



Steven W. Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

R. Douglas Meckes, DVM  
State Veterinarian

April 22, 2016

Heidi Baumbarger  
Blue Line Kennel  
4408 Bigham Road  
Waxhaw, NC 28173

**Notice of Warning; Notice of Deficiency**

**Re: Violation of 02 N. C. Administrative Code ("NCAC") Chapter 52J, Section .0201(j).**

**AWS-WL-2016-14**

Boarding Kennel: Blue Line Kennel  
License No. 10,437

Dear Ms. Baumbarger:

On April 14, 2016 at approximately 1:14 p.m., AWS Inspector Jay Blatche arrived at Blue Line Kennel ("the kennel") to conduct a facility inspection. However, you denied the inspector admittance to the facility. Despite Inspector Blatche explaining the regulation to you that allows entry during normal business hours, you continued to refuse to allow entry by the inspector.

Pursuant to the North Carolina Animal Welfare Act and the rules promulgated thereunder "All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday)." 02 NCAC 52J .0201(j)

Therefore, AWS finds that the kennel violated 02 NCAC 52J .0201(j).

This Warning Letter and Notice of Deficiency serves as written notice indicating in which respects the kennel has failed to satisfy the requirements for the holding of a license as a kennel.

If you continue to deny AWS personnel access to the kennel as authorized by 02 NCAC 52J .0201(j), your repeated violation of this regulation will be considered a willful disregard or violation of the North Carolina Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation of the North Carolina Animal Welfare Act and the rules issued pursuant thereto may result in suspension or revocation

Carolina Animal Welfare Act and the rules issued pursuant thereto may result in suspension or revocation or your facility's license pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation pursuant to N. C. General Statute §19A-40.

Your immediate compliance with the N. C. Animal Welfare Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Norris", with the letters "DVM MS" written at the end of the signature.

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

cc:

Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS  
Joseph Reardon, Assistant Commissioner, NCDA&CS  
Tina Hlabse, General Counsel, NCDA&CS  
Christopher R. McLennan, Assistant Attorney General

## Appendix

### RELEVANT LAWS AND REGULATIONS

#### **§ 19A-30. Refusal, suspension or revocation of certificate or license.**

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

#### **§ 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.)

### **02 NCAC 52J SECTION .0200 - FACILITIES AND OPERATING STANDARDS**

#### **02 NCAC 52J .0201 GENERAL**

(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

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