



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 6, 2025

Eric Mitchell
Owner
Animal House
2235 Statesville Blvd
Salisbury, NC 28147
and via email
animalhousenc23@gmail.com

NOTICE of WARNING and NOTICE of VIOLATION

Re: Violations of Title 02 N.C. Administrative Code (“NCAC”) Chapter 52J, Sections 0102(5); .0201(h); 0203(b)(2), and (4); .0204(a), (b) and (c); .0207(a); .0209(7)(a); and .0210(a)(3)

AWS-WL-2025-2

Facility: Animal House
License Number: 20869

Dear Mr. Mitchell:

On January 29, 2025, a Facility Compliance Inspection (“FCI”) was conducted by Veterinary Program Specialist Shore (Inspector Shore) of the Animal Welfare Section (“AWS”) of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services (“NCDA&CS”) of the Animal House boarding kennel (“the kennel”). The findings of this FCI included:

1. On June 19, 2024 you filed an appeal with OAH in which you stated that the outer driveway gate would stay closed so that the facility would be in compliance with 02 NCAC 52J .0201(h). When Inspector Shore passed by the facility, the gate was open. The gate remained open while she continued down the highway and made the U-turn necessary to approach and enter the facility grounds;
2. The Inspector noted a very strong odor of marijuana emanating from the Kennel Manager and from the office area where the kennel records were maintained. The Kennel Manager appeared to be under the influence;
3. In violation of 02 NCAC 52J .0201(h), the only kennel worker that was supervising the dogs in the exercise area that was not surrounded by a separate 5-ft perimeter fence left this exercise area several times while Inspector Shore was present leaving the dogs unsupervised. This violation was previously cited during the May 23, 2024 and July 15, 2024 FCIs. A Civil Penalty was assessed on July 25, 2024 for this violation;

4. In violation of 02 NCAC 52J .0102(5), the incident log did not contain the required information relative to the dog that had recently died while boarding at the kennel including the pet's breed or breed type, species, age, or the owner's name, address and contact information;
5. In violation of 02 NCAC 52J .0203(b)(2), the gravel in the graveled area of the large exercise yard was not maintained at a minimum depth of 6 inches;
6. In violation of 02 NCAC 52J .0203(b)(4), the area of the large exercise area that previously had established grass was now bare dirt and dogs had access to the bare dirt areas;
7. In violation of 02 NCAC 52J .0204(a) which requires that surfaces within primary enclosures and exercise areas to be impervious to moisture, surfaces that had been previously painted had rust exposed on surfaces accessible to the animals. This violation was previously cited on May 23, 2024 and July 15, 2024 FCI's and the July 25, 2024 Notice of Warning;
8. In violation of 02 NCAC 52J .0204(b) which prohibits wood from being within reach of an animal, the wood siding on the side of the building has been chewed/damaged by the dogs. This damage resulted from the dogs' access to the exposed wood;
9. In violation of 02 NCAC 52J .0204(c), the gate to the large exercise area and 2 indoor primary enclosure cages were damaged posing a significant risk of injury to the animal confined within these cages and exercise area. Animals are not to be housed in these areas until repairs have been completed to make the enclosures and exercise area safe;
10. In violation of 02 NCAC 52J .0207(a), waste was not properly removed from the primary enclosures and exercise areas;
11. In violation of 02 NCAC 52J .0209(7)(a), the kennel did not document the provision of environmental enrichment and social interactions during January 2025 for the long term care dogs that had been there since April (1 dog) and August (2 dogs); and
12. In violation of 02 NCAC 52J .0210(a)(3), the kennel failed to implement and follow its Program of Veterinary Care as 3 dogs did not have current vaccinations.

Therefore, AWS finds that the kennel is in violation of 02 NCAC 52J Sections .0102(5); .0201(h); 0203(b)(2), and (4); .0204(a), (b) and (c); .0207(a); .0209(7)(a); and .0210(a)(3).

This Warning Letter serves as written notice indicating in which respects the kennel violated the N.C. Animal Welfare Act ("AWA") and the rules issued pursuant thereto. The kennel is directed to immediately comply with the AWA and its associated rules. To date, the kennel has not received an "Approved" FCI this fiscal year. Without an Approved FCI, the kennel will not be able to renew its AWS Boarding Kennel license when the current license expires on June 30, 2025.

In the Settlement Agreement with AWS that you signed on January 13, 2025, you agreed to "abide by and comply with all provisions of the North Carolina Animal Welfare Act (Article 3 of Chapter 19A of the General Statutes) ("AWA") and its associated rules (02 NCAC 52J)." This Settlement Agreement also stated that should you as the Petitioner commit "any violation any violation of the North Carolina Animal Welfare Act (Article 3 of Chapter 19A of the General Statutes) or its associated rules (02 NCAC 52J) within one year of the effective date of this Agreement, Petitioner shall be immediately responsible for paying Respondent the full remaining sum of \$600.00." Therefore, this Warning Letter is also notifying you that should there be another violation of the AWA and its associated rules by the kennel, you will be required to pay the full remaining sum of \$600.00 in addition any other Civil Penalty assessed by AWS for the violation.

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 license application 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 DVM MS".

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
Samuel Gray, Assistant Attorney General

Appendix

REFERENCED STATUTES AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 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.

02 NCAC 52J .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and

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

02 NCAC 52J .0201 GENERAL

(h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. October 1, 2022.

02 NCAC 52J .0203 OUTDOOR FACILITIES

(b) Exercise areas of outdoor facilities:

- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or
- (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).

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

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures and exercise areas shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture excluding the ground cover options of gravel and grass allowed for in Rule .0203 of this Section.

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common 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 shall 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.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

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:

(7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:

(a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and

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

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