



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

April 30, 2015

Ms. Patricia Yates
Little Farm
4048 Hilton Lake Road
Kannapolis, North Carolina 28083

UPS Tracking Number

1Z 2106174258279765

Re: REVOCATION OF ANIMAL SHELTER REGISTRATION
Little Farm Animal Shelter
Animal Shelter Registration no. 153

Dear Ms. Yates:

Please find enclosed an Order concerning your operation of an animal shelter registered by the Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") pursuant to N.C. Gen. Stat. § 19A-26. Your animal shelter, "Little Farm," failed inspections conducted by AWS on April 6 and April 20, 2015. Said inspections were conducted pursuant to the authority and requirements set forth under the NC Animal Welfare Act. You have been provided with the NC Animal Welfare Act and the rules establishing facility standards thereunder with your license application. You were asked to respond to the first inspection by stating when and how you would be returning the facility to full compliance with the rules cited in the inspection report. You were given a second opportunity to provide a plan of action to comply with facility and program standards after the second inspection.

In the course of these inspections it was found that your facility demonstrated serious deficiencies in the conditions in which your animals are kept and the care that they receive. These deficiencies are described in detail in the inspection reports and the enclosed Revocation Order, provided as required by N.C. Gen. Stat. § 19A-30. The two responses you sent to AWS failed to demonstrate a plan or the intent to comply with required facility and program standards. For the reasons set forth in your last two inspection reports, as well as the failure to agree to comply with regulations, your certificate of registration is hereby REVOKED for failure to comply with the requirements, pursuant to N.C. Gen. Stat. § 19A-30(2) and (3). This Order of Revocation is effective on the fifth day after you receive it.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, N.C. Gen. Stat. § 150B-23, within five (5) days the Order of Revocation becoming effective which is 5 days after your receipt of this Order. Filing a petition will require a payment of twenty dollars to the North Carolina Office of Administrative Hearings (see below, "Appeal").

Therefore, you are notified to CEASE AND DESIST operation of an animal shelter within five (5) days of receipt of this letter, at which time you are required to surrender to this Division all registration certificates issued to this animal shelter under the Animal Welfare Act. If you are found operating an animal shelter after the fifth day following your receipt of this letter, the NCDA&CS 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:

§ 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.

If you believe that you have substantially cured the reasons for having failed your last inspection within five (5) days of your receipt of this Order and are qualified for registration, please contact this office immediately.

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by N.C. Gen. Stat. § 150B-23. The petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to the N.C. Office of Administrative Hearings. Should you have any questions about what the fee would be for your case, please contact the OAH Clerk's Office at 919-431-3000. 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 919/733-0926.

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

Ms. Tina Hlabse
North Carolina Department of Agriculture and Consumer Services
Registered Agent and General Counsel
1001 Mail Service Center
Raleigh, NC 27699-1001

Sincerely,



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

Enclosures

cc: Joseph Reardon, Assistant Commissioner, NCDA&CS
Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Barry Bloch, Assistant Attorney General, NCDOJ

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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

IN THE MATTER OF)
)
PATRICIA YATES &) ORDER OF REVOCATION
LITTLE FARM ANIMAL SHELTER) ANIMAL SHELTER REGISTRATION
) PURSUANT TO THE ANIMAL
) WELFARE ACT, N.C. GEN.
) STAT. § 19A-30

Acting pursuant to N.C. Gen. Stat. § 19A-30, Dr. Patricia Norris, Director, Animal Welfare Section, NCDA&CS makes the following:

I. FINDINGS OF FACT

1. On April 6, 2015, Mr. Jay Blatche, Inspector, with the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") Animal Welfare Section ("AWS"), conducted a random inspection of the facility premises of Little Farm animal shelter, located at 4048 Hilton Lake Road, Kannapolis, NC.

2. Inspector Blatche found several deficiencies:

- a) lack of daily waste removal from primary enclosures and litter boxes (02 NCAC 52J .0201);
- b) lack of hot water in the facility (02 NCAC 52J .0201);
- c) failure to record how the shelter acquired the animals in its possession in its required records (02 NCAC 52J .0101);
- d) lack of adequate indoor ventilation (02 NCAC 52J .0202);
- e) lack of a solid resting surface for each animal in every primary enclosure (02 NCAC 52J .0204);
- f) failure to remove animal waste twice daily; accumulation of waste in primary enclosures and walkways throughout facility (02 NCAC 52J .0207);
- g) failure to adequately maintain the facility grounds; accumulation of weeds and trash (02 NCAC 52J .0207);
- h) failure to properly clean enclosures twice daily (02 NCAC 52J .0207);
- i) failure to use a proper sanitization method (02 NCAC 52J .0207);
- j) failure to document lack of animal bite in accession record (G.S. § 19A-32.1(h) & 02 NCAC 52J .0101);
- k) failure to have primary enclosures with six sides and vertical side no less than five (5) feet in height (02 NCAC 52J .0204);
- l) failure to maintain floors to be impervious to moisture allowing water to accumulate on floors (02 NCAC 52J .0202);
- m) use of wood chips in primary enclosures (02 NCAC 52J .0204);
- n) failure to document veterinary treatment (02 NCAC 52J .0101);
- o) improper drainage and cross contamination; use of wire cages as primary enclosures hung above kennel runs allows urine and feces to fall into the lower kennel runs from above (02 NCAC 52J .0204);
and
- p) failure to clean utensils covered with animal waste and allowing uncovered trash cans in the facility (02 NCAC 52J .0207)

3. Inspector Blatche returned to Little Farm animal shelter on April 20, 2015, and inspected this facility again. In the course of the inspection he observed substantially the same deficiencies as those found on April 6, 2015, except:

- a) Ms. Yates provided hand-written accession (origin) records for some of the animals;
- b) Outdoor grounds had been mowed and some of the debris had been removed;
- c) Wood chips and many empty food bags had been removed.

4. Inspector Blatche observed that some of the overhead cages had plastic sheets covering the bottom. However, the sheets were not preventing urine and feces from falling into the kennels immediately below the upper cages.

5. Otherwise, Little Farm animal shelter continued to have notable deficiencies as described in Inspector Blatche's inspection report dated April 20, 2015, which is attached hereto and incorporated by reference.

6. Review of earlier inspections of this facility show that several of the deficiencies noted in the April 6 and April 20 reports have been previously cited, and there has been no significant or sustained improvement in conditions at the facility:

- a) lack of daily waste removal from primary enclosures and litter boxes (02 NCAC 52J .0201) (also cited on July 24, 2013 and September 19, 2013);
- b) lack of hot water in the facility (02 NCAC 52J .0201) (also cited on July 24, 2013);
- c) failure to record how the shelter acquired the animals in its possession in its required records (02 NCAC 52J .0101) (also cited on July 24, 2013);
- d) lack of adequate indoor ventilation (02 NCAC 52J .0202) (also cited on July 24, 2013 and on July 21, 2014);
- e) lack of a solid resting surface for each animal in every primary enclosure (02 NCAC 52J .0204) (also cited on July 24, 2013);
- f) failure to remove animal waste twice daily; accumulation of waste in primary enclosures and walkways throughout facility (02 NCAC 52J .0207) (also cited on July 24, 2013 and August 27, 2013);
- g) failure to adequately maintain the facility grounds; accumulation of weeds and trash (02 NCAC 52J .0207) (also cited on July 24, 2013; August 27, 2013 and September 19, 2013);
- h) failure to properly clean enclosures twice daily (02 NCAC 52J .0207) (also cited on July 24, 2013; August 27, 2013; July 21, 2014 and July 28, 2014);
- i) failure to use a proper sanitization method (02 NCAC 52J .0207) (also cited on July 24, 2013; August 27, 2013; July 21, 2014 and July 28, 2014);
- j) failure to maintain floors to be impervious to moisture allowing water to accumulate on floors (02 NCAC 52J .0202) (also cited on July 24, 2013 and August 27, 2013);
- k) failure to document veterinary treatment (02 NCAC 52J .0101) (also cited on July 24, 2013); and
- l) improper drainage and cross contamination; use of wire cages as primary enclosures hung above kennel runs allows urine and feces to fall into the lower kennel runs from above (02 NCAC 52J .0204) (also cited on July 24, 2013 and August 27, 2013).

II. CONCLUSIONS

A. As a result of this investigation, the North Carolina Department of Agriculture and Consumer Services, Veterinary Division, Animal Welfare Section, finds that you either by act or omission, violated North Carolina General Statute § 19A-32.1 and the following provisions of the North Carolina Administrative Code: 02 NCAC 52J .0101, .0201, .0202, .0204, and .0207,

B. The Director of the Animal Welfare Section, Veterinary Division, North Carolina Department of Agriculture and Consumer Services, pursuant to N.C. Gen. Stat. § 19A-30 has the authority to suspend or revoke a certificate of registration for any animal shelter.

III. RELEVANT LAWS AND REGULATIONS

§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.

(h) If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender.

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:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

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

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.
- (b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code.
- (c) Facilities shall have reliable and safe electric power as necessary to comply with the Animal Welfare Act.
- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
- (e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.

- (f) Hot and cold running, potable water must be available. Facilities such as washroom, basin or sink shall be provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles.
- (g) Each facility shall have the ability to confirm ambient temperature.
- (h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
- (i) An adequate drainage system must be provided for the housing facility.
- (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
- (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

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

02 NCAC 52J .0202 INDOOR FACILITIES

- (a) Indoor housing facilities for dogs and cats shall be adequately heated and cooled when necessary to protect the dogs and cats from cold and excessive heat and provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees F. or exceed 85 degrees F.
- (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.
- (e) A suitable method of drainage shall be provided to rapidly eliminate excess water from an indoor housing facility. If closed drain systems are used, they shall be equipped with traps and installed to prevent odors and backup of sewage. The drainage system shall be constructed to prevent cross-contamination among animals.

*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.

(b) Primary enclosures 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. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, urn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

(c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(d) In addition to Paragraph (b) of this Rule, each dog shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144. The calculation is: $(\text{length of dog in inches} + 6) \times (\text{length of dog in inches} + 6) = \text{required floor space in square inches}$. $\text{Required floor space in square inches} \div 144 = \text{required floor space in square feet}$. The calculation shall be expressed in square feet. Not more than four adult dogs shall be housed in the same primary enclosure without supervision.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

(f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.

(g) In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required.

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

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise 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 must 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. 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 other such enclosures from being contaminated with water and other wastes.

(b) 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 (b)(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 (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.

(3) Cages, rooms and hard-surfaced pens or 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) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or
- (C) cleaning all soiled surfaces with live steam.
- (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.
- (5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.
- (6) Any area accessible to multiple animals shall be kept clean and sanitary.
- (c) 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.
- (d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

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

The Director of the Animal Welfare Section, Veterinary Division, North Carolina Department of Agriculture and Consumer Services, pursuant to N.C. Gen. Stat. § 19A-30 has the authority to suspend or revoke a certificate of registration for any animal shelter.

§ 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:

- (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;

IV. DECISION

Based on all of the above, the animal shelter certificate of registration issued to Patricia Yates, Little Farm animal shelter, is hereby revoked effective on the fifth day following Ms. Yates' receipt of this Order.

4/30/15

Date



Dr. Patricia Norris
Director of Animal Welfare Section
Veterinary Division, NCDA&CS