



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 22, 2025

Herb Moniz
Owner
Carolina Veterinary Assistance and Adoption Group, Inc.
394 Cook Florist Road
Reidsville, NC 27320

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE ("NCAC") CHAPTER 52J SECTIONS .0203(a)(2) and (d)(1) and (4) and NOTICE of WARNING for VIOLATION of 02 NCAC 52J .0204(b) and .0210(d).

AWS-CP-2025-28

Facility: Carolina Veterinary Assistance and Adoption Group, Inc.
Registration Number: 280

Dear Mr. Moniz:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, as the owner of the Carolina Veterinary Assistance and Adoption Group, Inc. Animal Shelter ("the shelter"), is hereby assessed a civil penalty of \$500.00 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 ROCKINGHAM

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
HERB MONIZ)	for VIOLATIONS of TITLE 02 NC
)	ADMINISTRATIVE CODE ("NCAC") CHAPTER
OWNER OF CAROLINA)	52J SECTIONS .0203(a)(2), (d)(1) and (4) and
)	NOTICE of WARNING for VIOLATION of 02
VETERINARY ASSISTANCE and)	NCAC 52J. 0204(b) and .0210(d).
)	
ADOPTION GROUP, INC.)	
)	
ANIMAL SHELTER)	
)	

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, Carolina Veterinary Assistance and Adoption Group, Inc. Animal Shelter ("the shelter"), owned and operated by Herb Moniz, was an animal shelter registered pursuant to NCGS §19A-26.
2. On November 20, 2025, AWS received a complaint alleging that the shelter failed to provide veterinary care to a dog nursing puppies and that the puppies were dying. 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 November 24, 2025, AWS Veterinary Program Coordinator Specialists Shore and Bradley ("Inspectors Shore and Bradley") conducted the site visit portion of the complaint investigation. The following information relevant to the complaint was obtained during this site visit:
 - a. In violation of 02 NCAC 52J .0203(a)(2), the outdoor primary enclosure housing the dog named Freya contained large areas of bare dirt as the gravel groundcover was not maintained at a minimum depth of 6 inches. This violation has been previously cited in numerous previous Facility Compliance Inspections ("FCI");
 - b. In violation of 02 NCAC 52J .0203(d)(1), the doghouse in the primary enclosure housing Freya was made of wood which is not impervious to moisture and cannot be sanitized. During the March 25, 2025 FCI, the shelter owner indicated that he knew that shelter dogs could not have access to wood and stated that this wood doghouse would only be used for his personal animals;
 - c. In violation of 02 NCAC 52J .0203(d)(4), the shelter housed Freya outdoors. Freya was emaciated and had given birth to 10 live puppies (and 1 stillborn puppy) on November 13,

2025 while housed at the Rockingham County Animal Shelter. On November 15, 2025, Freya and her 10 puppies were transferred to the shelter. Given the very poor body condition of Freya and her nursing of the puppies, Freya was an infirm dog. The low temperatures on the nights she was housed outdoors ranged from 28 to 51°F;

- d. In violation of 02 NCAC 52J .0204(b), the shelter failed to prevent Freya's access to wood within the primary enclosure; and
 - e. In violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to Freya in a timely manner. Freya was severely underweight (Body Condition Score 2 of 9 in the medical record for the veterinary visit on November 21, 2025) and, initially, was nursing 10 puppies. Freya had intermittent diarrhea while housed at the shelter, and Inspector Bradley noted profuse watery diarrhea during the site visit. By November 21, 2025, 7 puppies had died. The shelter owner stated he called a veterinarian for a consultation at some point while he was housing the dog, but there is no documentation of the consultation or the veterinarian's recommendation(s). On November 21, 2025, Rockingham County Animal Control visited the shelter and directed the owner to seek veterinary care within 24 hours for Freya and the remaining 3 puppies. The shelter owner took Freya to the veterinarian that afternoon. The shelter owner relayed to Inspectors Shore and Bradley that he filed a complaint against the Rockingham County Animal Control Captain for making him seek veterinary care for Freya. By the time of the site visit on November 24, 2025, another puppy had died, leaving only 2 live puppies. After the site visit, the shelter owner relayed that another puppy had died and that he had removed the puppy from the dam and was hand rearing it.
4. A review of the medical records from the attending veterinarian that treated Freya on November 21, 2025 showed the following information:
- a. The history section stated: "Herb bringing mom dog and a couple 6 of day old puppies. Animal Control came by bc [sic] of cyber bullies complaining about condition of animals;"
 - b. The examination record noted the dog was very thin (2), mild pain score (2), very watery brown diarrhea, diarrhea staining (of the) perianal region;
 - c. The fecal smear showed bacterial overgrowth, especially spirochetes and clostridium;
 - d. The assessment section noted: GI bacterial overgrowth, diarrhea, underweight
 - e. The diagnosis stated chronic diarrhea; and
 - f. Freya was prescribed metronidazole, Forti Flora, and Endosorb and recommended Purina High Protein diet and feeding her whenever she wants to eat.
5. A FCI was conducted during the November 24, 2025 site visit. This FCI was noted to be Disapproved due to the number, severity, and repetitive nature of the violations. These violations will be addressed through the inspection process. The shelter owner has sent emails on November 24, 25, and 26, 2025 and December 8 and 12, 2025 detailing the corrective actions the shelter is implementing in response to the November 24, 2025 FCI.

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 .0203(a)(2) for failure to maintain gravel in primary enclosures at a minimum depth of 6 inches as noted on November 24, 2025.

02 NCAC 52J .0203(d)(1) for failure to provide Freya with a doghouse that was constructed of materials that were not impervious to moisture and could not be sanitized as noted on November 24, 2025.

02 NCAC 52J .0203(d)(4) for housing an infirm dog with puppies in an outdoor enclosure as noted on November 24, 2025.

02 NCAC 52J .0204(b) for failure to prevent Freya's access to wood within her primary enclosure as noted on November 24, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to the dog named Freya as noted on November 24, 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, Herb Moniz, as the owner and operator of the Carolina Veterinary Assistance and Adoption Group, Inc. animal shelter, is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0203(a)(2) for failure to maintain gravel in primary enclosures at a minimum depth of 6 inches as noted on November 24, 2025.

\$200.00 for violation of 02 NCAC 52J .0203(d)(1) for failure to provide Freya with a doghouse that was constructed of materials that were impervious to moisture and that could be sanitized as noted on November 24, 2025.

\$200.00 for violation of 02 NCAC 52J .0203(d)(4) for housing an infirm dog with puppies in an outdoor enclosure as noted on November 24, 2025.

\$500.00 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 violation of 02 NCAC 52J .0204(b) and .0210(d) 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 22, 2025
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-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 .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:

(2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter.

(d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:

(1) housing shall be constructed of material which is impervious to moisture and which can be cleaned and sanitized in accordance with 02 NCAC 52J .0207;

(4) special provisions shall be provided to any animal that cannot maintain its normal body temperature when housed outside. These special provisions shall be adequate for the animal to maintain its normal body temperature and shall be documented in the animal's record. If the animal cannot maintain its normal body temperature even with special provisions, then that animal shall not be housed outside. No infirm animal may be housed outdoors; 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.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(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.

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.

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