



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

April 20, 2025

Suzanne Matthews
Foothills Canine Rescue, Inc.
Bunch Anderson Shelter
220 Joyceton Church Rd. SW
Lenoir, NC 28645
And Via email:
foothillscaninerescue@yahoo.com
petpartnersrescue@yahoo.com

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTES (“NCGS”) § 19A-32.1(a) and (j) and TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTIONS .0101(1) - (6); .0103; .0201 (j) and (s); .0203(a)(1); .0204(b) and (c); .0207(a); .0209(7)(a) and (8); .0210(a)(3), (g), (i)(1), (3), (4), (5), and (6) and NOTICE of WARNING for VIOLATIONS of 02 NCAC .0201(d)(1), (m), and (n); .0204(a); and .0207(d)(6).

AWS-CP-2026-4

**Facility: Bunch Anderson Shelter
Registration Number: 416**

Dear Ms. Matthews:

Pursuant to NCGS § 19A-40, I am issuing this notice that Foothills Canine Rescue, Inc., as the owner and operator of the Bunch Anderson Shelter (“the shelter”), are hereby assessed a civil penalty of \$3,950.00 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.

3. Pursuant to NCGS § 150B-22, initiate informal settlement negotiations. 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 CALDWELL

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 for VIOLATIONS of NC
FOOTHILLS CANINE RESCUE, INC.	)	GENERAL STATUTES (“NCGS”) §19A-32.1(a)
	)	and (j), and TITLE 02 NC ADMINISTRATIVE
OWNER and OPERATOR of	)	CODE (“NCAC”) CHAPTER 52J SECTIONS
	)	.0101(1) – (6); .0103; .0201(j) and (s); .0203(a)(1);
BUNCH ANDERSON	)	.0204(b) and (c); .0207(a); 209(7)(a) and (8); and
	)	.0210(a)(3), (g), (i)(1), (3) – (6) and NOTICE of
SHELTER	)	WARNING for VIOLATIONS of 02 NCAC 52J
	)	.0201(d)(1), (m), and (n); .0204(a); and .0207(d)(6).
)	

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 Bunch Anderson Shelter (“the shelter”), owned and operated by Foothills Canine Rescue, Inc. with Suzanne Matthews as the responsible party as noted on the shelter’s 2025/2026 AWS Animal Shelter Registration renewal application, was an animal shelter registered pursuant to NCGS §19A-26.
2. On March 27, 2026, AWS received a complaint alleging that the shelter took in the complainant’s 2 elderly dogs as strays, performed elective dental procedures before the end of the 72-hour minimum stray hold, improperly dispensed prescription medications for the dogs, and were not truthful with her when she reclaimed the dogs. Based on this information, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act (“AWA”) as these statutes and associated regulations are the extent of the jurisdiction of AWS.
3. On April 1, 2026, AWS Veterinary Program Specialist Harris (“Inspector Harris”) conducted the site visit portion of the complaint investigation. This following information was obtained during this site visit:
 - a. In violation of 02 NCAC 52J .0101(1), at the time of the site visit, the shelter did not have any record of the origin or intake date for the 2 dogs that were renamed by the shelter as Ben and Jerry. The shelter had been previously cited for this violation in the May 29, 2025 Facility Compliance Inspection (“FCI”) report. The shelter later emailed an animal intake form documenting the origin of the animals, but when asked for the computer date and timestamp for this document to verify that it had been created within 48 hours of the occurrence and not during the investigation, the shelter failed to provide this information;
 - b. In violation of 02 NCAC 52J .0101(2), at the time of the site visit, the shelter did not have any record of the description of the 2 dogs, Ben and Jerry. The shelter later emailed an animal

- intake form documenting the description, but when asked for the computer date and timestamp for this document to verify that it had been created within 48 hours of the occurrence and not during the investigation, the shelter failed to provide this information;
- c. In violation of 02 NCAC 52J .0101(3), the shelter staff relayed that upon intake, the 2 dogs went directly into the home of a foster care provider but did not have any records of the location of this home;
 - d. In violation of 02 NCAC 52J .0101(4), at the time of the site visit, the shelter did not have any record of the name and address of the transporter for Ben and Jerry. The shelter later emailed an animal intake form documenting the information for the transporter, but when asked for the computer date and timestamp for this document to verify that it had been created within 48 hours of the occurrence and not during the investigation, the shelter failed to provide this information;
 - e. In violation of 02 NCAC 52J .0101(5), the shelter failed to maintain records of veterinary care provided to Ben and Jerry including the “pink liquid” administered orally to both dogs and ointment applied between Ben’s eyes by the foster care provider, and the controlled substances (sedatives) administered to both dogs for the teeth extractions. No medical records were created to document the details of the extraction of the teeth for either dog. The written statement from the veterinarian, Dr. Thuss, shows that he “removed approx [sic] 12 loose teeth from the short haired dog and several from the long haired dog.” Dr. Thuss verbally stated that he also used rongeurs to crack off the worst of the tartar on the teeth. He did not say that he provided any additional procedures typically performed with this type of dental conditions. In addition, during the site visit, it was noted that the medication log for the dog named Avery, in Kennel #4, showed the dog had been prescribed medication to be given once daily from March 21 – 27, 2026. The medication log for this dog does not show that the medication was administered on March 24, 2026 or March 26, 2026. The shelter was previously cited for failure to maintain records of veterinary care in the May 29, 2025 FCI report. Also, at the time of the site visit, a mason (type) jar filled with liquid medication was found in the refrigerator. This mason jar was not adequately labeled as to the contents and posed the risk of inappropriate dosing of an animal;
 - f. In violation of 02 NCAC 52J .0101(6), the shelter failed to create and/or update records within 48 hours of the occurrence, failed to maintain accurate records, and may have created records during an investigation. During the site visit, the shelter was given more than 2 hours to produce records for the intake, description, location, transporter and provision of veterinary care. None of these records relevant to Ben and Jerry were produced by the shelter during the site visit. Some of these records were emailed to AWS on April 2, 2026. Inspector Harris requested the shelter provide the date and timestamp for these computer-generated records, the shelter failed to do so.
 - g. In violation of 02 NCAC 52J .0103, the shelter did not provide the requested records to AWS during the site visit;
 - h. In violation of 02 NCAC 52J .0103, the shelter failed to maintain records for 3 years for animals that were returned to owners or otherwise left the shelter. The shelter had been previously cited for this violation in the May 29, 2025 FCI report, and this violation was discussed again with the shelter staff during the December 3, 2025 FCI and noted in the narrative section of the December 3, 2025 FCI report;
 - i. In violation of 02 NCAC 52J .0201(d)(1), the shelter failed to store bedding in cabinets and/or sealed containers to adequately protect them against infestation or contamination;
 - j. In violation of 02 NCAC 52J .0201(j) the shelter failed to make all areas of the shelter

available for inspection as, during this site visit, Inspector Harris was made aware of a room that was marked "Private Storage," and "No Entry." During this site visit, shelter staff relayed that surgeries and veterinary treatments were performed in this room. Inspection of this room noted dental equipment, metal tables, veterinary-type lighting, 2 crates with bedding, and various medical supplies. While shelter staff relayed that surgery and veterinary care were conducted in this room, Dr. Thuss stated in a telephone conversation that he only treated or performed surgery on his personal animals in that room. 02 NCAC 52J .0201(k) states that all animals in a facility are subject to the requirements of the AWA, regardless of ownership. This room had not been inspected or approved by AWS or the NC Veterinary Medical Board ("NCVMB") as a surgical area;

- k. In violation of 02 NCAC 52J .0201(m) and (n), the shelter staff was not truthful and obstructed previous shelter FCIs by use of signage stating, "Private Storage," and "No Entry," and by stating that the room was only used for storage when it was being used for veterinary care and surgery;
- l. In violation of 02 NCAC 52J .0201(s), the shelter failed to maintain written standards for "approved foster care provider" including the foster care provider for Ben and Jerry
- m. In violation of 02 NCAC 52J .0203(a)(1), the shelter has not maintained sealed concrete or other surfaces impervious to moisture as evidence by the condition of the concrete portions of the ground cover and the pavers in the outdoor enclosures. In addition, the sealant on the block walls in some areas of the outdoor enclosures had chipped away revealing bare block which is not impervious to moisture;
- n. In violation of 02 NCAC 52J .0204(a), the shelter has failed to maintain surfaces impervious to moisture in the outdoor gravel exercise area as a rusty chair and a chair with a fabric seat are present;
- o. In violation of 02 NCAC 52J .0204(b), the shelter failed to prevent the animals from having access to wood. The shelter failed to remove or replace the wooden lattice surrounding the HVAC system in the outdoor exercise area. The shelter had been previously cited for this violation in the December 3, 2025 FCI report;
- p. In violation of 02 NCAC 52J .0204(c), the shelter failed to maintain the outdoor exercise area safe for animals, as a mop bucket full of cleaning chemicals was left unattended in this area. Based on the fresh fecal material present, the area had just recently had animals present;
- q. In violation of 02 NCAC 52J .0207(a), the shelter failed to remove fecal matter from the outside exercise area before a new dog was brought into the area;
- r. In violation of 02 NCAC 52J .0207(d)(6), the shelter failed to properly sanitize the cloth rope toys in the plastic tub of toys in the outdoor exercise area based on their unsanitary and deteriorated condition;
- s. In violation of 02 NCAC 52J .0209(7)(a), the shelter failed to document the provision of daily social interaction and enrichment for long term care animals. The shelter had been previously cited for this violation in the December 3, 2025 FCI report;
- t. In violation of 02 NCAC 52J .0209(8), the shelter failed to have the 2 primary enclosures with bedding found in the previously uninspected room inspected and found to be in compliance prior to use;
- u. In violation of 02 NCAC 52J .0210(a)(3), the shelter failed to follow its Program of Veterinary Care ("PVC") in that the 2025/2026 AWS Animal Shelter Registration renewal application, it is checked that this facility does not provide veterinary surgical services on site. Contrary to that statement, shelter staff relayed during the site visit that surgery was being performed in the previously uninspected veterinary care room;

- v. In violation of 02 NCAC 52J .0210(g), the shelter failed to provide full written disclosure to the owners of Ben and Jerry as no medical records were provided that detailed the medications, anesthetics, and sedatives administered or the dental procedures performed on Ben and Jerry on March 24, 2026. The full written disclosure must be signed by the receiving party and a copy retained in the animal's records. No such signature was obtained and no copies were retained;
- w. In violation of 02 NCAC 52J .0210(i)(1), the surgical procedures were performed on animals not owned by the shelter as Dr. Thuss stated that he performed surgery on his personal animals at the shelter. 02 NCAC 52J .0210(i)(1) further states that the facility shall not perform surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under the jurisdiction of the NCVMB. This facility has not obtained a facility permit from the NCVMB for the practice of veterinary medicine on publicly owned animals. Ben and Jerry were also not owned by the shelter on March 24, 2026, at the time the elective dental procedures were done by Dr. Thuss as the 72-hour minimum stray hold had not yet been completed;
- x. In violation of 02 NCAC 52J .0210(i)(3), surgical procedures were not performed within the designated surgical area as there was no designated surgical area in this shelter;
- y. In violation of 02 NCAC 52J .0210(i)(4), neither of the two rooms that the shelter staff and/or Dr. Thuss indicate are used for surgical procedures met the minimum standards for surgery required by 21 NCAC 66 .0207(b)(9).
- z. In violation of 02 NCAC 52J .0210(i)(4), the drug procedures associated with the veterinary procedures conducted on Ben and Jerry failed to meet the minimum standards of 21 NCAC 66 .0207(b)(11). According to the shelter, Dr. Thuss was in possession and control of the controlled substances. Despite repeated requests, neither Dr. Thuss or the shelter could provide records of the administration of these drugs or the DEA required controlled substance logs. In addition, the medications dispensed to the owners of Ben and Jerry post procedure lacked the labeling required by 21 NCAC 66 .0207(b)(11)(B);
- aa. In violation of 02 NCAC 52J .0210(i)(4), the recordkeeping procedures associated with the veterinary procedures conducted on Ben and Jerry failed to meet the minimum standards of 21 NCAC 66 .0207(b)(12). Dr. Thuss could not produce medical records detailing the dental procedures he performed on Ben and Jerry. He stated that it wasn't his responsibility but the responsibility of the "RN" to keep such records "through the process of transcription;"
- bb. In violation of 02 NCAC 52J .0210(i)(5), by the admissions of Dr. Thuss and the shelter staff, surgical procedures had occurred at the facility. The shelter failed to ensure that the minimum standards for after-hours emergency service as required by 21 NCAC 66 .0207(b)(19) were met;
- cc. In violation of 02 NCAC 52J .0210(i)(6), by the admissions of Dr. Thuss and the shelter staff, surgical procedures had occurred at the facility prior to the inspection of the surgical facility and supporting procedures;
- dd. In violation of NCGS §19A-32.1(a), the shelter failed to complete the 72-hour minimum hold period for strays before assuming ownership of Ben and Jerry and subjecting them to elective dental procedures. When Inspector Harris questioned the shelter staff, no one could confirm the shelter's compliance with the 72-hour minimum hold for strays. The only definitive statement made by the shelter staff during these questions was the statement that the shelter does not take in strays. Obviously, this statement was untruthful as Ben and Jerry were taken in as strays; and
- ee. In violation of NCGS §19A-32.1(j), the shelter failed to maintain a record of all animals

impounded at the shelter, retain those records for a period of at least 3 years from the date of impoundment, and make the records available for inspection upon request by AWS.

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 stray dogs named Ben and Jerry as noted on April 1, 2026. The shelter had been previously cited for this violation in the May 29, 2025 FCI report.

02 NCAC 52J .0101(2) for failure to maintain descriptions of the 2 dogs, Ben and Jerry as noted on April 1, 2026.

02 NCAC 52J .0101(3) for failure to document the location of the foster care provider where these dogs were housed as noted on April 1, 2026.

02 NCAC 52J .0101(4) for failure to document the name and address of the transporter for Ben and Jerry as noted on April 1, 2026.

02 NCAC 52J .0101(5) for failure to maintain records of veterinary care provided to Ben and Jerry including the “pink liquid” administered orally to both dogs and ointment applied between Ben’s eyes by the foster care provider, and the controlled substances (sedatives) administered to both dogs for the teeth extractions. No medical records were created to document the details of the extraction of the teeth for either dog as noted on April 1, 2026. The shelter was previously cited for failure to maintain records of veterinary care in the May 29, 2025 FCI report.

02 NCAC 52J .0101(5) for failure to document medication administration to the dog named Avery in Kennel #4 on March 24, 2026 and March 26, 2026 as noted on April 1, 2026.

02 NCAC 52J .0101(6) for failure to create and/or update records within 48 hours of the occurrence, failure to maintain accurate records, and creating records during an investigation as noted on April 1, 2026.

02 NCAC 52J .0103 for failure to provide the requested records to AWS during the site visit as noted on April 1, 2026.

02 NCAC 52J .0103 for failure to maintain records for 3 years for animals that were returned to owners or otherwise left the shelter as noted on April 1, 2026. The shelter had been previously cited for this violation in the May 29, 2025 FCI report, and this violation was discussed again with the shelter staff during the December 3, 2025 FCI and noted in the narrative section of the December 3, 2025 FCI report

02 NCAC 52J .0201(d)(1) for failure to store bedding in cabinets and/or sealed containers to adequately protect them against infestation or contamination as noted on April 1, 2026.

02 NCAC 52J .0201(j) for failure to make all areas of the shelter available for inspection as noted on April 1, 2026.

02 NCAC 52J .0201(m) for failure to be truthful in stating that a room being used for veterinary care was only for storage and for saying that the shelter does not take in strays when it took in Ben and Jerry as strays as noted on April 1, 2026.

02 NCAC 52J .0201(n) for obstructing the AWS Inspector by posting signage stating “Private Storage,” and “No Entry” on a room being used to provide veterinary care to animals as noted on April 1, 2026.

02 NCAC 52J .0201(s) for failure to maintain written standards for “approved foster care providers” as noted on April 1, 2026.

02 NCAC 52J .0203(a)(1) for failure to maintain sealed concrete and other surfaces impervious to moisture in the outdoor exercise area as noted on April 1, 2026.

02 NCAC 52J .0204(a) for failure to maintain surfaces impervious to moisture in the outdoor gravel exercise area as a rusty chair and a chair with a fabric seat are present as noted on April 1, 2026.

02 NCAC 52J .0204(b) for failure to prevent the animals from having access to wood as noted on April 1, 2026. The shelter had been previously cited for this violation in the December 3, 2025 FCI report.

02 NCAC 52J .0204(c) for failure to maintain the outdoor exercise area safe for animals as noted on April 1, 2026.

02 NCAC 52J .0207(a) for failure to properly clean the outdoor exercise area between dogs as noted on April 1, 2026.

02 NCAC 52J .0207(d)(6) for failure to properly sanitize the cloth rope toys in the plastic tub of toys as noted on April 1, 2026.

02 NCAC 52J .0209(7)(a) for failure to document the provision of daily social interaction and enrichment for long term care animals as noted on April 1, 2026. The shelter had been previously cited for this violation in the December 3, 2025 FCI report.

02 NCAC 52J .0209(8) for failure to have the 2 primary enclosures with bedding found in the previously uninspected room inspected and found to be in compliance prior to use as noted on April 1, 2026.

02 NCAC 52J .0210(a)(3) for failure to follow its Program of Veterinary Care (“PVC”) by performing surgery at the facility when the 2025/2026 AWS Animal Shelter Registration renewal application noted that the facility did not provide veterinary surgical services on site as noted on April 1, 2026.

02 NCAC 52J .0210(g) for failure to provide full written disclosure to the owners of Ben and Jerry as no medical records were provided that detailed the medications, anesthetics, and sedatives administered or the dental procedures performed on Ben and Jerry.0101(5) for as noted on April 1, 2026.

02 NCAC 52J .0210(i)(1) for the performance of surgical procedures performed on animals not owned by the shelter as noted on April 1, 2026.

02 NCAC 52J .0210(i)(3) for performance of surgical procedures outside of the designated surgical area as there was no designated surgical area in this shelter as noted on April 1, 2026.

02 NCAC 52J .0210(i)(4) for failure to meet the minimum standards for surgery required by 21 NCAC 66 .0207(b)(9) for either of the two rooms that the shelter staff and/or Dr. Thuss indicated were used for surgical procedures as noted on April 1, 2026.

02 NCAC 52J 0210(i)(4) for failure to meet the minimum standards of 21 NCAC 66 .0207(b)(11) for the drug procedures associated with the veterinary procedures conducted on Ben and Jerry that occurred on March 24, 2026 as noted on April 1, 2026.

02 NCAC 52J .0210(i)(4) for failure to meet the minimum standards of 21 NCAC 66 .0207(b)(12).0101(5) for the recordkeeping procedures associated with the veterinary procedures conducted on Ben and Jerry on March 24, 2026 as noted on April 1, 2026.

02 NCAC 52J .0210(i)(5) for failure to meet the minimum standards for after-hours emergency service as required by 21 NCAC 66 .0207(b)(19) for the surgical procedures admitted to by Dr. Thuss and the shelter staff as noted on April 1, 2026.

02 NCAC 52J .0210(i)(6) for the performance of surgical procedures at the facility prior to the inspection of the surgical facility and supporting procedures as admitted to by Dr. Thuss and the shelter staff and as noted on April 1, 2026.

NCGS §19A-32.1(a) for failure to complete the 72-hour minimum hold period for strays before assuming ownership of Ben and Jerry and subjecting them to elective dental procedures on March 24, 2026 as noted on April 1, 2026.

NCGS §19A-32.1(j) for failure to maintain a record of all animals impounded at the shelter, retain those records for a period of at least 3 years from the date of impoundment, and make the records available for inspection upon request by AWS as noted on April 1, 2026.

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, Foothills Canine Rescue, Inc., as the owner and operator of the Bunch Anderson Animal Shelter, is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0101(1) for failure to document the origin of the stray dogs named Ben and Jerry as noted on April 1, 2026. The shelter had been previously cited for this violation in the May 29, 2025 FCI report.

\$100.00 for violation of 02 NCAC 52J .0101(2) for failure to maintain descriptions of the 2 dogs, Ben and Jerry as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0101(3) for failure to document the location of the foster care provider where these dogs were housed as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0101(4) for failure to document the name and address of the transporter for Ben and Jerry as noted on April 1, 2026.

\$250.00 for violation of 02 NCAC 52J .0101(5) for failure to maintain records of veterinary care provided to Ben and Jerry including the "pink liquid" administered orally to both dogs and ointment applied between Ben's eyes by the foster care provider, and the controlled substances (sedatives) administered to both dogs for the teeth extractions. No medical records were created to document the details of the extraction of the teeth for either dog as noted on April 1, 2026. The shelter was previously cited for failure to maintain records of veterinary care in the May 29, 2025 FCI report.

\$100.00 for violation of 02 NCAC 52J .0101(5) for failure to document medication administration to the dog named Avery in Kennel #4 on March 24, 2026 and March 26, 2026 as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0101(6) for failure to create and/or update records within 48 hours of the occurrence, failure to maintain accurate records, and creating records during an investigation as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0103 for failure to provide the requested records to AWS during the site visit as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0103 for failure to maintain records for 3 years for animals that were returned to owners or otherwise left the shelter as noted on April 1, 2026. The shelter had been previously cited for this violation in the May 29, 2025 FCI report, and this violation was discussed again with the shelter staff during the December 3, 2025 FCI and noted in the narrative section of the December 3, 2025 FCI report

\$200.00 for violation of 02 NCAC 52J .0201(j) for failure to make all areas of the shelter available for inspection as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0201(s) for failure to maintain written standards for “approved foster care providers” as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0203(a)(1) for failure to maintain sealed concrete and other surfaces impervious to moisture in the outdoor exercise area as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0204(b) for failure to prevent the animals from having access to wood as noted on April 1, 2026. The shelter had been previously cited for this violation in the December 3, 2025 FCI report.

\$100.00 for violation of 02 NCAC 52J .0204(c) for failure to maintain the outdoor exercise area safe for animals as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean the outdoor exercise area between dogs as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0209(7)(a) for failure to document the provision of daily social interaction and enrichment for long term care animals as noted on April 1, 2026. The shelter had been previously cited for this violation in the December 3, 2025 FCI report.

\$100.00 for violation of 02 NCAC 52J .0209(8) for failure to have the 2 primary enclosures with bedding found in the previously uninspected room inspected and found to be in compliance prior to use as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0210(a)(3) for failure to follow its Program of Veterinary Care (“PVC”) by performing surgery at the facility when the 2025/2026 AWS Animal Shelter Registration renewal application noted that the facility did not provide veterinary surgical services on site as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0210(g) for failure to provide full written disclosure to the owners of Ben and Jerry as no medical records were provided that detailed the medications, anesthetics, and sedatives administered or the dental procedures performed on Ben and Jerry.0101(5) for as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0210(i)(1) for the performance of surgical procedures on animals not owned by the shelter as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0210(i)(3) for performance of surgical procedures outside of the designated surgical area as there was no designated surgical area in this shelter as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0210(i)(4) for failure to meet the minimum standards for surgery required by 21 NCAC 66 .0207(b)(9) for either of the two rooms that the shelter staff and/or Dr. Thuss indicated were used for surgical procedures as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J 0210(i)(4) for failure to meet the minimum standards of 21 NCAC 66 .0207(b)(11) for the drug procedures associated with the veterinary procedures conducted on Ben and Jerry that occurred on March 24, 2026 as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0210(i)(4) for failure to meet the minimum standards of 21 NCAC 66 .0207(b)(12).0101(5) for the recordkeeping procedures associated with the veterinary procedures conducted on Ben and Jerry on March 24, 2026 as noted on April 1, 2026.

\$100.00 for violation of 02 NCAC 52J .0210(i)(5) for failure to meet the minimum standards for after-hours emergency service as required by 21 NCAC 66 .0207(b)(19) for the surgical procedures admitted to by Dr. Thuss and the shelter staff as noted on April 1, 2026.

\$200.00 for violation of 02 NCAC 52J .0210(i)(6) for the performance of surgical procedures at the facility prior to the inspection of the surgical facility and supporting procedures as admitted to by Dr. Thuss and the shelter staff and as noted on April 1, 2026.

\$200.00 for violation of NCGS §19A-32.1(a) for failure to complete the 72-hour minimum hold period for strays before assuming ownership of Ben and Jerry and subjecting them to elective dental procedures on March 24, 2026 as noted on April 1, 2026.

\$100.00 for violation of NCGS §19A-32.1(j) for failure to maintain a record of all animals impounded at the shelter, retain those records for a period of at least 3 years from the date of impoundment, and make the records available for inspection upon request by AWS as noted on April 1, 2026.

\$3,950.00 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 .0201(d)(1), (m), and (n); .0204(a); and .0207(d)(6), 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)

April 20, 2026
Date



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.

(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;
- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage

regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and

- (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 .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0201 GENERAL

(d) Storage of food and bedding:

- (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;

(j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services ('NCDA&CS') employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).

(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.

(n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may abuse, harass, delay or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:

- (1) "Abuse" means:
- (A) Communicating a threat as defined by G.S. 14-277.1;
 - (B) Using profane, indecent or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;
 - (C) Cyberstalking as defined by G.S. 14-196.3;
 - (D) Stalking as defined by G.S. 14-277.3A; and/or
 - (E) Disorderly conduct as defined by G.S. 14-288.4.
- (2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages

or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.

(s) For the purposes of G.S. 19A-23(5a), written standards for an "approved foster care provider" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC Animal Welfare Act and its rules issued pursuant thereto.

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.

(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
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

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
- (g) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as part of the animal's record.
- (i) If surgical procedures are performed at the registered/licensed facility, the facility shall:
 - (1) only perform surgical procedures on animals owned by the facility. The facility shall not perform surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under the jurisdiction of the North Carolina Board of Veterinary Medicine;
 - (2) appoint a North Carolina ("NC") licensed veterinarian to be the supervising veterinarian to direct, oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical facility;
 - (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the designated surgical area;
 - (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);
 - (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met; and

- (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and supporting procedures noted in this section has occurred and all deficiencies have been corrected.

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