



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

October 13, 2025

Tyler Brennan and Melissa Mertely
The Dog Play Spot
604 Walnut Creek
Goldsboro, North Carolina 27534
Tbren100@gmail.com

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0201(b); .0202(d); .0204(a); and .0206(a) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0204(b) and (c) and .0207(a), (d)(1), (2), (4), and (7).

AWS-CP-2025-20

Facility: The Dog Play Spot
License Number: 20753

Dear Mr. Brennan and Ms. Mertely:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as the owners of The Dog Play Spot, (“the kennel”), are hereby assessed a civil penalty of \$3,100.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of this letter, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). 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 at 919-431-3000.

You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Norris DVM MS".

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Lindsey Spain, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF PITT

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

IN THE MATTER OF	)	NOTICE of VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
TYLER BRENNAN and	)	for VIOLATIONS of TITLE 02 NC
	)	ADMINISTRATIVE CODE ("NCAC")
MELISSA MERTELY	)	CHAPTER 52J SECTIONS .0201(b);
	)	.0202(d); .0204(a); and .0206(a) and NOTICE
OWNERS of	)	of WARNING for VIOLATIONS of 02
	)	NCAC .0204(b) and (c); and .0207(a), (d)(1),
THE DOG PLAY SPOT	)	(2), (4), and (7).
	)	

Acting pursuant to NCGS § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

FINDINGS OF FACT

At all times pertinent to this matter The Dog Play Spot ("the kennel"), owned and operated by Tyler Brennan and Melissa Mertely, was a boarding kennel licensed pursuant to NCGS § 19A-28.

1. On October 1, 2025, AWS Veterinary Program Specialist Lynn ("Inspector Lynn") conducted a Facility Compliance Inspection ("FCI") at the kennel. This FCI report was marked as "Disapproved" due to the number and severity of the violations of the NC Animal Welfare Act ("AWA") and its associated rules.
2. The findings for the FCI included:
 - a. In violation of 02 NCAC 52J .0201(b), the kennel failed to protect electrical appliances, outlets, and cords so that the animals did not have access to them. This violation was previously cited in the May 6, 2025 FCI report;
 - b. In violation of 02 NCAC 52J .0202(d), the kennel failed to maintain the interior building surfaces so that they were impervious to moisture and able to be readily sanitized. This violation was previously cited during the November 2, 2023, November 5, 2024, and May 6, 2025 FCI reports;
 - c. In violation of 02 NCAC 52J .0204(a), the kennel failed to provide impervious surfaces in the exercise areas as painted OSB board, carpet and rusted surfaces were present in the enclosures. This violation was previously cited in the November 5, 2024 and May 6, 2025 FCI reports;
 - d. In violation of 02 NCAC 52J .0204(b), the kennel failed to prevent the animals from having access to wood where the covering had been damaged and remained unrepaired;
 - e. In violation of 02 NCAC 52J .0204(c), the kennel failed to maintain the enclosures and exercise areas in good repair in a manner to prevent injury to animals as the exposed corroded surfaces posed a health risk to the animals. This violation was previously cited in the November 5, 2024 and May 6, 2025 FCI reports;

- f. In violation of 02 NCAC 52J .0206(a), the kennel failed to provide continuous access to water to 14 dogs (14 enclosures). The staff explained that this was not an inadvertent oversight as 12 of the dogs had been brought in from playing in the exercise area where they had previous access to water and the other 2 dogs were confined in crates within the exercise area. There were no water receptacles within any of these 14 enclosures;
- g. In violation of 02 NCAC 52J .0207(a), the kennel failed to properly clean the primary enclosures and exercise areas twice daily as evidenced by the buildup of hair and food debris within these enclosures;
- h. In violation of 02 NCAC 52J .0207(d)(1), the kennel failed to properly sanitize previously occupied primary enclosures and exercise areas prior to the introduction of dogs;
- i. In violation of 02 NCAC 52J .0207(d)(2), the kennel failed to sanitize the primary enclosures, exercise areas and accessories at least once every 7 days;
- j. In violation of 02 NCAC 52J .0207(d)(4), the kennel failed to keep common areas and other areas clean and sanitary and to sanitize the hard surfaces in these areas a minimum of once every seven days; and
- k. In violation of 02 NCAC 52J .0204(d)(7), the kennel failed to keep areas accessible to multiple animals clean and sanitary.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. Based on the findings of this investigation, AWS concludes that the kennel violated the following provisions:

02 NCAC 52J .0201(b) for failure to protect electrical appliances, outlets, and cords so that the animals did not have access to them as noted on October 1, 2025. This violation was previously cited in the May 6, 2025 FCI report.

02 NCAC 52J .0202(d) for failure to maintain the interior building surfaces so that they were impervious to moisture and able to be readily sanitized as noted on October 1, 2025. This violation was previously cited during the November 2, 2023, November 5, 2024, and May 6, 2025 FCI reports.

02 NCAC 52J .0204(a) for failure to provide impervious surfaces in the exercise areas as painted OSB board, carpet, and rusted surfaces were present in the enclosures as noted on October 1, 2025. This violation was previously cited in the November 5, 2024 and May 6, 2025 FCI reports.

02 NCAC 52J .0204(b) for failure to prevent the animals from having access to wood as noted on October 1, 2025.

02 NCAC 52J .0204(c) for failure to maintain the enclosures and exercise areas in good repair in a manner to prevent injury to animals as the exposed corroded surfaces posed a health risk to the animals as noted on October 1, 2025. This violation was previously cited in the November 5, 2024 and May 6, 2025 FCI reports.

02 NCAC 52J .0206(a) for failure to provide continuous access to water to 14 dogs (14 enclosures) as noted on October 1, 2025.

02 NCAC 52J .0207(a) for failure to properly clean the primary enclosures and exercise areas twice daily as noted on October 1, 2025.

02 NCAC 52J .0207(d)(1) for failure to properly sanitize previously occupied primary enclosures and exercise areas prior to the introduction of dogs as noted on October 1, 2025.

02 NCAC 52J .0207(d)(2) for failure to sanitize the primary enclosures, exercise areas, and accessories at least once every 7 days as noted on October 1, 2025.

02 NCAC 52J .0207(d)(4) for failure to keep common areas and other areas clean and sanitary and to sanitize the hard surfaces a minimum of once every seven days as noted on October 1, 2025.

02 NCAC 52J .0207(d)(7) for failure to keep areas accessible to multiple animals clean and Sanitary as noted on October 1, 2025.

CIVIL PENALTIES

As required by NCGS § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violations listed above.

Accordingly, Tyler Brennan and Melissa Mertely, as owners of The Dog Play Spot, are hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0201(b) for failure to protect electrical appliances, outlets, and cords so that the animals did not have access to them as noted on October 1, 2025. This violation was previously cited in the May 6, 2025 FCI report.

\$100.00 for violation of 02 NCAC 52J .0202(d) for failure to maintain the interior building surfaces so that they were impervious to moisture and able to be readily sanitized as noted on October 1, 2025. This violation was previously cited during the November 2, 2023, November 5, 2024, and May 6, 2025 FCI reports.

\$100.00 for violation of 02 NCAC 52J .0204(a) for failure to provide impervious surfaces in the exercise areas as painted OSB board, carpet, and rusted surfaces were present in the enclosures as noted on October 1, 2025. This violation was previously cited in the November 5, 2024 and May 6, 2025 FCI reports.

\$2,800.00 for 14 violations (\$200.00 per violation) of 02 NCAC 52J .0206(a) for failure to provide continuous access to water to 14 dogs (14 enclosures) as noted on October 1, 2025.

\$3,100.00 TOTAL AMOUNT ASSESSED

Continued or future violation of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such

willful disregard or violation may result in action against your facility's license pursuant to NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

(See Appendix for text of referenced General Statutes and Administrative Code)

NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0204(b) and (c); .0207(a), (d)(1), (2), (4), and (7), this Warning Letter serves as written notice indicating in which respects the kennel may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violations of these statutes or regulations will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such a willful disregard or violation may result in action against your facility's license pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

October 13, 2025
Date



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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 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-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 .0201 GENERAL

(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. October 1, 2022.

02 NCAC 52J .0202 INDOOR FACILITIES

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures and exercise areas 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 excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this Section.

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(c) Primary enclosures and exercise areas 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.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0206 WATERING

(a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005;
Readopted Eff. September 1, 2022.*

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common 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 shall 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.

(d) 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 (d)(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 (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985;
Readopted Eff. September 1, 2022.*