



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

March 13, 2025

Jefferey Bailey
Owner
Tail Waggin' Ranch
1047 W Corbett Ave.
Swansboro, NC 28584

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(5) and (6); .0103; .0201(a); .0202(d); .0204(a) and (c).

AWS-CP-2025-5

Facility: Tail Waggin' Ranch
License No. 10863

Dear Mr. Bailey:

Pursuant to NCGS § 19A-40, I am issuing this notice that you, Jefferey Bailey, as the owner of Tail Waggin' Ranch ("the kennel") is hereby assessed a civil penalty of \$2,400.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement of this assessment, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 60-day deadline for payment or filing of a contested case petition.

Additional information about your options is provided below:

PAYMENT

To pay the penalty, please send your payment by check or money order made payable to the North Carolina Department of Agriculture and Consumer Services to:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings (“OAH”) within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). Payment can be made by cash, money order, certified check or check drawn on an attorney’s trust account. Make checks payable to: Office of Administrative Hearings. File the petition and one copy with:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Any questions about filing a petition may be directed to the Clerk of OAH by telephone at 919-431-3000.

You must serve NCDA&CS by mailing a copy of the petition to:

Mr. Jonathan Lanier
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Payment of the penalty will not foreclose further enforcement action against you for any new violation. If the violations which resulted in the assessment are of a continuing nature, NCDA&CS reserves the right to assess additional civil penalties in the future or take other enforcement action against you. Your attention to this matter is appreciated.

Sincerely,

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

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Samuel Gray, Assistant Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

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

IN THE MATTER of)
)
JEFFREY BAILEY)
)
OWNER of)
)
TAIL WAGGIN' RANCH)
)

NOTICE of VIOLATION and
ASSESSMENT of CIVIL PENALTY
for VIOLATIONS of TITLE 02 NC
ADMINISTRATIVE CODE ("NCAC") CHAPTER
52J SECTIONS .0102(5), and (6);.0103: .0201(a);
.0202(d); and .0204(a) and (c)

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, Tail Waggin' Ranch ("the kennel"), owned and operated by Jefferey Bailey was a boarding kennel registered pursuant to NCGS §19A-28.
2. On March 27, 2024, AWS issued a Notice of Warning and Notice of Violation to Jefferey Bailey, the owner of the kennel, for violations of 02 NCAC 52J .0201(d)(2); .0202(d); .0204(a), (c) and (k); .0207(d)(4) and (8).
3. On February 21, 2025, AWS received a complaint with concerns about the safety and conditions of the enclosures 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.
4. On February 28, 2025, AWS Veterinary Program Specialists Tolley (Inspector Tolley) conducted a site visit at the kennel as part of the investigation. The following information was obtained from the site visit:
 - a. in violation of 02 NCAC 52J .0102(5), the kennel failed to document the death of the dog named Ryder on November 9, 2024 in the kennel's incident log;
 - b. in violation of 02 NCAC 52J .0102(5), the kennel failed to document the escape of the dog named Raya Young on November 20, 2024 in the kennel's incident log;
 - c. in violation of 02 NCAC 52J .0102(6), the kennel failed to notify AWS within 48 hours of the death of the dog named Ryder on November 9, 2024;
 - d. in violation of 02 NCAC 52J .0102(6), the kennel failed to notify AWS within 48 hours of the escape of the dog named Raya Young on November 20, 2024;
 - e. in violation of 02 NCAC 52J .0103, the kennel failed to make required records available when requested by AWS during the February 28, 2025 complaint investigation site visit;
 - f. in violation of 02 NCAC 52J .0103, the kennel failed to maintain records for a period of one year after the animal was released from the kennel;

- g. in violation of 02 NCAC 52J .0201(a), the kennel failed to maintain the housing facility in good repair to protect the animals as damage to the walls had resulted in holes with exposed metal and access to areas of the facility where housing or confinement of animals was not approved;
- h. in violation of 02 NCAC 52J .0202(d), the kennel failed to maintain surfaces in the indoor facility impervious to moisture as the flooring in the kennels had areas of rust that was not impervious to moisture and could not be readily sanitized;
- i. in violation of 02 NCAC 52J .0204(a), the kennel has failed to maintain the surfaces of the primary enclosures impervious to moisture as rust is present on most of the fencing. This violation was previously noted in the March 27, 2024 Notice of Warning and Notice of Violation and again in the Facility Compliance Inspection report on August 19, 2024; and
- j. in violation of 02 NCAC 52J .0204(c), the kennel has failed to maintain the exercise areas in good repair as the fencing was not secured in such a way to keep the animals safe. This violation was previously noted in the March 27, 2024 Notice of Warning and Notice of Violation;

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 kennel violated the following provisions:

02 NCAC 52J .0102(5) for failure to document the death of the dog named Ryder on November 9, 2024 in the kennel's incident log as noted on February 28, 2025

02 NCAC 52J .0102(5) for failure to document the escape of the dog named Raya Young on November 20, 2024 in the kennel's incident log as noted on February 28, 2025

02 NCAC 52J .0102(6) for failure to notify AWS within 48 hours of the death of the dog named Ryder on November 9, 2024 as noted on February 28, 2025

02 NCAC 52J .0102(6) for failure to notify AWS within 48 hours of the escape of the dog named Raya Young on November 20, 2024 as noted on February 28, 2025

02 NCAC 52J .0103 for failure to make all required records available when requested by AWS staff on February 28, 2025

02 NCAC 52J .0103 for failure to maintain records for a period of one year after the animal was released from the kennel as noted on February 28, 2025

02 NCAC 52J .0201(a) for failure to maintain the housing facility in good repair to protect the animals as noted on February 28, 2025

02 NCAC 52J .0202(d) for failure to maintain surfaces in the indoor facility impervious to moisture as noted on February 28, 2025

02 NCAC 52J .0204(a) for failure to maintain the surfaces of the primary enclosures impervious to moisture as noted on February 28, 2025. This violation was previously noted in the March 27, 2024 Notice of Warning and Notice of Violation and again in the Facility Compliance Inspection report on August 19, 2024

02 NCAC 52J .0204(c) for failure to maintain the exercise areas in good repair as noted on February 28, 2025. This violation was previously noted in the March 27, 2024 Notice of Warning and Notice of Violation

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation or refusal to renew a license application for a boarding kennel and/or the assessment of a civil penalty of up to \$5,000 per violation.

CIVIL PENALTIES

As required by NCGS § 19A-40, in determining the amount of the civil penalty, I have considered the degree and extent of harm caused by the violation listed above.

Accordingly, Jefferey Bailey as the owner and operator of Tail Waggin' Ranch is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0102(5) for failure to document the death of the dog named Ryder on November 9, 2024 in the kennel's incident log as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0102(5) for failure to document the escape of the dog named Raya Young on November 20, 2024 in the kennel's incident log as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0102(6) for failure to notify AWS within 48 hours of the death of the dog named Ryder on November 9, 2024 as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0102(6) for failure to notify AWS within 48 hours of the escape of the dog named Raya Young on November 20, 2024 as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0103 for failure to make all required records available when requested by AWS staff on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0103 for failure to maintain records for a period of one year after the animal was released from the kennel as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0201(a) for failure to maintain the housing facility in good repair to protect the animals as noted on February 28, 2025

\$200.00 for violation of 02 NCAC 52J .0202(d) for failure to maintain surfaces in the indoor facility impervious to moisture as noted on February 28, 2025

\$400.00 for violation of 02 NCAC 52J .0204(a) for failure to maintain the surfaces of the primary enclosures impervious to moisture as noted on February 28, 2025. This violation is deemed to be a SECOND violation as the kennel was previously noted to have violated this rule in the March 27, 2024 Notice of Warning and Notice of Violation and again in the Facility Compliance Inspection report on August 19, 2024

\$400.00 for violation of 02 NCAC 52J .0204(c) for failure to maintain the exercise areas in good repair as noted on February 28, 2025. This violation is deemed to be a SECOND violation as the kennel was previously noted to have violated this rule in the March 27, 2024 Notice of Warning and Notice of Violation

\$2,400.00 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 boarding kennel 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.

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

March 13, 2025

Date



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:

- (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; and
- (6) in the event of either an animal death or escape, the licensee shall notify the Animal Welfare Section within 48 hours.

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

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 .0202 INDOOR FACILITIES

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture and can be readily sanitized.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. 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.

(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.

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