



**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

December 19, 2025

Juan Vaughan II  
Bertie County Manager  
106 Dundee Street  
Windsor, NC 27983  
Via email  
[juan.vaughan@bertie.nc.gov](mailto:juan.vaughan@bertie.nc.gov)

**NOTICE of CIVIL PENALTY and NOTICE of WARNING**

**Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTES (“NCGS”) § 19A-32.1(a), (b)(2), and (j)(1) – (4) and TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTIONS .0101(1), (2), (4) and (6); .0201(m); and .0210(d) and (h) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0101(3); .0203(a)(1); and .0204(a).**

**AWS-CP-2025-26**

**Facility: Bertie County Animal Shelter**  
**Registration Number: 436**

Dear County Manager Vaughan:

Pursuant to NCGS § 19A-40, I am issuing this notice that Bertie County, as the operator of the Bertie County Animal Shelter (“the shelter”), is hereby assessed a civil penalty of \$6,150.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt of this Notice, 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  
Lindsey Spain, Special Deputy Attorney General

STATE OF NORTH CAROLINA  
COUNTY OF BERTIE

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

IN THE MATTER of	)	NOTICE of VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
BERTIE COUNTY	)	for VIOLATIONS of NC GENERAL STATUTES
	)	§ 19A-32.1(a), (b)(2), and (j)(1) – (4) and TITLE
OPERATOR OF BERTIE COUNTY	)	02 NC ADMINISTRATIVE CODE (“NCAC”)
	)	CHAPTER 52J SECTIONS .0101(1), (2), (4) and
ANIMAL SHELTER	)	(6); .0201(m); and .0210(d) and (h) and NOTICE of
	)	WARNING for VIOLATIONS of 02 NCAC 52J
	)	.0101(3); .0203(a)(1) and .0204(a).
	)	

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 Bertie County Animal Shelter (“the shelter”), owned and operated by Bertie County, was an animal shelter registered pursuant to NCGS §19A-26.
2. On November 20, 2025, AWS Veterinary Program Specialist Lynn (“Inspector Lynn”) conducted a Facility Compliance Inspection (“FCI”) of the shelter. The FCI revealed the following:
  - a. In violation of 02 NCAC 52J .0210(d), the cat named White Socks appeared to be emaciated and had a significant amount of green ocular discharge, and the shelter failed to provide veterinary care to this cat. The shelter relayed to Inspector Lynn that they noted the cat was limping when she was impounded on October 20, 2025. They stated that they believed the cat had a broken leg. No veterinary examination or care was provided to White Socks for her poor body condition, suspected broken leg, or her eye infection while she was housed at the shelter. Inspector Lynn directed the shelter to immediately take the cat to the veterinarian;
  - b. In violation of 02 NCAC 52J .0201(m), the shelter failed to be truthful with AWS Inspector Lynn. At 1:09 pm on November 20, 2025, a shelter staff member sent a text to Inspector Lynn stating that White Socks had been taken to the veterinary hospital, found to be in poor condition, and was euthanized after the veterinarian’s evaluation. At 1:40 pm Inspector Lynn went to the veterinary clinic to get a copy of the medical record with the veterinarian’s examination notes for White Socks. The veterinary staff had no knowledge of this cat and had not seen anyone from the Bertie County Animal Shelter that day. At 2:00 pm, Inspector Lynn spoke with the Bertie County Animal Control Officer (“ACO”) who stated that he had the cat in his truck and was on his way to the veterinary clinic;
  - c. In violation of 02 NCAC 52J .0203(a)(1), the concrete of the outdoor primary enclosures needed to be sealed so that the concrete was impervious to moisture;
  - d. In violation of 02 NCAC 52J .0204(a), the floors in the indoor kennels needed to be sealed so

that the surfaces were impervious to moisture; and

- e. In violation of 02 NCAC 52J .0210(h), 2 cats that had been housed at the shelter for more than 30 days had not received a rabies vaccination. 02 NCAC 52J .0210(h) requires that any animal of appropriate age housed at a shelter for more than 14 days shall be given a rabies vaccination.
3. On November 24, 2025, Inspector Lynn requested a copy of the medical notes from the examination of White Socks from the veterinary clinic. The staff of the veterinary clinic could not locate the medical record and stated that the veterinarian had left for a vacation and would be gone for at least 2 weeks. They did provide the invoice for Bertie County for November 20, 2025 that showed that the veterinary clinic had euthanized 3 cats that day for the shelter.
4. On November 25, 2025, Inspector Lynn conducted a follow-up visit to the shelter. She asked the ACO about the 2 cats other than White Socks that had been euthanized on November 20, 2025. He stated that they were 2 orange tom cats that he had just caught that day. He said because they were “sickly looking and feral” he took them to the veterinary clinic and requested that they be euthanized. He further stated that he did not agree with keeping feral cats for the 72-hour minimum hold required by NCGS § 19A-32.1(a).
5. On December 11, 2025, Inspector Lynn spoke with the veterinarian. He stated that he did not remember the condition of White Socks as the county doesn’t authorize examinations or evaluations. The county only allows euthanasia of the animal. When asked by Inspector Lynn, the veterinarian stated that since June 2025, the veterinary clinic had euthanized 39 animals, including 4 dogs and 35 cats, with most of the cats being feral cats. One of the 35 cats was White Socks.
6. A review of the shelter records from June 1, 2025 – November 25, 2025 showed that the euthanasias of only 2 animals, a dog on September 9, 2025 and White Socks on November 20, 2025, were documented by the shelter. In violation of NCGS § 19A-32.1(j)(1) – (4), the shelter failed to maintain a record of 3 dogs and 34 cats taken in by agents of the shelter. Furthermore, in violation of NCGS § 19A-32.1(a) and (b)(2), these 3 dogs and 34 cats were not held for a minimum of 72 hours prior to being euthanized and there was no written justification by the shelter manager for the euthanasia prior to the end of the 72-hour minimum hold period for these 39 animals.
7. In violation of 02 NCAC 52J .0101(1) – (4), no records were maintained of the origin, description, location, or disposition of these 39 animals euthanized by the veterinary clinic for the shelter.
8. In violation of 02 NCAC 52J .0101(6), the records for 39 animals were not created within 48 hours of their intake by an agent of the shelter.

## **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 finds that the shelter violated the following provisions:

02 NCAC 52J .0101(1) for failure to document the origin of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

02 NCAC 52J .0101(2) for failure to document the description of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

02 NCAC 52J .0101(3) for failure to document the location of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

02 NCAC 52J .0101(4) for failure to document the disposition of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

02 NCAC 52J .0101(6) for failure to create records within 48 hours of the intake of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

02 NCAC 52J .0201(m) for failure to be truthful with the AWS Inspector during the November 20, 2025 FCI.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to the cat named White Socks for the cat's poor body condition, suspected broken leg, and an eye infection as noted on November 20, 2025.

02 NCAC 52J .0210(h) for failure to provide rabies vaccinations to 2 cats that had been housed at the shelter for more than 14 days as noted on November 20, 2025.

NCGS § 19A-32.1(a) for failure to hold 37 animals for the required minimum 72-hour hold as noted on November 25, 2025.

NCGS § 19A-32.1(b) for failure to document in writing the reason for the euthanasia of 37 animals prior to the end of the minimum 72-hour hold as noted on November 25, 2025.

NCGS § 19A-32.1(j)(1) – (4) for failure to maintain a record of the 37 animals that the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 and to retain those records for a period of at least 3 years as noted on November 25, 2025.

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, Bertie County, as the owner and operator of the Bertie County Animal Shelter, is hereby assessed a civil penalty for the following violations:

\$500.00 for violation of 02 NCAC 52J .0101(1) for failure to document the origin of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

\$500.00 for violation of 02 NCAC 52J .0101(2) for failure to document the description of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

\$500.00 for violation of 02 NCAC 52J .0101(4) for failure to document the disposition of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

\$500.00 for violation of 02 NCAC 52J .0101(6) for failure to create records within 48 hours of the intake of the 37 animals the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 as noted on November 25, 2025.

\$200.00 for violation of 02 NCAC 52J .0201(m) for failure to be truthful with an NCDA&CS employee during an inspection as noted on November 20, 2025.

\$750.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to the cat named White Socks that had been housed at the shelter for more than 30 days, for poor body condition, suspected broken leg, and an eye infection as noted on November 20, 2025.

\$200.00 for 2 violations (\$100.00 per violation) of 02 NCAC 52J .0210(h) for failure to provide rabies vaccinations to 2 cats that had been housed at the shelter for more than 14 days as noted on November 20, 2025.

\$1,000.00 for violation of NCGS § 19A-32.1(a) for failure to hold 37 animals for the minimum 72-hour hold as noted on November 25, 2025.

\$1,000.00 for violation of NCGS § 19A-32.1(b) for failure to document in writing the reason for the euthanasia of 37 animals prior to the end of the minimum 72-hour hold as noted on November 25, 2025.

\$1,000.00 for violation of NCGS § 19A-32.1(j)(1) – (4) for failure to maintain a record of the 37 animals that the shelter had the veterinary clinic euthanize from June 1, 2025 to November 25, 2025 and to retain those records for a period of at least 3 years as noted on November 25, 2025.

**\$6,150.00 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 .0101(3); .0203(a)(1); and .0204(a), 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 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 a 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)

December 19, 2025  
Date



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Patricia Norris, DVM, MS  
Director, Animal Welfare Section  
North Carolina Department of Agriculture & Consumer Services



## 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.
- (b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:
  - (1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.
  - (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the manager of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.
  - (3) The animal is being held as evidence in a pending criminal case.
- (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.

**§ 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 .0101 RECORDS; ANIMAL SHELTERS, ETC.**

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, estimated age, sex, breed or breed type, and color markings;
- (3) location of animal, including complete address and contact information, if not kept at the licensed or registered facility;

- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incidental falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

*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 .0201 GENERAL**

(m) A licensee or registrant and all agents of the facility shall be truthful with NCDA&CS employees during all phases of inspections or investigations.

*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**

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:

- (1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;

*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.

*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 .0210 VETERINARY CARE**

(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.

(h) 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. This subsection shall not apply to animals which have been in the facility less than 15 days.

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