



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

July 14, 2014

Ms. Jeri Arledge
Rusty's Legacy
139 Lytle Mountain Road
Marion, North Carolina 28752

VIA UPS - 1Z210617A854987604

Re: **DENIAL OF APPLICATION FOR RENEWAL OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION**
Rusty's Legacy Animal Shelter
Animal Shelter Certification no. 143

Dear Ms. Arledge:

This letter is an Order issued pursuant to N.C. Gen. Stat. § 19A-30 concerning your operation of an animal shelter under certification of registration with the Animal Welfare Section of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS) pursuant to N.C. Gen. Stat. § 19A-26. Your animal shelter, Rusty's Legacy (a nonprofit corporation), has failed inspections conducted by this Section on June 18, 2014, March 31, 2014 and February 19, 2014, pursuant to the requirements set forth under the NC Animal Welfare Act. The inspection reports you received on those dates constitute written notice to you indicating how you are failing to satisfy the requirements for holding a certificate of registration for the above-named animal shelter as set forth in N.C. Gen. Stat. § 19A-30. You were provided with the NC Animal Welfare Act and the rules establishing facility standards there under with your certification application. You also received a warning letter from the Animal Welfare Section's attorney on April 8, 2014, describing in detail the conditions observed in your facility that require remediation to bring it into compliance with the minimum standards.

To date, your facility has failed inspection demonstrating serious deficiencies in the conditions in which your animals are kept and the care that they receive. These deficiencies are described in detail by the above-referenced inspection reports and warning letter. For the reasons set forth in your last inspection report, your application for renewal of your certification of registration is hereby **DENIED** for failure to comply with the requirements set forth in N.C. Gen. Stat. § 19A-30(2) and (3). Please note that, if you have completed remediation of the conditions listed in the last inspection and believe that your facility satisfies minimum standards, you may apply for registration by submitting a completed application package to the Animal Welfare Section.

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 Order. Please find enclosed information on filing said petition.

Therefore, you are notified to **CEASE AND DESIST** operation of an animal shelter within thirty (30) days of receipt of this letter. If you are found operating an animal shelter after the thirtieth day following

your receipt of this letter, the NCDA&CS has the authority to impose a civil penalty of up to five thousand dollars (\$5,000.00) pursuant to:

§ 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.

Sincerely,

A handwritten signature in black ink that reads "David T. Marshall, DVM". The signature is written in a cursive style with a large, stylized "D" and "M".

David T. Marshall, DVM,
State Veterinarian, NCDA&CS

Enclosures

cc: Tina Hlabse, General Counsel, NCDA&CS
Barry Bloch, Assistant Attorney General, NCDOJ

APPEAL INFORMATION

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. Gen. Stat. § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings.

File the petition and one copy with:

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

Any questions about filing a petition may be directed to the Clerk of OAH by telephone 919/733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001