



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

March 1, 2016

Regina Rowland Cooper
Funny Farm Kitties
81 Pine Street
Concord, NC 28027

Notice of Warning

Re: Violation of Title N. C. General Statutes §§ 19A-25 and 19A-26, and 02 N. C. Administrative Code (“NCAC”) Chapter 52J, Section .0201 (j) and (l).

AWS-WL-2016-7

Animal Shelter: Funny Farm Kitties

Dear Ms. Cooper:

Results of an investigation by the Animal Welfare Section (“AWS”) of the North Carolina Department of Agriculture and Consumer Services (“NCDA&CS”) reveal that Funny Farm Kitties (“the shelter”) is operating as an animal shelter without a certification of registration. Pursuant to N. C. General Statute §19A-26, no person shall operate an animal shelter without a certificate of registration.

Pursuant to N. C. General Statute §19A-25, AWS Inspectors Blatche and Shore attempted to investigate potential violations of the N. C. Animal Welfare Act (“AWA”) by inspecting this facility. In violation of this statute, you directed your staff to deny the inspectors admittance to this facility.

The AWS investigation into Funny Farm Kitties shows it is being operated as an animal shelter and that this facility is in violation of the following statues and regulations:

- 1) N. C. General Statute §19A-25;
- 2) N. C. General Statute §19A-26; and
- 3) 02 NCAC 52J .0201 (j) and (l).

If the shelter believes the facility can meet the requirements for compliance with the N. C. AWA and the rules and regulations issued pursuant thereto, the shelter may submit an application for a certificate of registration as an animal shelter. The application can be found on the AWS website at <http://www.ncagr.gov/vet/AWS/documents/ScanOfApplicationFormShelters12-29-15.pdf>.

Until such time that this facility has a valid AWS certificate of registration as an animal shelter, Funny Farm Kitties is directed to immediately cease operations as an animal shelter. Failure to abide by this directive shall be considered to be a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under N. C. General Statute §19A-40, violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Norris", is written over a horizontal line.

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

Enclosure

cc:

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

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-25. Employees; investigations; right of entry.

For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance. (1977, 2nd Sess., c. 1217, s. 6; 1987, c. 827, s. 63.)

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 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).

(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.

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