



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

March 9, 2016

Ricky Harris
Robeson County Manager
701 North Elm Street
Lumberton, North Carolina 28358
Via Hand Delivery

Notice of Warning

Re: Violation of N. C. General Statute §19A-32.1 (i) and (j), and Title 02 N. C. Administrative Code (“NCAC”) Chapter 52J, Section .0210 (c).

AWS-WL-2016-8

Animal Shelter: Robeson County Animal Shelter
License No. 29

Dear County Manager Harris:

The Animal Welfare Section (“AWS”) of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services (“NCDA&CS”) conducted an investigation of the Robeson County Animal Shelter (“the shelter”). The investigation included two site visits, interviews with shelter staff, facility inspection, and review of shelter records on January 26, 2016 and February 2, 2016. The facility inspection revealed a dog suffering from a significant skin condition with no record of adequate veterinary care and the record review showed numerous records with incomplete and/or inaccurate information. The facility inspection was marked “Disapproved” due to these deficiencies.

Based on the results of this investigation, the shelter appears to have violated the following regulations:

- 1) N. C. General Statute §19A-32.1 (i) and (j); and
- 2) NCAC 52J .0210 (c).

Pursuant to N. C. General Statute §19A-30, this Warning Letter, in conjunction with the enclosed Inspection Report, serves as written notice indicting in which respects the shelter has failed to satisfy the requirements for the holding of a certificate of registration as an animal shelter.

AWS has noted the positive actions taken by Robeson County in response to these investigation findings. The response has included corrective actions for the deficiencies noted in the January 26, 2016 facility inspection report. In addition to implementation of these corrective actions, AWS strongly advises Robeson County to develop and implement a written policy detailing the procedures for the actual provision of adequate veterinary care to the animals in the care and custody of the shelter in addition to the daily observation of the animals. This policy should be in compliance with the N. C. Animal Welfare Act and its associated rules and regulations.

Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the N. C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary 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.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Norris', with a long horizontal flourish extending to the right.

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

Enclosures

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

Appendix

RELEVANT LAWS AND REGULATIONS

§ 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. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

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

(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. (2013-377, s. 2.)

§ 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. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J SECTION .0200 - FACILITIES AND OPERATING STANDARDS

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.*

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results

Date of inspection

Disapproved

Jan 26, 2016

Type of inspection Random inspection

Type of runs Indoor runs only

license type 44 - Public shelter

License # 29

dogs present 31

cats present 22

Number of prim. enclosures

144

34.7904

Latitude

78.90783

Longitude

Robeson County Animal Shelter

Robeson County Gov't

Name of business

Name of owner

205 Landfill Rd.

St. Pauls

NC

28384

Robeson

Street address

City

ZIP code

County

+1 (910) 865-2200

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	Acceptable
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	Acceptable	Location off-site 0101	not applicable	Disposition of animals 0101	Acceptable
0101 Descript. of animals, shelter	Acceptable			Veterinary treatment, shelter 0101	Not Applicable

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	Acceptable	0103 Records match animals	Acceptable	0103 Records kept 1+ year	Acceptable

Animal Welfare Section, NCDA&CS
Inspection Report, continued

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Robeson County Animal Shelter

Robeson County Gov't

St. Pauls

NC

Indoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	Acceptable	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	Acceptable	0202 Drainage, indoor	Acceptable		

Outdoor facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	Not Applicable	0203 Housing, 1 per animal	Not Applicable	0203 Protection from elements	Not Applicable
0203 Owner advised, outdoor	Not Applicable	0203 Drainage, outdoor	Not Applicable		

Primary enclosures

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	Acceptable	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	Not Applicable
0204 Surf. impervious to moisture	Acceptable	0204 Enclosure is escape proof	Acceptable	0204 Cats, >= 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	Acceptable	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	Not Applicable
0204 Enclosures in sound repair	Acceptable	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Not Applicable		

Feeding

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

Watering

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	Acceptable

Sanitation/Employees/Classification & Separation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	Acceptable	0207 Grounds overgrown	Acceptable	0207 Young given social interact.	Acceptable
0207 Animals removed while clean	Acceptable	0207 Pest Control	Acceptable	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS
Inspection Report, continued

Inspection Results

Disapproved

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Robeson County Animal Shelter

Robeson County Gov't

St. Pauls

NC

Sanitation/Employees/Classification & Separation (continued)

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage	Acceptable
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Not Applicable	0207 Long term care program	Not Applicable
0207 Build./grnds., clean & repair	Acceptable	0207 Owner perm, commingling	Not Applicable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	Acceptable
0210 Veterinary care when needed	Not Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Acceptable	0301 Cargo area clean	Acceptable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Acceptable	0302 Age and species separated	Acceptable	0302 Size of transport enclosure	Acceptable
0302 Enclosure clean & sanitized	Acceptable				

Transportation: Food and Water

Transportation: Care

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Acceptable	0304 Observation of animals	Acceptable

General Statute 19A-32.1

(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	Not Applicable	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	Acceptable	(g) i, ii Owner surrender held unless proof ownership & signed consent	Acceptable
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	Acceptable	(i) Release animal to person, record of approved government photo ID	Acceptable		

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Narrative Explanation

Random inspection performed today, facility is in the process of being cleaned while I'm on site this morning, ambient temperature is within proper range in all housing areas.

I did view 5 different incidences with questionable health, they are as follows:

- 1.) 3 Black puppies in kennel #39, with watery diarrhea. Intake date is 1-21-16, ID# 16-D0199, puppies appeared energetic and very friendly.
- 2.) 1 Tan medium hair puppy in kennel #40, with vomit in enclosure. Intake date 1-19-16, ID# 16-D0175, puppy was shy, and none energetic upon inspection.
- 3.) Black/Tan Male hound mix, in kennel #47, with vomit in enclosure. Intake date 1-22-16, ID# 16-D0219, adult dog appeared energetic, and spunky.
- 4.) Black nursing mom and 3 puppies in Quarantine # B13, all with severe mange, and mucous discharge in eyes of the puppies, they were owner surrendered on 1-20-16, ID# 16-D0187.
- 5.) DSH Buff Tabby, enclosure C8, eye discharge, and some swelling. Intake 1-20-16, ID# 16-C0057, appeared shy.
- 6.) Orange Tabby DMH, enclosure C2, blood in stool, very thin, and crusted discharge from nose, Intake 1-21-16, ID# 16-C0069.

0210) Veterinary care provided is not acceptable today because none of the animals noted today have been under medical treatment while housed at the shelter. This shelter was disapproved on 8-13-16-5 for not providing treatment or vet care for sick/injured animals. A follow up to that inspection was performed on 11-03-15, where no animals were seen housed with illness or injury and the shelter had began a working relationship with Dr. Locklear.

Inspection Results

Date of inspection

Disapproved

Jan 26, 2016

Robeson County Animal Shelter

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St. Pauls

NC

Narrative Explanation

The shelter manager, Jason, did state that they had a visit from their Veterinarian, Dr. Curt Locklear of Southeastern Veterinary Practice, yesterday. This was their normal monthly visit they receive from this vet to check their books, and practices. Dr. Locklear did mention to the director that he had 2 pups brought into his practice recently with parvo virus, and he addressed proper cleaning & sanitation with the staff to include foot baths, sanitizing enclosures with bleach, and transport truck sanitation. I will follow up with Dr. Locklear.

Random inspection is disapproved today, due to the amount of untreated, ill animals at this shelter today.

 check here if a euthanasia inspection form is attached
Digital signature
of inspector**Elizabeth
h Garner**

Digitally signed by Elizabeth
Garner
DN: cn=Elizabeth Garner, o=NC
Agriculture, ou=Animal Welfare
Section,
email=elizabeth.garner@ncagr.gov,
c=US
Date: 2016.01.26 10:18:48 -05'00'

**Signature of
Management**

Jason E. Allison

I discussed this report w/ shelter manager -EG

I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.