



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

October 16, 2018

Molly Goldston
Saving Grace Animals for Adoption, Inc.
13400 Old Creedmoor Road
Wake Forest, North Carolina 27587

Notice of Warning

Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Sections .0204(a) and .0206.

AWS-WL-2018-16

Animal Shelter: Saving Grace Animals for Adoption
Registration No. 293

Dear Ms. Goldston:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning the care of the animals at Saving Grace Animals for Adoption ("the shelter"). Based on the information contained in the complaint, AWS opened an investigation.

The investigation findings include:

- a) Of the 80 animals on the premises, approximately 68 animals did not have continuous access to water in their primary enclosures at the time of the initial site visit portion of the investigation on October 10, 2018. The remaining 12 animals did have access to water as they were loose in the play areas where water buckets were present.
- b) The practice of not providing water in the primary enclosure was attributed by the shelter owner to a miscommunication during the training of volunteers that were recruited to help care for the influx of animals related to Hurricane Florence. This finding is supported by the review of the results of the previous 7 facility compliance inspections of the shelter
- c) At the time of the investigation site visit, the AWS Inspector directed that the animals were to be immediately provided with continuous access to water. The volunteers complied promptly to this directive.
- d) The AWS Inspector returned to the shelter 2 hours after he concluded the first site visit. All animals had continuous access to water in their enclosures.

- e) The AWS Inspector returned to the shelter on October 11, 2018 for a follow-up site visit and found that all animals had continuous access to water.
- f) One of the pictures submitted by the complainant showed a puppy in an enclosure that had wood which the puppy could access. The October 10, 2018 investigation site visit showed that 2 enclosures in the back allowed the animals access to wood. At the time of the site visit, the shelter operator agreed to correct the access to wood.
- g) The complainant submitted a photograph showing a beagle with cherry eye implying that the shelter had failed to provide veterinary care for this dog. The investigation found that this dog was currently on medication had already undergone 2 surgeries to correct the problem and was scheduled to be evaluated at the NC Veterinary College for a possible third surgery. Therefore, there was no failure to provide veterinary care, nor is it a violation of the Animal Welfare Act for a shelter to house and care for an animal with a chronic medical condition.
- h) The complainant submitted a photograph showing a Pekingese dog with a chronic eye issue. According to the shelter records, this dog had been at the shelter no more than a day (October 3, 2018) when the complainant's photograph was taken (October 4, 2018). At the time of the October 10, 2018 investigation site visit, this dog was on medication and was scheduled for eye surgery on October 11, 2018. The shelter was providing veterinary care for this animal. It is not a violation to house an animal with a chronic health condition while veterinary care is being provided while awaiting a surgical procedure;
- i) The complainant submitted a photograph of a white dog with a sparse haircoat alleging that the dog might have "mange." The review of the shelter records during the October 10, 2018 investigation site visit show that the shelter administered medication for this dog's skin condition. In addition, this dog was scheduled for evaluation at the NC Veterinary College on October 12, 2018;

Based on the findings of this investigation, the shelter appears to have violated Title 02 NCAC Chapter 52J, Sections .0204(a) and .0206. The investigation also revealed that failure to provide continuous access to water was immediately corrected as soon as the violation was noted, and that this corrective action was maintained at the follow-up site visit. It is also noted that the shelter owner agreed to correct the access to wood in the 2 enclosures where it was present.

This Warning Letter serves as written notice indicating in which respects the shelter has violated the N.C. Animal Welfare Act and the rules issued pursuant thereto. Continued or future violation of these statutes or regulations will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to NC General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NC General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

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

Appendix

REFERENCED STATUTES 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 of 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.)

