



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

July 6, 2026

Debra S. Somersett
Owner
Diamond A Kennels
50 Green Bay Road, N.W.
Ocean Isle Beach, NC 28469
and via email
diamonda@atmc.net

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATION of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0201(a), (d)(1), and (g); .0207(a), (d)(4), (e), and (f) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0201(d)(4); .0202(b)(3); 0203(a)(2) and (b)(2); and .0204(a).

AWS-CP-2026-9

Facility: Diamond A Kennels
License Number: 10409

Dear Ms. Somersett:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of Diamond A Kennels ("the kennel") are hereby assessed a civil penalty of \$1,200.00 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;
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment; or
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 or email at

Patricia.Norris@ncagr.gov. 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

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

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
DEBRA S SOMERSETT	)	for VIOLATIONS of TITLE 02 NC
	)	ADMINISTRATIVE CODE ("NCAC")
OWNER OF	)	CHAPTER 52J SECTIONS .0201(a), (d)(1),
	)	and (g); .0207(a), (d)(4), (e), and (f); and
DIAMOND A KENNELS	)	NOTICE of WARNING for VIOLATIONS
	)	of 02 NCAC 52J .0201(d)(4); .0202(b)(3);
	)	.0203(a)(2) and (b)(2); 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, Diamond A Kennels ("the kennel") owned and operated by Debra S. Somersett was a boarding kennel that was licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On September 5, 2024, AWS assessed a Notice of Civil Penalty for violation of 02 NCAC Chapter 52J Sections .0201(a), (d)(2), and (e); .0203(a)(1) and (2); .0204(b) and (h); .0205(a); .0206(a); .0207(a), (b), (d)(4), (e), and (f); and .0209(7)(a) and a Notice of Warning for Violations of 02 NCAC 52J .0102(6); .0202(d); and .0204(a). The September 5, 2024 Notice contained the following language:

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 license 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.
3. On March 25, 2026, AWS Animal Health Technician Tolley ("Inspector Tolley") conducted a Facility Compliance Inspection ("FCI") at the kennel. The FCI report noted the kennel to be in violation of 02 NCAC 52J .0102(3); .0103; .0201(a), (d)(1) and (2), (e) and (k); .0202(b)(1) and (3) and (d); .0203(a)(2), (e) and (f); .0204(a), (c), and (g); .0206(a); .0207(a), (d)(4) and (7), and (e); and .0209(7)(a). This FCI was noted as "Disapproved" due to the number, severity and repetitive nature of the violations.
4. On May 8, 2026, Inspector Tolley conducted a FCI at the kennel. The FCI report noted the kennel to be in violation of 02 NCAC 52J .0102(3); .0103; .0201(d)(2), (g), and (k); .0202(b)(1) and (3); .0203(b)(2); and .0204(a). This FCI was noted as "Disapproved" due to the number, severity and

repetitive nature of the violations.

5. On June 15, 2026, Inspector Tolley conducted a FCI at the kennel. The FCI report noted the kennel to be in violation of 02 NCAC 52J .0201(a), (d)(1) and (4), and (g); .0202(b)(1) and (3); .0203(a)(2) and (b)(2); .0204(a); and .0207(a), (d)(4), (e), and (f). This FCI was noted as “Disapproved” due to the number, severity and repetitive nature of the violations. The FCI report details the following:
- a. In violation of 02 NCAC 52J .0201(a), in the back kennel room the damaged door frame was hanging loosely exposing nails that posed a risk of injury to the animals;
 - b. In violation of 02 NCAC 52J .0201(d)(1), the facility food container was left open where large numbers of flies were present and where the cats housed at the facility had access. The kennel was previously cited for open food containers in FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, March 25, 2026, and May 8, 2026;
 - c. In violation of 02 NCAC 52J .0201(d)(4), dirty laundry was piled to the level of the opening of the dryer which risks cross contamination of the clean laundry;
 - d. In violation of 02 NCAC 52J .0201(g), a functional thermometer was not present in the small dog room or in the cat building. The facility was previously cited for the lack of room thermometers in FCI reports dated March 25, 2026, and May 8, 2026;
 - e. In violation of 02 NCAC 52J .0202(b)(3), the air flow was insufficient in the back boarding room and prep area to minimize odors. Although some improvement was noted, overwhelming odors in the facility were previously cited in FCI reports dated March 25, 2026, and May 8, 2026;
 - f. In violation of 02 NCAC 52J .0203(a)(2) and (b)(2), the gravel in the main exercise yard was not maintained at a depth of at least 6 inches and multiple piles of fecal matter were present. Inadequate depth of gravel was previously cited on FCI reports dated December 3, 2024 and May 8, 2026. Failure to properly clean the play yards was previously cited in FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, and March 25, 2026;
 - g. In violation of 02 NCAC 52J .0204(a), multiple areas of the walls and floors were not impervious to moisture due to large areas of chipping and peeling paint. The kennel staff had repaired some areas, but many areas remain affected by the chipping and peeling paint. The kennel had been previously cited for the non-impervious surfaces due to chipping and peeling paint in the FCI reports dated January 8, 2024, February 1, 2024, August 3, 2024, December 3, 2024, March 25, 2026, and May 8, 2026;
 - h. In violation of 02 NCAC 52J .0207(a), the exercise areas had multiple piles of feces throughout them. The kennel had been previously cited for failure to properly clean the exercise areas surfaces in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, and March 25, 2026;
 - i. In violation of 02 NCAC 52J .0207(d)(4), a fecal scoop filled with feces and covered with flies was accessible to the dogs in the aisleway to the exercise area. When the door was opened, the flies flew into the kennel building. The kennel had been previously cited for failure to remove piles of waste and to properly clean the exercise areas in the FCI reports dated August 3, 2024, December 3, 2024, and March 25, 2026;
 - j. In violation of 02 NCAC 52J .0207(e), the accumulations of old food, hair and debris were present throughout the facility. The kennel had been previously cited for failure to remove accumulations of trash, junk and waste products in the FCI report dated March 25, 2026; and
 - k. In violation of 02 NCAC .0207(f), large numbers of flies were present throughout the facility. The kennel had been previously cited for failure to establish and maintain an effective program for the control of insects in FCI reports dated August 3, 2024, and December 3, 2024.

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 this investigation, AWS concludes that the kennel violated the following provisions:

02 NCAC 52J .0201(a) for failure to maintain the facility in good repair to protect the animals from injury as evidenced by the damaged door frame exposing nails that posed a risk of injury to the animals as noted on June 15, 2026

02 NCAC 52J .0201(d)(1) for failure to store food in a sealed container to adequately protect the food from contamination by insects as noted on June 15, 2026. The kennel was previously cited for open food containers in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, March 25, 2026, and May 8, 2026

02 NCAC 52J .0201(d)(4), for failure to store clean laundry separate from the dirty laundry as noted on June 15, 2026

02 NCAC 52J .0201(g) for failure to provide a functional thermometer in the small dog room or in the cat building as noted on June 15, 2026. The facility was previously cited for the lack of room thermometers in the FCI reports dated March 25, 2026, and May 8, 2026

02 NCAC 52J .0202(b)(3) for failure to maintain the air flow adequate to minimize odors as noted on June 15, 2026. These violations were previously cited in the FCI reports dated March 25, 2026, and May 8, 2026

02 NCAC 52J .0203(a)(2) for failure to maintain the gravel depth at least 6 inches in the main exercise area as noted on June 15, 2026. Inadequate depth of gravel was previously cited in the FCI reports dated December 3, 2024 and May 8, 2026

02 NCAC 52J .0203(b)(2) for failure to maintain the gravel in a sanitary manner as noted on June 15, 2026. Failure to properly clean the play yards was previously cited in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, and March 25, 2026

02 NCAC 52J .0204(a) for failure to maintain surfaces impervious to moisture in multiple primary enclosures as noted on June 15, 2026. The kennel had been previously cited for the non-impervious surfaces due to chipping and peeling paint in the FCI reports dated January 8, 2024, February 1, 2024, August 3, 2024, December 3, 2024, March 25, 2026, and May 8, 2026

02 NCAC 52J .0207(a) for failure to properly clean the exercise areas a minimum of twice daily as noted on June 15, 2026. The kennel had been previously cited for failure to properly clean the exercise areas surfaces in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, and March 25, 2026

02 NCAC 52J .0207(d)(4) for failure to keep areas accessible to multiple animals and exercise areas clean and sanitary as noted on June 15, 2026. The kennel had been previously cited for

failure to remove piles of waste and to properly clean the exercise areas in the FCI reports dated August 3, 2024, December 3, 2024, and March 25, 2026 FCI

02 NCAC 52J .0207(e) for failure to maintain the facility free from accumulations of old food, hair and debris as noted on June 15, 2026. The kennel had been previously cited for failure to remove accumulations of trash, junk and waste products in the FCI report dated March 25, 2026

02 NCAC .0207(f) for failure to establish and maintain an effective program for the control of insects as large numbers of flies were present throughout the facility as noted on June 15, 2026. The kennel had been previously cited for failure to establish and maintain an effective program for the control of insects in the FCI reports dated August 3, 2024, and December 3, 2024

CIVIL PENALTY

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, Debra S. Somersett, as owner and operator of Diamond A Kennels, is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0201(a) for failure to maintain the facility in good repair to protect the animals from injury as evidenced by the damaged door frame exposing nails that posed a risk of injury to the animals as noted on June 15, 2026

\$100.00 for violation of 02 NCAC 52J .0201(d)(1) for failure to store food in a sealed container to adequately protect the food from contamination by insects as noted on June 15, 2026. The kennel was previously cited for open food containers in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, March 25, 2026, and May 8, 2026

\$100.00 for violation of 02 NCAC 52J .0201(g) for failure to provide a functional thermometer in the small dog room or in the cat building as noted on June 15, 2026. The facility was previously cited for the lack of room thermometers in the FCI reports dated March 25, 2026, and May 8, 2026

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean the exercise areas a minimum of twice daily as noted on June 15, 2026. The kennel had been previously cited for failure to properly clean the exercise areas surfaces in the FCI reports dated January 8, 2024, August 3, 2024, December 3, 2024, and March 25, 2026

\$200.00 for violation of 02 NCAC 52J .0207(d)(4) for failure to keep areas accessible to multiple animals clean and sanitary as noted on June 15, 2026. The kennel had been previously cited for failure to remove piles of waste and to properly clean the exercise areas in the FCI reports dated August 3, 2024, December 3, 2024, and March 25, 2026

\$200.00 for violation of 02 NCAC 52J .0207(e) for failure to maintain the facility free from accumulations of old food, hair and debris as noted on June 15, 2026. The kennel had been previously cited for failure to remove accumulations of trash, junk and waste products in the FCI report dated March 25, 2026

\$200.00 for violation of 02 NCAC .0207(f) for failure to establish and maintain an effective program for the control of insects as large numbers of flies were present throughout the facility as noted on June 15, 2026. The kennel had been previously cited for failure to establish and maintain an effective program for the control of insects in the August 3, 2024, and December 3, 2024 FCI reports

\$1,200.00 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 license 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)(4); .0202(b)(3); .0203(a)(2) and (b)(2) and .0204(a), this Warning Letter serves as written notice indicating in which respects the kennel 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 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)

July 6, 2026

Date



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

Appendix

REFERENCED LAWS AND REGULATIONS

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

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

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final

judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

§ 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 .0201 GENERAL

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.

(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;
- (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and

(g) Each facility shall have the ability to confirm ambient temperature. A functional room thermometer shall be present in each separate area of indoor enclosures, common areas and exercise areas.

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 .0202 INDOOR FACILITIES

(b) Ventilation of indoor facilities:

- (1) indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times; the facilities shall be provided with fresh air either by means of windows, doors, vents and/or air conditioning and shall be ventilated so as to minimize drafts;
- (3) air flow shall be adequate to minimize odors and moisture condensation.

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

- (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.

(b) Exercise areas of outdoor facilities:

- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or

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 .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.

(d) Sanitation shall be as follows:

- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

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

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

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