



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

May 23, 2019

Patricia M. Roddy-Jones
Top RJ's Animal Rescue and Rehab Shelter
125 Main Street
Pollocksville, NC 28573

**Re: WARNING LETTER SUBSEQUENT TO
REVOCATION OF ANIMAL SHELTER REGISTRATION**
Top RJ's Animal Rescue and Rehab Shelter
Previous Certificate of Registration No. 364

Dear Ms. Roddy-Jones:

On April 23, 2019, the Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") issued a Registration Revocation Order concerning the operation of Top RJ's Animal Rescue and Rehab Shelter ("the shelter") as an animal shelter registered pursuant to NCGS § 19A-26. A copy of the Order of Revocation is attached hereto and incorporated by reference.

On May 20, 2019, AWS Animal Health Technician Patricia Sholar ("Inspector Sholar") visited the shelter to ascertain whether the shelter was in compliance with the Order of Revocation. She found the shelter to still be in operation having only transferred/adopted 7 of the 35 animals housed at the shelter during the previous Facility Compliance Inspection on April 16, 2019. In addition, the numerous and severe violations of the N.C. Animal Welfare Act ("AWA") continued to be present.

Of particular concern was the untreated, apparently painful, eye infection of the tan dog which had a cherry eye in the other eye. The volunteer informed the Inspector that the shelter did not have the funds to have the dog treated by a veterinarian. Inspector Sholar directed you to have the dog treated so that his pain/discomfort could be addressed and to provide documentation that this treatment had occurred. To date, you have not followed that directive.

In addition, one dog did not have water available to it in its enclosure and the only water given to the dogs is water that has been sitting in direct sunlight in plastic gallon jugs for a day or longer. Failure to provide continuous access to fresh water is a very serious violation of the N.C. Administrative Code (02 NCAC .0206) that is associated with the AWA. In this case where the animals are housed outside in enclosures with insufficient shade in the very hot humid weather typical of this time of year, this failure to

provide continuous access to fresh water constitutes an imminent threat to the health and well-being of these animals.

Therefore, you are directed to immediately CEASE AND DESIST operation of the animal shelter located at 370 Andrews Road, Trenton, NC. You must find suitable accommodations for animals in the care and custody of the shelter within the next 30 days. In the interim, you must provide all necessary care of the animals including veterinary care. All recordkeeping requirements for the AWA are to be complied with until all animals have been transferred. This includes the disposition information for all animals including the 7 animals already transferred/adopted from the shelter since April 16, 2019.

In addition, you are directed to immediately provide continuous access to fresh water and adequate protection from the sun to the animals in the care and custody of the shelter. If the shelter cannot comply with this directive, then the shelter must immediately transfer all animals to another registered shelter or other similar suitable facility.

Continued violations of the AWA statutes or associated regulations may result in the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

In addition, pursuant to NCGS § 19A-30:

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.

Should you wish to discuss this matter, you may contact Dr. Norris at (919) 707-3280.

Your immediate attention to this matter is appreciated.

Sincerely,



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

Enclosures

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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 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.

§ 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.

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(c) Except as otherwise provided in this subsection, a person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

(g) An animal that is surrendered to an animal shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of the animal and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture

§ 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.

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;

- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

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.
- (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).
- (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.

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 unweaned offspring.
- (c) In addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
- (e) A suitable method of drainage shall be provided.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.

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.
- (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: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0205 FEEDING

- (a) Dogs and cats shall be fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value. Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.
- (b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste. For every adult animal, there must be at least one food receptacle offered. Food receptacles shall be durable and shall be kept clean and sanitized. Damaged receptacles shall be replaced. Disposable food receptacles may be used but must be discarded after each feeding.
- (c) Food and water receptacles in outdoor facilities shall be protected from the elements.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

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

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

- (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.
- (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.
- (3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or
 - (C) cleaning all soiled surfaces with live steam.
- (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.
- (5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.
- (6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.
- (6) Animals in long term care which are intended for adoption or sale must be provided the following:
 - (a) Daily access to both human and same species social interaction.
 - (b) Daily access to space other than the primary enclosure.
 - (c) A species and size-appropriate toy, unless it poses a health threat.
- (7) All animals shall be confined in primary enclosures or exercise areas.

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

02 NCAC 52J .0210 VETERINARY CARE

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

(d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

April 23, 2019

Patricia M. Roddy-Jones
Top RJ's Animal Rescue and Rehab Shelter
125 Main Street
Pollocksville, NC 28573

Re: REVOCATION OF ANIMAL SHELTER REGISTRATION
Top RJ's Animal Rescue and Rehab Shelter
Certificate of Registration No. 364

Dear Ms. Roddy-Jones:

Please find enclosed an Order concerning the operation of Top RJ's Animal Rescue and Rehab Shelter ("the shelter") as an animal shelter registered by the Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") pursuant to NCGS § 19A-26. Based on the April 16, 2019 facility compliance inspection ("FCI"), it is apparent that the shelter has willfully disregarded and violated the N.C Animal Welfare Act (the "AWA") and fails to possess the necessary qualifications to meet the requirements of the AWA for the holding of a certificate of registration. You were provided with the AWA and the rules promulgated thereunder with your registration application.

Inspection of the shelter's facility and practices in the operation of the animal shelter located at 370 Andrews Road, Trenton, NC demonstrated serious deficiencies in the housing facility, the sanitation of the facility and animal enclosures, the care of the animals, the record keeping and the compliance with the rules promulgated pursuant to the AWA. The results of the FCI indicate that grounds exist for revocation of your certificate of registration.

The Order of Revocation describes in detail the factual basis for your certificate of registration revocation. Based on the shelter's failure to comply with the regulations promulgated under the AWA, as set forth more fully in the enclosed Revocation Order, your certificate of registration is hereby **REVOKED** pursuant to NCGS § 19A-30(2), (3) and (8). This Order of Revocation is effective on the fifth day after you receive it.

Therefore, you are notified to **CEASE AND DESIST** operation of the animal shelter located at 370 Andrews Road, Trenton, NC within five days of receipt of this letter. You are required to surrender to AWS the registration certificate issued for this shelter within 5 days of the revocation becoming effective. If the shelter continues to operate after the fifth (5th) day following receipt of this letter, AWS has the

authority to seek legal relief and to impose a civil penalty of up to five thousand dollars (\$5,000.00) per violation pursuant to NCGS § 19A-40.

In addition, pursuant to NCGS § 19A-30:

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.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, NCGS § 150B-23, within five (5) days of the Order of Revocation becoming effective. Filing a petition will require a payment of twenty dollars (\$20.00) to the North Carolina Office of Administrative Hearings (see below, "Appeal").

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 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. 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) 431-3000.

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

Should you wish to discuss this matter, you may contact Dr. Norris at (919) 707-3280. Discussions do not enlarge the deadline to file an appeal.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Patricia Norris, DVM, MS". The signature is written in a cursive style with a large initial "P".

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

Enclosures

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

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF
AGRICULTURE AND CONSUMER SERVICES,
VETERINARY DIVISION, ANIMAL WELFARE
SECTION

IN THE MATTER OF)

TOP RJ'S ANIMAL RESCUE)
AND REHAB)
ANIMAL SHELTER)

) NOTICE of VIOLATIONS and
) ORDER of REVOCATION
) for VIOLATIONS of NCGS § 19A-32.1(c), (g)
) (h), (i) and (j) and TITLE 02, N.C.
) ADMINISTRATIVE CODE (NCAC)
) CHAPTER 52J, SECTIONS .0101(1) – (5);
) .0103; .0201(a) - (f), (h) - (j) and (l); .0203(a) - (c)
) and (e); .0204(a), (b) and (d); .0205(a) – (c), .0206;
) .0207(a), (b)(1) – (6), (c) and (d); .0208; .0209(5),
) (6)(a) – (c), and (7); and .0210(c) and (d).
)

Acting pursuant to NCGS § 19A-30(2), (3) and (8), Dr. Patricia Norris, Director of the Animal Welfare Section (“AWS”), Veterinary Division, North Carolina Department of Agriculture and Consumer Services (NCDA&CS) makes the following:

FINDINGS OF FACT

At all times pertinent to this matter, Top RJ’s Animal Rescue and Rehab Shelter, located at 370 Andrews Road, Trenton, NC (“the shelter”), operated by Patricia M. Roddy-Jones, was an animal shelter, registered pursuant to NCGS § 19A-26.

- 1) On April 16, 2019, AWS Animal Health Technician Patricia Sholar (“Inspector Sholar”) arrived at 10:15 AM to conduct a facility compliance inspection (“FCI”) of the shelter. The following are the observations made and results of the FCI:
 - a) At the time of Inspector Sholar’s arrival, it was apparent from the condition of the shelter that no one had been to the shelter that day to care for the animals and/or clean/sanitize the facility. This was confirmed by the shelter staff member that arrived at 10:38 AM.
 - b) The 2019 application for the shelter states that the first cleaning of the shelter was to start at 8:00 AM.
 - c) Immediately upon arrival, a large number of plastic water jugs was noted that were not present during the previous FCI.
 - d) The shelter staff member advised that the shelter had been without a source of electricity or water for 2 months.
 - e) In addition, the boundary for the shelter had been moved so that there was no longer an exercise area for the dogs.
 - f) The FCI report and its findings are attached hereto and are incorporated by reference in these Findings of Fact.

CONCLUSIONS

1. As a result of the April 16, 2019 Facility Compliance inspection and investigation, AWS finds that the shelter, either by act or omission, violated of NCGS § 19A-32.1(c), (g), (h), (i) and (j) and 02 NCAC 52J .0101(1) – (5); .0103; .0201(a) - (f), (h) - (j) and (l); .0203(a) - (c) and (e); .0204(a), (b) and (d); .0205(a) – (c); .0206; .0207(a), (b)(1) – (6), (c) and (d); .0208; .0209(5), (6)(a) – (c), and (7); and .0210(c) and (d).
2. Pursuant to NCGS § 19A-30, the Director of the AWS has the authority to revoke a certificate of registration for any animal shelter.
3. Purposes of the AWA include the protection of owners of dogs and cats from the theft of such pets, the prevention of the sale or use of stolen pets and to ensure that animals confined in animal shelters are provided humane care and treatment.
4. Based on the findings of this investigation, as further detailed in the incorporated reports, AWS concludes that:
 - a. Top RJ's Animal Rescue and Rehab has willfully disregarded and violated the AWA and its associated rules;
 - b. Top RJ's Animal Rescue and Rehab has failed to provide adequate housing facilities and primary enclosures for the purposes of the AWA and the sanitizing and housing practices at the animal at the shelter are not consistent with the intent of the AWA or its rules;
 - c. Top RJ's Animal Rescue and Rehab fails to possess the necessary qualifications or to meet the requirements of the AWA for the holding of a certificate of registration as an animal shelter; and
 - d. Allowing Top RJ's Animal Rescue and Rehab to continue to operate the shelter under these conditions would be contrary to the purpose and intent of the AWA.

DECISION

Based on all the above, the animal shelter certificate of registration issued to Patricia M. Roddy-Jones to operate Top RJ's Animal Rescue and Rehab (Certificate of Registration No. 364) is hereby REVOKED effective on the fifth day following receipt of this Order.

4/23/2019
Date

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

Appendix

RELEVANT LAWS AND REGULATIONS

§ 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.

§ 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.

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(c) Except as otherwise provided in this subsection, a person who comes to an animal shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject to rules providing for such viewing during at least four hours a day, three days a week. If the shelter is housing animals that must be kept apart from the general public for health reasons, public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter shall make reasonable arrangements that allow pet owners to determine whether their lost pets are among those animals.

(g) An animal that is surrendered to an animal shelter by the animal's owner may be disposed of before the expiration of the minimum holding period in a manner authorized under subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of the animal and (ii) a signed written consent to the disposition of the animal before the expiration of the minimum holding period.

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture

§ 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.

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the

- date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

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.
- (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).
- (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.

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 unweaned offspring.

(c) In addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.

(e) A suitable method of drainage shall be provided.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.

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.

(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: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. Required floor space in square inches $\div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0205 FEEDING

(a) Dogs and cats shall be fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. Food shall be commercially prepared food which complies with laws applicable to animal feed or the food shall be provided by the owner. The food shall be free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal to meet the daily requirements for nutritional value. Puppies and kittens less than six months of age shall be fed at least twice in each 24-hour period. An eight-hour interval between feedings is required if only two feedings are offered in a 24-hour period.

(b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste. For every adult animal, there must be at least one food receptacle offered. Food receptacles shall be durable and shall be kept clean and sanitized. Damaged receptacles shall be replaced. Disposable food receptacles may be used but must be discarded after each feeding.

(c) Food and water receptacles in outdoor facilities shall be protected from the elements.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

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

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

(1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.

(2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

(A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or

(B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or

(C) cleaning all soiled surfaces with live steam.

(4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.

(5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.

(6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.
- (6) Animals in long term care which are intended for adoption or sale must be provided the following:
 - (a) Daily access to both human and same species social interaction.
 - (b) Daily access to space other than the primary enclosure.
 - (c) A species and size-appropriate toy, unless it poses a health threat.
- (7) All animals shall be confined in primary enclosures or exercise areas.

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

02 NCAC 52J .0210 VETERINARY CARE

- (c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.
- (d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005.

**Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431
Email: agr.aws@ncagr.gov
Website: www.ncaws.com

Facility Compliance Inspection - Animal Shelter

Disapproved - 04/16/2019

Facility Name: TOP RJS ANIMAL RESCUE & REHAB SHELTER	License Number: 364
Owner: PATRICIA M. RODDY-JONES	
Address: 370 ANDREWS RD.	
City: TRENTON	Zip Code: 28585
County: JONES	
Phone: (252)503-1171	Email: TOPRIARRK@GMAIL.COM
Latitude: 35.02483	Longitude: 77.19629
Total Enclosures: 18	
Dogs on Premise: 35	Cats on Premise: 0
Capacity (Dogs): 31	Capacity (Cats): 0
Type of Inspection: Annual Inspection	Date of Inspection: 04/16/2019

02 NCAC 52J .0101 RECORDS

1. origin and date received. [02 NCAC 52J .0101(1)] - Not In Compliance
2. description [02 NCAC 52J .0101(2)] - Not In Compliance
3. location [02 NCAC 52J .0101(3)] - Not In Compliance
4. disposition of animals
 - o name and address of person [02 NCAC 52J .0101(4)] - Not In Compliance
 - o death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - Not In Compliance
 - o date and type of euthanasia [02 NCAC 52J .0101(4)] - Not In Compliance
5. record of veterinary care. [02 NCAC 52J .0101(5)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0101: #1 - 5 There were no records on site for inspection. This facility does not have a building on site to use for record keeping.

02 NCAC 52J .0103 INSPECTION OF RECORDS

1. Records available upon request. [02 NCAC 52J .0103] - Not In Compliance
2. Animals matched to record. [02 NCAC 52J .0103] - Not In Compliance
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0103: # 1-3 There were no records on site for inspection. This facility does not have a building on site to use for record keeping. Records are transported from the owner's home in Pollocksville to the shelter. I could not make contact with the owner during this inspection.

02 NCAC 52J .0201 GENERAL

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - Not In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - Not In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - Not In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - Not In Compliance

5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Not In Compliance
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - Not In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - Not In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - Not In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - Not In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - Not In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - Not Applicable
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0201(h)] - Not In Compliance
13. Adequate drainage system [02 NCAC 52J .0201(i)] - Not In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - Not In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - Not In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - Not Applicable

This facility fails to meet the requirements of .02 NCAC 52J .0201: # 1 The housing was found not structurally sound - bungee straps and zip ties were noted being used for fence closures. Tarps were noted unsecured, sagging and dogs were able to pull them into the pens. #2 While walking the premise I noted a dog climbing out the top of the kennel through the tarp and tarp frame. This caused me to feel unsafe going into the inside the kennel area. #3 & #4 Today I noted there was no electrical power at the kennels. When the employee came on site I was advised there has been no electrical power for the kennels in 2 months. #5 & #6 I could not safely access the area where the dry food was stored on the last inspection. #7 There is no refrigeration for perishable food on site because there is no electricity. #8 When I came on site at 10:15 am today cleaning had not been started. I noted the employee came on the premise at 10:38 am. The PVC for this facility states the time of the first cleaning is 8:00am with the second cleaning due at 4:00 pm. #9 Hot and cold potable running water is not available at this facility. I noted many plastic gallon water bottles on site. I was advised by the employee this is the only way to have water at the facility now. The employee advised the shelter is going to have a fund raiser soon, but did not give a specific date, to raise funds to install a well on their property. #10 There is no washroom, sink or basin available to maintain cleanliness among animal care-takers, animals and animal food and water receptacles. #12 There is a perimeter fence but there has not been a gate installed since the last inspection. The ends of the fence are bungee'd together. #13 Adequate drainage has not been established. Evidence is seen in the areas of standing water and the green algae on the ground in the kennel areas. Areas between the rows of kennels and in several of the kennels standing water was noted. #14 The PVC for this facility states it is open from 9:00am - 3:00pm. Today no one was on site until 10:38 am. #16 This facility is not in compliance with the N.C. Animal Welfare Code.

02 NCAC 52J .0202 INDOOR FACILITIES

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - Not Applicable
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - Not Applicable
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - Not Applicable
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - Not Applicable
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - Not Applicable
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - Not Applicable
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - Not Applicable
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - Not Applicable
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - Not Applicable
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - Not Applicable
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - Not Applicable

This is an all outdoor facility.

02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Not In Compliance
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not In Compliance
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - In Compliance
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not In Compliance

5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - In Compliance
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not In Compliance
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0203: # 1 & #2 The primary enclosures and walkways were noted inadequate in the amount of gravel required (6 inches). Many areas were noted with standing water and muddy. There was no stock pile of gravel noted on the property for replenishment of the primary enclosures and walkways. #4 The plastic dog houses were noted with chewed areas and dirty. #6 There were tarps placed on the kennels for sun, wind and rain protection but they showed lack of maintenance - torn areas, unsecured tarps blowing in the wind, sagging tarps over the tops and dogs pulling the tarps down. All indicators of lack of weather protection and lack of daily attention to repairs. #7 Lack of drainage was noted in multiple areas - walkways and in the kennels.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - Not In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - Not In Compliance
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - In Compliance
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - Not Applicable
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - Not In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - Not In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - Not Applicable
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - Not In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - Not Applicable
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - Not Applicable
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq. ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - Not Applicable
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - Not Applicable
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - Not Applicable
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - Not Applicable
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - Not Applicable

This facility fails to meet the requirements of 02 NCAC 52J .0204: #1 Down or torn tarps allow dogs to urinate from one adjoining kennel to another. #2 Dog houses were noted with chewed areas and dirty. #5 & #8 I observed a dog climb out the top and through a tarp to escape it's kennel. These kennels are not escape proof. #12 I observed one kennel with 4 dogs. There were 4 houses noted in this enclosure but there was inadequate space for 4 dogs in this one enclosure. This facility has failed to meet the space requirements in .0204 (5). I also noted this facility is housing on site 35 dogs today and their maximum licensed capacity is 31 dogs. They are noted over capacity. This facility is not licensed to house cats.

02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - Not In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - Not In Compliance
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - Not In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance

5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - Not In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - Not In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - Not Applicable
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0205: #1 & #2 The food storage area was not assessable for inspection today. #3 I noted a puppy under 6 months of age that is required to be fed twice within a 24 hour period. The morning feeding had not been done when the employee arrived at 10:38 am. There is no documentation to verify dogs 6 months of age and under are fed twice daily in a 24 hour period with 8 hour intervals. #7 There is no hot water on the kennel site to clean and sanitize food and water receptacles. I noted chewed plastic water receptacles being used today. #10 Because of unsecured, torn or sagging tarps, there is lack of protection from the elements for the food and water receptacles.

02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - Not In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - Not In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0206: #1 This facility does not have access to a water well to provide fresh water. Gallon bottles of water were noted on site to provide water for the dogs. #2 The plastic buckets used for watering receptacles have chewed areas. There is no running hot water at the kennel to clean and sanitize the water receptacles. #3 The plastic buckets with chewed areas are not acceptable.

02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - Not In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - Not In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - Not In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - Not Applicable
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - Not In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - Not In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
 - o washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not In Compliance
 - o washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - Not In Compliance
 - o cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - Not In Compliance
9. Soiled liners and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - Not In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - Not In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - Not In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - Not In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - Not In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0207: #1 The facility PVC states cleaning begins at 8:00am Today there was no one on site when I arrived at 10:15 am. I noted enough feces in the kennels to indicate cleaning had not been done for the morning. #2 Evidence was seen today to indicate cleaning is not done twice a day. #3 Kennels that contain more than one dog do not permit dogs from walking around without coming in contact with waste. #5 & #6 Since there is no running water at this facility now, it is not possible for the kennels to be properly cleaned and sanitized. #8 There is no running hot water available at this facility how to properly clean and sanitize. #9 There is no means to clean and sanitize soiled liners and cloth products. #10 The inner area (common area) of the kennels lacks an adequate amount of gravel and was noted muddy and unsanitary today. #11 The premises was noted dirty. #12 The premises was noted with discarded matter and trash - empty water bottles and old pallets. #13 The premises

was noted as needing the weeds & grass controlled (mowed). #14 The premises was noted with areas of standing water on the ground. A plastic dog crate with standing water was noted. This standing water attracts mosquitos which infect dogs with heartworms. All areas of standing water must be addressed to control insects and pests. The accumulation of pallets and disarray of all items on the property will be an attraction for rodents and vermin.

02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees. [02 NCAC 52J .0208] - Not In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0208: #1 Today I noted 35 dogs on site. Over 2 hours after the first cleaning should have taken place the one employee came on the premises. On questioning the employee I was advised there is only one employee with approximately 4 volunteers that do not have a regular schedule to assist with the care of the dogs. This facility lacks a sufficient number of employees to maintain the level of husbandry practices set forth in this rule. #2 There is no evidence noted to indicate the animal caretaker has a background in animal husbandry or care.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0207(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - Not Applicable
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - Not Applicable
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - Not Applicable
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - Not In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - Not In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - Not In Compliance
11. Animals in long term care:
 - o Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - Not In Compliance
 - o Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - Not In Compliance
 - o A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - Not In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0209: #8 The kennel area has been re arranged since the initial licensing. On the initial licensing an isolation kennel was designated away from the general population. Today, I could not determine if there is an isolation kennel but if there is, it is located very close to the other kennels. #9 & #10 There was no designated sign to indicate an isolation kennel. #11 (a, b, c) There was no documentation available today to review to determine if any of these dogs have been housed more than 30 days at this shelter. #12 All animals were not confined in primary enclosures or exercise areas. I observed a dog climb out of it's kennel and run around the other kennels. There is no exercise area at this shelter.

02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - Not In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - Not Applicable
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - Not In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - Not Applicable
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - Not In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - Not In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - Not In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days. [02 NCAC 52J .0210(d)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0210: #1 This facility is out of compliance with their Program of

Veterinary Care in regard to their hours open to the public, cleaning hours, capacity of dogs and disinfecting protocols. # 4, 6, 7, 8, 9
No records were available to review for documentation on these items.

02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - Not In Compliance
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not In Compliance
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not In Compliance
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0301: #1,2,3,4 The vehicle - transport vehicle was not available for inspection today.

02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not In Compliance
2. Such enclosures constructed or positioned so that:
 - o Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not In Compliance
 - o The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not In Compliance
 - o The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not In Compliance
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not In Compliance
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not In Compliance
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not In Compliance
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not In Compliance
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not In Compliance
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not In Compliance
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not In Compliance
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - Not In Compliance

This facility fails to meet the requirements of 02 NCAC 52J .0302: # 1 - 10 The vehicle and primary enclosures used in transport were not available for inspection today.

02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
 - o The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - Not In Compliance
 - o Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - Not In Compliance
 - o Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not In Compliance
 - o Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - Not In Compliance

This facility has failed to meet the requirements of 02 NCAC 52J .0303: #1 (a-d) There were no records available to inspect on these items.

02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not In Compliance

This facility has failed to meet to meet the requirements of 02 NCAC 52 J .0304: #1 There were no records available to inspect for this item.

§19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - Not In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - Not In Compliance

3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - Not In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - Not In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - Not In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - Not In Compliance
7. Foster care policies. [§19A-32.1(e)] - Not In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - Not In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - Not In Compliance
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - Not In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - Not In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - Not In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - Not In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - Not In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - Not In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - Not In Compliance

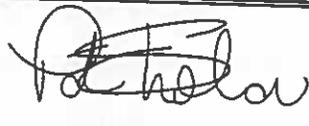
This facility has failed to meet the requirements of 19A-32.1: # 1,2,3,4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 No records were on available for inspection. There is no sign on the property to advise the public of the hours that the shelter is open to the public to look for a lost pet. #4 & 5 Personnel are not available on site to assist the public.

General Comments:

This annual inspection is disapproved. I noted at the time of the last inspection, 12/6/2018, the adjoining property owner allowed the shelter owner to use their electricity, well, hot water and to place the kennels on their property. Today I was advised by the employee this arrangement was stopped 2 months ago. Today I noted the kennels and all other items related to the shelter have been moved over the property line. I viewed a survey line indicating the property lines. This new arrangement decreased the area for the enclosures and removed a fenced area used for the dogs' exercise. AWS was not notified of these changes.

Inspection Result:

Disapproved

Inspector's Signature	Date
 Pat Sholar	04/16/2019
Facility Representative's Signature	Date
Elizabeth Whittle, employee, came on site at the end of this inspection.	04/16/2019

**Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431
Email: agr.aws@ncagr.gov
Website: www.ncaws.com

Facility Compliance Inspection - Animal Shelter

Disapproved - 05/20/2019

Facility Name: Top RJ's Animal Rescue and Rehab Shelter License # 364	License Number:
Owner: Patricia Roddy - Jones	
Address: 370 Andrews Rd.	
City: Trenton, NC	Zip Code: 28585
County: Jones	
Phone: (252)571-4044	Email: toprrjark@gmail.com
Latitude: 35.02483	Longitude: 77.19629
Total Enclosures: 18	
Dogs on Premise: 28	Cats on Premise: 0
Capacity (Dogs): 20	Capacity (Cats): 0
Type of Inspection: Follow-up Inspection	Date of Inspection: 05/20/2019

02 NCAC 52J .0101 RECORDS

1. origin and date received. [02 NCAC 52J .0101(1)] - **Not In Compliance**
2. description [02 NCAC 52J .0101(2)] - **Not In Compliance**
3. location [02 NCAC 52J .0101(3)] - **Not In Compliance**
4. disposition of animals
 - o name and address of person [02 NCAC 52J .0101(4)] - **Not In Compliance**
 - o death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - **Not In Compliance**
 - o date and type of euthanasia [02 NCAC 52J .0101(4)] - **Not Applicable**
5. record of veterinary care. [02 NCAC 52J .0101(5)] - **Not In Compliance**

From the 4/16/2019 inspection I noted no improvement with the records. Today the owner came on site and when asked to produce the records for 6 dogs that were said by the owner to have been transferred to another shelter, the owner stated the records went with the dogs and a copy was not kept. I advised the owner that a record of disposition must be kept on each dog for 3 years after it's release from the shelter. There were no other records provided on the dogs present today. A new inadequate item noted today was a large brown female dog with areas of concern in both her eyes. When the owner was questioned I was advised no vet care has been provided. The owner stated the dog would be taken to a vet this afternoon. I requested the owner email me the vet records to which she agreed to do so today.

02 NCAC 52J .0103 INSPECTION OF RECORDS

1. Records available upon request. [02 NCAC 52J .0103] - **Not In Compliance**
2. Animals matched to record. [02 NCAC 52J .0103] - **Not In Compliance**
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - **Not In Compliance**

No records were available for inspection today.

02 NCAC 52J .0201 GENERAL

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - **Not In Compliance**
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - **Not In Compliance**

3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - Not Applicable
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - Not In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Not In Compliance
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - Not In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - Not In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - Not In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - Not In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - Not In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - Not Applicable
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0201(h)] - Not In Compliance
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - Not In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - Not In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - Not In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - Not Applicable

From the 4/16/2019 inspection I noted there have been no improvements made. There is still no running water available for providing fresh water for the dogs, cleaning of kennels, water & food pans or for the sanitation of the employees / volunteers. Water in plastic gallon bottles sitting outside in the sunshine was noted being used to provide drinking water for the dogs today during this inspection. The outside temperature was 86°F during this inspection today. The volunteer for the shelter did not arrive until 10:45 AM to begin feeding, watering and cleaning. The PVC states the first cleaning is at 8:00 AM daily and the shelter opens at 9:00 AM. I arrived at 10:10 AM to find no one on site. The owner came on site when the volunteer called to advise I was on site.

02 NCAC 52J .0202 INDOOR FACILITIES

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - Not Applicable
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - Not Applicable
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - Not Applicable
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - Not Applicable
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - Not Applicable
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - Not Applicable
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - Not Applicable
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - Not Applicable
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - Not Applicable
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - Not Applicable
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - Not Applicable

This is an all outdoor facility. There are 2 outdoor storage buildings on site that house food and various items.

02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Not In Compliance
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not In Compliance
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not In Compliance
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not In Compliance
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring [02 NCAC 52J .0203(b)] - In Compliance
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not In Compliance
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not In Compliance

From the 4/16/2019 inspection I noted no change with the enclosures except 3 kennels have been taken apart and there are 2 empty kennels. The conditions have deteriorated since last inspection in regard to the kennel flooring. There are many kennels with holes dug by the dogs to cool themselves - more bare dirt is noted. Today there were no muddy conditions noted as there has been no recent rain. I noted on many of the kennels the top tarps are torn or are missing leading to lack of sun protection yet many of the

kennels still have tarps covering the sides preventing good air flow and relief from the heat. I noted there would be mud holes in the compound area if there had been rain - lack of drainage. I did note a stock pile of gravel on site today and a pen showed it was recently re graveled.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - **Not In Compliance**
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - **Not In Compliance**
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - **In Compliance**
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - **Not Applicable**
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - **Not In Compliance**
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - **In Compliance**
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - **In Compliance**
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - **Not In Compliance**
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - **In Compliance**
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - **In Compliance**
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - **Not Applicable**
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - **In Compliance**
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - **Not Applicable**
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - **Not Applicable**
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq. ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - **Not Applicable**
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - **Not Applicable**
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - **Not Applicable**
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - **Not Applicable**
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - **Not Applicable**

This facility is not licensed to house cats. From the 4/16/2019 inspection I noted no change with the primary enclosures. I did not note any dog climbing out of it's kennel but did note a dog jumping high enough to possibly escape. There are chewed plastic dog houses, patched fencing, no gate in the perimeter fence (the fence is bungeed closed),

02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - **Not In Compliance**
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - **In Compliance**
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - **In Compliance**
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - **In Compliance**
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - **In Compliance**
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - **In Compliance**
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - **Not In Compliance**
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - **Not In Compliance**
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - **Not Applicable**
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - **Not In Compliance**

From the 4/16/2019 inspection I noted today there were no dogs under 6 months of age to be fed twice daily. Since the volunteer did not arrive until 10:45 AM today and there is no feeding log, I have no way of knowing if these dogs are fed once in a 24 hour time period. When I arrived there was no food in the bowls and dogs appeared very anxious to be fed. The food and water receptacles at this facility are not fully protected from the elements due to the top tarps being either torn or pulled down on many of the kennels. Chewed food receptacles were noted,

02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - Not In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - Not In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

From the 4/16/2019 inspection I noted the damaged water receptacles have been replaced. I noted one dog today that did not have water. I advised the volunteer who immediately provided water for the dog. I noted all other dogs had water. I noted dirty water in one kennel. There is no hot water or running water on site to clean and sanitize the watering receptacles. The volunteer stated the water and food receptacles are taken to her home and washed in the dish washer. Hot running water is required on site to provide for the cleaning and sanitizing of the food and water receptacles and other accessories related to the operation of the shelter as well as providing for the cleanliness of the animal caretaker.

02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - Not In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - Not In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - Not Applicable
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - Not In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - Not In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
 - o washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not In Compliance
 - o washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - Not In Compliance
 - o cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)]- Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - Not In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - Not In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - Not In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - Not In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - Not In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - Not In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - Not In Compliance

From the 4/16/2019 inspection I noted no change. The shelter PVC states cleaning begins at 8 AM. As on the past inspection cleaning did not start until after 10AM. There is no proof of when the second cleaning takes place. Feces were noted in the kennels as my inspection began at 10:10 AM. There are no means to clean these kennels except to scoop the feces as there is no running water. Food and water receptacles cannot be properly cleaned and sanitized as there is no running water or hot water available. The common area within the kennels needs the grass mowed as well as the area around the facility. Accumulations of trash need to be removed.

02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees. [02 NCAC 52J .0208] - Not In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - Not In Compliance

From the inspection on 4/16/2019 I do not see any more employees / volunteers on site taking care of the dogs. Today as in the past I noted 1 person taking care of the dogs. I was advised by the owner the facility does not have any employees, only 5 volunteers.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance

3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0207(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - Not Applicable
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - Not Applicable
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - Not In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - Not Applicable
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - Not In Compliance
11. Animals in long term care:
 - o Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - Not In Compliance
 - o Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - Not In Compliance
 - o A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - Not In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

From the 4/16/2019 inspection I once again noted there was no sign designating an isolation kennel. I did observe one kennel separated from the rest but was advised the dog was not sick. I noted these dogs have been in this facility for more than 30 days which puts them in the long term care category. I did not note any toy or see any sign or log to indicate these dogs are given daily exercise. There is not an exercise area at this facility.

02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - Not In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - Not Applicable
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - Not In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - Not In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - Not Applicable
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - Not In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - Not In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - Not In Compliance
9. However, rabies vaccine not required for any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days. [02 NCAC 52J .0210(d)] - Not In Compliance

From the 4/16/2019 inspection I noted no change. I did note today a dog with matting in the right eye and a "cherry eye" on the left. There was no proof of veterinary care. The volunteer stated there were no funds to provide veterinary care.

02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - In Compliance
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - In Compliance
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - In Compliance
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - In Compliance

From the 4/16/2019 inspection I noted today the owner came on site with her transport vehicle which was compliant.

02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - In Compliance
2. Such enclosures constructed or positioned so that:
 - o Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - In Compliance
 - o The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - In Compliance
 - o The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - In Compliance
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - In Compliance
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - In Compliance

5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - In Compliance
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - In Compliance
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - In Compliance
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - In Compliance
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - In Compliance
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - In Compliance

A crate is used in the back of a SUV to transport dogs.

02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
 - o The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)]- Not Applicable
 - o Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)]- Not Applicable
 - o Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)]- Not Applicable
 - o Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)]- Not Applicable

02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - In Compliance

§19A-32.1 MINIMUM HOLDING PERIOD

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - Not In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - Not In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - Not In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - Not In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - Not In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - Not In Compliance
7. Foster care policies. [§19A-32.1(e)] - Not In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - Not In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - Not In Compliance
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - Not In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - Not In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - Not In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - Not In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - Not In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - Not In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - Not In Compliance

From the 4/16/2019 inspection there has been no change with these items.

General Comments:

This follow up inspection is noted disapproved. A letter of Revocation of Animal Shelter Registration and Boarding Kennel Registrations was written on April 23, 2019. Today I found the shelter continuing operation. I noted an inventory of 28 dogs today. There were 35 dogs on April 19, 2019. There were no boarding dogs being housed today. I collected the shelter and boarding kennel licenses from the owner today. I advised the owner the licenses have been revoked and that the shelter has been notified by mail to cease and desist operation within 5 days of receipt of the letter. The owner stated she was trying to work with other rescues to take the dogs.

Inspection Result:

Disapproved

Inspector's Signature	Date
 Pat Sholar	05/20/2019
Facility Representative's Signature	Date
Patricia Roddy - Jones, owner, was on site at the end of this inspection.	05/20/2019