



**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

August 18, 2025

Lillian Maland  
Board President  
SPCA of Northeastern NC  
102 Enterprise Drive  
Elizabeth City, NC 27909  
and via email  
[lillianmaland@yahoo.com](mailto:lillianmaland@yahoo.com)

**NOTICE of SUSPENSION of ANIMAL SHELTER CERTIFICATE of REGISTRATION of the  
SPCA of NORTHEASTER NC ANIMAL SHELTER**

**Facility: SPCA of Northeastern NC Animal Shelter  
Registration Number 162**

Dear Board President Maland:

Pursuant to N.C. General Statute ("NCGS") § 19A-30(2), (3), and (8), the Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS"), provides you this notice that the animal shelter certificate of registration for the SPCA of Northeastern NC Animal Shelter ("the shelter") is hereby **SUSPENDED** due to the shelter's severe, repeated, and willful violations of the North Carolina Animal Welfare Act ("AWA") and its associated rules as set forth in the attached documentation.

Given the severity of the violations, the imminent danger to the animals in the care and custody of the shelter due to those violations, and the immediate public health and welfare concerns posed by the operation of the shelter, the certificate of registration is summarily suspended effective upon the date of this notice. Pursuant to ("N.C.G.S.") § 19A-30, the shelter has 5 days in which to surrender all certificates of registration for the shelter and associated certified euthanasia technicians ("CET") issued thereunder to the AWS Director.

Therefore, you are notified to immediately **CEASE AND DESIST** operation of the shelter located at 102 Enterprise Drive, Elizabeth City, NC. You have a grace period of 30 days from the date of this Notice of **REVOCATION** to find suitable accommodation for all animals in the care and custody of the shelter by either surrendering the animals to a registered animal shelter or transferring to a rescue that is in compliance with the AWA. As the shelter is required by the AWA and its associated rules to retain records of the disposition of the animals, the records of the disposition of these animals are to be maintained by the shelter and are subject to review by AWS.

As the animal shelter certificate of registration is **SUSPENDED**, the shelter may not intake any additional animals as of the date of this notice. The only exception is the intake of animals brought to the shelter by Pasquotank Animal Control for the purpose of a 10-day rabies observation confinement after a bite incident. The care and housing of these animals and other animals in the care and custody of the shelter pending placement to other facilities must be in compliance with the AWA and its associated rules.

If the shelter continues to operate as a shelter or conduct any other related shelter activity other than the housing of rabies confinement animals or continuing to house animals in its care and custody while finding suitable accommodations, AWS has the authority to seek legal relief and to impose a civil penalty of up to five thousand dollars (\$5,000.00) per violation pursuant to N.C.G.S. § 19A-40. Further, in the above-described permitted activities, the shelter must house or care for the animals in compliance with the AWA and maintain records for the disposition of the animals. If the shelter fails to do so, AWS has the authority to seek legal relief and to impose a civil penalty of up to five thousand dollars (\$5,000.00) per violation pursuant to N.C.G.S. § 19A-40.

You may contest this decision by filing a Petition for a Contested Case Hearing, pursuant to the North Carolina Administrative Procedure Act, within five (5) days of the date of this Notice of Revocation (see below, "Appeal").

Pursuant to N.C.G.S. § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement, you may contact me by telephone at (919) 707-3280 or via email at [patricia.norris@ncagr.gov](mailto:patricia.norris@ncagr.gov). Settlement offers do not extend the 5-day deadline for filing of a contested case petition.

### **APPEAL**

If you file a contested case petition, it must be in writing and in the form prescribed by N.C.G.S. § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 5 days from your receipt 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

If the violations which resulted in the revocation are of a continuing or repeating nature, NCDA&CS reserves the right to take additional enforcement action against you.

Your immediate attention to this matter is required.

Sincerely,

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

Patricia Norris, DVM, MS  
Director, Animal Welfare Section

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 PASQUOTANK

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

IN THE MATTER of	)	NOTICE of SUSPENSION for VIOLATIONS
	)	of TITLE 02 NC ADMINISTRATIVE CODE
SPCA of NORTHEASTERN NC	)	("NCAC") CHAPTER 52J SECTIONS .0101(4),
	)	(5) and (6); .0103; .0202(e)(1); .0206(a); .0207(a)
OPERATOR of	)	and (d)(4); .0209(6) and (7)(a); and .0210(b),
	)	(d) and (h)
SPCA of NORTHEASTERN NC	)	
	)	
ANIMAL SHELTER	)	
	)	

Acting pursuant to N.C. General Statute § 19A-30, 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, SPCA of Northeastern NC Animal Shelter ("the shelter"), owned and operated by the SPCA of Northeastern NC, was an animal shelter, registered pursuant to NCGS § 19A-26.
2. On July 14, 2025, AWS received a complaint with allegations that the shelter failed to provide adequate veterinary care to animals in its care and custody. Based on this information, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") and its associated rules as these statutes and associated regulations are the extent of the jurisdiction of AWS.
3. On July 17, 2025, AWS Veterinary Program Specialist Lynn ("Inspector Lynn") conducted a site visit at the shelter as part of the complaint investigation. The following was found during this site visit:
  - a) In violation of 02 NCAC 52J .0101(4), the shelter failed to maintain the disposition record including the date and type of euthanasia for the dog named "Marley." The shelter record for this animal stated, "unassisted death in custody." Marley was euthanized on June 3, 2025 as verified by the animal's veterinary medical record obtained by Inspector Lynn from the veterinary clinic;
  - b) In violation of 02 NCAC 52J .0101(5), the shelter failed to maintain records of veterinary care including treatments, procedures, and administration of medications. The administration of medications is required to be documented with the date and time of administration, the name and strength of the medication, the dosing regimen and the reason for the administration. The following violations of this rule were discovered during this site visit:

- i. The cat named Hippo underwent a leg amputation for a fractured femur on June 6, 2025. This veterinary procedure was not documented in Hippo's shelter record but was verified by the medical records at the veterinary clinic;
  - ii. Hippo's shelter record showed the administration of Onsior (a pain reliever typically given to cats once daily for 3 days) on March 21, 2025, but no veterinary examination or reason for the administration of this medication was documented;
  - iii. The times of administration and the reasons for administration of Veraflox given to kittens named Nikko, Meeko, Big Mac, Bubba, Firework, Big Mikel Bailiff, Judge and Prosecutor from July 3-9, 2025 were not documented in the shelter records; and
  - iv. The documentation of the administration of "eye drops" to Nikko, Meeko, Big Mac, Bubba, Firework, Big Mikel Bailiff, Judge and Prosecutor from July 3-9, 2025 did not contain the name and strength or concentration of the eye drops.
- c) In violation of 02 NCAC 52J .0101(6), the shelter failed to create or update records within 48 hours of the occurrence of procedures. The animal with the identification number NENC-A-35987 was seen at the veterinary clinic for an injured leg on June 16, 2025 and euthanized the same day. This animal's record was not updated until July 7, 2025;
  - d) In violation of 02 NCAC 52J .0101(6), the shelter failed to maintain accurate records. The shelter record for Marley stated, "unassisted death in custody." Marley was euthanized on June 3, 2025 as verified by the animal's veterinary medical record obtained from the veterinary clinic;
  - e) In violation of 02 NCAC 52J .0103, the shelter failed to provide required records upon request. Records were requested for Taz, Chaz, and "HBC 5/27/25." Medical records from the veterinary clinic document that these animals were shelter animals that were treated by the veterinary clinic and then either euthanized or returned to the shelter. The shelter was unable to provide shelter records of these animals;
  - f) In violation of 02 NCAC 52J .0202(e)(1), the shelter failed to provide a suitable method of drainage in the Dog Observation room to rapidly eliminate excess water. The Dog Observation room had a large amount of standing water on the floor. As this room had not yet been cleaned at the time of the site visit, the water had been standing at least for the past day;
  - g) In violation of 02 NCAC 52J .0206(a), 30 occupied enclosures (27 cat cages and 3 dog kennels) did not have access to potable water as either the bowls were completely dry or the water was significantly soiled;
  - 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 17, 2025 FCI started at 12:00 p.m. and, at that time, the first cleaning had not been completed. Many dogs were housed in feces-covered kennels. Feces soiled the entire floor of many kennels, preventing the dogs from being able to walk or lie down without coming into contact with waste. The Dog Observation room had a very strong urine odor. Most of the cats were housed in unclean cages. The cages held litterboxes soiled with feces, and the floors of the cages were covered in used litter. The shelter's AWS registration renewal application stated that the daily cleanings occur at 8:00 a.m. and 4:00 p.m. Shelter staff stated that a second cleaning was not done at the shelter;
  - i) In violation of 02 NCAC 52J .0207(d)(4), the shelter failed to keep common areas and areas accessible to multiple animals clean and sanitary as evidenced by the floors throughout the facility that were covered in food and litter debris;
  - j) In violation of 02 NCAC 52J .0209(6), the shelter failed to separate cats with a communicable disease from other susceptible animals to minimize dissemination of such disease. In the Feline Observation room, 32 kittens were housed. Many of these kittens had easily visible

signs of an infectious disease (URI). These kittens were not separated from uninfected kittens in the room;

- k) In violation of 02 NCAC 52J .0209(7)(a), the shelter failed to document the provision of daily social interactions and enrichment in the records of the 107 long-term care animals. The long-term care animals included 80 cats and 27 dogs. There was no evidence that the required care had been provided to these animals at any point after they had been housed at the shelter for more than 30 consecutive days;
- l) In violation of 02 NCAC 52J .0210(b), the shelter failed to document consultation with a veterinarian to mitigate the infectious disease problem that was identified on July 5, 2025;
- m) In violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to animals in a timely manner. The following violations of this rule were revealed during this investigation:
  - i. The cat named Hippo was brought into the shelter on March 18, 2025. Hippo was noted to be injured during an evaluation by shelter staff on March 21, 2025. The note in Hippo's record stated the "this animal has been evaluated and has a medical condition that requires additional veterinary care. This animal will need to be seen by a veterinarian and treated at the adopter's expense." A single dose of Onsior was administered on March 21, 2025. This medication is typically given to cats once daily for 3 days for pain relief. It was not until May 29, 2025, approximately 9 weeks later, that the shelter took this cat for a veterinary evaluation. Hippo was diagnosed with a fractured femur (thigh bone). An amputation of the leg was performed on June 6, 2025. The medical record for this cat shows that the shelter staff relayed that Hippo meowed excessively while at the shelter. Excessive vocalization is an indication of pain in cats. Hippo was discharged with a 5-day prescription of Onsior 6 mg tablets (pain-relieving medication for post-op pain). There is no shelter record showing that Hippo received the pain-relieving medication at the shelter after surgery;
  - ii. The dog named Marley was taken into the shelter with an injured paw on April 28, 2025 as evidenced by the intake photograph showing the swollen paw. The shelter records note a "front leg injury" on April 30, 2025. The record further indicates that Marley was unable to bear weight on that leg and that it was swollen at the joint. The shelter did not seek a veterinary examination for Marley for 5 weeks and did not provide veterinary care or any sort of pain relief during this period. Marley was evaluated by a veterinarian on June 3, 2025 and was euthanized there the same day. Marley's shelter record indicated an "unassisted death in custody."
  - iii. A cat with the identification of "HBC 5/27/25" was brought to the shelter on May 24, 2025 with the history of being hit by a car ("HBC"). There is no indication that the shelter provided any pain relief or any other veterinary care at the time of intake of the cat. The cat wasn't provided with veterinary care until May 27, 2025 when he was presented to the veterinary clinic for HBC, labored breathing, and oozing wounds on the rear end. The veterinary clinic euthanized the cat. The shelter does not have any shelter records for this animal;
  - iv. A kitten named Dare Devil was taken into the shelter on June 29, 2025. The shelter did not provide veterinary care for this animal until 11 days later when it was taken to the veterinary clinic on July 10, 2025. The shelter indicated that the kitten had a wound on its elbow from a cat trap and may possibly be blind. The veterinarian treated the kitten with an injectable antibiotic and a pain-relieving medication for the wound on the right

- elbow and stated the kitten would need to be seen by a veterinary ophthalmologist for a workup for potential juvenile cataracts; and
- v. Numerous kittens in the Feline Observation room were showing clearly visible signs of URI (Upper Respiratory Infection), yet the shelter had not provided veterinary care for any of these kittens. Inspector Lynn directed the shelter to have the kittens examined by a veterinarian within 24 hours. The veterinarian diagnosed URI and instructed the shelter to treat all kittens in the room.
  - n) In violation of 02 NCAC 52J .0210(h), the shelter failed to have the 13 dogs and 12 cats that were 4 months or older and had been housed at the shelter for more than 15 days vaccinated for rabies.
3. Based upon a review of all information available to AWS, it appears the shelter willfully, repeatedly and/or significantly violated the North Carolina Animal Welfare Act and its associated rules including 02 NCAC 52J .0101(4), (5), and (6); .0103; .0202(e)(1); 0206(a); .0207(a) and (d)(4); .0209(6) and (7)(a); and .0210(b), (d) and (h).
4. On August 1, 2025, AWS issued a Notice of Violations and Notice of Intent to Suspend Animal Shelter Certificate of Registration. In this Notice, the owner of the shelter was given 5 days to respond to the Notice of Intent to Suspend Animal Shelter Certificate of Registration and submit any information that the shelter believed showed its compliance with all lawful requirements for retention of the shelter's certificate of registration. The shelter responded by email on August 8, 2025. This emailed response included the following information relevant to the AWA violations:
- a. The shelter did not refute the violations of failure to provide adequate veterinary care in a timely manner to multiple animals. The shelter did offer the nonspecific justification that they had "limited access to veterinary care." In speaking with the shelter's veterinarian of record, I found the allegation of "limited access to veterinary care" to be unsubstantiated; and
  - b. The shelter provided Standard Operating Protocols ("SOPs") that the shelter had implemented as a result of the Notice of Violation and Notice of Intent to Suspend. These SOPs were not substantially compliant with the AWA and its associated rules.

## 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, either by act or omission, violated the following provisions:

02 NCAC 52J .0101(4) for failure to maintain records on the disposition of animals in the shelter as noted on July 17, 2025.

02 NCAC 52J .0101(5) for failure to maintain records of veterinary care provided to animals including the following: 1) the leg amputation for Hippo; 2) the medical evaluation of Hippo on March 21, 2025 and the reason for the administration of Onsior on that date; 3) the time and reasons for administration of Veraflox to Nikko, Meeko, Big Mac, Bubba, Firework, Big Mikel Bailiff, Judge and Prosecutor from July 3-9, 2025; and 4) the name and strength or concentration of the eye drops administered to Nikko, Meeko, Big Mac, Bubba, Firework, Big Mikel Bailiff, Judge and Prosecutor from July 3-9, 2025 as noted on July 17, 2025.

02 NCAC 52J .0101(6) for failure to create records within 48 hours of the veterinary examination and subsequent euthanasia of NENC-A-35987 on June 16, 2025 as noted on July 17, 2025.

02 NCAC 52J .0101(6) for failure to maintain accurate records as the shelter records stated that Marley died from an “unassisted death in custody” when Marley was euthanized by the veterinarian on June 3, 2025.

02 NCAC 52J .0103 for failure to provide required records upon request for the shelter animals Taz, Chaz, and “HBC 527/25” as noted on July 17, 2025.

02 NCAC 52J .0202(e)(1) for failure to provide a suitable method of drainage in the Dog Observation room to rapidly eliminate excess water as noted on July 17, 2025.

02 NCAC 52J .0206(a) for failure to provide 30 enclosures with continuous access to fresh, potable water as noted on July 17, 2025.

02 NCAC 52J .0207(a) for failure to properly clean the enclosures a minimum of two times per day as noted on July 17, 2025.

02 NCAC 52J .0207(d)(4) for failure to keep common areas and areas accessible to multiple animals clean and sanitary as noted on July 17, 2025.

02 NCAC 52J .0209(6) for failure to separate cats with a communicable disease from other susceptible animals to minimize dissemination of the disease as noted on July 17, 2025.

02 NCAC 52J .0209(7)(a) for failure to document the provision of daily social interactions and enrichment in the records of the 107 long-term care animals as noted on July 17, 2025.

02 NCAC 52J .0210(b) for failure to document consultation with a veterinarian to mitigate an infectious disease problem that persisted for more than 7 days as noted on July 17, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for Hippo as this cat was not provided with veterinary care for his broken leg for more than 9 weeks as noted on July 17, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for Hippo as he was not administered the prescribed pain medications to alleviate his pain post-surgery as noted on July 17, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for Marley as she was not provided with veterinary care for her non-weight bearing, front leg injury for 5 weeks as noted on July 17, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for “HBC 5/27/25” as this cat was not provided with any veterinary care for 3 days after being hit by a car prior to intake by the shelter as noted on July 17, 2025.



02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for Dare Devil as this injured, possibly blind kitten was not provided with veterinary care for 11 days as noted on July 17, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for numerous kittens in the Feline Observation room for URI. No veterinary care had been provided to these kittens until the shelter was directed to do so by Inspector Lynn on July 17, 2025.

02 NCAC 52J .0210(h) for failure to vaccinate 25 animals, 13 dogs and 12 cats, that were older than 4 months and had been housed at the shelter for more than 15 days for rabies as noted on July 17, 2025.

Based upon a review of all information available to AWS, AWS concludes that:

- a) The shelter willfully disregarded and violated the N.C. Animal Welfare Act (“AWA”) and rules issued pursuant thereto as noted above;
- b) The shelter failed to provide adequate watering, sanitizing, and housing practices consistent with the intent of the AWA or its rules issued pursuant thereto;
- c) The shelter fails to possess the necessary qualifications to meet the requirements of the AWA for the holding of an animal shelter certificate of registration; and
- d) The shelter fails to meet the requirements of the AWA and its rules issued pursuant thereto for the holding of an animal shelter certificate of registration.

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

Pursuant to N.C.G.S. §§ 19A-30 and 19A-40, these violations can result in the suspension and/or revocation of a certificate of registration and/or the assessment of a civil penalty of up to \$5,000 per violation.

### **SUSPENSION OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION**

Accordingly, pursuant to N.C.G.S. § 19A-30(2), (3), and (8), and due to the severity and number of violations of the AWA and its associated regulations noted above, I am hereby suspending the animal shelter certificate of registration held by the SPCA of Northeastern NC.

Given the severity of the violations, the imminent danger to the animals in the care and custody of the shelter due to those violations, and the immediate public health and welfare concerns posed by the operation of this shelter, the animal shelter certificate of registration is summarily suspended effective upon the date of this notice.

AWS will allow the shelter a grace period of up to 30 days from the receipt of this Notice to find suitable accommodations for animals in its care and custody as defined above. By the end of this 30-day period, the shelter is to provide AWS with copies of the location and disposition of all animals in its care and custody at the time of the receipt of this Notice.

This suspension shall remain in effect until such time as the shelter:

1. Effectively implements corrective actions so that the shelter is in compliance with all AWA statutes and their associated rules (02 NCAC 52J Sections .0100 - .0800). AWS strongly

recommends the development and implementation of written protocols that are compliant with the AWA and its rules to assist with compliance with these statutes and rules; and

2. Obtains the services of a veterinarian that is willing to be the veterinarian of record for the shelter, secures veterinary services to provide adequate veterinary care in a timely manner for all animals in the care and custody of the shelter; and obtains veterinary services to include consultation in the event of a disease outbreak and commits to fully complying with the veterinary recommendations for mitigation and/or correction of the disease condition; and
3. Submits to and passes an AWS Facility Compliance Inspection.

After notification from the shelter of the completion of the requirements detailed above, AWS will review the status of the shelter. Should the shelter fail to comply with the requirements detailed above, additional action may be taken against the shelter's certificate of registration.

Pursuant to N.C. General Statute § 19A-26 no person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the AWS Director.

Continued or future violations of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's certificate of 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.

August 18, 2025

Date



Patricia Norris, DVM, MS

Director, Animal Welfare Section

North Carolina Department of Agriculture & Consumer Services

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

## 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:

- (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;
- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and
- (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 .0103 INSPECTION OF RECORDS**

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

*History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.*

**02 NCAC 52J .0202 INDOOR FACILITIES**

(e) Drainage of indoor housing facility:

- (1) a suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing 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 .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.

(d) Sanitation shall be as follows:

- (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;

*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:

- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.
- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and

enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:

- (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; 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 .0210 VETERINARY CARE**

(b) If there is an infectious disease outbreak that persists for more than seven days at the facility, the facility operator shall consult with a veterinarian for procedures to mitigate the problem. This consultation shall be documented by the facility.

(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.*