



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

November 19, 2025

David Ellis
Wake County Manager
Wake County Animal Care, Control and Adoption Center Animal Shelter
P. O. Box 550
Raleigh, NC 27602
Via Hand Delivery

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 .0202(b)(2) and (3); .0206(e); .0210(d) and NOTICE of WARNING for VIOLATIONS of .0204(a) and (c) and .0209(7)(a)

AWS-CP-2025-21

Facility: Wake County Animal Care, Control and Adoption Center Animal Shelter
Registration Number: 57

Dear County Manager Ellis:

Pursuant to NCGS § 19A-40, I am issuing this notice that Wake County, as the operator of the Wake County Animal Care, Control and Adoption Center Animal Shelter ("the shelter"), is hereby assessed a civil penalty of \$1,400.00 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
Lindsey Spain, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

IN THE MATTER of	)	NOTICE of VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
WAKE COUNTY	)	for VIOLATIONS of TITLE 02 NC
	)	ADMINISTRATIVE CODE ("NCAC") CHAPTER
OPERATOR OF WAKE COUNTY	)	52J SECTIONS .0202(b)(2) and (3); .0206(e);
	)	and .0210(d) and NOTICE of WARNING for
ANIMAL CARE, CONTROL &	)	VIOLATIONS of 02 NCAC 52J .0204(a) and (c)
	)	and .0209(7)(a).
ADOPTION CENTER	)	
	)	
ANIMAL SHELTER	)	
	)	

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, the Wake County Animal Care, Control and Adoption Center Animal Shelter ("the shelter"), owned and operated by Wake County, was an animal shelter registered pursuant to NCGS §19A-26.
2. On October 15, 2025, AWS received a complaint containing multiple allegations of violations against the shelter. Based on this information, AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act ("AWA") as these statutes and associated regulations are the extent of the jurisdiction of AWS.
3. On October 29, 2025, AWS Veterinary Program Coordinator Bradley ("Inspector Bradley") conducted a site visit at the shelter as part of the investigation. The following information was obtained from the site visit:
 - a. In violation of 02 NCAC 52J .0202(b)(2) and (3), most of the air vents for the HVAC system were covered in large mats of debris, dust and biological matter to the extent that the air flow in the facility was significantly reduced. This violation had been cited previously on the Facility Compliance Inspection ("FCI") reports on October 30, 2024 and August 7, 2025. The shelter provided emails dated April 2, 2025 and August 2, 2025 that they sent to Wake County General Services Administration ("GSA") requesting cleaning and maintenance of the air vents in the shelter;
 - b. In violation of 02 NCAC 52J .0204(a), the epoxy sealant was missing and/or damaged in most of the dog enclosures so that the surfaces were no longer impervious to moisture. This violation was previously cited on the FCI reports dated August 24, 2023, February 16, 2024, October 30, 2024, and August 7, 2025;

- c. In violation of 02 NCAC 52J .0204(c), the sharp edges of the cables for the guillotine doors within the animals' reach were only partially covered in several dog enclosures. These exposed sharp edges posed a risk of injury to the animals. The shelter provided AWS with an email sent to GSA requesting repair of these cables. GSA responded on October 14, 2025 that they were not able to "take on" this item in its entirety;
- d. In violation of 02 NCAC 52J .0206(e), damaged water receptacles were not replaced. Numerous metal water receptacles were noted to be damaged and exposing sharp metal edges. On February 7, 2025, a dog named Chopo cut his leg on one of these sharp edges. The injury lacerated an artery in the dog's leg and Chopo was subsequently euthanized. Despite this incident, the shelter failed to replace the damaged bowls. The shelter relayed to AWS that they contacted GSA and requested a welder to repair the bowls, but those repairs did not happen;
- e. In violation of 02 NCAC 52J .0209(7)(a), the shelter failed to document the provision of daily social interaction and enrichment to the long term care animals. 02 NCAC 52J .0209(7) requires that animals in long term care be provided with social interactions and enrichment. Long term care is defined as the housing of an animal for a period of more than 30 consecutive days. The shelter initiated its social interactions and enrichment by Day 14 of the housing period but failed to document the provision of this care; and
- f. In violation of 02 NCAC 52J .0210(d), the cat named Clove did not receive adequate veterinary care in a timely manner. On December 5, 2024, Clove was impounded by an Animal Control Officer. The cat was noted to be paralyzed in the rear legs. At the time of intake, the cause of the inability to use the hindlegs was unknown. The cat was not examined by a veterinarian on the day of the intake. Clove was examined on December 6, 2024 and found to have a BB in its spinal area. A review of the shelter's Program of Veterinary Care ("PVC") submitted for the animal shelter's renewal application showed that it stated that "If an animal arrived is ill or injured, it is triaged durign (sic) intake in receiving and the vet team is advised." There is no documentation that the vet team was notified of Clove's medical condition at the time of intake or that a veterinarian deemed it adequate to leave the paralyzed cat unexamined and untreated overnight.

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 violated the following provisions:

02 NCAC 52J .0202(b)(2) for failure to clean air vents as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow as noted on October 29, 2025. This violation had been cited previously on the FCI reports on October 30, 2024 and August 7, 2025.

02 NCAC 52J .0202(b)(3) for failure to maintain adequate air flow to minimize odors and moisture condensation as noted on October 29, 2025.

02 NCAC 52J .0204(a) for failure to maintain surfaces in primary enclosures impervious to moisture as noted on October 29, 2025. This violation was previously cited on the FCI reports dated August 24, 2023, February 16, 2024, October 30, 2024, and August 7, 2025.

02 NCAC 52J .0204(c) for failure to maintain primary enclosures in good repair and in a manner to prevent injury to animals as noted on October 29, 2025.

02 NCAC 52J .0206(e) for failure to replace damaged water receptacles as noted on October 29, 2025. This failure was a direct cause of the injury and subsequent euthanasia of the dog named Chopo on February 7, 2025.

02 NCAC 52J .0209(7)(a) for failure to document the provision of social interaction and enrichment to the long term care animals as noted on October 29, 2025.

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for the cat named Clove as noted on October 29, 2025.

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation, or refusal to renew a registration for any animal shelter 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 violations listed above.

Accordingly, Wake County, as the owner and operator of the Wake County Animal Care, Control and Adoption Center Animal Shelter, is hereby assessed a civil penalty for the following violations:

\$400.00 for violation of 02 NCAC 52J .0202(b)(2) for failure to clean air vents as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow as noted on October 29, 2025. This violation had been cited previously on the FCI reports on October 30, 2024 and August 7, 2025.

\$500.00 for violation of 02 NCAC 52J .0206(e) for failure to replace damaged water receptacles as noted on October 29, 2025. This failure was a direct cause of the injury and subsequent euthanasia of the dog named Chopo on February 7, 2025.

\$500.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner for the cat named Clove as noted on October 29, 2025.

\$1,400.00 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 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.

NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0202(b)(3); .0204(a) and (c); and .0209(7)(a), this Warning Letter serves as written notice indicating in which respects the shelter may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

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 a willful disregard or violation may result in action against your facility's registration pursuant to N.C. General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. General Statute § 19A-40.

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

November 19, 2025
Date



Patricia Norris, DVM, MS
Director, Animal Welfare Section
North Carolina Department of Agriculture & Consumer Services

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 .0202 INDOOR FACILITIES

(b) Ventilation of indoor facilities:

- (2) air vents and/or air filters shall be cleaned and/or changed as often as necessary to minimize buildup of debris, dust and biological material and as often as necessary to prevent inhibition or restriction of air flow; and
- (3) air flow shall be adequate to minimize odors and moisture condensation.

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.

02 NCAC 52J .0206 WATERING

(e) Damaged receptacles shall be replaced.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

- (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

(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.

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