



Steve Troxler  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

Doug Meckes, DVM  
State Veterinarian

March 25, 2015

Joe Testerman, Manager  
Ashe County Animal Control Shelter  
767 Fred Pugh Road  
Crumpler, NC 28617

UPS Tracking Number  
12 210 617 42 5604 6297

**Notice of Warning**

Re: **Violations of Title 02, Administrative Code (NCAC) Chapter 52J**

Facility: Ashe County Animal Control Shelter

Dear Mr. Testerman:

Ms. Lindsey Lloyd, Inspector with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section ("AWS"), Veterinary Division, inspected your facility on March 16, 2015. Based on Inspector Lloyd's inspection report, AWS has determined that the facility may be in violation of the North Carolina Animal Welfare Act ("AWA") and its regulations. Inspector Lloyd found several deficiencies in the structural conditions at this shelter which can constitute violations of the AWA and its regulations. The following list describes those deficiencies and the required corrections that must be done before the next inspection. Furthermore, those conditions that were found to be satisfactory must be maintained as such:

1. Paint on the floors and walls throughout the facility remains in chipped/peeled condition. The condition of the flooring is continuing to deteriorate. The walls and floors in this facility must be repainted or resealed to satisfy 2 NCAC 52J .0202 (d) and .0204 (a).
2. Cross contamination barriers are missing between outdoor enclosures. Cross contamination barriers must be installed to satisfy 2 NCAC 52J .0204 (a).
3. Inspector Lloyd noted a significant odor upon entering the cat room. Increase ventilation in this room to satisfy 2 NCAC 52J .0202 (b).
4. One light is inoperable at the entrance from the cat room into the dog enclosure area. Repair or replace the damaged lighting to satisfy 2 NCAC 52 J .0202 (c).

Two of these deficiencies were found during previous inspections:

1. Floors/walls throughout the facility remain in chipped/peeled condition: February 6, 2013, August 28, 2013, February 17, 2014, July 1, 2014 and January 5, 2015.

You informed Inspector Lloyd that the county received a bid in the summer of 2014 for the repair/resealing of the floors/walls throughout the facility. You also reported that the county has approved money for this in the facility's budget.

2. Cross contamination barriers are lacking in outdoor enclosures: August 28, 2013, February 17, 2014, July 1, 2014 and January 5, 2015.

Inspector Lloyd has seen the materials including Trex that are needed to correct this deficiency on site since about December 2014. You reported to Inspector Lloyd that these projects have been assigned to county maintenance to complete.

Based on the results of the above visit, you may have violated the following provisions of the AWA and its regulations:

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

(b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.

(c) Indoor housing facilities for dogs and cats shall have adequate illumination to permit routine inspections, maintenance, cleaning and housekeeping of the facility and observation of the animals. Illumination shall provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal 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;  
Eff. April 1, 1984;  
Amended Eff. January 1, 2005.*

#### **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

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

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

I have received the tentative remediation timeline which Ashe County Manager Yearick emailed to Inspector Lloyd on March 23, 2015. You are hereby requested to address all of the above concerns by providing a final remediation timeline. This timeline should inform the Section of how much time you need to correct each of these conditions listed above and return to full compliance with the AWA. You should address each deficiency individually. Please provide your written remediation timeline to the Section by no later than ten business days from the date you receive this Notice of Warning.

If you do not respond as requested, AWS, upon confirming that serious violations continue to exist in your facility, may take appropriate action as authorized under the AWA. Such action may include suspension or revocation of your public animal shelter registration.

This letter shall constitute a **WARNING**. If a future violation of these statutes or regulations occurs, it could result in disciplinary action against your facility's certificate of registration pursuant to G. S. 19A-30 or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,



Patricia Norris, DVM,  
Director, Animal Welfare Section,  
Veterinary Division, NCDA&CS

cc: Barry Bloch, Assistant Attorney General, NCDOJ  
Joe Blomquist, AWS Outreach Coordinator  
Lindsey Lloyd, AWS Inspector  
Dr. Doug Meckes, NC State Veterinarian