



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

August 17, 2015

VIA HAND-DELIVERY

Ms. Carolyn Cudd, President
United Animal Coalition
490 Glendale Road
Lexington, NC 27292

Re: REVOCATION OF ANIMAL SHELTER REGISTRATION
United Animal Coalition DBA Davidson County Animal Shelter
Animal Shelter Registration No. 145

Dear Ms. Cudd:

Please find enclosed an Order concerning United Animal Coalition's 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. Based on a complaint investigation and review of records retrieved on June 11, 2013 and August 13, 2015, it is apparent that the United Animal Coalition DBA Davidson County Animal Shelter ("UAC") willfully disregarded and violated regulations promulgated under the North Carolina Animal Welfare Act. You were provided with the NC Animal Welfare Act and the rules promulgated thereunder with your license application.

In the course of the investigation and in reviewing records it was found that UAC demonstrated serious deficiencies in the care of the animals in its custody. These deficiencies are described in the enclosed Revocation Order, provided as required by N.C. Gen. Stat. § 19A-30. Based on UAC's willful disregard of the regulations promulgated under the North Carolina Animal Welfare Act as set forth more fully in the enclosed Revocation Order, your certificate of registration is hereby REVOKED pursuant to N.C. Gen. Stat. § 19A-30(2). 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 of the Order of Revocation becoming effective. Filing a petition will require a payment of twenty dollars (\$20.00) to the North Carolina Office of Administrative Hearings (see below, "Appeal").

Therefore, you are notified to **CEASE AND DESIST** operation of the animal shelter located at 490 Glendale Road, Lexington, NC within five days of receipt of this letter. You are required to surrender to AWS the registration certificate issued to UAC for this shelter under the Animal Welfare Act. If UAC continues to operate this shelter after the fifth (5th) day following receipt of this letter, 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. Gen. Stat. § 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.

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

STATE OF NORTH CAROLINA

COUNTY OF WAKE

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

IN THE MATTER OF

UNITED ANIMAL COALITION DBA
DAVIDSON COUNTY ANIMAL SHELTER

)
)
)
)
)
)

ORDER OF REVOCATION
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 (“AWS”), North Carolina Department of Agriculture and Consumer Services (“NCDA&CS”) makes the following:

I. FINDINGS OF FACT

1. On June 11, 2015, Dr. Patricia Norris, Director, AWS, NCDA&CS conducted a complaint investigation, including a records review, on the premises of the United Animal Coalition DBA Davidson County Animal Shelter (“UAC”), located at 490 Glendale Road, Lexington, NC, concerning the lack of care of a severely injured dog. Dr. Norris’ review of UAC records included review of UAC’s Annual Program of Veterinary Care dated April 27, 2015 that was submitted to AWS with its license application. UAC’s Annual Program of Veterinary Care indicated that “[a]ll ill or injured animals are removed from the general public and placed in our sick isolation areas. Veterinary Technicians provide medication prescribed by our veterinarian as she directs. **Any severely ill or injured animals are taken to outside veterinarians for immediate evaluation and veterinarians’ recommendations and protocol are followed.**” (emphasis added) Dr. Norris’ findings are as follows:
 - a) The investigation of the records revealed that on intake the dog was noted to appear paralyzed from the shoulders down and possibly have a broken back. It was also noted that the dog was placed on “pain meds thru stray period.” The dog was euthanized three (3) days after intake. There is no record of a veterinary examination.
 - b) By the date of the investigation, the dog had already been euthanized.
2. On August 13, 2015, Dr. Norris returned to the shelter to continue her complaint investigation. Dr. Norris’ review of UAC records again included review of UAC’s Annual Program of Veterinary Care. Dr. Norris’ review of UAC records revealed the following:
 - a) In January 2015 nine (9) animals were found dead in their kennels. Five (5) of these were dogs and four (4) were cats.
 - b) In February 2015 twenty-three (23) animals were found dead in their kennels. Five (5) of these were dogs and nineteen (19) were cats.
 - c) In March 2015 nine (9) animals were found dead in their kennels. Five (5) of these were dogs and four (4) were cats.
 - d) In April 2015 forty-seven (47) animals were found dead in their kennels. Four (4) of these were dogs and forty-three (43) were cats. From April 1-14, 2015 there were seven (7) deaths. From April 15-30, there were forty (40) deaths.

- e) In May 2015 ninety-six (96) animals were found dead in their kennels. Five (5) of these were dogs and ninety-one (91) were cats.
- f) In June 2015 ninety-one (91) animals were found dead in their kennels. Five (5) of these were dogs and eighty-six (86) were cats.
- g) In July 2015 ninety-two (92) animals were found dead in their kennels. Fourteen (14) of these were dogs and seventy-eight (78) were cats.
- h) From August 1-12, 2015 thirty-eight (38) animals were found dead in their kennels. Four (4) of these were dogs and thirty-four (34) were cats.

3. Review of the euthanasia records for the shelter from May 1 through August 13, 2015 revealed an overwhelming number of euthanasias due to moderate to severe medical reasons and/or contagious disease.

4. No written program for disease control written by a veterinarian could be located that addressed this apparent disease problem.

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 the North Carolina Administrative Code: 02 NCAC 52J .0210.

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

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 .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 authorized representative on request, during the business and cleaning hours listed on the license application. 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.

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

02 NCAC 52J .0104 DEFINITIONS

As used in this Subchapter:

(2) "Adequate" means a condition which, when met, does not jeopardize an animal's comfort, safety or health.

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

02 NCAC 52J .0210 VETERINARY CARE

(a) A written program of veterinary care to include disease control and prevention, vaccination, euthanasia, and adequate veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes.

(b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

(d) 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. However, no shelter shall be disapproved following inspection or otherwise cited for failure to inoculate any dog or cat known to be less than 12 weeks old or until such animals have been in the shelter at least 15 days.

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

§ 19A-25. Employees; investigations; right of entry.

For the enforcement of the provisions of this Article, the Director is authorized, subject to the approval of the Commissioner to appoint employees as are necessary in order to carry out and enforce the provisions of this Article, and to assign them interchangeably with other employees of the Animal Health Division. The Director shall cause the investigation of all reports of violations of the provisions of this Article, and the rules adopted pursuant to the provisions hereof; provided further, that if any person shall deny the Director or his representative admittance to his property, either person shall be entitled to secure from any superior court judge a court order granting such admittance. (1977, 2nd Sess., c. 1217, s. 6; 1987, c. 827, s. 63.)

§ 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;

IV. DECISION

Based on all of the above, the animal shelter certificate of registration issued to United Animal Coalition DBA Davidson County Animal Shelter is hereby revoked effective on the fifth day following receipt of this Order.

August 17, 2015
Date


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