



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

December 20, 2011

Ms. Wendy Gunter
212 Snow Creek Road
Statesville, North Carolina 28625

**CERTIFIED MAIL
RETURN RECEIPT
REQUESTED -**

7006 2760 0003 0472 2426

NOTICE OF CIVIL PENALTY

CIVIL PENALTY ASSESSMENT FOR VIOLATION OF CEASE & DESIST ORDER - NORTH CAROLINA GENERAL STATUTE §19A-40

Dear Ms. Gunter:

Pursuant to the North Carolina General Statutes (N.C.G.S. §19A-40) this letter is notice of a civil penalty assessed by the North Carolina Department of Agriculture and Consumer Services, Veterinary Division (NCDA&CS). The civil penalty assessment document is attached.

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 Office of Administrative Hearings (OAH) appealing the penalty assessment.

Pursuant to G.S. §150B-22, informal settlement negotiations may be initiated at any time. To negotiate a settlement of this assessment, present your offer to Dr. Lee Hunter, Director, Animal Welfare Section, who may be contacted by telephone at 919-733-7601. Settlement offers do not extend the 60 day deadline for payment or filing of a contested 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 & Consumer Services
Dr. David T. Marshall
State Veterinarian
P. O. Box 26026
Raleigh, NC 27611

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by G.S. §150B-23. File the petition and one copy with:

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

Any questions about filing a petition may be directed to the Clerk of OAH by telephone – 919/431-3000. You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Ray Starling
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
P. O. Box 27647
Raleigh, NC 27611

Please note that the Office of Administrative Hearings now requires payment of a fee of \$20.00 with filing of a petition against the NCDA&CS.

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 that reads "David T. Marshall, DVM". The signature is written in a cursive style with a large initial "D" and "M".

David T. Marshall, DVM
State Veterinarian

/bhb/mwb

Attachment: Assessment Document

cc: Barry H. Bloch, Assistant Attorney General
Lee Hunter, DVM, MPH, Director, Animal Welfare Section

CONCLUSIONS OF LAW

- A. Ms. Wendy B. Gunter violated N.C.G.S. §19A-28 and may be assessed a civil penalty of up to \$5,000.00 per violation pursuant to N.C.G.S. §19A-40.
- B. The Commissioner of Agriculture, pursuant to N.C.G.S. §19A-40 has the authority to assess civil penalties in this matter. This authority has been delegated to Dr. David T. Marshall, State Veterinarian, Veterinary Division, NCDA&CS pursuant to N.C.G.S. §143B-10(a).

DECISION

As required by N.C.G.S. §19A-40 in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation of N.C.G.S. §19A-28.

Accordingly, Wendy B. Gunter is assessed a civil penalty of:

\$5,000.00 for violating N.C.G.S. §19A-28
\$5,000.00 TOTAL AMOUNT ASSESSED

12/20/2011
Date


David T. Marshall, DVM
State Veterinarian