



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

February 7, 2022

Siglinda Scarpa Anderson
Owner, The Goathouse Refuge
680 Alton Alston Road
Pittsboro, NC 27312

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 .0101(5) and .0210(c) and NOTICE of WARNING for VIOLATIONS OF .0101(5) and .0103.

AWS-CP-2022-2

Facility: The Goathouse Refuge
Registration No. 10476

Dear Ms. Anderson:

Pursuant to NCGS § 19A-40, I am issuing this notice that you individually and d/b/a The Goathouse Refuge are hereby assessed a civil penalty of \$850.00 as provided in the enclosed Notice of Violation.

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

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing 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 dark ink, appearing to read "Patricia Norris DVM, MS". The signature is fluid and cursive, with the last name "Norris" being the most prominent part.

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
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	)	NOTICE OF VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
SIGLINDA SCARPA ANDERSON	)	for VIOLATIONS of 02 N.C.
	)	ADMINISTRATIVE CODE ("NCAC")
OWNER of	)	CHAPTER 52J SECTIONS .0101(5); and
	)	.0210(c) and NOTICE of WARNING for.
THE GOATHOUSE REFUGE	)	VIOLATIONS of 02 NCAC 52J .0101(5)
	)	and .0103.

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

1. At all times pertinent to this matter, The Goathouse Refuge located at 379 Goathouse Road, Pittsboro NC ("the shelter") was an animal shelter, registered pursuant to NCGS § 19A-26.
2. On December 2, 2021, AWS received a complaint against the shelter containing multiple allegations including failure to provide adequate veterinary care for the animals in the care and custody of the shelter. Based on the information contained in the complaint, AWS initiated an investigation.
3. Multiple attempts to acquire the documentation the complainant stated she possessed and was willing to share with AWS were ultimately unsuccessful.
4. On December 12, 2021, an attorney for the shelter contacted AWS stating that they were in possession of the complaint as they had acquired it from the complainant's email account. The attorney notified AWS that they were anticipating the investigation and had documents prepared to refute the allegations of the complaint.
5. On December 14, 2021, AWS Animal Health Technician Elizabeth Garner ("Inspector Garner") and Outreach Coordinator Joe Blomquist ("Coordinator Blomquist") conducted a site visit as part of the complaint investigation.
6. As part of the December 14, 2021 site visit, the veterinary medical records for the cat named Milkshake (MC#956000014027578) were reviewed as this cat was specifically noted in the complaint. The review of the records revealed:
 - a. Failure to maintain the record of veterinary care for the cat named Milkshake. The time and initials of the person(s) administering the flea treatments to Milkshake were not recorded as required by 02 NCAC 52J .0101(5);
 - b. Failure to provide veterinary care for Milkshake. A veterinary examination on October 13,

2021 noted that Milkshake was underweight and was suffering from liquid diarrhea. The conditions were severe enough to warrant cancellation by the veterinarian of the castration surgery scheduled for that day. According to Milkshake's medical records maintained by the shelter, Milkshake did not receive medical treatment for these conditions until emergency surgery was needed 7 days later. Failure to provide veterinary care is a violation of 02 NCAC 52J .0210(c);

- c. Milkshake was treated with surgical reduction of a prolapsed rectum on October 20, 2021. The veterinarian sedated Milkshake replaced the prolapsed tissue into the rectum and placed a purse-string suture under anesthesia. The veterinarian dispensed to the shelter 3 medications for pain relief and management of Milkshake's medical condition. As the shelter's medical records for Milkshake do not show administration of any of the prescribed medications, this failure to provide prescribed veterinary care is a violation of 02 NCAC 52J .0210(c);
 - d. Failure to maintain records of veterinary care for the administration of medications for the castration surgery on November 14, 2021 which occurred on the shelter premises in violation of 02 NCAC 52J .0101(5). The surgery was performed by a shelter volunteer who was a licensed veterinarian;
 - e. Failure to provide records of the surgical procedure performed on Milkshake at the shelter on November 14, 2021 when requested by the AWS Inspector on December 14, 2021 in violation of 02 NCAC 52J .0103; and
 - f. Conversations with the volunteer veterinarian revealed that surgeries on site at the shelter occurred on a regular basis.
7. A review of the September 14, 2021 Facility Compliance Inspection ("FCI") report for the shelter notes the shelter was not in compliance with the record keeping required by 02 NCAC .0101(1-5). On September 28, 2021, Inspector Garner met with shelter staff to review the shelter's record keeping system and the record keeping requirements of the AWA and its associated rules.
8. On February 2, 2022, AWS conducted a FCI of the shelter. The FCI was marked as "Disapproved" due to the severity and repetitive nature of the violations. Of the 20 records, the AWS Inspector requested to view during the inspection, only 2 records were available during the inspection and 1 additional record was made available within the 48-hour extension granted by the AWS Inspector for hardship reasons. This failure to provide records upon request during the business and cleaning hours listed on the application is a violation of 02 NCAC 52J .0103.
9. The FCI referenced herein were made available to the shelter owner and can be found on the AWS website at: <http://www.ncagr.gov/vet/aws/>.

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 shelter violated the following provisions:

02 NCAC 52J .0101(5) for failure to maintain records of the time and initials of the person(s) administering flea medication(s) for Milkshake;

02 NCAC 52J .0101(5) for failure to maintain records of the veterinary care and medication administration for the castration of Milkshake that occurred at the shelter on November 14, 2021;

02 NCAC 52J .0103 for failure to provide the medical records for the November 14, 2021 when the medical records for Milkshake were requested by AWS;

02 NCAC 52J .0103 for failure to provide 17 of 20 animal records requested during the February 2, 2022 FCI even with a 48-hour extension granted for hardship reasons;

02 NCAC 52J .0210(c) for failure to provide veterinary care to Milkshake from October 13 - 19, 2021 for liquid diarrhea; and

02 NCAC 52J .0210(c) for failure to provide the prescribed veterinary care to Milkshake after the October 20, 2021 medical procedure;

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

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, Siglinda Scarpa Anderson individually and d/b/a The Goathouse Refuge is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0101(1) for failure to maintain records of the time and initials of the person(s) administering flea medication(s) for Milkshake;

\$250.00 for violation of 02 NCAC 52J .0210(c) for failure to provide veterinary care to Milkshake from October 13, - 19, 2021 for liquid diarrhea; and

\$500.00 for violation of 02 NCAC 52J .0210(c) for failure to provide prescribed veterinary care to Milkshake after the October 20, 2021 medical procedure;

\$850.00 TOTAL AMOUNT ASSESSED

NOTICE of WARNING

As to the remaining violation of 02 NCAC 52J .0101(5) and .0103 for failing to maintain records of veterinary care for the administration of medications for the castration surgery on November 14, 2021 which occurred on the shelter premises by a shelter volunteer who was a licensed veterinarian and failure to provide the record of this surgery when the medical records of this animal were requested, this Warning Letter serves as written notice indicating in which respects the shelter may have violated the NC Animal Welfare Act and the rules issued pursuant thereto. Any surgical procedure performed at the shelter by a contracted veterinarian, shelter employee or volunteer constitutes veterinary care and shall be documented in accordance with 02 NCAC 52J .0101(5). This documentation includes the administration of all medications, examination results, post-operative care and any other such veterinary care provided to the

animal. These records are to be made available to AWS upon request in accordance with 02 NCAC 52J .0103.

In addition, the shelter must produce all required records upon request in accordance with 02 NCAC 52J .0103.

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)

February 7, 2022
Date

Patricia Norris, DVM, MS
Patricia Norris, DVM, MS
Director, Animal Welfare Section
North Carolina Department of
Agriculture & Consumer Services

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. (1977, 2nd Sess., c. 1217, s. 7; 1987, c. 827, s. 64.)

§ 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 .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:

- (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 .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.

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