Nicole Jones
Owner
Loving Pup Resort
2230 Old Union Church Rd
Salisbury, North Carolina 28146

Notice of Warning
Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J
Sections .0102(1), .0207(a) and .0210(b) and (d).

AWS-WL-2018-1

Boarding kennel: Loving Pup Resort
License Number: 11143

Dear Ms. Jones:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received two complaints concerning the Loving Pup Resort ("the kennel"). Based on the information within this complaint, AWS opened an investigation. The investigation included a review of the complaint, a site visit, a facility inspection, interviews with kennel management and staff, a review of relevant kennel records, interview with the attending veterinarian and reviews of the veterinary medical records of the dogs referenced in the complaints.

The investigation findings include:

1) The five dogs referenced within the complaints were boarded at the facility and four dogs were either were ill at the time of release from the facility or became ill shortly after the release from the facility. Two of the dogs required veterinary care for the illnesses.
2) At the time of the facility inspection on January 2, 2018, none of the enclosures housing animals had water available to the animals.
3) During the interview on January 2, 2018, kennel staff relayed that the dogs had been without water for 3 hours. Upon being given water, the dogs were noted to drink very thirstily. Two of the dogs completely consumed all the offered water and continued to drink when the bowl was refilled.
4) Given that the laboratory results from one of the ill animals referenced in the complaint indicated that the animal was suffering from a contagious disease, the AWS Inspector directed the kennel to obtain and implement written veterinary recommendations for correcting the disease problem. The AWS Inspector further directed the kennel to provide a copy of these
disease problem. The AWS Inspector further directed the kennel to provide a copy of these written veterinary recommendations within 10 days of the Disapproved Inspection on January 2, 2018 to AWS. As of January 19, 2018, the kennel has failed to provide a copy of these recommendations to AWS.

5) At the time of the January 2, 2018 facility inspection, the AWS Inspector noted a strong odor in the facility. She also noted a buildup of debris in the drains and partitions between the enclosures which is not in compliance with NCAC 52J .0207(a).

6) At the time of the January 2, 2018 facility inspection, the AWS Inspector noted that kennel records showed that 3 of the dogs on the premises were not in compliance with North Carolina rabies law General Statute 130A Article 6, Part 6 as required by NCAC 52J .0210(d).

7) At the time of the January 2, 2018 facility inspection, the AWS Inspector noted that the kennel records were not in compliance with NCAC 52J .0102(1)

Based on the results of this investigation and facility inspection, the kennel appears to have violated NCAC 52J .0102(1), .0207(a), .0210(b) and (d).

Therefore, at this time, I am directing the kennel to immediately do the following:

1) Obtain and implement written recommendations from a veterinarian to correct the disease problem present at the kennel; and
2) Submit to AWS a copy of the written recommendations from a veterinarian to correct the disease problem present at the kennel; and
3) Implement a facility cleaning and sanitation protocol that is in compliance with 02 NCAC 52J .0207; and
4) Submit to AWS a written protocol detailing the facility cleaning and sanitation procedures; and
5) Implement a record keeping protocol that is in compliance with 02 NCAC 52J .0102; and
6) Have all animals in the facility in compliance with the NC rabies law General Statute 130A, Article 6, Part 6 as required by 02 NCAC 52J .0210(d)

This Warning Letter serves as written notice indicating in which respects the kennel has violated the N.C. 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 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,

[Signature]

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

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

REFERENCED STATUES 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-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 .0102 RECORDS; BOARDING KENNELS
Operators of boarding kennels shall maintain records of all dogs and cats showing the following:
(1) name and address of owner or person responsible for animal, the date of entry and 
signature and address of individual to whom animal is released and the date of release;
(2) description of animal including breed, sex, age and color marking; and
(3) veterinary care provided while boarded, which shall include date, times, description of 
edication (including name and dosage) and initials of person administering product or 
procedure.


02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise 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 must 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. When a hosing or flushing method is used 
for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and 
adequate measures shall be taken to protect the animals in other such enclosures from being contaminated 
with water and other wastes.

(b) 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 (b)(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 (b)(3) of this Rule if the same animal is housed in the 
same enclosure more than seven days.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

(A) washing them with hot water (180 degrees F.) and soap or detergent as in a 
mechanical cage washer; or

(B) washing all soiled surfaces with a detergent solution to remove all organic matter 
followed by application of a safe and effective disinfectant; or

(C) cleaning all soiled surfaces with live steam.

(4) Food and water receptacles shall be sanitized daily with hot water, detergent, and 
disinfectant.

(5) Soiled linens and cloth products shall be mechanically washed with detergent and 
sanitized.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals 
from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain 
free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes 
must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect 
the health and well-being of the animals.

(d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be 
established and maintained.


02 NCAC 52J .0210 VETERINARY CARE

(b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall 
obtain and follow a veterinarian's written recommendations for correcting the problem.

(d) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies 
law, G.S. 130A, Article 6, Part 6. However, no shelter shall be disapproved following inspection or 
otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such 
animals have been in the shelter at least 15 days.

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