



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

August 12, 2011

Melanie Morrison
Animal Welfare of Surry County
111 Noonkester Drive
Mt. Airy, North Carolina 27030

Re: CEASE AND DESIST ORDER
Animal Welfare of Surry County

Dear Ms. Morrison:

This letter is an order concerning your operation of an animal shelter since the spring of 2010 and boarding kennel without registration or license. To date you have not applied for either registration as an animal shelter or licensing as a boarding kennel even though you have been inspected and have been provided with forms and instructions on how to become registered as an animal shelter.

Further, your facility failed inspections conducted by this Department on July 27, 2011. This inspection was conducted pursuant to the requirements set forth under the N.C. Animal Welfare Act. You were provided with the N.C. Animal Welfare Act and the rules establishing facility standards there under with your registration application.

A registration is required for the operation of an animal shelter in North Carolina. Likewise, a license is required to operate a boarding kennel. Because you have never applied for either registration or licensing and you have failed to act in a timely fashion to come into compliance, you are notified to **CEASE AND DESIST operation of an animal shelter and boarding kennel immediately upon receipt of this letter**. If you are found operating an animal shelter or boarding kennel, 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.

N.C. Gen. Stat. § 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 wish to appeal this Order you may do so by filing a petition with the North Carolina Office of Administrative Hearings under the provisions of Article 3 of the North Carolina Administrative Procedure Act. Information on such appeals is enclosed and is available at <http://www.oah.state.nc.us/hearings/#filing>. If you have any questions, feel free to contact our office at (919) 715-7111.

Sincerely,


Dr. David T. Marshall
State Veterinarian

Enclosure

cc: Lee Hunter, DVM, MPH, Director, Animal Welfare Section
Mr. Barry Bloch, Attorney General Office