



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

October 6, 2009

Ms. Susan Holder, Assistant County Manager
Sampson County Animal Control and Pet Adoption
168 Agriculture Place
Clinton, NC 28328

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED
7006- 2760 0003 0472 1917

Notice of Warning for Failure to Comply with the NC Administrative Code

Re: Violation of Title 02, N.C. Administrative Code Chapter 52J, Section(s) .0201 et seq.

Dear Ms. Holder:

Ms. Pat Sholar, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, conducted an inspection in your facility and discovered specific conditions and/or practices amounting to failure to comply with the requirements of 02 NCAC .0201 et seq., in violation of state law and regulations.

On 25 September 2009, Ms. Sholar visited the Sampson County Animal Control and Pet Adoption at 168 Agriculture Place, Clinton, NC and found that your facility housed "pit bull" dogs being held pursuant to a pending court case. She observed the following conditions with those animals:

- backbones and hip bones of the animals were prominent
- no water was present
- animals were not removed from the kennel when the kennel was cleaned
- animals do not have resting platforms
- several animals have lesions of the type and location that can be indicative of pressure sores and may be attributable to laying on concrete without bedding/resting platforms

Additionally, Ms. Sholar noted that only two shelter attendants were present to clean and care for the animals as well as meet with the public. Many of the dogs present lacked water. Ms. Sholar also noted that 4 cats were left in one trap in the isolation room and were without water. Though the cats has been in the shelter for two days, employees told Ms. Sholar that they were unaware that the cats were present.

Based on the results of the above visit, you may have violated the following Agriculture regulation:

02 NCAC 52J .0205 FEEDING

(a) Dogs and cats shall be fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. ... The food shall be ... of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value.

02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized.

02 NCAC 52J .0207 SANITATION

(a) ... When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper.

(f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.

(g) In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required.

02 NCAC 52J .0210 VETERINARY CARE

(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.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule.

This letter shall constitute a **NOTICE OF WARNING FOR FAILURE TO COMPLY WITH THE ADMINISTRATIVE CODE**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your certification and that of the facility employing you, 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 "Lee Hunter, DVM". The signature is stylized and cursive.

Lee Hunter, DVM
Director, Animal Welfare Section

BHB/mwb

cc: Mr. Howard Isley, Assistant Commissioner
Ms. Dianne Whitman, Administrative Officer
Mr. Barry Bloch, Assistant Attorney General
Ms. Pat Sholar, Animal Health Technician