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Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

March 18, 2025

Kathalene Murphy
Owner
Rusty's Rescue Ranch
The Perfect Pup
207 Tucker Road
Statesville, NC 28677
and via email:

Kathalenemurphy@gmail.com

NOTICE of WARNING and NOTICE of VIOLATION

Re: Violations of N.C. General Statutes ("NCGS") § 19A-26 and 28 and Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Sections .0201(a), (e), (h), and (i); .0203(a)(1), (b)(3) and (4), (d)(5), (e), (f), and (h); .0204(a), (b), (c), (f), (g), (j), and (k); and .0207(a), (b), (c), (d)(1) – (8), and (e).

AWS-WL-2025-5

Facility: Boarding Kennel: The Perfect Pup – Unlicensed
Animal Shelter: Rusty's Rescue Ranch - Unregistered

Dear Ms. Murphy:

On March 5, 2025, the Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint concerning the conditions at this facility, Rusty's Rescue Ranch and The Perfect Pup. As this facility is operating as both an unregistered animal shelter and an unlicensed boarding kennel for the purposes of this Notice of Warning, it will be referred to as the "facility." 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.

A review of AWS documents shows that there has not been an application submitted to AWS for registration of this facility as an animal shelter or for licensing of this facility as a boarding kennel. AWS documents show that on January 29, 2024, the owner, Kathalene Murphy, was contacted by AWS staff and that animal sheltering and the provision of boarding services and its licensing requirements were discussed.

On March 11, 2025, as part of the complaint investigation, a site visit was conducted by Veterinary Program Specialists Shore and Bradley (“Inspectors Shore and Bradley”). The findings of this complaint investigation included:

1. in violation of NCGS § 19A-26, the facility owner was operating an animal shelter yet failed to obtain a certificate of registration as an animal shelter from AWS;
2. in violation of NCGS § 19A-28, the facility owner was operating a boarding kennel yet failed to obtain a boarding kennel license from AWS;
3. in violation of 02 NCAC 52J .0201(a), the facility failed to maintain the housing facility in good repair to protect the animals from injury and contain the animals;
4. in violation of 02 NCAC 52J .0201(e), the facility failed to provide for the daily removal and disposal of animal and food waste and debris from the facility to ensure the facility would be maintained in a clean and sanitary manner;
5. in violation of 02 NCAC 52J .0201(h), the facility failed to provide a separate five-foot tall perimeter fence in order for the animals to have unsupervised access to the outdoor primary enclosures and exercise areas;
6. in violation of 02 NCAC 52J .0201(i), the facility failed to provide an adequate drainage system for the facility;
7. in violation of 02 NCAC 52J .0203(a)(1), the facility failed to have the concrete ground cover sealed so that it was impervious to moisture;
8. in violation of 02 NCAC 52J .0203(b)(3), the facility failed to properly clean and sanitize the artificial turf in the exercise areas;
9. in violation of 02 NCAC 52J .0203(b)(4), the facility failed to properly maintain the grass areas as there were large areas of bare dirt and these grass/dirt areas were not kept properly cleaned and sanitized;
10. in violation of 02 NCAC 52J .0203(d)(5), the facility failed to provide protection from excessive sun and inclement weather for the primary enclosures;
11. in violation of 02 NCAC 52J .0203(e), the facility failed to provide adequate protection from inclement weather and the sun for the animals confined to outdoor exercise areas;
12. in violation of 02 NCAC 52J .0203(f), the facility failed to maintain the outdoor common areas in good repair and failed to properly clean and sanitize these areas;
13. in violation of 02 NCAC 52J .0203(h), the facility failed to have a suitable method of drainage for water to adequately drain from the primary enclosures, common areas and exercise areas so that the animals did not have access to standing water;
14. in violation of 02 NCAC 52J .0204(a), the facility failed to maintain surfaces within the primary enclosures impervious to moisture;
15. in violation of 02 NCAC 52J .0204(b), the facility failed to restrict access to wood by the animals;
16. in violation of 02 NCAC 52J .0204(c), the facility failed to maintain the primary enclosures in good repair or in a manner to prevent injury to animals;
17. in violation of 02 NCAC 52J .0204(f), the facility failed to provide primary enclosure and exercise area fencing of a height of no less than 5 feet tall;
18. in violation of 02 NCAC 52J .0204(g), the facility failed to construct the primary enclosures and exercise areas to prevent the escape of animals;
19. in violation of 02 NCAC 52J .0204(j), the facility failed to provide supervision to dogs confined in groups of more than 4 adult animals;
20. in violation of 02 NCAC 52J .0204(k), the facility failed to provide at least 1 supervising employee per 10 dogs confined together;

21. in violation of 02 NCAC 52J .0207(a), (b), (c), (d)(1) - (8), the facility failed to properly clean and sanitize the primary enclosures, exercise areas, common areas and accessories a minimum of twice daily as evidenced by the accumulation of fecal debris in these areas; and
22. in violation of 02 NCAC 52J .0207(e), the facility failed to keep the premises clean and in good repair or free of accumulations of trash, junk, waste products and discarded matter.

Therefore, AWS finds that the facility is in violation of NCGS § 19A-26 and 28 and 02 NCAC 52J Sections .0201(a), (e), (h), and (i); .0203(a)(1), (b)(3) and (4), (d)(5), (e), (f), and (h); .0204(a), (b), (c), (f), (g), (j), and (k); and .0207(a), (b), (c), (d)(1) – (8), and (e).

This Warning Letter serves as written notice indicating in which respects the facility violated the N.C. Animal Welfare Act (“AWA”) and the rules issued pursuant thereto. This site visit did not involve a complete Facility Compliance Inspection (“FCI”); therefore, the facility should note that additional violations of the AWA and its associated rules may have been present. The facility is directed to immediately comply with the AWA and its associated rules.

Failure to abide by this directive shall be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under NC General Statute § 19A-40, violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

To initiate the process to become registered as an animal shelter, you must complete the animal shelter registration application, pass a Facility Compliance Inspection and obtain an AWS certificate of registration as an animal shelter before housing any animals. If you need a copy of the application form, it can be found on the AWS website at the following link:

<https://www.ncagr.gov/veterinary/awsnewshelterapp/open>.

To initiate the process to become licensed as a boarding kennel, you must complete a new boarding kennel license application, submit the application fee, pass a Facility Compliance Inspection and be issued a boarding kennel license from the AWS before housing any dogs or cats. If you need a copy of the application form, it can be found on the AWS website at the following link:

<https://www.ncagr.gov/veterinary/awsnewboardingapp/open>.

In addition, pursuant to NC General Statute § 19A-33, operation of a boarding kennel without a current, valid license constitutes a Class 3 misdemeanor with each day of operation constituting a separate offense.

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 animal shelter registration application and/or your 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-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. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.

§ 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 .0201 GENERAL

(a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.

(e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.

(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.

(i) An adequate drainage system must be provided for the facility.

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

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:

(1) shall have groundcover constructed of sealed concrete or other surfaces so long as it is impervious to moisture, and/or;

(b) Exercise areas of outdoor facilities:

(3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with 02 NCAC 52J .0207; and/or

- (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).
- (d) Dogs and cats in outdoor primary enclosures shall be provided housing to allow them to remain dry and comfortable during inclement weather:
- (5) in addition to housing, the enclosure shall provide protection from excessive sun and inclement weather.
- (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.
- (f) The height of a primary enclosure or an exercise area other than a cage shall be no less than five feet tall.
- (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.
- (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.
- (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s) has/have immediate access to the animals in the event of an emergency, aggression or fight between 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 .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.

(b) When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in clean enclosures from being contaminated with water and other wastes.

(c) Cross contamination barriers shall be in place in primary enclosures and be sufficient to prevent feces, urine and cleaning waste water from entering another occupied primary enclosure.

(d) Sanitation shall be as follows:

- (1) prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (d)(3) of this Rule;
- (2) in addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule if the same animal is housed in the same enclosure for seven or more days;
- (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;
- (5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
- (6) soiled linens and cloth products shall be mechanically washed with detergent and sanitized;
- (7) any area accessible to multiple animals shall be kept clean and sanitary; and
- (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.

(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.