



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

June 3, 2015

Mr. Ron Shaw
Animal Services Director
Person County Animal Services
2103 Chub Lake Road
Roxboro, NC 27574

UPS Tracking Number
1Z 31Ø 617 42 5816 263Ø

Notice of Warning

RE: **Violations of Chapter 19A-32.1 and Title 02, Administrative Code (NCAC) Chapter 52J .0210**

RE: Facility: Person County Animal Services

Dear Mr. Shaw:

On May 29, 2015 and June 2, 2015 Ms. Penny Page of the Animal Welfare Section ("AWS") of the Veterinary Division of the North Carolina Department of Agriculture & Consumer Services ("NCDA&CS") and I spoke with Kelli Oakley, the Shelter Manager for Person County Animal Services ("PCAS"). Ms. Oakley admitted in both conversations that PCAS is not complying with N. C. General Statute §19A-32.1 and NCAC 52J .0210.

Based on these two conversations, AWS has determined that PCAS may have failed to provide adequate veterinary care to its animals in the shelter and may have prematurely euthanized animals that were subject to the 72 hour minimal holding period. Further, PCAS' shelter manager has stated her intention to willfully disregard or violate G. S. §19A-32.1 and NCAC 52j .0210 in the future. The N. C. General Statutes and administrative code rules referenced in this document are attached.

You are hereby requested to address the AWS's concerns by providing a written policy and procedure protocol regarding, but not limited to:

- 1) provision of adequate veterinary care;
- 2) effective daily observation of animals;
- 3) assessment of animals upon intake for injury or illness; and
- 4) euthanasia of injured/ill animals.

Please revise and resubmit an Annual Program of Veterinary Care consistent with these new procedures which is in compliance with G. S. §19A-32.1 and 02 NCAC 52J .0210. Please provide your written protocols and renewal application with the revised Annual Program of Veterinary Care no later than fourteen business days from the date you receive this Notice of Warning.

This letter constitutes a **WARNING**. If you do not fully comply with this request, AWS may take appropriate disciplinary action as authorized under the N. C. Animal Welfare Act. Such action may include suspension, revocation or refusal to renew your public animal shelter registration. 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', written over a horizontal line.

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

cc: Barry Bloch, Assistant Attorney General, NCDOJ;
Joe Blomquist, AWS Outreach Coordinator
Dr. Doug Meckes, NC State Veterinarian;
Joe Reardon, Assistant Commissioner

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

(1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.

(2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.

02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes.

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

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