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

October 7, 2025

Dexter Hayes
Hertford County Sheriff's Office
701 North Taylor Street
Winton, NC 27986
(P.O. Box 176, Winton, NC 27986)
and via email:
sheriff_hayes@hertfordcountync.gov

NOTICE of WARNING and NOTICE of VIOLATION

Re: Violations of NCGS § 19A-32.1(a) and Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Section .0701.

AWS-WL-2025-17

Animal Shelter: Hertford County Animal Shelter
Registration No.: 83

Dear Sheriff Hayes:

On September 9, 2025, the Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") of the Hertford County Animal Shelter ("the shelter") received a complaint of a stray dog being killed by gunshot by the Hertford Sheriff's Office ("HCSO") and that the Hertford County Animal Shelter ("the shelter") management had been contacted before the dog was shot. AWS reviewed the concerns detailed in this complaint and opened an investigation based on this information. 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. The findings of the investigation included:

1. In violation of NCGS § 19A-32.1(a), on September 6, 2025, the Shelter Director was made aware that a young, possibly injured, emaciated stray dog was in the care and custody of the HCSO. Rather than impound this dog for the required 72-hour minimum hold, the Shelter Director advised the deputy that the shelter was full and that the shelter would not accept the dog. In addition, the Shelter Director informed the deputy that the dog could not be taken to the local veterinarian's office as the veterinarian was not in town. Therefore, the dog was killed by gunshot in the field instead of being impounded, assessed as to the presence/extent of any injury beyond emaciation, and held for the required 72-hour minimum hold.
2. In violation of NCAC 52J .0701, this dog did not meet the criteria for euthanasia under extraordinary circumstances. As a Certified Euthanasia Technician, the Shelter Director

received training and was aware of the limited circumstances in which this type of euthanasia is allowed.

Therefore, AWS finds that the shelter is in violation of NCGS § 19A-32.1(a) and 02 NCAC 52J .0701.

This Warning Letter serves as written notice indicating in which respects the shelter violated the N.C. Animal Welfare Act ("AWA") and the rules issued pursuant thereto. The shelter is directed to immediately comply with the AWA and its associated rules.

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 application 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.

Your immediate compliance with the N.C. Animal Welfare Act is required.

Sincerely,

Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

cc: Dr. Michael Martin, State Veterinarian
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Jonathan Lanier, General Counsel, NCDA&CS
Lindsey Spain, Special Deputy Attorney General

Appendix

REFERENCED STATUES 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. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 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. (2013-377, s. 2.)

§ 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 .0701 EUTHANASIA UNDER EXTRAORDINARY CIRCUMSTANCES

For purposes of this Section, an extraordinary circumstance is one in which an animal is offsite from a shelter and is an immediate risk to animals, humans, or public health, or in which it would be inhumane to transport the animal, and no less extreme measure of euthanasia is feasible. It also includes circumstances or situations in which it would be inhumane to transport an animal to another location to perform euthanasia.

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