



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

May 28, 2025

Scott Weikert
Owner
Hounds Town Wilmington
207 N 16th Street
Wilmington, NC 28401
scottw@houndstownusa.com

NOTICE of CIVIL PENALTY

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTIONS .0102(5); .0202(b)(3); .0204(a) and (c) and .0207(a) and (d)(3)(B) and (7)

AWS-CP-2025-8

Facility: Hounds Town Wilmington
License No. 20699

Dear Mr. Weikert:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, Weikert, as the owner of Hounds Town Wilmington (“the kennel”) is hereby assessed a civil penalty of \$1,400.00 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 NEW HANOVER

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES, VETERINARY DIVISION
ANIMAL WELFARE SECTION

IN THE MATTER of)
)
SCOTT WEIKERT)
)
OWNER of)
)
HOUNDS TOWN WILMINGTON)
)

NOTICE of VIOLATION and
ASSESSMENT of CIVIL PENALTY
for VIOLATIONS of TITLE 02 NC
ADMINISTRATIVE CODE (“NCAC”) CHAPTER
52J SECTIONS .0102(5);.0202(b)(3); .0204(a) and
(c); .0207(a) and (d)(3)(B) and (7)

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, Hounds Town Wilmington (“the kennel”), owned and operated by Scott Weikert was a boarding kennel registered pursuant to NCGS §19A-28.
2. On May 6, 2025, AWS received a complaint with concerns about the maintenance, cleaning, and sanitation of 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.
3. On May 13, 2025, AWS Veterinary Program Specialist Tolley (“Inspector Tolley”) conducted a site visit at the kennel as part of the investigation. The following information was obtained from the site visit:
 - a. In violation of 02 NCAC 52J .0102(5), the kennel failed to document, in the kennel’s incident log, the injury of the dog named Tatum. Tatum was injured in a dog fight at the kennel and the dog’s injuries were significant enough to require veterinary care. During the February 28, 2023 Facility Compliance Inspection (“FCI”) for the kennel, Inspector Sholar discussed the requirements for maintaining an incident log for the kennel;
 - b. In violation of 02 NCAC 52J .0202(b)(3), the kennel failed to maintain an air flow adequate to minimize odors as there was a strong odor of urine throughout the facility;
 - c. In violation of 02 NCAC 52J .0204(a), the kennel failed to maintain surfaces with which animals have contact impervious to moisture. Inspector Tolley discussed this violation with the owner during the September 4, 2024 FCI. During that FCI, the owner indicated that he was starting to fix the damaged and missing tile. On the May 13, 2025 site visit, no repairs or improvements to the missing and damaged tiles were apparent;
 - d. In violation of 02 NCAC 52J .0204(c), the kennel failed to maintain the primary enclosures and exercise areas in good repair as flooring was missing in multiple play areas, play surfaces had rough edges from being chewed and the windowsill was damaged;

- e. In violation of 02 NCAC 52J .0207(a), the kennel failed to properly clean enclosures and exercise areas a minimum of two times per day. Inspector Tolley discussed this violation with the owner during the September 4, 2024 FCI;
- f. In violation of 02 NCAC 52J .0207(d)(3)(B), the kennel failed to apply disinfectants at the correct concentration and failed to leave the disinfectant on the surfaces for the time indicated by the manufacturer. The kennel also failed to thoroughly rinse the surfaces to remove all residual chemicals and dry the area prior to the animals returning; and
- g. In violation of 02 NCAC 52J .0207(d)(7), the kennel failed to keep common areas and exercise areas clean and sanitary.

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 .0102(5) for failure to document, in the kennel's incident log, the injury of the dog named Tatum as noted on May 13, 2025

02 NCAC 52J .0202(b)(3) for failure to maintain an air flow adequate to minimize odors as noted on May 13, 2025

02 NCAC 52J .0204(a) for failure to maintain the surfaces of the primary enclosures impervious to moisture as noted on May 13, 2025. This violation was previously discussed with the owner during the September 4, 2024 FCI

02 NCAC 52J .0204(c) for failure to maintain the primary enclosures and exercise areas in good repair as noted on May 13, 2025

02 NCAC 52J .0207(a) for failure to properly clean enclosures and exercise areas a minimum of two times per day as noted on May 13, 2025. This violation was previously discussed with the owner during the September 4, 2024 FCI

02 NCAC 52J .0207(d)(3)(B) for failure to apply disinfectants at the correct concentration, leave the disinfectant on the surfaces for the time indicated by the manufacturer, thoroughly rinse the surfaces to remove all residual chemicals and dry the area prior to the animals returning as noted on May 13, 2025

02 NCAC 52J .0202(d)(7) for failure to keep common areas and exercise areas clean and sanitary as noted on May 13, 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, Scott Weikert, as the owner and operator of Hounds Town Wilmington, is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0102(5) for failure to document, in the kennel's incident log, the injury of the dog named Tatum as noted on May 13, 2025

\$200.00 for violation of 02 NCAC 52J .0202(b)(3) for failure to maintain an air flow adequate to minimize odors as noted on May 13, 2025

\$200.00 for violation of 02 NCAC 52J .0204(a) for failure to maintain the surfaces of the primary enclosures impervious to moisture as noted on May 13, 2025

\$200.00 for violation 02 NCAC 52J .0204(c) for failure to maintain the primary enclosures and exercise areas in good repair as noted on May 13, 2025

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean enclosures and exercise areas a minimum of two times per day as noted on May 13, 2025

\$200.00 for violation of 02 NCAC 52J .0207(d)(3)(B) for failure to apply disinfectants at the correct concentration, leave the disinfectant on the surfaces for the time indicated by the manufacturer, thoroughly rinse the surfaces to remove all residual chemicals and dry the area prior to the animals returning as noted on May 13, 2025

\$200.00 for violation of 02 NCAC 52J .0202(d)(7) for failure to keep common areas and exercise areas clean and sanitary as noted on May 13, 2025

\$1,400.00 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)

May 28, 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 .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and

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

02 NCAC 52J .0202 INDOOR FACILITIES

(b) Ventilation of indoor facilities:

- (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 .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.

(c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

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:

- (3) primary enclosures, cages, rooms, hard-surfaced or artificial turf exercise areas, pens, and runs shall be sanitized by:
 - (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
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and

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