



**Steven W. Troxler**  
Commissioner

**North Carolina Department of Agriculture  
and Consumer Services**  
*Veterinary Division*

**Christina L. Waggett**  
Assistant Commissioner  
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**Michael Martin, DVM**  
State Veterinarian

October 14, 2025

Judy Sims  
CEO/Director  
Ruth's Memorial Shelter  
2296 Jon Chris Drive  
Harrisburg, NC 28075  
and via email:  
[cabarrushumanesociety@gmail.com](mailto:cabarrushumanesociety@gmail.com)

**NOTICE of WARNING and NOTICE of VIOLATION**

**Re: Violation of N.C General Statute ("NCGS") § 19A-32.1.**

**AWS-WL-2025-18**

**Facility: Ruth's Memorial Shelter**  
**Registration Number: 274**

Dear Ms. Sims:

On September 10, 2025, the Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint alleging that Ruth's Memorial Shelter ("the shelter") refused to return an owner-surrendered dog to the owner. Based on this information, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") as these statutes and associated regulations are the extent of the jurisdiction of AWS.

On September 15, 2025, AWS Veterinary Program Specialist Eudy ("Inspector Eudy") conducted a site visit at the shelter to conduct the investigation. The following information was obtained from the site visit:

1. In violation of NCGS § 19A-32.1, Director Sims stated that the 72-hour minimum hold period did not apply to them (the shelter) as they were not an animal control facility and that the statute only applied to stray animals; and
2. A review of the paperwork submitted for the September 5, 2025 owner surrender of the dog name "Bluey" showed that the owner signed under a statement saying that "By completing and signing this form, the undersigned hereby acknowledges that they are the owner of the dog(s) described below and voluntarily and irrevocably relinquishes all ownership rights and responsibilities of the dog(s) to The Humane Society of Concord & Greater Cabarrus County

(HSOC) as of the date listed.” Further in that paragraph, the text states: "I certify that I am the sole owner of this animal and that I surrender it without duress or consideration."

A review of the information provided by the complainant reveals the following:

1. Information from the complainant's phone indicated that they called the shelter on September 6, 2025. They stated that they left a message indicating that they had changed their minds and wanted Bluey back. The owner further stated that they also called the shelter on September 8, 2025. The shelter did not return those messages until September 9, 2025. Although the shelter was open to the public on September 6 and 8, 2025, the owners did not go to the shelter to retrieve the dog; and
2. In an email from Director Sims to the complainants on September 10, 2025, Director Sims wrote: "We are not an animal control facility so the 72-hour law you are speaking of does not apply - further, that actually only refers to stray animals."

NCGS § 19A-32.1(a) states: "Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of." This statute covers all animals including owner-surrendered animals, not just stray animals. This statute applies to all AWS registered shelters, not just those associated with an Animal Control agency.

In addition, NCGS § 19A-32.1(f) states: "An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners: (1) Returned to the owner. (2) Adopted as a pet by a new owner. (3) Euthanized. It appears that, although the owners did not physically come to the shelter during the 72-hour minimum hold period, they attempted to reach the shelter twice during this period, but the shelter failed to return their calls.

This Warning Letter serves as written notice indicating in which respects the shelter violated the N.C. Animal Welfare Act ("AWA") and the rules issued pursuant thereto. The shelter is directed to immediately comply with the AWA and its associated rules. To that end, the shelter is further directed to return Bluey back to the original owners as the owners properly notified the shelter of their intent to reclaim Bluey during the minimum holding period of 72 hours.

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 willful disregard or violation may result in action against your facility's animal shelter registration 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.

Your immediate compliance with the N.C. Animal Welfare Act is required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patricia Norris", is written over a horizontal line.

Patricia Norris, DVM, MS

Director, Animal Welfare Section  
Veterinary Division, NCDA&CS

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

## Appendix

### REFERENCED STATUTES 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.**

- (a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.
- (f) An animal that is surrendered to an animal shelter by the animal's owner and not reclaimed by that owner during the minimum holding period may be disposed of in one of the following manners:
  - (1) Returned to the owner.
  - (2) Adopted as a pet by a new owner.
  - (3) Euthanized by a procedure approved by rules adopted by the Department of Agriculture and Consumer Services or, in the absence of such rules, by a procedure approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association.

**§ 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.