Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

December 22, 2014

Jeri Arledge
Rusty's Legacy
139 Lytle Mountain Road
Marion, NC 28752

RE: **SUSPENSION OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION**
Rusty's Legacy
Animal Shelter 143

Dear Ms. Arledge:

This letter is an Order suspending your animal shelter registration issued pursuant to N.C. General Statute § 19A-30. I have reviewed the inspection record file for your facility at Rusty's Legacy Animal Shelter. My findings are summarized as follows:

Date of Inspection	Results of Inspection
February 19, 2014	Disapproved
March 31, 2014	Disapproved
June 18, 2014	Disapproved
September 17, 2014	Disapproved
December 9, 2014	Disapproved

On April 11, 2104 you received a Warning Letter from Barry Bloch, Assistant Attorney General, North Carolina Department of Justice ("NCDOJ") which explained to you:

> Each of these deficiencies can constitute grounds for action against the shelter's registration certification, up to and including revocation of that certification. This letter constitutes a **WARNING** that future deficiencies like these will result in disciplinary action by the Department."

Your Application for Renewal of Animal Shelter Certificate of Registration was denied on July 14, 2014, because of your "failure to comply with the requirements set forth in N.C. Gen. Stat. §19A-30(2) and (3)." You appealed this denial. On July 28, 2014, you received a letter from Mr. Joe Blomquist, Outreach Coordinator for NCDA&CS, Veterinary Division, Animal Welfare Section, that letter notified you that your registration had been renewed because of your progress toward compliance with the NCAWA and its facility standards. That letter also notified you that "....the Section reserves the right and authority to

revoke or suspend your registration if it finds that your facility is below acceptable state standards when re-inspected..."

Your facility has been re-inspected twice, on September 17, 2014, and December 9, 2014, since the renewal of your certificate of registration. Both inspections resulted in a "Disapproval" status due to failure to meet state minimum standards. The shelter facility has failed to achieve and maintain compliance with those standards since receiving that registration renewal.

These inspections were conducted 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 and Rusty's Legacy Animal Shelter indicating how you are failing to satisfy the requirements for holding a certificate of registration for the above-named animal shelter as required by N.C. General Statute § 19A-30. With your certification application, you and Rusty's Legacy Animal Shelter were provided with the NC Animal Welfare Act and the NC Administrative Code which establishes facility standards.

The multiple failed inspections document the serious ongoing deficiencies at your facility. These deficiencies are described in detail by the above-referenced inspection reports. For the reasons set forth in your last inspection report, your certificate of registration is hereby **SUSPENDED** for failure to comply with the requirements set forth in N.C. General Statute §19A-30(3) and in 02 NCAC Chapter 52J. If, after receiving this order, you believe that you have remedied the deficiencies described in your last inspection report, you may contact the Animal Welfare Section and request a re-inspection. If your facility passes that inspection, I will consider lifting the suspension.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, N. C. General Statute §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 ($5,000.00) 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. 115-457.2

Sincerely,

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

cc: Tina Hlabse, General Counsel, NCDA&CS
R. Douglas Meckes, DVM, State Veterinarian, 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