



Steve Troxler  
Commissioner

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

Doug Meckes, DVM  
State Veterinarian

November 24, 2014

Jerry Henderson, President  
Lenoir County SCPA  
P.O. BOX 1481  
Kinston, NC 28504

**Notice of Warning**

Re: **Violations of Title 02, Administrative Code (NCAC) Chapter 52J, Sections listed below**

Facility: Lenoir County SPCA

Dear Mr. Henderson:

Ms. Pat Sholar, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on November 20, 2014 and determined that the facility may be in violation of state law and regulations. On that date Ms. Sholar found a significant number of deficiencies in conditions and/or practices at the Lenoir SPCA which can constitute violations of the Animal Welfare Act and its regulations. The following list is what must be done between the present and the next inspection. Furthermore, those conditions that were found to be satisfactory must be maintained as such:

1. Indoor runs #'s 1, 6, 9, 10, 11, 12, 14, 16, and 17, have areas of missing mortar where the floor joins the wall
2. Once again the shelter is not vaccinating the dogs and cats that are eligible for Rabies vaccine
3. Multiple sick cats were housed in the general population and had not been provided veterinary care
4. A young kitten was housed with an adult cat which was not its dam
5. A dam and her young puppy were housed with an adult unneutered male dog
6. Significant amount of dust and clutter was present on top of the cat cages
7. Chewed plastic water receptacles were present

8. Once again the pictures of the animals in foster care were not posted in a conspicuous position. They were present in the food storage area at the time of this inspection
9. Peeling paint is still present in the animal areas

Based on the results of the above visit, you may have violated the following Animal Welfare Act statutes and Agriculture regulations:

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

(d) During the minimum holding period, an animal shelter may place an animal it is holding into foster care by transferring possession of the animal to an approved foster care provider, an approved rescue organization, or the person who found the animal. If an animal shelter transfers possession of an animal under this subsection, at least one photograph depicting the head and face of the animal shall be displayed at the shelter in a conspicuous location that is available to the general public during hours of operation, and that photograph shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

**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.

**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.

**02 NCAC 52J .0207 SANITATION**

(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.

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

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

- (b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.
- (c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.
- (d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

### **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.

The failure to provide veterinary care as well as the failure to separate ill animals into the isolation area of the facility endangers the health and welfare of the animals in the general population and can cause unnecessary suffering of the animals.

Therefore as these failures to follow the veterinary care regulations as well your submitted veterinary care program poses significant risk of harm to the health of the animals, this **WARNING LETTER** serves as notice that we expect these failures to be corrected immediately.

**You are hereby requested to address all of the above concerns by providing a timeline informing the Section of the time needed to rectify each of these conditions listed above and return to full compliance with the NCAWA. You should address those concerns individually, stating in a written reply to the Section by no later than ten business days from the date you receive this Notice of Warning. If you do not respond, providing a full time table for rectifying all of these violations, the Section may, upon confirming that serious violations continue to exist in your facility, take appropriate action as authorized under the NCAWA. Such action may include suspension or revocation of your private animal shelter registration.**

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility's certificate of registrations pursuant to G. S. 19A-30 or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,



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

cc: Barry Bloch, Assistant Attorney General, NCDOJ  
Joe Blomquist, Outreach Coordinator  
Pat Sholar, Animal Health Technician