



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

June 6, 2012

Marsha Carroll
McDowell County Animal Outreach, Inc.
66 Highway 70 West
Marion, North Carolina 28752

Re: **REVOCAION OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION**
McDowell County Animal Outreach, Inc.
Animal Shelter Certification no. 131

Dear Ms. Carroll:

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 from 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, McDowell County Animal Outreach, Inc., has failed inspections conducted by this Section on:

March 8, 2012, April 10, 2012 and June 5, 2012

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 required by N.C. Gen. Stat. § 19A-30. You have been provided with the NC Animal Welfare and Act and the rules establishing facility standards there under with your certification application.

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. For the reasons set forth in your last inspection report, your certification of registration is hereby **REVOKED** for failure to comply with the requirements set forth in N.C. Gen. Stat. § 19A-30(3).

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,



Lee Hunter, DVM, MPH
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

Enclosures

cc: David McLeod, Assistant Commissioner, NCDA&CS
David T. Marshall, 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:

Mr. Ray Starling
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

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		Jun 5, 2012	
Type of inspection	Random inspection	Type of runs	Indoor runs only
license type	44 - Public shelter	License #	131
# dogs present	26	# cats present	52
Number of prim. enclosures		47	

35.42376
Latitude
 82.02003
Longitude

McDowell County Animal Outreach
 Name of business
 66 Hwy 70 West
 Street address
 +1 (828) 559-2275
 Phone Number
 Marsha Carroll - Director
 Name of owner
 Marion
 City
 NC 28752
 ZIP code
 McDowell
 County

Facilities

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

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

Signature of Management

Inspection Results

Disapproved

Date of inspection

Jun 5, 2012

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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	NOT ACCEPTABLE		

Outdoor facilities

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

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: human	NOT ACCEPTABLE
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	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	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	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

Watering

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	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.	Acceptable
0207 Animals removed while clean	NOT ACCEPTABLE	0207 Pest Control	NOT ACCEPTABLE	0207 Species separated	Acceptable

Inspection Results

Disapproved

Date of inspection

Jun 5, 2012

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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	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	Acceptable
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	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

Narrative Explanation, if needed

Spoke with Carol Ferebee who stated all animals will be removed from this facility by June 9th, 2012. No changes/updates have been made to the facility from the previous inspection. At time of inspection the animal population has decreased a vast amount. Isolation building was found to be heavily soiled and some primary enclosures contained dried feces. Drain in canine adoptions continues to contain debris including a build up of hair and food. Feline enclosures remain on surfaces that are not impervious to moisture. Cross contamination barriers remain lacking on many feline enclosures. Plastic cross contamination barriers currently in use in some feline

Digital signature of inspector
(disregard if report has 4 pages)

check here if additional pages of narrative are attached

check here if a euthanasia inspection form is attached

Inspection Results

Date of inspection

Disapproved

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NC

Narrative Explanation, continued

enclosures are inadequate. These plastic barriers were falling between the enclosures in a manner that did not prevent cross contamination. Drain in washroom continues to back up into the floor. Floors throughout facility continue to crack/peel. 12 animals were found to be lacking any paperwork. Origination/Disposition records for many other animals were lacking and/or inadequate. Facility remains without hot water. Staffing remains an issue with the amount of animals present at the time of inspection.

All inadequacies from previous inspections, with the exception of ventilation in the large cat holding room, remain an issue.

Digital signature
of inspector**Lindsey Lloyd**

Digitally signed by Lindsey Lloyd
DN: cn=Lindsey Lloyd, o=AWS,
ou=NCDA&CS,
email=lindsey.lloyd@ncagr.gov, c=US
Date: 2012.06.05 14:53:43 -04'00'