



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

August 25, 2015

Thomas Donatone
Pups Play and Stay
10354 US Highway 17
Wilmington, NC 28411

UPS Tracking Number:
1Z 210 617 42 5640 7343

Notice of Warning

Re: Violations of Title 02, N.C. Administrative Code (NCAC) Chapter 52J, Sections .0202(d), .0203(a) and .0204(a)

Facility: Pups Play and Stay

Dear Mr. Donatone:

Ms. Patricia Sholar, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on July 13, 2015 and again on August 17, 2015. She determined that the facility may be in violation of state laws and regulations. On those dates Ms. Sholar found several deficiencies in conditions at your facility which may constitute violations of the Animal Welfare Act and its regulations. The following is a list of the conditions that must be corrected in order to be in compliance with the N. C Animal Welfare Act and its promulgated regulations. Furthermore, those conditions that were found to be satisfactory must be maintained as such.

1. The 8 damaged shelf support moldings in Room A must be replaced.
2. The damaged window sill moldings in Room A must be replaced.
3. The damaged shelf support in Room B must be replaced.
4. The wall molding at the double doors and hall door in Room C must be replaced.
5. The damaged shelf support in Room C must be replaced.
6. The replacement surfaces of #1-5 must be sealed so that they are impervious to moisture and can be easily sanitized.
7. The areas on outside wall of Room B require repainting.

8. The rusted kennel chain link identified in the July 13, 2015 inspection must be replaced or repaired. At least one-half of the repairs or replacement must be finished by September 14, 2015. The remaining one-half of the repairs or replacement must be finished by October 14, 2015.

Based on the results of the above inspections, you may have violated the following Agriculture regulations:

02 NCAC 52J .0202 INDOOR FACILITIES

- (d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.*

02 NCAC 52J .0203 OUTDOOR FACILITIES

- (a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005.*

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.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

You are hereby requested to address those concerns by abiding by the provided timeline for item #8. Please provide a timeline to the Animal Welfare Section for correction of items #1-7 and for 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 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 registration 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,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal line extending to the right.

Patricia Norris, DVM
Director, Animal Welfare Section

cc: Mr. Joe Blomquist, NCDA&CS Outreach Coordinator
Ms. Pat Sholar, Animal Health Technician