



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 23, 2025

Stacie Shatzer, MBA
Nash County Manager
120 W. Washington Street
Suite 3072
Nashville, NC 27856
Via hand delivery

NOTICE of CIVIL PENALTY

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE ("NCAC") CHAPTER 52J SECTIONS .0101(1), (2), (4) and (6); .0201(b) and (k); .0204(o); 0206(a), (c), and (d); .0207(a); and .0210(d) and (h).

AWS-CP-2025-13

**Facility: Nash County Animal Shelter
Registration Number 442**

Dear County Manager Shatzer:

Pursuant to NCGS § 19A-40, I am issuing this notice that Nash County, as the operator of the Nash County Animal Shelter, ("the shelter") is hereby assessed a civil penalty of \$9,100.00 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 NASH

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
NASH COUNTY)	for VIOLATIONS of TITLE 02 NC
)	ADMINISTRATIVE CODE ("NCAC") CHAPTER
OPERATOR of)	52J SECTIONS .0101(1), (2), (4) and (6); .0201(b)
)	and (k); .0204(o); .0206(a), (c) and (d); .0207(a);
NASH COUNTY)	and .0210(d) and (h).
)	
ANIMAL SHELTER)	

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, the Nash County Animal Shelter ("the shelter"), owned and operated by Nash County, was an animal shelter registered pursuant to NCGS §19A-26.
2. On June 24, 2025, AWS assessed a Civil Penalty of \$6,700.00 against Nash County, as the operator of the Nash County Animal Shelter, for violations of 02 NCAC 52J .0101(5); .0103; .0201(m); .0204(d), (m), and (o); .0206(a) and (c); .0207(a); .0209(7)(a); and .0210(d).
3. On July 22, 2025, AWS Veterinary Program Specialist Lynn ("Inspector Lynn") conducted a Facility Compliance Inspection ("FCI") of the shelter. The following was found during this FCI:
 - a. In violation of 02 NCAC 52J .0101(1), (2), (4), and (6), the shelter failed to create records for several impounded animals that had been at the shelter for more than 48 hours. The kitten that was found deceased by Inspector Lynn did not have any record of intake. Inspector Lynn was told by shelter staff that the kitten had been impounded on July 18, 2025. In addition, the shelter did not create records for the 5 dogs and 2 cats owned by an off-duty shelter staff member that were boarding at the shelter;
 - b. In violation of 02 NCAC 52J .0201(b), the shelter failed to protect the outlet in the adoptable cat room as the safety plug had been removed, and the outlet cover had been chewed;
 - c. In violation of 02 NCAC 52J .0201(k), the shelter failed to subject the animals owned by an off-duty shelter staff member that were boarding at the shelter to the requirements of the AWA regardless of ownership;
 - d. In violation of 02 NCAC 52J .0204(o), the shelter failed to provide any of the cats with a clean receptacle containing clean litter in their enclosures. This was observed during the FCI which started at approximately 11:20 a.m. on July 22, 2025. This is the second violation of this rule as it was cited in the June 24, 2025 Notice of Civil Penalty;

- e. In violation of 02 NCAC 52J .0206(a), most of the cats did not have access to potable water as either the bowls were completely dry or significantly soiled. A mother dog and her 6 puppies did not have access to any water as their water bucket was dry. The total number of enclosures without any water was 10. This is the second violation of this rule as it was cited in the June 24, 2025 Notice of Civil Penalty;
- f. In violation of 02 NCAC 52J .0206(c), the water receptacles in numerous cat enclosures were visibly soiled. This is the second violation of this rule as it was cited in the June 24, 2025 Notice of Civil Penalty;
- g. In violation of 02 NCAC 52J .0206(d), the shelter failed to keep the water receptacles clean and sanitized;
- h. In violation of 02 NCAC 52J .0207(a), the shelter failed to properly clean the enclosures a minimum of two times per day. The July 22, 2025 FCI started at 11:20 a.m., and at that time, none of the cat enclosures in the shelter had been cleaned for first cleaning. Although the dog kennels had been cleaned, the 2 rooms that were housing mother dogs with their puppies had not been cleaned and an excessive amount of urine and/or fecal matter was present in both rooms. The shelter's AWS registration renewal application stated that the daily cleanings occurred at 8:00 a.m. and 4:00 p.m. This is the second violation of this rule as it was cited in the June 24, 2025 Notice of Civil Penalty;
- i. In violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to the kitten found deceased by Inspector Lynn. Based on the dried bloody discharge around its head and the degree of rigor mortis, there had been some time between the death of the kitten and it being discovered by Inspector Lynn. No record of intake was available for the kitten. When the off-duty shelter staff member was contacted about this kitten, she relayed to Inspector Lynn that she observed that this kitten was sick with URI symptoms when she impounded it on July 18, 2025. No veterinary care was provided to this kitten by the shelter or by a veterinarian. It was repeated by shelter staff several times during this FCI that the shelter no longer had access to veterinary services. This is the second violation of this rule as it was cited in the June 24, 2025 Notice of Civil Penalty;
- j. In violation of 02 NCAC 52J .0210(h), the shelter failed to have the 18 dogs that had been housed at the shelter for more than 15 days vaccinated for rabies. The shelter staff stated that they were not Certified Rabies Vaccinators, and they could not have a veterinarian vaccinate them because they no longer had access to veterinary services; and
- k. This July 22, 2025 FCI was marked as "DISAPPROVED" due to the severity and repeated nature of the violations.

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 shelter violated the following provisions:

02 NCAC 52J .0101(1) for failure to maintain records on the origin of animals in the shelter as noted on July 22, 2025.

02 NCAC 52J .0101(2) for failure to maintain records on the description of animals in the shelter as noted on July 22, 2025.

02 NCAC 52J .0101(4) for failure to maintain records on the disposition of animals in the shelter as noted on July 22, 2025.

02 NCAC 52J .0101(6) for failure to create records within 48 hours of intake of animals in the shelter as noted on July 22, 2025.

02 NCAC 52J .0201(b) for failure to protect the outlet in the adoptable cat room so that the animals did not have access to it as noted on July 22, 2025.

02 NCAC 52J .0201(k) for failure to subject the animals owned by an off-duty shelter staff member that were boarding at the shelter to the requirements of the AWA regardless of ownership as noted on July 22, 2025.

02 NCAC 52J .0204(o) for failure to provide all cats with clean receptacles with clean litter in their enclosures as noted on July 22, 2025. This is the SECOND violation of this rule.

02 NCAC 52J .0206(a) for failure to provide 10 enclosures with continuous access to water as noted on July 22, 2025. This is the SECOND violation of this rule.

02 NCAC 52J .0206(c) for failure to change water receptacles in cat enclosures when they were visibly soiled as noted on July 22, 2025. This is the SECOND violation of this rule.

02 NCAC 52J .0206(d) for failure to keep water receptacles clean and sanitized as noted on July 22, 2025.

02 NCAC 52J .0207(a) for failure to properly clean the enclosures a minimum of two times per day as noted on July 22, 2025. This is the SECOND violation of this rule.

02 NCAC 52J .0210(d) for failure to provide the kitten found deceased on July 22, 2025 with adequate veterinary care in a timely manner. This is the SECOND violation of this rule.

02 NCAC 52J .0210(h) for failure to vaccinate 18 dogs that had been housed at the shelter for more than 15 days for rabies as noted on July 22, 2025.

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation, or refusal to renew a registration for any animal shelter 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 violations listed above.

Accordingly, Nash County, as the owner and operator of the Nash County Animal Shelter, is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0101(1) for failure to maintain records on the origin of animals in the shelter as noted on July 22, 2025.

\$200.00 for violation of 02 NCAC 52J .0101(2) for failure to maintain records on the description of animals in the shelter as noted on July 22, 2025.

\$200.00 for violation of 02 NCAC 52J .0101(4) for failure to maintain records on the disposition of animals in the shelter as noted on July 22, 2025.

\$200.00 for violation of 02 NCAC 52J .0101(6) for failure to create records within 48 hours of intake of animals in the shelter as noted on July 22, 2025.

\$100.00 for violation 02 NCAC 52J .0201(b) for failure to protect the outlet in the adoptable cat room so that the animals did not have access to it as noted on July 22, 2025.

\$200.00 for violation of 02 NCAC 52J .0201(k) for failure to subject the animals owned by an off-duty shelter staff member that were boarding at the shelter to the requirements of the AWA regardless of ownership as noted on July 22, 2025.

\$400.00 for the Second violation of 02 NCAC 52J .0204(o) for failure to provide all cats with clean receptacles with clean litter in their enclosures as noted on July 22, 2025.

\$4,000.00 for 10 Second violations (\$400.00 for each violation) of 02 NCAC 52J .0206(a) for failure to provide animals with continuous access to water as noted on July 22, 2025.

\$400.00 for the Second violation of 02 NCAC 52J .0206(c) for failure to change water receptacles in cat enclosures when they were visibly soiled as noted on July 22, 2025.

\$400.00 for the Second violation of 02 NCAC 52J .0207(a) for failure to properly clean the enclosures a minimum of two times per day as noted on July 22, 2025.

\$1,000.00 for Second violation of 02 NCAC 52J .0210(d) for failure to provide the kitten found deceased on July 22, 2025 with adequate veterinary care in a timely manner.

\$1,800.00 for 18 violations (\$100.00 for each violation) of 02 NCAC 52J .0210(h) for failure to vaccinate 18 dogs that had been housed at the shelter for more than 15 days for rabies as noted on July 22, 2025.

\$9,100.00 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 registration 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)

A handwritten signature in blue ink, appearing to read "Patricia Norris DVM MS".

July 23, 2025

Date

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

Appendix

REFERENCED STATUTES 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.

§ 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 .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, estimated age, sex, breed or breed type, and color markings;
- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incidental falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

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 .0201 GENERAL

(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.

(k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.

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 .0204 PRIMARY ENCLOSURES

(o) In all cat primary enclosures and exercise areas, a clean receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required for each primary enclosure and exercise area.

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.

(c) Water in receptacles shall be changed daily and whenever visibly soiled.

(d) Watering receptacles shall be durable and kept clean and sanitized.

*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.*

02 NCAC 52J .0210 VETERINARY CARE

(d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.

(h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. This subsection shall not apply to animals which have been in the facility less than 15 days.

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