



Steven W. Troxler  
Commissioner

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

R. Douglas Meckes, DVM  
State Veterinarian

February 18, 2015

Ms. Michelle Starnes  
Union County Animal Shelter  
3340 Presson Road  
Monroe, North Carolina 28112

UPS Tracking Number

1Z21Ø6174258814855

NOTICE OF CIVIL PENALTIES

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF TITLE 02, N.C. ADMINISTRATIVE CODE, CHAPTER 52J, SECTIONS .0418 and .0419

Dear Ms. Starnes:

Pursuant to N.C. Gen. Stat. §§ 19A-24 and -40 I am issuing this notice to you that you are assessed a civil penalty of \$1,500.00, as provided in the enclosed Notice of Violations and Order.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing in the NCOAH to appeal the penalty assessment.

Pursuant to N.C. Gen. Stat. § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, present your offer to me. I may be contacted by telephone at (919) 715-7111. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

## PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services  
Dr. Patricia Norris  
Director, Animal Welfare Section  
1030 Mail Service Center  
Raleigh, NC 27699-1030

## APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. Gen. Stat. § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. Payment can be made by cash, money order, certified check or check drawn on an attorney's trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone 919/733-0926. You must serve NCDA&CS by mailing a copy of the petition to:

Ms. Tina Hlabse  
North Carolina Department of Agriculture and Consumer Services  
Registered Agent and General Counsel  
1001 Mail Service Center  
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Norris", written in a cursive style.

Patricia Norris, DVM  
Director, Animal Welfare Section

Attachment: Assessment Document

cc: R. Douglas Meckes, DVM, North Carolina State Veterinarian  
Mr. Barry Bloch, Assistant Attorney General, N.C. Department of Justice  
Ms. Tina Hlabse, General Counsel, NCDA&CS

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF  
AGRICULTURE AND CONSUMER SERVICES,  
VETERINARY DIVISION

IN THE MATTER OF  
MICHELLE STARNES

) NOTICE OF VIOLATIONS,  
) ASSESSMENT OF CIVIL  
) PENALTY  
)  
) For Violations Of:  
) 2 N.C. Administrative Code 52J  
) .0418 and .0419

Acting pursuant to N.C. Gen. Stat. §§ 19A-24 and -40, Dr. Patricia Norris, Director of the Animal Welfare Section, Veterinary Division, North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

FINDINGS OF FACT

1. At all times pertinent to this matter Michelle Starnes ("Starnes") was a certified euthanasia technician ("CET") registered with the Animal Welfare Section, Veterinary Division, NCDA&CS ("AWS"), and on record as being employed by Union County Animal Services pursuant to N.C. Gen. Stat. §19A-24(b)(8).
2. On December 3, 2014, AWS Inspector Jay Blatche ("Ins. Blatche") conducted a euthanasia inspection at the animal shelter operated by Humane Society of Concord and Greater Cabarrus County ("HSC&GCC").
3. In the course of this inspection Ins. Blatche was informed that:
  - a. Before June 30, 2014, Dr. A. M. McClone, DVM, had performed all euthanasias at HSC&GCC;
  - b. From June 30, 2014, to July 31, 2014, HSC&GCC contracted with a local veterinarian who provided a veterinary technician, Mindy Joyner, an employee of Cabarrus Animal Hospital, to euthanize animals in the facility; and
  - c. From August 21, 2014, to December 3, 2014 (the date of the inspection), animals in the facility were euthanized by "several employees" who were CETs, who were from Union County, who were not under contract with HSC&GCC.
4. On December 22, 2014, Ins. Blatche and Outreach Coordinator Joe Blomquist ("OC Blomquist") visited HSC&GCC to ask additional questions regarding the names of the persons who are euthanizing animals at that facility.
5. HSC&GCC's representative, Ms. Judy Simms, told Ins. Blatche and OC Blomquist that all animal euthanasia at the facility is done by Cabarrus County in a room set aside for that purpose.
6. Ms. Simms stated that Starnes and Chris Royal were euthanizing animals for Cabarrus County but she did not know who hired them, who paid them or what arrangement they had with Cabarrus County.

7. On the same day Ins. Blatche and OC Blomquist met with Cabarrus County's animal control manager, LT David Taylor, who told them that:
  - a. Starnes and Chris Royal euthanize the animals at HSC&GCC's facility;
  - b. Starnes and Chris Royal are not employees of HSC&GCC or of Cabarrus County Animal Control;
  - c. There is no written agreement between Cabarrus County and Union County regarding Starnes euthanizing animals at HSC&GCC;
  - d. There is no written agreement between "Dr. Brent" and Cabarrus County Animal Control regarding Chris Royal euthanizing animals at HSC&GCC;
  - e. Starnes and Chris Royal euthanize animals at HSC&GCC in the morning before the facility opens;
  - f. Union County gave permission to Starnes to euthanize animals at HSC&GCC;
  - g. He did not know whether Dr. Brent gave permission to Chris Royal to euthanize animals at HSC&GCC;
  - h. No one in Cabarrus County Animal Control had informed AWS that Starnes or Chris Royal were euthanizing animals at HSC&GCC;
  - i. No veterinarian was present when Starnes and Chris Royal euthanized animals at HSC&GCC;
  - j. He believed that both Starnes and Chris Royal were certified as euthanasia technicians by AWS; and
  - k. Starnes and Chris Royal used Cabarrus County Animal Control's euthanasia drugs and LT Taylor or one of his officers was present to provide the drugs and hold the animals, when necessary, while animals were being euthanized.
8. LT Taylor stated that Starnes and Chris Royal were employed and paid by Dr. Brent E. Glenn, DVM ("Dr. Glenn"), to euthanize animals at HSC&GCC for Cabarrus County.
9. Starnes told Ins. Blatche that she began euthanizing animals at Cabarrus County Animal Shelter ("CCAS") in August 2014, using injected euthanasia drugs provided under Cabarrus County's DEA license.
10. Starnes told Ins. Blatche that she euthanized approximately 20 animals each week for Cabarrus County Animal Control at HSC&GCC.
11. Starnes told Ins. Blatche that she was paid to euthanize animals for Cabarrus County Animal Control at HSC&GCC by Dr. Glenn.
12. Starnes stated that Dr. Glenn does not withhold taxes from her pay but would provide her with a W-9 form at the end of the year.
13. Starnes admitted that her certification did not authorize her to euthanize animals for Cabarrus County Animal Control at HSC&GCC.
14. Starnes stated that she did not represent to Cabarrus County Animal Control that she was certified to euthanize animals at HSC&GCC; rather, she did so as Dr. Glenn's employee.
15. Starnes stated that while she was euthanizing animals for Cabarrus County Animal Control at HSC&GCC, she saw Chris Royal also euthanizing animals for Cabarrus County Animal Control at HSC&GCC.
16. Starnes stated that Chris Royal was also paid by Dr. Glenn to euthanize animals for Cabarrus

County Animal Control at HSC&GCC.

17. Dr. Patricia Norris, Director of Animal Welfare Section, NCDA&CS, spoke by telephone with Dr. Glenn on February 2, 2015.
18. Dr. Glenn told Dr. Norris that he had never been to the animal shelter facility operated by Cabarrus County.
19. Dr. Glenn stated that he believes that Cabarrus County Animal Control asked Starnes to euthanize animals in their facility.
20. Dr. Glenn stated that Starnes came to him to ask him to “run the money through him.”
21. Dr. Glenn said that Starnes told him that she and Chris Royal were certified to perform euthanasia and could euthanize at Cabarrus County Animal Shelter.
22. Dr. Glenn stated that he made arrangements to bill for and accept payments from Cabarrus County, keeping ten percent of payments received and paying the rest of the money to Starnes.
23. Dr. Glenn stated that Cabarrus County provided the euthanasia drugs to Starnes and Chris Royal.
24. Dr. Glenn stated that Starnes and Chris Royal euthanized the animals and completed the records and paperwork.
25. At no time has CCAS ever reported to AWS that it employs Starnes as a CET in its facility.
26. Starnes knew or should have known that, from August 21, 2014, to December 3, 2014, Chris Royal was not certified by AWS to euthanize animals in North Carolina.
27. Chris Royal’s certification as a euthanasia technician in North Carolina was cancelled when she left employment at Iredell County Animal Shelter on April 18, 2013.

As a result of this investigation, NCDA&CS, Veterinary Division, AWS alleges that Starnes, either by act or omission, violated the following provisions of the N.C. Administrative Codes: North Carolina Administrative Code 52J .0418(6) and .0419(1), (4) and (7). See Appendix for cited NC Administrative Codes.

#### **§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.)

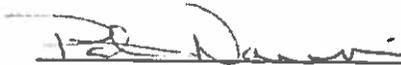
III. DECISION

As required by N.C. Gen. Stat. § 19A-40 in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Starnes is assessed a civil penalty of: \$1,500.00 for violating Title 2 North Carolina Administrative Code 02 NCAC 52J .0418 and .0419.

\$1,500.00 TOTAL AMOUNT ASSESSED

2/18/2015  
Date

  
\_\_\_\_\_  
Dr. Patricia Norris  
Director, Animal Welfare Section  
North Carolina Department of  
Agriculture & Consumer Services

## Appendix

### Cited N.C. Administrative Codes

#### **02 NCAC 52J .0418 DUTIES**

A Certified Euthanasia Technician may:

- (1) Prepare animals for euthanasia;
- (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;
- (3) Order euthanasia supplies;
- (4) Maintain the security of all controlled substances and other drugs in accordance with applicable state and federal laws and regulations;
- (5) Directly supervise probationary Euthanasia Technicians;
- (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;
- (8) Dispose of euthanized animals and expired or unwanted chemical agent(s) or the containers, instruments and equipment used in the administration of drugs in accordance with all applicable federal, state and local laws and regulations; and
- (9) Notify the Animal Welfare Section as required in this Section upon leaving employment or volunteer status at a covered facility.

*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;
- (2) Abuse of Chemical Substances. Abuse of any drug or chemical substance by:
  - (a) Selling, diverting or giving away drugs or chemical substances;
  - (b) Stealing drugs or chemical substances;
  - (c) Misusing chemical substances; or
  - (d) Abetting anyone in the foregoing activities;
- (3) Euthanizing animals without supervision as required by this subchapter;
- (4) Allowing uncertified individuals to euthanize animals;
- (5) Allowing probationary Euthanasia Technicians to euthanize animals outside of the Certified Euthanasia Technician's personal presence;
- (6) Fraud, misrepresentation, or deception in obtaining certification;
- (7) Unethical or Unprofessional Conduct. Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public. Such conduct includes working in conjunction with any agency or person illegally practicing as a Certified Euthanasia Technician; failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; euthanizing animals in a manner that endangers the health or welfare of the public; gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by the practices generally and currently followed and accepted as approved by the American Veterinary Medical Association, the Humane Society of the United States or the American Humane Association; intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and swearing falsely in any testimony or affidavits relating to practicing as a Certified Euthanasia Technician;
- (8) Conviction of any criminal offense as described in this Section;
- (9) Improper Record Keeping. Failure to follow proper record keeping procedures as outlined in the rules in this Subchapter;
- (10) Improper Security and Storage for Chemical Agents. Failure to provide and maintain proper security and storage for euthanasia and restraint drugs as established under applicable United States Drug Enforcement Administration and North Carolina Department of Health and Human Services statutes and rules;
- (11) Improper Disposal of Chemical Agents and Equipment. Failure to dispose of drugs and the containers, instruments and equipment in a manner permitted by this Subchapter;

- (12) **Improper Labeling of Approved Chemical Agents.** Failure to properly label approved euthanasia and restraint chemical agents;
- (13) **Revocation, Suspension or Limitation.** The revocation, suspension, limitation, of a license, certificate or registration or any other disciplinary action by another state or United States jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a Certified Euthanasia Technician in that state or jurisdiction on grounds other than nonpayment of the renewal fee;
- (14) **Failure of any applicant or certificate holder to cooperate with the North Carolina Department of Agriculture and Consumer Services during any investigation or inspection.**

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