



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

August 27, 2024

Amber Brown
Stokes County Manager (Interim)
1014 N. Main Street,
Danbury, NC 27016
via Hand Delivery

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATION of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTION .0210(d); and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0209(6); and .0210(a)(3) and (d).

AWS-CP-2024-16

**Facility: Stokes County Animal Shelter
Registration Number 63**

Dear County Manager Brown:

Pursuant to NCGS § 19A-40, I am issuing this notice that Stokes County as the operator of the Stokes County Animal Shelter (“the shelter”) is hereby assessed a civil penalty of \$500.00 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 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
Christopher R. McLennan, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF STOKES

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

IN THE MATTER OF)	NOTICE of VIOLATION and
STOKES COUNTY)	ASSESSMENT of CIVIL PENALTY
OPERATOR of)	for VIOLATION of TITLE 02 NC
STOKES COUNTY)	ADMINISTRATIVE CODE (“NCAC”)
ANIMAL SHELTER)	CHAPTER 52J SECTION and .0210(d);
)	and NOTICE of WARNING for VIOLATIONS
)	of 02 NCAC 52J .0209(6) and .0210(a)(3) and (d).
)	

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 Stokes County Animal Shelter (“the shelter”), operated by Stokes County, was an animal shelter registered pursuant to NCGS §19A-26.
2. On August 5, 2024, AWS Animal Health Technician Harris (“Inspector Harris”) conducted a Facility Compliance Inspections (“FCI”). The FCI revealed the following:
 - a. in violation of 02 NCAC 52J .0209(6), 3 dogs being treated for a communicable disease were not separated from other dogs in such a manner as to minimize dissemination of such disease;
 - b. a Great Pyrenees type dog named Dakota (Shelter ID #2406383) was observed to have a large amount of dried black discharge around his left eye. The swelling and ocular discharge were severe enough that the eye itself could not be visualized. This dog was impounded on Friday August 2, 2024. No veterinary care had been provided to Dakota from August 2 – 5, 2024 in violation of 02 NCAC 52J .0210(d) which requires provision of adequate veterinary care within a timely manner or euthanasia of injured animals. Inspector Harris directed the Shelter Director to either provide adequate veterinary care or euthanize this dog and to provide documentation of such action by 10:00 AM on August 6, 2024;
 - c. a review of the shelter’s written Program of Veterinary Care (“PVC”) showed that it stated the shelter would provide veterinary care to animals based on the shelter’s veterinary standing orders, consult with their veterinarian and/or transport the animal to the Carolina Veterinary Specialist Emergency Clinic. In violation of 02 NCAC 52J .0210(a)(3), the shelter failed to follow their PVC as no veterinary care was provided to Dakota for 4 days;
 - d. in violation of 02 NCAC 52J .0210(d), a dog named Frank (Shelter ID #2406351) was to be administered cough medication three times a day August 2 – 5, 2024. A review of the medication records showed Frank did not receive 4 of the 6 prescribed doses of medication on August 3 & 4, 2024 (Saturday and Sunday); and
 - e. Inspector Harris completed the August 5, 2024 FCI at approximately 10:30 AM.
3. On August 6, 2024 at 9:39 AM, the Stokes County Shelter Director emailed documentation relevant to

the care of the dog named Dakota as requested by Inspector Harris. A review of this information revealed the following information:

- a. according to the shelter's report "the dog had a prolapsed meibomian gland above his right eye that had ulcerated and bled;"
- b. the report also stated that:
 - i. the dog was unable to control his bladder;
 - ii. the dog had constant diarrhea;
 - iii. the dog apparently had hip issues as his back feet curled under at times;
 - iv. he was very weak in his front legs;
 - v. he was sensitive in his abdominal area;
 - vi. he may have been hit by a car as there was grease and oil on his back
 - vii. he could not walk more than 20 feet before laying down to rest"
- c. the shelter consulted with their veterinarian and the decision was made to euthanize Dakota;
- d. Dakota was euthanized at 12:00 PM on August 5, 2024.

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 the AWS investigation, AWS concludes that the shelter has violated the following provisions:

02 NCAC 52J .0209(6) for failure to separate animals with communicable diseases in order to minimize dissemination of such disease as observed on August 5, 2024

02 NCAC 52J .0210(a)(3) for failure to implement and follow the shelter's written Program of Veterinary Care for the dog named Dakota from August 2 – 5, 2024

02 NCAC 52J .0210(d) for failing to provide adequate veterinary care in a timely manner for Dakota (Shelter ID #2406383) from August 2 – 5, 2024

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to Frank (Shelter ID #2406351) by failing to administer 4 of 6 prescribed doses of medication to this dog August 3-4, 2024

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation or refusal to renew a registration for any animal shelter and/or the assessment of a civil penalty of up to \$5,000 per violation.

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, Stokes County as the operator of the Stokes County Animal Shelter is hereby assessed a civil penalty for the following violation:

\$500.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for Dakota (Shelter ID #2406383) from August 2 – 5, 2024

\$500.00 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 registration 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.

NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0209(6); .0210(a)(3) and (d), 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.

Continued or future violation 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 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.

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



August 27, 2024
Date

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.

§ 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 .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (6) 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, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.

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

02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes. The following is required of each PVC:

- (3) The facility shall implement and follow the PVC; and
- (d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005; Readopted Eff. September 1, 2022.