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Commissioner

North Carolina Department of Agriculture
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Veterinary Division

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February 20, 2025

Julian Jenkins
Owners
Pretty Paws Country Club
212 Cecil Street
Thomasville, NC 27360
and via email:
jdjx316@gmail.com

NOTICE of WARNING and NOTICE of VIOLATION

Re: Violations of Title 02 N.C. Administrative Code (“NCAC”) Chapter 52J, Sections .0102(1); 0201(b) and (h); 0203(b)(1), (e), (f) and (h); .0204(a), (b), (c), (j), and (p)(3) and (4); .0207(a), (d)(3), (4) and (7) and (e); and .0209(8).

AWS-WL-2025-2

Boarding Kennel: Pretty Paws Country Club
License Number: 11423

Dear Mr. Everhart and Ms. Jenkins:

On February 10, 2025, a Facility Compliance Inspection (“FCI”) was conducted by Inspectors Shore and Bradley of the Animal Welfare Section (“AWS”) of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services (“NCDA&CS”) of the Pretty Paws County Club (“the kennel”). The findings of this FCI included:

1. in violation of 02 NCAC 52J .0102(1), only 7 of the 19 dogs present for daycare had been signed in for the day;
2. in violation of 02 NCAC 52J .0201(b), in the pool area, electrical wiring was exposed and dogs had access to these exposed wires;
3. in violation of 02 NCAC 52J .0201(h), 4 large dogs were confined together in the outside front exercise area without supervision and this area is not surrounded by a separate 5-foot perimeter fence;
4. in violation of 02 NCAC 52J .0201(h), 8 small dogs were confined together in the other outside front exercise area without supervision and this area is not surrounded by a separate 5-foot perimeter fence;
5. in violation of 02 NCAC 52J .0203(b)(1), the new concrete pads had not been sealed so as to be impervious to moisture;

6. in violation of 02 NCAC 52J .0203(e), dogs were not provided with adequate protection from inclement weather and the sun in the large exercise area on the back side or in the individual enclosures in the outside exercise yards. This violation was previously cited during the March 7, 2023 FCI report;
7. in violation of 02 NCAC 52J .0203(f), the artificial turf in the exercise areas was not maintained in good repair or properly cleaned or sanitized;
8. in violation of 02 NCAC 52J .0203(h), a suitable method of drainage for the turf near the divider fence was not in place as the area had 4-5 inches of standing water;
9. in violation of 02 NCAC 52J .0204(a), surfaces within the primary enclosures were not impervious to moisture. This violation was previously cited during the March 7, 2023 and January 23, 2024 FCI reports;
10. in violation of 02 NCAC 52J .0204(b), the kennel added wood in enclosures such that the animals had access to this wood and failed to remove access to wood in other areas as previously cited in the kennel's FCI reports;
11. in violation of 02 NCAC 52J .0204(c), the exercise areas were not maintained in good repair or in a manner to prevent injury to animals;
12. in violation of 02 NCAC 52J .0204(j), 8 dogs were housed together in the front small dog exercise area unsupervised;
13. in violation of 02 NCAC 52J .0204(p)(3), the water in the pool was so dirty that the bottom of the pool was not visible. The kennel management admitted that they had allowed dogs to swim in the pool earlier in the day, therefore with this lack of sanitation, the pool was not maintained or managed to protect the animals from illness or injury;
14. in violation of 02 NCAC 52J .0204(p)(4), the pool pump trap was clogged to the brim with hair and debris and therefore, the pool was not being properly cleaned or filtered, yet the kennel management still allowed the dogs access to this unsanitary pool;
15. in violation of 02 NCAC 52J .0207(a) and (d)(3), the exercise areas were not being properly cleaned a minimum of twice daily based on the accumulation of fecal debris in these areas. This violation was previously cited on March 7, 2023 FCI report;
16. in violation of 02 NCAC 52J .0207(d)(4), the common areas accessible to multiple animals were not kept clean or sanitary;
17. in violation of 02 NCAC 52J .0207(d)(7), the front exercise areas had not been cleaned or sanitized since housing animals over the weekend, therefore, these exercise areas were not being properly cleaned or sanitized;
18. in violation of 02 NCAC 52J .0207(e), an accumulation of damaged toys and tools were present and accessible to the dogs along with screws which present a hazard to the animals; and
19. in violation of 02 NCAC 52J .0209(8), the kennel confined animals in an area that had not been previously inspected by AWS. In addition, this area was not in compliance with the AWA rules.

Therefore, AWS finds that the kennel is in violation of 02 NCAC 52J Sections .0102(1); .0201(b) and (h); 0203(b)(1), (e), (f) and (h); .0204(a), (b), (c), (j), and (p)(3) and (4); .0207(a), (d)(3), (4), and (7) and (e); and .0209(8).

This Warning Letter serves as written notice indicating in which respects the kennel violated the N.C. Animal Welfare Act ("AWA") and the rules issued pursuant thereto. The kennel is directed to immediately comply with the AWA and its associated rules. Without an Approved FCI, the kennel will

not be able to renew its AWS shelter registration when the current boarding kennel license expires on June 30, 2025.

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 boarding kennel license 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,

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

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
Samuel Gray, Assistant Attorney General

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

§ 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;

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

(h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

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 .0203 OUTDOOR FACILITIES

(b) Exercise areas of outdoor facilities:

- (1) shall have flooring or groundcover constructed of sealed concrete or other surfaces impervious to moisture; and/or

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(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.

(h) A suitable method of drainage shall be provided so that water is adequately drained from the primary enclosures, common areas, exercise areas and walkways and so that the animal(s) does/do not have access to standing water.

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 .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.

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(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.

(j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or comingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the facility.

(p) Pools in primary enclosures and/or exercise areas:

(3) Facilities shall be constructed, maintained, and managed to protect animals from illness, injury, and death resulting from access to pools or pool areas;

(4) Pools with a capacity of less than 100 gallons shall have the water changed and be cleaned and sanitized daily. Pools with a capacity of 100 gallons or more shall have commercially manufactured filtration and cleaning systems installed and the manufacturer recommendations followed for cleaning, sanitation and water quality; 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.

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:

(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 .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

(8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

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