



**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

June 12, 2025

Andrew Benton  
Owner  
Happy Paws Daycare and Kennel  
15402 Saxon Trace Court  
Huntersville, NC 28078  
ajbenton@live.com

**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 .0201(a); .0206(a); and .0207(d)(3), (4) and (7), and (e) and NOTICE of WARNING FOR VIOLATIONS of 02 NCAC 52J .0201(h); .0203(f); and 0210(a)(3)**

**AWS-CP-2025-9**

**Facility: Happy Paws Daycare & Kennel**  
**License No. 10896**

Dear Mr. Benton:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, Mr. Benton, as the owner of Happy Paws Daycare & Kennel ("the kennel"), are hereby assessed a civil penalty of \$3,400.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, 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 MECKLENBURG

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
ANDREW BENTON	)	for VIOLATIONS of TITLE 02 NC
	)	ADMINISTRATIVE CODE ("NCAC") CHAPTER
OWNER of	)	52J SECTIONS .0201(a); .0206(a); .0207(d)(3),
	)	(4), and (7) and (e); and NOTICE of WARNING for
HAPPY PAWS DAYCARE & KENNEL	)	VIOLATIONS of 02 NCAC 52J .0201(h); .0203(f);
	)	and .0210(a)(3)
	)	

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, Happy Paws Daycare & Kennel ("the kennel"), owned and operated by Andrew Benton was a boarding kennel registered pursuant to NCGS §19A-28.
2. On May 27, 2025, AWS Veterinary Program Specialist Bradley ("Inspector Bradley") conducted a Facility Compliance Inspection ("FCI"). The FCI report was marked as "Disapproved" due to the number, severity, and repetitive nature of the violations. The FCI noted the following:
  - a. In violation of 02 NCAC 52J .0201(a), the kennel failed to maintain the facility in good repair as rainwater was leaking into the lobby and collecting in the ceiling light fixtures. The discoloration of the ceiling from water damage was noted on the December 23, 2024 FCI;
  - b. In violation of 02 NCAC 52J .0201(h), the kennel owner disclosed that animals were placed in the outdoor exercise area without supervision during cleaning. This exercise area is not surrounded by a separate perimeter fence;
  - c. In violation of 02 NCAC 52J .0203(f), the kennel failed to maintain the outdoor exercise area in good repair or properly cleaned or sanitized as the Sally port gates have holes where the wire has been pulled away from the frame and the area is not clean or sanitary;
  - d. In violation of 02 NCAC 52J .0206(a), the kennel failed to provide the boarding animals with continuous access to water as 12 of the 15 dogs did not have any access to water. The remaining 3 dogs only had a trace of water left in the water receptacles. This violation was noted during the December 8, 2023 FCI when 15 of 16 dogs did not have water. AWS issued a Notice of Warning for this violation on December 19, 2023;
  - e. In violation of 02 NCAC 52J .0207(d)(3), the kennel failed to properly clean the primary enclosures a minimum of twice daily. This violation was noted during the December 23, 2024 FCI;
  - f. In violation of 02 NCAC 52J .0207(d)(4), the kennel failed to keep the exercise areas clean and sanitary;

- g. In violation of 02 NCAC 52J .0207(d)(7), the kennel failed to keep all areas accessible to multiple animals clean and sanitary. This violation was previously cited during the December 23, 2024 FCI;
  - h. In violation of 02 NCAC 52J .0207(e), the kennel failed to keep the facility free from accumulations of trash, junk, and discarded matter as accumulations of discarded items and clutter were present outside of the back door leading to the outdoor exercise area. This violation was previously cited during the December 23, 2024 FCI; and
  - i. In violation of 02 NCAC 52J .0210(a)(3), the kennel failed to follow its Program of Veterinary Care (“PVC”) as the kennel’s PVC lists the facility cleaning times at 6:30 a.m. and 12:00 p.m. This FCI began at 10:30 AM and the first cleaning had not yet been done.
3. A review of AWS documents relevant to the kennel shows:
- a. The FCI conducted on December 8, 2023 was marked as “Disapproved” due to the number and severity of violations;
  - b. On December 19, 2023, AWS issued a Notice of Warning and Notice of Violation to the owner of the kennel for violations of 02 NCAC 52J .0102(1) and (5); .0201(e) and (r); .0202(b)(2) and (e)(3); .0203(b)(3) and (f); .0204(a), (b), (d), and (h); .0205(i) and (j); .0206(a) and (d); .0207(a), (d)(1), (3)(B), (5), and (8), and (e); and 0210(a)(3) and (j);
  - c. The FCI conducted on February 19, 2024 was marked as “Approved” as there had been improvements in compliance for the violations noted in December 8, 2023 FCI;
  - d. The FCI conducted on December 23, 2024 was marked as “Disapproved” due to the number and severity of violations;
  - e. The kennel does not have an “Approved” FCI in the 2024-2025 fiscal year. Without an Approved FCI, the kennel will not be able to renew its AWS boarding kennel license when the current boarding kennel license expires on June 30, 2025; and
  - f. All FCIs referenced in this Findings of Fact document and the December 19, 2023 Notice of Warning and Notice of Violation have been provided to the owner of the kennel and are available for viewing by the public on the AWS website at:  
<https://www.ncagr.gov/divisions/veterinary/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 kennel violated the following provisions:

02 NCAC 52J .0201(a) for failure to maintain the facility in good repair as noted on May 27, 2025

02 NCAC 52J .0201(h) for failure to supervise animals in the outdoor enclosure that was not surrounded by a separate perimeter fence as disclosed to Inspector Bradley on May 27, 2025

02 NCAC 52J .0203(f) for failure to maintain the outdoor exercise area in good repair and failure to properly clean or sanitize this area as noted on May 27, 2025

02 NCAC 52J .0206(a) for failure to provide 12 animals with continuous access to water as noted on May 27, 2025. AWS issued a Notice of Warning for this violation on December 19, 2023

02 NCAC 52J .0207(d)(3) for failure to properly clean enclosures a minimum of two times per day as noted on May 27, 2025. This violation was previously cited during the December 23, 2024 FCI

02 NCAC 52J .0207(d)(4) for failure to keep the exercise areas clean and sanitary as noted on May 27, 2025. This violation was previously cited during the December 23, 2024 FCI

02 NCAC 52J .0207(d)(7) for failure to keep all areas accessible to multiple animals clean and sanitary as noted on May 27, 2025. This violation was previously cited during the December 23, 2024 FCI

02 NCAC 52J .0207(e) for failure to keep the facility free from accumulations of trash, junk, and discarded matter as noted on May 27, 2025. This violation was previously cited during the December 23, 2024 FCI

02 NCAC 52J .0210(a)(3) for failure to follow its Program of Veterinary Care (“PVC”) as noted on May 27, 2025

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation or refusal to renew a license application for a boarding kennel 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 violation listed above.

Accordingly, Andrew Benton, as the owner and operator of Happy Paws Daycare and Kennel, 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 as noted on May 27, 2025

\$2,400.00 for 12 violations (\$200.00 per violation) of 02 NCAC 52J .0206(a) for failure to provide 12 animals with continuous access to water as noted on May 27, 2025. This is a second violation of this rule as AWS issued a Notice of Warning for this violation on December 19, 2023

\$200.00 for violation of 02 NCAC 52J .0207(d)(3) for failure to properly clean enclosures a minimum of two times per day as noted on May 27, 2025.

\$200.00 for violation of 02 NCAC 52J .0207(d)(4) for failure to keep the exercise areas clean and sanitary as noted on May 27, 2025

\$200.00 for violation of 02 NCAC 52J .0207(d)(7) for failure to keep all areas accessible to multiple animals clean and sanitary as noted on May 27, 2025

\$200.00 for violation of 02 NCAC 52J .0207(e) for failure to keep the facility free from accumulations of trash, junk, and discarded matter as noted on May 27, 2025

\$3,400.00 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 boarding kennel 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.

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

### **NOTICE of WARNING**

As to the remaining violations of 02 NCAC 52J .0201(h), .0203(f), and .0210(a)(3), 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 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.

June 12, 2025

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.

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

#### **02 NCAC 52J .0203        OUTDOOR FACILITIES**

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 02 NCAC 52J .0207 to protect the animals from injury and/or illness.

*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 .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**

(d) Sanitation shall be as follows:

- (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
  - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
  - (B) removal of visible organic matter, precleaning all soiled surfaces with a detergent or degreaser solution, followed by the application, at the correct concentration, of an animal-safe disinfectant labeled to be effective against common pathogens. The disinfectant is to be left on the surfaces for the time indicated by the manufacturer. After such time, all surfaces shall be thoroughly rinsed to remove all residual chemicals and then the area dried prior to returning the animal(s) to this area; or

- (C) cleaning all soiled surfaces with live steam. The area is to be cooled and dried prior to the return of the animal(s).
- (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;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and
- (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.

*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**

(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

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