers; Linden says they were given to a soldier due to fostering/adoption; Linden also says they records were given to a volunteer. Dr. Norris requested that a copy of these records be submitted to the AWS office in 7 days

2.) Several medical records were requested for review by Dr. Norris & J. Blomquist. There was a minimum of a 45 minute delay in producing those records.

3.) A pointer type dog which had #18 on the kennel in the section in front of the Walker Reid Building was noted to be limping significantly. The medial records produces showed a treatment log with the starting date of 5/24/15. The heading of the medical records was "Pointer 17" with no other identification, then the notation "Tremadol 50mg". The dates for treatment were initiated by Linden through May 28, 2015.

4.) When Dr. Norris is asked by Inspector Blatche and Ms. Page to check on a black puppy in isolation, she was accompanied to the building by Steve. Steve was questioned about the facilities veterinary program, and he stated tha they deworm the animals and treat for coccidia. When asked about the seriously ill or injured animals, if they were seen by a veterinarian; he said that they do on occasion but normally they treat them without veterinary assessment. Steve was also asked if he or Linden would take an animal in for euthanasia if it appeared to be suffering or severely ill, and he stated no that they give the animal every chance to live and if it doesn't, well at least they gave it every chance.
This puppy was recumbent and semi-comatose with a large number of flies covering its body, the puppy did not respond & did not open its eye, a lump under/within the skin was evident. Dr. Norris asked Steve about that lump and he said it was from the SQ fluids tha the puppy had recently received. Dr. Norris advised that this puppy needed to see a vet. Steve did not agree immediately, and Dr. Norris rephrased by saying "Steve I prefer that you get this animal to a veterinarian now" with the emphasis on "you". This conversation occurred at 10am At 10:30am Linden drove up to Coordinator Blomquist, Steve and Dr. Norris and said she was having an employee take the puppy to Animal Hospital of Fayetteville for euthanasia. According to Linden the employee was loading the puppy in a carrier and leaving right then.

5.) The black retriever type puppy that was found to be moribund & fly covered in the isolation building had a medical record which showed entries from 5/24/15. The treatment log showed twice daily treatments but did not note any subcutaneous fluid administration or nutritional support. The treatment that was listed was not adequate for the clinical condition of the animal. A later conversation with Dr. Andrews revealed that she had been on the premises on May 26, 2015 but had not been asked to evaluate this puppy. There was no unique identifier on this animal's records. The record produced consisted of a treatment log in which the ink for all the entries was still wet & an adoption form which had the vaccine vial labels attached. Neither papers had a complete description or adequate intake or identification information.

6.) A tan and white puppy housing in the Walter Reid Building was observed by Inspector Blatche and Ms. Page to have bloody diarrhea. There was no identification indicator on the animal or the kennel. The medical record which did not have any unique identification for the animal noted treatment as being "panacur" and an illegible word. When questioned about the second medication Linden replied that it is what she used to treat coccidia. The writing and her pronunciation of the word makes it seem that the second medication was "ponazuril" a coccidiostat labeled for use in horses. The record was similar to that of #5 in which the records was a treatment log and an adoption form with attached vaccine vial labels but no specific identification or complete description of the animal.

7.) An orange and white kitten housed in the Walter Reid Building was noted by Inspector Blatche and Ms. Page to have eyes crusted over with ocular discharge. The observer report that the kitten was not able to fully open his eyes due to the crusted discharge. The medical record showed treatment with azithromycin and triple antibiotic ophthalmic ointment. The treatment records note that the animal was given medication at Barn that morning but the observers note that the animal showed no evidence of having been treated recently.

8.) A dog housed in the outside kennels located in front of the Walker Reid Building was noted to have a moderately sized area of moist dermatitis ("hot spot") on the left thigh. There was no identification on the kennel. The medical record produced for this animal was labeled "Charlotte (16?)" and the treatment was noted as Banixx. Steve produced a sample of the Banixx medication, which is a hydrogen peroxide based spray for conditions for horses. Steve attempted to give the sample to Dr. Norris and the other inspectors - none accepted his offer.

9.) Numerous untreated fly bites to the dogs ears, housed in the outside enclosures, was seen by Inspector Lloyd & Inspector Shore.

10.) Inspector Garner and Inspector Sholar viewed dried vomit/diarrhea type substance in all of the cat houses; with no signs of treatment.

11.) Every medical record, noted the morning treatments as occurring at Barn, and the evening treatments occurring at 6pm, with Linden initialing each entry.

Walter Reid Building - Animals in this building are housed in portable wire crates

10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.] Endosures viewed with a build up of hair	Yes	1.] No food or water was noted for the cat housed in crate #22 (0205a & 0206)
2.] Cross Contamination due to wire crates	No - Major	2.] Used syringes were seen with leftover medication in them (inspectors speculate that de-wormer medicine is what was inside them), left on shelves. (0201e)
3.] Dirty floors and walls	No - Major	3.] tan/white puppy with blood in cage, not isolated from the group it was housed with. (0209-5)
4.] Abundance of cob webs	Yes	4.] 33 cats seen without sufficient food or water (0205 & 0206)
5.] Concrete floors unsealed	No	5.] 3 puppies in 3rd room, seen without sufficient food or water (0205 & 0206)
6.] Insufficient ventilation	No	6.] orange/white kitten was seen with scabby eyes. (0210)
7.] Trash & unused equipment on grounds	No - major	7.] rodent holes viewed outside on the grounds around the Walter Reid building, as well as a dead rodent. (0207d)
		8.] Bags of food was stored on the floor. (0201d)
		9.] Animals housed in open wire crates are stacked without any waste barriers (0204a)

Outside K9 Enclosures - North Property (behind Barn & Around other cat houses)		10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.] Cracks in Concrete	No			1.] Severe accumulation of hair, lack of drainage. (0203e)
2.] Rodent Holes/Dead Rodents viewed	No - Major			2.] Open bag of food & rat droppings noted in the same enclosure (B1) (0201d)
3.] Broken Dog Houses	No			3.] Overgrown weeds
4.] Damaged Tarps	No			5.] "Wolf hybrids" noted with severely matted hair, clearly seen by the inspectors from outside of their enclosure.
5.] Gravel less than 6 inches	No			a distance of more than 3 feet.
6.] Chain link/ metal support poles - rusted/broken	No - Major			6.] K-9 in enclosure C2, has an injury to it's right eye that is determined to be severe by inspectors. (0210c)
7.] Cob webs	Yes			7.] In Section "C" enclosure, damage to chain link is exposing sharp edges (0204)
				8.] Dirty, stagnant, unpalatable drinking water was viewed in multiple enclosures in the "C" Section. (0206)
				9.] Open rat poison viewed. Also several dogs on the property are "free range" and would have access to the poison.
				10.] Major concerns with files noted by inspectors. Files were seen in open bags of dog food, in dogs eyes, ears, and on open wounds on dogs. (0207d)
				11.] K9 in E1 had feces/urine with blood & cloudiness viewed by inspectors Lloyd, Shore, Carlson (0210)
				12.] Enclosure #001 - white dog w/ black/brown ear was seen not bearing weight on the front right leg. (0210)
				13.] Viewed a black terrier running loose with a skin condition that left it looking patches of hair, and scaly skin. (0210)
				14.] Enclosure # 182 - black Shepard mix appeared to be in pain (slow to move, whimpering, etc) with unknown medical condition. (0210)
				15.] Enclosure # C17 - K9 seen with an enormous amount of files on both ears, causing visible crusted/sove ears, that was aggravating to the K9. (0210)
				16.] Bags of feces and animal waste was seen around the outdoor enclosures

Outdoor Enclosures - South property (Right, Left & Behind & Front of Walter Reid Building) approximately 100 enclosures

10/29/13 Action Item List

Completed (Y/N)

5/27/15 New Deficiencies

10/29/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.) Cracks in Concrete	No - Behind WRB	* Inspectors viewed new enclosures (approx 42) to the left and to the right of the Walter Reid Building. These enclosures are constructed of chain link kennels, and new concrete flooring. Also shade covers in these enclosures is constructed of wooden lean-tos, and a metal roof. The wood posts from these lean-tos is exposed, and will need to be covered with a product impervious to moisture.*
2.) Gravel less than 6 inches (soil visible)	No - Behind WRB	1.) Insufficient gravel - soil/dirt visible (0203a)
3.) Insufficient protection from the weather	No - Behind WRB	2.) Insufficient cross contamination noted with barriers torn away. Also inspectors observed a worker hosing down the concrete portion of an enclosure located in front of the Walter Reid building, which revealed the wastewater from that kennel flowed freely into adjacent enclosures. No animals were removed while cleaning (0204a)
4.) Broken, Rusted, Damaged chain link	No	3.) Rodent infestation evident by the viewing of more than 25 rodent holes in this area. (0207d)
5.) Insufficient Cross Contamination Barriers	No - Behind WRB	4.) Large barrels of uncovered, soiled cat litter and feces located behind the Walter Reid Building, with numerous flies. (0201a)
		5.) An occupied enclosure to the left of the Walter Reid building, had broken, poorly supported chain link fencing. (0204b)
		6.) K9, brown in color, housed to the left of the Walter Reid Building had a medium-sized tumor on his rib cage. Steve was unable to determine if it had been evaluated, and he said he believed the dog would die from this tumor. (0210)
		7.) Accumulation of half/waste along fence lines. Animal not removed while cleaning: Seen workers spray down an enclosure housing a matted, black haired K9 in the enclosures in front of the Walter Reid Building, the worker did not remove animals while hosing, or remove the accumulation of hair in this enclosure. (0203e & 0204a)
		8.) In an unidentified kennel located in the front of the Walter Reid Building, a medium-sized black dog was present with significant skin disease as evidenced by generalized hair loss & inflammation. (0210)

New Isolation Building (left side of Walter Reid) - Animals in this building are housed in portable wire crates

10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.) build up of hair, food, and waste in enclosures	No - Major	1.) 5 dogs seen without sufficient food or water (0205 & 0206)
2.) Walls seen dirty & dingy with splattered waste matter	Yes	2.) Black puppy very listless, and appeared to be quite sick. *This puppy was transported to a veterinarian while we were on sight, Inspector E. Garner did follow up with this veterinarian. Puppy did die before it was able to receive medical treatment.* (0210)
3.) Dirty floors	No - Major	3.) Animals housed in open wire crates are stacked without any waste barriers (0204a)
4.) Abundance of cob webs	Yes	
5.) Open bags of dog food	Yes	
6.) Damaged linoleum	Yes	
7.) No thermometer present	No	
8.) Poor ventilation	Yes	
9.) insufficient lighting	Yes	
10.) Sink area was not plumbed	Yes	
11.) Abundance of dead flies, knats & insects	No - Major	
12.) Unused/dirty dishes, accessories & crates on the grounds around this building	Yes	
13.) Build up of algae on the siding (exterior)	Yes	
14.) untreated K9 coughing.	N/A	

Barn *No dogs or cats were housed in this area*

10/23/13 Action Item List		5/27/15 New Deficiencies	
	Completed (Y/N)		
1.) 6 enclosures housing animals did not have water	Yes, no animals	1.) No dogs or cats are housed inside today.	
2.) Barn was seen with a large amount of bags, equipment & clutter	No	2.) Barrels of animal waste stored behind the barn. (0201e)	
3.) Inside not in good repair	No		
4.) Cobwebs, spiders and flies in excessive amount	No		
5.) Insufficient lighting	No		
6.) No ventilation present	No		
7.) Injured/diseased animals housed within barn	Yes, no animals		
8.) Barn was a hazard, and there are to be signs present saying "no dogs or cats are to be moved into this building. Violations subject to civil penalty."	No - Major		

Surgery Building - animals in this building are housed in portable wire crates; housed 3 dogs on 5/27/15

10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1.) Insufficient cross contamination barriers due to animals housed in wire crates, stacked on top of each other without any barriers.	No - major	1.) Open can of cat food was present on the counter with dried out food in and around the can. (0205a)
2.) Unsanitary enclosures; soiled newspaper & overflowing litter pans seen.	No - major	2.) No identifiers on the animals housed here. 3.) Surgery log was reviewed by J. Blomquist & Dr. P. Norris for the patient identification column, the vast majority of the entries state "no chip" with no other identification for the animals. (0101)
3.) Insufficient food, and no water provided to the animals housed here.		4.) Because of this there are no surgical records to match to the animals with chips 982000364881321 & 98512004938097 (referenced in "General" under records) (0101)
4.) Dirty/dusty counter and prep tops	No - major	5.) Animals housed in open wire crates are stacked without any waste barriers (0204a)
5.) Unsealed concrete floor		
6.) Little to no ventilation (strong odor of urine and feces)		
7.) Lack of veterinary care evident by the housing of 2 black puppies with skin irritation and no known treatment records	No - major	

Old Isolation - Animals in this building are housed in portable wire crates

10/23/13 Action Item List	Completed (Y/N)	5/27/15 New Deficiencies
1) enclosures not clean & sanitary	No - major	1.) Tri colored puppy was seen with blood in its crate (0210)
2) feces and urine on floors	No - major	2.) 6 enclosures housing dogs on the left side had no food or water (0205 & 0206)
3) Spattered waste matter on walls	No - major	3.) 6 cat enclosures housing cats on the left side had little to no food or water (0205 & 0206)
4) Damaged FFP on walls	Yes	4.) Animals housed in open wire crates are stacked without any waste barriers (0204a)
5) Damaged Inohum on floors	No - major	
6) Insufficient Ventilation - Right Side	No - major	
7) Insufficient Ventilation - Left Side	Yes	
8) Open bags of food	Yes	
9) Barrels of litter & waste matter on the grounds	No - major	

New Cat Housing Units: Cats are housed in portable wire crates.

	10/23/13 Deficiencies	Completed Y/N	5/27/15 New Deficiencies
New House #1	1.1 This building was not housing cats at the time of this inspection.	N/A	1.1) 19 cats seen without sufficient food or water (0205 & 0206)
* Located to the left of the new isolation building*			2.2) No thermometer was present (0201g)
			3.1) No Ventilation, fan or A/C being used (0202b)
			4.1) Animals housed in open wire crates are stacked without any waste barriers (0204a)
			5.1) Feed/waste matter piled at the exterior door way (0201e)
			6.1) Unclean litter boxes (0201e)
New House #2	1.1 Construction was not complete at last inspection, some cats housed here	N/A	1.1) Insufficient food and water seen in all enclosures (0205 & 0206)
* Located in front of the new isolation building			2.1) Animals housed in open wire crates are stacked without any waste barriers (0204a)
and across from cat houses 20-22*			3.1) Full, uncappped gas can was seen inside of this house on a shelf that stored cleaning supplies. Gas odors present
			4.1) Black OSH Adult, seen visibly pooping (0202a)
			5.1) No thermometer present (0201g)
			6.1) Portable thermometers used by inspectors P. Sholar & E. Garner, read at a range of 86.3 - 87.8
			7.1) House was very hot and humid, A/C window unit was present but not on, ventilation not sufficient (0202b)
			8.1) Exposed wood seen on outside patio, Patio was not in use by cats at the time of this inspection. (0202d)

Exhibit B

Inspection Results
For
Facility Inspection September 2, 2015

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results		Date of inspection	
Disapproved		Sep 2, 2015	
Type of inspection	Follow-up inspection	Type of runs	Indoor + Outdoor runs
license type	40 - Private Shelter	License #	
# dogs present	324	# cats present	292
Number of prim. enclosures			

Latitude Longitude

The Haven Friends for Life Animal Shelter Linden & Steve Spears
 Name of business Name of owner
 400 Fulford McMillan Dr. Raeford NC 28376 Hoke
 Street address City ZIP code County
 +1 (910) 875-6768
 Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	NOT ACCEPTABLE	0201 Perimeter Fence	Acceptable
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	NOT ACCEPTABLE	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	NOT ACCEPTABLE	0201 Thermometer present	NOT ACCEPTABLE	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	NOT ACCEPTABLE	Location off-site 0101	NOT ACCEPTABLE	Disposition of animals 0101	NOT ACCEPTABLE
0101 Descript. of animals, shelter	Not Acceptable			Veterinary treatment, shelter 0101	NOT ACCEPTABLE

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	NOT ACCEPTABLE	0103 Records match animals	NOT ACCEPTABLE	0103 Records kept 1+ year	NOT ACCEPTABLE

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

Date of inspection

Sep 2, 2015

The Haven Friends for Life Anima

Linden & Steve Spears

Raeford

NC

Indoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	NOT ACCEPTABLE	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	NOT ACCEPTABLE	0202 Drainage, indoor	Acceptable		

Outdoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	NOT ACCEPTABLE	0203 Protection from elements	NOT ACCEPTABLE
0203 Owner advised, outdoor	Not Applicable	0203 Drainage, outdoor	NOT ACCEPTABLE		

Primary enclosures

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	NOT ACCEPTABLE	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	Not Applicable
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	NOT ACCEPTABLE	0204 Cats, >= 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	NOT ACCEPTABLE	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	Acceptable
0204 Enclosures in sound repair	NOT ACCEPTABLE	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Not Applicable		

Feeding

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	NOT ACCEPTABLE	0205 Feeding, 1 bowl / adult	NOT ACCEPTABLE	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	NOT ACCEPTABLE
0205 Feeding, 2x / day, young	NOT ACCEPTABLE				

Watering

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	NOT ACCEPTABLE	0206 Watering, bowl in good repair	Acceptable

Sanitation/Employees/Classification & Separation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	NOT ACCEPTABLE	0207 Grounds overgrown	NOT ACCEPTABLE	0207 Young given social interact.	NOT ACCEPTABLE
0207 Animals removed while clean	NOT ACCEPTABLE	0207 Pest Control	NOT ACCEPTABLE	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

Date of inspection

Sep 2, 2015

The Haven Friends for Life Anim

Linden & Steve Spears

Raeford

NC

Sanitation/Employees/Classification & Separation (continued)

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	NOT ACCEPTABLE	0207 Number of employees	NOT ACCEPTABLE	0207 Isolation area & signage	NOT ACCEPTABLE
0207 Method of sanitation	NOT ACCEPTABLE	0207 Females in estrus, separated	Acceptable	0207 Long term care program	NOT ACCEPTABLE
0207 Build./grnds., clean & repair	NOT ACCEPTABLE	0207 Owner perm, commingling	Not Applicable	0207 Animals confined	NOT ACCEPTABLE
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	NOT ACCEPTABLE	0210 Daily observation of animals	NOT ACCEPTABLE	0210 Rabies vaccination	NOT ACCEPTABLE
0210 Veterinary care when needed	Not Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				

Transportation: Food and Water

Transportation: Care

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Not Applicable	0304 Observation of animals	Not Applicable

General Statute 19A-32.1

(a) Hold minimum 72 hours	NOT ACCEPTABLE	(b) 1, 2, 3 Make available for adopt.	NOT ACCEPTABLE	(c) Viewing 3 days for 4 hours each	NOT ACCEPTABLE
(d) If animal offsite, photo of animal posted in conspicuous location	NOT ACCEPTABLE	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	NOT ACCEPTABLE	(g) i, ii Owner surrender held unless proof ownership & signed consent	NOT ACCEPTABLE
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	NOT ACCEPTABLE	(i) Release animal to person, record of approved government photo ID	NOT ACCEPTABLE		

Inspection Results

Date of inspection

Disapproved

Sep 2, 2015

The Haven Friends for Life Anim.

Linden & Steve Spears

Raeford

NC

Narrative Explanation

The Animal Welfare Section team (Dr. Norris, Coordinator Blomquist, Ms. Page & Inspectors Garner, Sholar, Carlson, Blatche, Lloyd, James) arrived on the property of The Haven Friends for Life private animal shelter at approximately 9:25am. At that time Inspector Garner was able to find Mr. Steve Spears in the barn to let him know we were on the premises to conduct a follow up inspection, to the courtesy inspection conducted on 5-27-15. Also, on 5-27-15, the Spears were given a new facility packet and asked to submit an application and Program of Veterinary Care (PVC) within 10 days. The Animal Welfare Section did receive their completed application and PVC on 6-23-15.

The 5-27-15 inspection revealed multiple areas as "not acceptable" by the standards set in the NC Animal Welfare

Act to include but not limited to:

- 1.) General housing
- 2.) Proper, daily sanitation and cleaning
- 3.) Temperature, ventilation and odor control
- 4.) Pest and insect control
- 5.) Access to continuous water, and wholesome food
- 6.) Socialization and long term care programs
- 7.) Enclosures in sound/safe repair
- 8.) Confinement of animals
- 9.) Proper Veterinary care
- 10.) Proper record keeping
- 11.) Adequate care takers

Below is a detailed list of areas out of compliance at this visit and areas seen as improved since the 5-27-15 inspection. These findings are further detailed in the notes and photos taken while on the premises.

Inspection Results

Date of inspection

Disapproved

Sep 2, 2015

The Haven Friends for Life Anim;

Linden & Steve Spears

Raeford

NC

Narrative Explanation

*0201- Shelter is not in compliance with all local, state and federal laws pertaining to the welfare of dogs and cats housed here. (5-27-15)

*0201d - Food/bedding is not properly stored to protect them from contamination or pest infestation. (5-27-15)

*0201e- Daily waste removal & disposal is not acceptable, and was made evident by the numerous bags of animal waste, and uncapped barrels of used litter & fecal matter seen around the premises. (5-27-15)

*0201f- Washroom, basin, or sink area used to wash and sanitized feed and water bowls, as well as assist in the cleanliness of caretakers is inadequate. Small sinks/wash areas are seen in the new isolation, surgery building, and the bathroom of the Walter Reid building. However, inspectors viewed numerous barrels of water (that had a smell of bleach), soaking bowls and litter pans around the property. (5-27-15)

*0201g- Thermometers are not present in every housing facility. (5-27-15)

*0101- Records for Animal Shelters are not within Animal Welfare guidelines. Records viewed today were generalized descriptions of the animals, without properly recording the animals origin, or veterinary treatment received. (5-27-15)

*0103- Inspection of records is not acceptable today, due to the generalized descriptions of the animals on the records that were viewed, making it impossible to know for sure if the record inspectors were given actually belonged to that animal, and was up to date. (5-27-15)

*0202a-Ambient temperature was noted as "not acceptable" at the 5-27-15 inspection; although not all buildings have means to properly gauge temperatures, no inspectors noted temperatures out of appropriate range (50-85) today.

(Narrative Attached)

 check here if a euthanasia inspection form is attachedDigital signature
of inspector**E. Garner**Digitally signed by E. Garner
DN: cn=E. Garner,
o=NCAGR-VET, ou,
email=elizabeth.garner@nc
agr.gov, c=US
Date: 2015.09.24 21:08:00
-04'00'Signature of
Management*I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.*

Animal Welfare Section
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Raleigh, NC 27699-1030
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e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date

Name of business

Name of owner

Street address

City

NC

ZIP code

Narrative Explanation, continued

*0202b- Ventilation for indoor housing areas is not present and/or adequate in every building that houses animals; with the exception of the Walter Reid Building, which does have A/C and air movement- although strong odors associated with overcrowding and inadequate ventilation was present in this building as well.(5-27-15)

*0202d- Indoor surfaces impervious to moisture is not acceptable due to cat houses with damaged surfaces, exposing wood (some rotten). (5-27-15)

*0203a- Outdoor surfaces impervious to moisture and adequate drainage is not acceptable due to cracked concrete, bare dirt and dig holes seen within enclosures. (5-27-15) Large pile of gravel was seen on the premises, presumably kept as extra for filling in the bare areas.

*0203b- Adequate housing provided to animals housed outdoors is not acceptable. (5-27-15) Inspectors did not note as many broken, and damaged dog houses at this inspection, but did not see all houses as being adequate protection for the dogs housed outdoors.

*0203c- Adequate protection from the elements for animals housed outdoors is not acceptable. (5-27-15) Inspectors did not view as many damaged tarps as last inspection & the facility has begun to replace the tarps with permanent, raised structures.

*0204a- Cross contamination barriers are not adequate and/or not existent in outdoor enclosures as well as buildings used to house animals in portable wire crates. (5-27-15). Portable wire enclosures were seen with barriers between the tops and bottoms of some enclosures. However, not all enclosures were equipped with cross contamination barriers that adequately prevents waste from entering the neighboring enclosures.

(Narrative attached)

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector

E.Garner
Digitally signed by E.Garner
DN: cn=E.Garner, o=NC, ou=AFS, email=egarner@ncagr.gov, c=US
Date: 2015.09.02 13:21:05 -0400

Signature of
Management

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Narrative Explanation, continued

*0204b- Enclosures do not restrict the access of other animals, or prevent escaping due to broken wire and chain link seen in cat houses and outdoor enclosures. (5-27-15)

*0205- Adequate food is not provided to the majority of the animals housed here. (5-27-15) Inspectors did view more food available to the animals at this inspection, however the majority of the animals had very little food, or crumbs in their bowls.

*0206- Adequate water is not provided to the majority of the animals housed here. (5-27-15) Inspectors viewed numerous dried water bowls, bowls with little water, and bowls with dirty/ non-potable water.

*0207a- It is not evident by inspectors that enclosures are sanitized twice daily. (5-27-15) Build up hair, feces and organic matter was seen in cat houses & outdoor enclosure areas, also no animals were seen removed prior to hosing down enclosures. However the newer indoor housing areas like Walter Reid, and New Isolation were noted as remarkably cleaner and sanitary at this inspection.

*0207b- Method of sanitation was not seen as acceptable, as workers were viewed using a hose down and/or mopping method to clean enclosures and buildings, but no hot water or detergent was seen in use. (5-27-15)

*0207c- Premises are not kept clean and in good repair. Accumulations of trash, junk, animal waste, and other discarded equipment is abundant on the property. (5-27-15)

*0207d- Pest control is not adequate at this shelter; flies, spiders, and an excessive amount of large rodent holes were seen. Also, inspectors viewed open rat poison traps around the enclosures housing animals, and scattered around the property. (5-27-15)

(Narrative Attached)

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector **E. Garner**

Digital signed by E. Garner
DN: cn=E. Garner, ou=NCAGS, o=NCAGS, email=egarner@ncagr.gov, c=US
Date: 2015.09.02 11:09:53 -0400

Signature of
Management

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Street address

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ZIP code

Narrative Explanation, continued

*0209,3- Inspectors did not view young animals with any human social interaction, beyond a quick clean up of their enclosures, before staff was on to the next enclosure. (5-27-15).

*0209,5- Isolation area & posted signs are not sufficient for this shelter. There are tow isolation buildings utilized, neither of them with a sign posted letting anyone know that the building is housing animals with potential disease. Also, animals housed in isolation, are seen housed in open wire crates, which does not effectively restrict any potential air borne viruses or contain infected waste. (5-27-15) Inspectors did view foot baths at the entrance of both isolation buildings, confirming to them that they were entering a building utilized for isolation/quarantine.

*0209,6- An effective program for the long term care of dogs and cats housed here more than 30 days is not sufficient. (5-27-15) Cats housed in outdoor cat houses were provided a toy in each cat house, however, no toys were seen with the dogs housed in the outdoor enclosures. Inspectors seen no evidence of access to any areas other than their housing enclosures, nor were they provided with a leashed walk. Ms. Spears did mention that caretakers play with the dogs and one is being trained in basic obedience.

*0209,7- Animals confined in primary enclosures or exercise areas is not acceptable (5-27-15). Previous inspection noted numerous dogs roaming the property, only 1 dog seen loose today. 1 k9 (black mastiff mix) was seen, and has been seen by inspectors since 2013, chained to a tree in a wooded area to the right of the barn, between the cat houses. Inspectors also viewed many dig holes between outdoor enclosures, allowing K9s to have free access to their neighboring enclosures.

(Narrative attached)

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector **E. Garner**

Digital signature of E. Garner
DN: cn=E. Garner, o=NCAGS-VET, ou,
email=egarner@ncagr.gov, root
Date: 2015.09.24 11:08:40-0400

Signature of
Management

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e-mail: aws.agr@ncagr.gov
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Inspection date

Name of business

Name of owner

Street address

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Narrative Explanation, continued

*0210- Veterinary care is not acceptable due to the numerous animals on the property that were sick, hurt, or with basic wounds going untreated. (5-27-15) The animals that were receiving treatment, as told by Mr. & Mrs. Spears, was not accompanied by adequate records that showed sufficient treatment for the injury or illness. Inspectors viewed many of the dogs housed in outdoor enclosures with excessive fly bites to their ears that left the ears visibly bloody, scabby, and untreated. Many of the cats in the outdoor cat houses were seen with symptoms of upper respiratory, vomit, lethargic/listless and with matted dull coats.

*Inside the surgical building, inspectors viewed medications on a shelf that was out of date, day old surgical packs sitting out - unsterilized, and bloody used, day old surgical linens in the trash, and numerous flies.

*Senate Bill 626 (19A-32.1)

No evidence of compliance with Senate Bill 626 was viewed by inspectors (5-27-15).

Records are poorly managed, non-descriptive, and difficult even for the owners to match proper records with animals; leaving inspectors unable to fully verifying compliance with any record keeping requirements.

This inspection ended at 1:45pm, at that time all members of the Animal Welfare Team departed.

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Digital signature of inspector

E. Garner
Digital signature by E. Garner
DN: cn=E. Garner, ou=NC AGS-VET, ou=AnimalWelfare, cn=aws-agr, email=aws-agr@ncagr.gov, c=US
Date: 2015.09.17 15:00:18 -0400

Signature of
Management

Exhibit C
Cited General Statutes
And
Administrative Code

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 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;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

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

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

§ 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 02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985*

02 02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

*History Note: Authority G.S. 19A-24; 19A-25;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 02 NCAC 52J .0201 GENERAL

- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
- (e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
- (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature.

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

02 02 NCAC 52J .0202 INDOOR FACILITIES

(b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors

and moisture condensation.

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

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

02 02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.

(b) Dogs and cats kept outdoors shall be provided housing to allow them to remain dry and comfortable during inclement weather. Housing shall be constructed of material which is impervious to moisture and which can be disinfected. One house shall be available for each animal within each enclosure except for a mother and its unweaned offspring.

(c) In addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.

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

02 02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 02 NCAC 52J .0205 FEEDING

(b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste. For every adult animal, there must be at least one food receptacle offered. Food receptacles shall be durable and shall be kept clean and sanitized. Damaged receptacles shall be replaced. Disposable food receptacles may be used but must be discarded after each feeding.

(c) Food and water receptacles in outdoor facilities shall be protected from the elements.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

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

02 02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

(1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.

(2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

(A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or

(B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or

(C) cleaning all soiled surfaces with live steam.

(4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.

(5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.

(6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984.*

02 02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(3) Puppies or kittens less than four months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction, excluding animals which pose a danger to humans or other animals.

- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.
- (6) Animals in long term care which are intended for adoption or sale must be provided the following:
 - (a) Daily access to both human and same species social interaction.
 - (b) Daily access to space other than the primary enclosure.
 - (c) A species and size-appropriate toy, unless it poses a health threat.
- (7) All animals shall be confined in primary enclosures or exercise areas.

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

02 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 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.*