Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

April 17, 2013

Donna Pressley
Bearskin Creek Grooming and Kennels
2813 Goldmine Road
Monroe, North Carolina 28110

Notice of Warning
Re: Violations of Title 02, N.C. Administrative Code (NCAC) Chapter 52J, Section(s) listed below

Shelter: Bearskin Creek Grooming and Kennels

Dear Ms. Pressley:

Mr. Jay Blatche, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, inspected your facility on April 16, 2013, and determined that the shelter facility may be in violation of state law and regulations. On that date Mr. Blatche found a significant number of deficiencies in conditions and/or practices at your shelter which can constitute violations of the Animal Welfare Act and its regulations. The following list is what must be done between the present and the next inspection before this office can renew your facility's registration. Further, those conditions that were found to be satisfactory must be maintained as such. If you fail to pass inspection and qualify for renewal of your registration before July 1, 2013, your registration will expire; if your facility remains open following expiration, such action violates GS 19A-26 of the North Carolina Animal Welfare Act.

1. Facility has a strong odor of urine and feces.
2. Animal waste needs to be removed as required in the NC Administrative Code.
3. Overall facility in need of cleaning including the removal of mold from wall.
4. Outdoor play areas need to be reseeded or gravel added.

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

02 NCAC 52J .0201 GENERAL

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.
(c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
(d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
(e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
(f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
(g) Each facility shall have the ability to confirm ambient temperature.
(h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
(i) An adequate drainage system must be provided for the housing facility.
(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).
(k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
(l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
(m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.
(b) Dogs and cats kept outdoors shall be provided housing to allow them to remain dry and comfortable during inclement weather. Housing shall be constructed of material which is impervious to moisture and which can be disinfected. One house shall be available for each animal within each enclosure except for a mother and its un-weaned offspring.
(c) In addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
(d) Animal owners shall be advised at the time of reservation and admission if the animal will be kept in outside facilities.
(e) A suitable method of drainage shall be provided.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.
(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as

to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.
(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. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.
(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: (length of dog in inches + 6) x (length of dog in inches + 6) = required floor space in square inches. Required floor space in square inches ÷ 144 = required floor space in square feet. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.
(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.
(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.

You are hereby requested to address those concerns by providing a timeline informing the Section of the time needed to rectify each of the nine conditions listed above and return to full compliance with the NCAWA. You should address those concerns individually, stating in a written reply to the Section by no later than ten business days from the date you receive this Notice of Warning. If you do not respond, providing a full time table for rectifying all of these violations, the Section may, upon confirming that serious violations continue to exist in your facility, take appropriate action as authorized under the NCAWA. Such action may include suspension or revocation of your shelter registration.

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility's certificate of registration pursuant to G.S. 19A-30 or the assessment of a civil penalty of up to $5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,

Lee Hunter, DVM, MPH
Director, Animal Welfare Section

BHB/mwb

cc: Mr. Barry Bloch, Assistant Attorney General
Mr. Jay Blatche, Animal Health Technician