



**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 31, 2024

PetSuites of America, LLC  
Owner of  
PetSuites Cabarrus  
1 Baxter Way, Suite 200  
Westlake Village, CA 91362  
ATTN: Sommer Nelson  
Business Licensing Specialist  
and via email  
[Sommer.Nelson@nva.com](mailto:Sommer.Nelson@nva.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 .0102(1) and .0210(a)(3) and (h) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0102(5); .0206(a); and .0207(a).**

**AWS-CP-2024-22**

**Facility: PetSuites Cabarrus**  
**License Number: 20736**

Dear Ms. Nelson:

Pursuant to NCGS § 19A-40, I am issuing this notice that PetSuites of America, LLC as owner and operator of PetSuites Cabarrus (“the kennel”) is hereby assessed a civil penalty of \$1,300.00 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 or email at Patricia.Norris@ncagr.gov. 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,



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 CABARRUS

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

IN THE MATTER OF )  
 )  
PETSUITES OF AMERICA, LLC )  
 )  
OWNER OF )  
 )  
PETSUITES CABARRUS )  
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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, PetSuites Cabarrus (“the kennel”) owned and operated by PetSuites of America, LLC was a boarding kennel that was licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On September 24, 2024, AWS received a complaint alleging that animals without current vaccinations were being allowed to board 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.
3. On September 26, 2024, AWS Animal Health Technician Eudy (“Inspector Eudy”) conducted a site visit and Facility Compliance Inspection (“FCI”) at the kennel. The following information was obtained during this site visit and FCI:
  - a. in violation of 02 NCAC 52J .0102(1), records documenting signatures of the people leaving the animal and the signatures of the people to whom the animals were released were not being maintained by the kennel. This violation was previously cited during the FCIs on July 19, 2022 and August 29 2023;
  - b. in violation of 02 NCAC 52J .0102(5), the kennel was not documenting incidents of illness or injury requiring veterinary care;
  - c. in violation of 02 NCAC 52J .0206(a), although water receptacles were present in the primary enclosures, two dogs did not have continuous access to water;
  - d. in violation of 02 NCAC 52J .0207(a), the kennel failed to properly clean the primary enclosures, exercise areas and common areas a minimum of two times per day as evidenced by the accumulation of hair on the drains, artificial turf, and other surfaces of these areas;
  - e. in violation of 02 NCAC 52J .0210(a)(3), the kennel has failed to follow the kennel’s Program of Veterinary Care (“PVC”). The PVC for the current boarding kennel license renewal application states that with regards to vaccinations for canines “Bordatella (sic), DHPP and

Canine Influenza” and for felines “FVRCP” was required. Review of the vaccination records at the time of the site visit showed that several animals did not have current vaccinations. In addition, several animals did not have records of any vaccinations. The kennel instituted a waiver of liability for the owners of unvaccinated animals or animals with expired vaccinations to sign. In willful violation of the kennel’s PVC and therefore, in willful violation of 02 NCAC 52J .0210(a)(3), the kennel intentionally allowed animals to board without vaccinations and without current vaccinations if the owner of the animals signed a release of liability;

- f. in violation of 02 NCAC 52J .0210(h), Millie, Ella and Bear were allowed to board at the kennel during August 2024 without having a current rabies vaccination.

## **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:

02 NCAC 52J .0102(1) for failure to obtain the required information for the entry and release of animals as noted on September 26, 2024. This violation was previously cited during FCIs on July 19, 2022 and August 29 2023

02 NCAC 52J .0102(5) for maintain documentation of incidents of illness or injury occurring at the kennel requiring veterinary care of the animals as noted on September 26, 2024

02 NCAC 52J .0206(a) for failure to provide continuous access to water to 2 dogs as noted on September 26, 2024

02 NCAC 52J .0207(a) for failure to properly clean the primary enclosures a minimum of two times per day as noted on September 26, 2024

02 NCAC 52J .0210(a)(3) for failure to follow the kennel’s Program of Veterinary Care as noted on September 26, 2024 by allowing animals without proper vaccinations to board at the facility. This violation is deemed to be a willful violation as the kennel instituted a waiver of liability for animal owners to sign when the animals were not currently vaccinated

02 NACA 52J .0210(h) for boarding 3 animals in August 2024 that were not in compliance with the North Carolina rabies law, NCGS 130A, Article 6, Part 6 as noted on September 26, 2024

## **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. Willfully allowing animals without proper vaccinations, including rabies vaccinations, to board at the facility created a significant risk to the health of the animals at the facility and the public health at large.

Accordingly, PetSuites of America, LLC, as owner and operator of PetSuites Cabarrus, is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0102(1) for failure to obtain the required information for the entry and release of animals as noted on September 26, 2024. This violation was previously cited during FCIs on July 19, 2022 and August 29 2023

\$500.00 for willful violation of 02 NCAC 52J .0210(a)(3) for failure to follow the kennel's Program of Veterinary Care as noted on September 26, 2024

\$600.00 for 3 violations (\$200.00 per violation) of 02 NCAC 52J .0210(h) for boarding 3 animals in August 2024 that were not in compliance with the North Carolina rabies law, NCGS 130A, Article 6, Part6 as noted on September 26, 2024

**\$1,300.00 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 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.

**NOTICE of WARNING**

As to the remaining violations of 02 NCAC 52J .0102(5); .0206(a); and .0207(a), 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 violation 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 license 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.

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

October 31, 2024

Date



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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:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;
- (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;

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

(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**

(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

(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.

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