



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

January 31, 2024

Anne Marie Green
Owner
Green Meadow Kennels
1560 Tarboro Road
Youngsville, NC 27596
and via email
gmk@greenmeadowkennels.com

NOTICE of CIVIL PENALTY

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTES § 19A-26 and 28 and TITLE 2 NC ADMINISTRATIVE CODE CHAPTER 52 SECTIONS .0204(d); .0206(a) and .0207(a).

AWS-CP-2024-2

Facility: Green Meadow Kennels
License Number: Unlicensed

Dear Ms. Green:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of Green Meadow Kennels (“the kennel”) are hereby assessed a civil penalty of \$9,600.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of this letter, 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 black ink that reads "Patricia Norris, DVM, MS". The signature is written in a cursive style with a large initial "P".

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
Christopher R. McLennan, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

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
ANNE MARIE GREEN)	for VIOLATIONS of N.C. GENERAL
)	STATUTE (“NCGS”) § 19A-26 and 28 and
OWNER OF)	TITLE 02 NC ADMINISTRATIVE CODE
)	(“NCAC”) CHAPTER 52J SECTIONS
GREEN MEADOW KENNELS)	.0204(d); .0206(a); and .0207(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, Green Meadow Kennels (“the kennel”) owned and operated by the Anne Marie Green was a boarding kennel that was not licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On November 14, 2023 AWS assessed a Civil Penalty of \$1,000.00 to the owner of the kennel for operation of a boarding kennel without a valid AWS boarding kennel license in violation of NCGS § 19A-28.
3. On January 2, 2024, AWS received information that a dog named Goober had died on December 25, 2023, while boarding at the kennel. 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.
4. On January 3, 2024, AWS Outreach Coordinator Joe Blomquist (“Coordinator Blomquist”) attempted to conduct a site visit. A person who identified himself as an employee of the kennel, answered the door but denied permission to enter the premises. Coordinator Blomquist was accompanied by a Franklin County Animal Control Officer.
5. On January 8, 2024, Coordinator Blomquist was able to gain access to the kennel for a site visit as part of the investigation. The site visit revealed the following:
 - a. there were 15 dogs present in the kennel;
 - b. the kennel owner stated that 14 dogs were being housed for an animal rescue based in South Carolina. In addition another dog that was a privately-owned dog was being boarded at the kennel in violation of NCGS § 19A-28, which requires a facility offering boarding services to the public to be licensed by AWS as a boarding kennel;
 - c. at least 2 of the dogs were housed in enclosures that did not provide enough space for the

- confined dogs to walk, turn about freely or stand with their tails erect, and sit or lie in a natural position in violation of 02 NCAC 52J .0204(d);
- d. none of the 15 enclosures housing these dogs contained water receptacles in violation of 02 NCAC 52J .0206(a), which requires that animals have continuous access to fresh, potable water; and
 - e. based on the unsanitary conditions present throughout the kennel, with excessive fecal and urine accumulations, the kennel failed to properly clean the enclosures a minimum of two times per day in violation of 02 NCAC 52J .0207(a).
6. On January 9, 2024, Coordinator Blomquist sent an email to the kennel owner reiterating the conversation they had during January 8, 2024 site visit detailing the corrective actions that the kennel would need to implement in order to receive an AWS boarding kennel license. In the January 9, 2024 email, Coordinator Blomquist repeated his very specific directive that kennel owner could not board any animals until an AWS boarding kennel license had been issued.
 7. On January 18, 2024, Franklin County Animal Control (“FCAC”) served a search warrant to ascertain the conditions present at the kennel. FCAC documented the presence of 20 dogs. Some of the dogs were dogs being housed for the SC-based rescue and the rest were privately-owned dogs that were being boarded by the kennel. The animals were seized and removed from the kennel by FCAC. The kennel operator was charged with animal cruelty because of the findings at the kennel.
 8. On January 19, 2024, AWS was notified by FCAC that the kennel accepted 2 dogs from a private owner for boarding on January 19, 2024. The private owner contacted FCAC when they became aware of the events at the kennel on January 18, 2024. The daughter of the dogs’ owner was able to retrieve the dogs from the kennel upon learning of the kennel owner’s arrest. The acceptance of these animals by the kennel for boarding was in violation of NCGS § 19A-28, which requires a facility offering boarding services to the public to be licensed by AWS as a boarding kennel.
 9. On January 22, 2024, AWS had a conversation with Arcadia Animal Rescue based in South Carolina. The Board President relayed that they were housing several rescue dogs at the kennel and that the kennel owner had transferred several dogs from an animal shelter in Georgia in the name of Arcadia Animal Rescue, transported the dogs to the kennel and was housing the dogs at the kennel for Arcadia Rescue in violation of NCGS § 19A-26, which requires a facility housing seized, stray, homeless or unwanted animals to have a valid certificate of registration from AWS as an animal shelter.
 10. On January 23, 2024, AWS received a forwarded email from FCAC. The original email dated January 22, 2024 was from a veterinarian that texted the kennel on January 19, 2024 to confirm the boarding reservation she had with the kennel for her 3 dogs scheduled to start on January 23, 2024. The email shows a response from the kennel owner confirming the reservation. The confirmation of the boarding reservation for these animals was in violation of NCGS § 19A-28 which requires a facility offering boarding services to the public to be licensed by AWS as a boarding kennel.

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:

NCGS §19A-26 for operating an animal shelter without obtaining a valid animal shelter registration granted by the AWS Director to operate such an establishment

NCGS §19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment. This is the second violation of this statute and deemed to be a willful violation of this statute

02 NCAC 52J .0204(d) for failure to provide at least 2 dogs with enough space for the confined dogs to walk, turn about freely or stand with their tails erect, and sit or lie in a natural position

02 NCAC 52J .0206(a) for failure to provide 15 dogs with continuous access to water as observed on January 8, 2024

02 NCAC 52J .0207(a) for failure to properly clean the enclosures a minimum of two times per day

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, Anne Marie Green as owner and operator of Green Meadow Kennels is hereby assessed a civil penalty for the following violation:

\$1,000.00 for violation of NCGS § 19A-26 for operating an animal shelter without obtaining a license granted by the AWS Director to operate such an establishment

\$5,000.00 for the SECOND and willful violation of NCGS § 19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0204(d) for failure to provide at least 2 dogs with enough space for the confined dogs to walk, turn about freely or stand with their tails erect, and sit or lie in a natural position

\$3,000.00 for 15 violations (\$200.00 per violation) of 02 NCAC 52J .0206(a) for failure to provide 15 dogs with continuous access to water as observed on January 8, 2024

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean the enclosures a minimum of two times per day

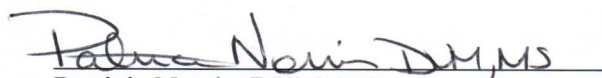
\$9,600.00 TOTAL AMOUNT ASSESSED

Please be aware that pursuant to NC General Statute § 19A-33, operation of a boarding kennel without a currently valid license constitutes a Class 3 misdemeanor with each day of operation constituting a separate offense. In addition, operation of a boarding kennel without a valid license is a violation of the NC Animal Welfare Act and may result in the assessment of a civil penalty of up to \$5,000.00 per

violation pursuant to NC General Statute § 19A-40 and/or the suspension, revocation, or denial of a license pursuant to NC General Statute § 19A-30.

(See Appendix for text of referenced General Statutes and Administrative Code)

Date



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

Appendix

REFERENCED LAWS 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-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-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.

§ 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 .0204 PRIMARY ENCLOSURES

(d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure or the sides or top covering of the enclosure.

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 .0206 WATERING

(a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

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