Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

February 19, 2015

Ms. Chris Royal
173 Henry Martin Trail
Love Valley, North Carolina 28677

UPS Tracking number
1Z 21Ø 617 42 5791
6Ø69

NOTICE OF CIVIL PENALTIES

RE: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF TITLE 02, N.C. ADMINISTRATIVE CODE, CHAPTER 52J, SECTION .0402

Dear Ms. Royal:

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,

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 CHRIS ROYAL	) NOTICE OF VIOLATIONS,) ASSESSMENT OF CIVIL) PENALTY)) For Violations Of:) 2 N.C. Administrative Code 52J .0402

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 Chris Royal ("Royal") was not a certified euthanasia technician ("CET") registered with the Animal Welfare Section, Veterinary Division, NCDA&CS ("AWS").

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 Michelle Starnes ("Starnes") and 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 Royal euthanize the animals at HSC&GCC's facility;

b. Starnes and 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 Royal euthanizing animals at HSC&GCC;
e. Starnes and 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 Royal to euthanize animals at HSC&GCC;
h. No one in Cabarrus County Animal Control had informed AWS that Starnes or Royal were euthanizing animals at HSC&GCC;
i. No veterinarian was present when Starnes and Royal euthanized animals at HSC&GCC;
j. He believes that both Starnes and Royal are certified as euthanasia technicians by AWS; and
k. Starnes and 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 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 Royal also euthanizing animals for Cabarrus County Animal Control at HSC&GCC.

16. Starnes stated that 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 said 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 Royal were certified to perform euthanasia and could to euthanasia 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 Royal.

24. Dr. Glenn stated that Starnes and 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, Royal was not certified by AWS to euthanize animals in North Carolina.

27. 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.

28. Royal knew that her certification as a euthanasia technician in North Carolina was cancelled as she requested this action in an email to the Animal Welfare Section dated April 18, 2013 in which she requests "Will you put my CET on hold."

As a result of this investigation, NCDA&CS, Veterinary Division, Animal Welfare Section, alleges that Royal, either by act or omission, violated the following provisions of the N.C. Administrative Code: North Carolina Administrative Code 52J .0402. See Appendix for cited NC Administrative Code.

§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, Royal is assessed a civil penalty of: $1,500.00 for violating Title 2 North Carolina Administrative Code 02 NCAC 52J .0402.

$1,500.00 TOTAL AMOUNT ASSESSED

2/19/2015
Date

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

Appendix

Cited North Carolina Administrative Code

02 NCAC 52J .0402 AUTHORIZED PERSONS

Only a Certified Euthanasia Technician, Probationary Euthanasia Technician, or a veterinarian licensed to practice veterinary medicine in North Carolina may euthanize an animal in a certified animal shelter. A Certified Euthanasia Technician shall not euthanize animals using a method for which he or she is not currently certified except as specified in 02 NCAC 52J .0700.

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