



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

September 21, 2015

Paul Vis
1124 Old Rosman HWY
Brevard, NC 28712

UPS Tracking Number Signature Required
172106174256264542

RE: WARNING LETTER

Dear Mr. Vis:

Pursuant to N. C. General Statute §19A-24, I am issuing you a warning letter. On July 21-24, 2015 Animal Health Technician Joshua James ("Inspector James") of the Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services conducted a complaint investigation. During the investigation, Inspector James reviewed shelter records from September 1, 2014 to July 21, 2015. The records review noted several inconsistencies and possible violations of the N. C. General Statute §19A Animal Welfare Act. The findings are:

1. From September 1, 2014 to the time of the July 21-24, 2015 review the only Certified Euthanasia Technician employed by Transylvania County Animal Services Shelter ("Shelter") was Paul Vis.
2. On July 21-24, 2015 Inspector James visited the shelter as part of a complaint investigation. The records referenced in the body of this document are records gathered by Inspector James during this investigation.
3. On July 21, 2015, Inspector James interviewed Shelter Director Paul Vis. During this interview Inspector James learned the following:
 - a. Director Vis acknowledged being on suspension from his duties at the shelter from September 24, 2014 until October 20, 2014;
 - b. Director Vis acknowledged that upon return from the suspension on October 21, 2014, he modified the euthanasia log by signing his initials to 5 entries for euthanasias occurring during the suspension period.

4. Inspector James reviewed the euthanasia files for the shelter from September 1, 2014 to July 21, 2015.

5. Review of the records shows that there were 205 incidences of euthanasia being performed by staff members that were not certified euthanasia technicians. Forty-six of these euthanasias occurred during the period of time during which Director Vis was suspended.

6. The records show there were 81 incidences of euthanasia being performed on stray animals before the expiration of the 72 hour minimal hold period for reasons other than serious illness or injury.

7. There were more than 100 records in which there was conflicting information between the kennel card and the euthanasia log as to who euthanized the animal or in which incorrect information was entered.

As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, alleges that you, either by act or omission, may have violated the following provisions of the N.C. Administrative Codes:

- a) North Carolina General Statutes §§19A-32.1 (a) and (b) (2)
- b) North Carolina Administrative Code 52J .0402
- c) North Carolina Administrative Code 52J .0418 (2), (6), and (7)
- d) North Carolina Administrative Code 52J .0419 (1), (4), and (9)

(See Attachment for text of cited General Statutes and Administrative Codes)

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your euthanasia technician certificate of registration pursuant to N. C. General Statute § 19A-24 or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

Sincerely,



Patricia Norris, DVM
Director, Animal Welfare Section

Attachment: Relevant General Statutes and Administrative Codes

cc: R. Douglas Meckes, DVM, North Carolina State Veterinarian
Mr. Joe Reardon, Assistant Commissioner, NCDA&CS
Ms. Tina Hlabse, General Counsel, NCDA&CS

Relevant N. C. General Statutes and Administrative Codes

§ 19A-24. Powers of Board of Agriculture.

(a) The Board of Agriculture shall:

(b) In addition to rules on the euthanasia of animals adopted pursuant to subdivision (5) of subsection (a) of this section, the Board of Agriculture shall adopt rules for the certification of euthanasia technicians. The rules may provide for:

(7) Denial, suspension, or revocation of certification of euthanasia technicians who:

a. Violate any provision of this Article or rules adopted pursuant to this Article;

b. Have been convicted of or entered a plea of guilty or nolo contendere to:

1. Any felony;

2. Any misdemeanor or infraction involving animal abuse or neglect; or

3. Any other offense related to animal euthanasia, the duties or responsibilities of a euthanasia technician, or a euthanasia technician's fitness for certification;

c. Make any false statement, give false information, or omit material information in connection with an application for certification or for renewal or reinstatement of certification as a euthanasia technician; or

d. Otherwise are or become ineligible for certification.

(8) Provision of the names of persons who perform euthanasia at animal shelters and for the animal shelter to notify the Department when those persons are no longer affiliated, employed, or serving as a volunteer with the shelter.

(9) Certified euthanasia technicians to notify the Department when they are no longer employed by or are serving as a volunteer at an animal shelter.

(10) The duties, responsibilities, and standards of conduct for certified euthanasia technicians.

(c) Regardless of the extent to which the Board exercises its authority under subsection (b) of this section, the Department may deny, revoke, or suspend the certification of a euthanasia technician who has been convicted of or entered a plea of guilty or nolo contendere to a felony involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, or narcotic.

(1977, 2nd Sess., c. 1217, s. 5; 1987, c. 827, s. 62; 2004-199, s. 12; 2005-276, s. 11.5(b); 2005-345, s. 22; 2008-198, s. 2(a); 2010-127, ss. 2, 3; 2014-100, s. 17.1(o).)

§ 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.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

(1) The date of impoundment.

(2) The length of impoundment.

(3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.

(4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

§ 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. (1995, c. 516, s. 6; 1998-215, s. 3.)

SUBCHAPTER 52J - ANIMAL WELFARE SECTION

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

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

02 NCAC 52J .0402 AUTHORIZED PERSONS

Only a Certified Euthanasia Technician, Probationary Euthanasia Technician, or a veterinarian licensed to practice veterinary medicine in North Carolina may euthanize an animal in a certified animal shelter. A Certified Euthanasia Technician shall not euthanize animals using a method for which he or she is not currently certified except as specified in 02 NCAC 52J .0700.

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009.

02 NCAC 52J .0418 DUTIES

A Certified Euthanasia Technician may:

- (2) Record the identification number of the animal, its species, sex, breed description and date, dosages for drugs that are administered and amounts for drugs wasted;
- (6) Report to the appropriate government agencies violations or suspicions of a violation of the rules in this Subchapter or any abuse of drugs;
- (7) Euthanize animals;

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009.

02 NCAC 52J .0419 GROUNDS FOR DISCIPLINE - CERTIFIED EUTHANASIA TECHNICIANS

The Department may refuse to issue, renew, or reinstate the certification of a Euthanasia Technician, or may deny, revoke, suspend, sanction, or place on probation, impose other forms of discipline, and enter into consent agreements and negotiated settlements with Certified Euthanasia Technician pursuant to the procedures set forth in G.S. 150B, Article 3, for any of the following reasons:

- (1) Failure to Carry Out Duties. Failure to carry out the duties of a Certified Euthanasia Technician;
- (4) Allowing uncertified individuals to euthanize animals;
- (9) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter;

History Note: Authority G.S. 19A-24;
Eff. March 23, 2009.