



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

August 23, 2013

Azraels Animal Rescue and Kare, Inc.
d/b/a Azraels Ark
ATTN: Ms. Susan E. Lebright, President
108 Hope's Path
Rocky Point, NC 28457

VIA CERTIFIED MAIL

Re: CEASE AND DESIST ORDER
Azraels Animal Rescue and Kare, Inc.
D/B/A Azraels Ark
108 Hope's Path
Rocky Point, NC 28457

Dear Ms. Lebright:

This letter is an order concerning your operation of an animal shelter without registration. To date you have not applied for registration of the animal shelter now operating at the address stated in the reference line above.

Under North Carolina's Animal Welfare Act, an animal shelter is defined as:

... a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

G.S. § 19A-23(5)

The Department's Animal Welfare Section has received credible information indicating that you have established a non-profit corporation named above on or about July 1, 2013. The Section found you are housing and providing care for more than nine dogs and/or cats at this location. These facts establish that this location constitutes an animal shelter as defined by the Animal Welfare Act, as distinguished by a private home which accepts and cares for stray animals without holding itself out to the public as any of the organizations or government agencies listed in the definition. The Department can deem a facility as an animal shelter if it finds that the facility houses ten or more cats or dogs or the organization operating the facility holds itself out an organization "devoted to the welfare, protection, rehabilitation, or humane treatment of animals."

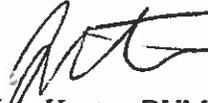
Registration is required for the operation of an animal shelter in North Carolina. Because you have not applied for a certificate of registration you are notified to **CEASE AND DESIST** operation of an animal shelter immediately upon receipt of this letter. If you are found operating an animal shelter, this Department has the authority to impose a civil penalty of up to \$5,000.00. If you are found to be in violation of any other provisions of the applicable law or rules, you may be assessed additional civil penalties for each violation found.

§ 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.

If you have any questions, feel free to contact our office at (919) 715-7111.

Sincerely,



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

Enclosure

cc Mr. Barry Bloch, Assistant Attorney General, DOJ