



Steven W. Troxler  
Commissioner

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

R. Douglas Meckes, DVM  
State Veterinarian

August 27, 2018

Allan Keller, President  
Friends for Animals Humane Society of Burke County, Inc.  
112 Clark Street  
Morganton, North Carolina 28655  
Via Hand Delivery

**NOTICE OF CIVIL PENALTY AND NOTICE OF WARNING**

**Re: CIVIL PENALTY ASSESSMENT FOR VIOLATIONS OF N.C. GENERAL STATUTE § 19A-32.1(j) (1) - (4) AND TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC), CHAPTER 52J SECTIONS .0101(1) - (5); .0103; .0201(d) and (h); .0202(b); .0203(e); .0204(c), (f) and (g); .0205(b); .0207(a), (b)(2) and (6), (c) and (d); AND .0210(c) and (d).**

**AND**

**NOTICE OF WARNING FOR VIOLATIONS OF 02 NCAC .0201(l)**

**AWS-CP-2018-10**

**Facility: Friends for Animals Humane Society of Burke County, Inc. Animal Shelter,  
Registration License #231**

Dear Mr. Keller:

Pursuant to N.C. General Statute § 19A-40, I am issuing this notice to you that Friends for Animals Humane Society of Burke County, Inc. animal shelter is hereby assessed a civil penalty of \$7,000.00 as provided in the enclosed Notice of Violations.

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 N.C. General Statute § 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 N.C. General Statute § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days of your receipt of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00) payable to OAH. 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 at 919-431-3000.

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

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 black ink, appearing to read 'Patricia Norris', with a long horizontal flourish extending to the right.

Patricia Norris, DVM, MS  
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: R. Douglas Meckes, DVM, State Veterinarian  
Tina Hlabse, General Counsel, NCDA&CS  
Joe Reardon, Assistant Commissioner, NCDA&CS  
Christopher R. McLennan, Assistant 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

FRIENDS FOR ANIMALS  
HUMANE SOCIETY OF BURKE  
COUNTY, INC ANIMAL SHELTER

) NOTICE OF VIOLATIONS AND  
) ASSESSMENT OF CIVIL PENALTY  
) FOR VIOLATIONS OF N.C. GENERAL  
) STATUTE § 19A-32.1(j)(1) – (4) AND  
) 02 N.C. ADMINISTRATIVE CODE  
) (NCAC), CHAPTER 52J, SECTIONS  
) .0101(1) - (5); .0103; .0201(d), (h) and (l);  
) .0202(b); .0203(e); .0204(c), (f) and (g);  
) .0205(b); .0207(a), (b)(2) and (6), (c) and  
) (d); AND .0210(c) and (d);  
)  
)  
)

Acting pursuant to N.C. General Statute § 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, Friends for Animals Humane Society of Burke County animal shelter (“the shelter”) operated by Friends for Animals Humane Society of Burke County, Inc., was an animal shelter, registered pursuant to N.C. General Statute (“NCGS”) § 19A-26.
2. On August 6, 2018, AWS Animal Health Technician Lindsey Harris (“Inspector Harris”) conducted a facility compliance inspection (“FCI”). The FCI was continued on August 7, 2018 at which time Inspector Harris was joined by AWS Animal Health Technician Jay Blatche (“Inspector Blatche”). During the August 6, 2018 FCI, Inspector Harris discovered one puppy attempting to vomit and another puppy, a littermate, in distress. Even though the staff acknowledged that they knew the puppy in distress was severely ill earlier, they made no attempts to provide veterinary care or arrange for euthanasia until directed to do so by Inspector Harris. The shelter staff was evasive in their responses to Inspector Harris’ question about the shelter protocol when a young animal was found in distress. The most specific and repeated answer to the question was that they “wanted to see which animals would make it.”
3. During the August 6, 2018 FCI, regarding the moribund puppy noted above, when the staff was unable to reach the veterinarian, they made no attempts to provide emergency care as described in shelter’s Program of Veterinary Care on file with the shelter’s registration renewal application. Only at the insistence of Inspector Harris did the shelter staff make any additional effort to provide care or arrange for euthanasia. That additional effort consisted of contacting the shelter director who then authorized the puppy to be taken to the community shelter for euthanasia.
4. During the August 6, 2018 FCI, when Inspector Harris requested to see the animal records for the moribund puppy and the vomiting puppy, shelter staff told her that there was no paperwork. They went on to explain that it was their standard practice not to make animal records for the young animals

until they see if the animals will “make it or not.” This practice was confirmed by the shelter director. Consequently, it is not possible to ascertain the intake or disposition of the young animals. Therefore, it is not possible to verify how many animals have died in the care of this shelter based on their animal records.

5. During the August 6-7, 2018 FCI, the following information was provided verbally to Inspector Harris concerning the intake date for the dam and littermates of the moribund puppy: 1) the first information came from a shelter staff member who relayed that the dam and puppies were pulled from the Burke County Animal Shelter on August 4, 2018; 2) the second version was offered by the shelter director when Inspector Harris returned to the shelter, after having verified that the staff took the puppy to be euthanized at the Burke County Animal Shelter. The shelter director explained that the mom and puppies had been returned by the foster care provider on August 4, 2018. When asked for the name of the foster care provider, the shelter director replied that it was friend of hers named Jamie Worthy. When asked to provide the foster agreement with the intake date of the mom and puppies and the address for the location where the animals were fostered, the shelter director stated she did not have any such paperwork. She reiterated that the shelter does not record the intake of young animals until they see if they are healthy enough to survive; and 3) the third version was also provided by the shelter director. On the August 7, 2018 during the FCI, the shelter director said that although the mom and puppies were in the care and custody of the shelter since being surrendered by a citizen a couple of weeks prior, the shelter had no paperwork for the intake transaction. She stated that she orchestrated the direct transfer from the citizen to the foster care provider. She stated that the foster care provider was Amber Knowles. The shelter director stated she did not have any contact or address information for Ms. Knowles.
6. During the August 6, 2018 FCI, Inspector Harris requested to see all records including medication logs for the dam and puppies. The shelter staff stated there were no records. In that intake log a single entry of “mom/5babies” was made for August 4, 2018 with the note of “1 cc” in the column entitled “Wormer.” It is unclear from the entry if the 1 cc was administered to each animal or just the dam, or if 1 ml was divided amongst all the animals. It is the standard practice of this shelter to administer PPM2 as the intake dewormer and that is what is meant by “wormer” on this form. When asked, the shelter director replied that the mom and puppies received the dewormer on Saturday on August 4, 2018 as do all intakes. Just before leaving the premises on August 6, 2018, Inspector Harris requested the shelter director to provide her with all documentation of veterinary care that had been provided to the dam and her puppies. The shelter director indicated that the shelter had already provided all such documentation to Inspector Harris.
7. During the August 7, 2018 FCI, Inspectors Harris and Blatche interviewed the shelter veterinarian, Dr. Zebley concerning the veterinary care provided to the dam and puppies. Dr. Zebley indicated that she first became aware of the mom and puppies and their poor condition during a phone call from the shelter on August 6, 2018. She said that, during the August 6, 2018 call, she advised the shelter staff to begin administration of Albon, Panacur and Red Cell to the mom and puppies. The medical notes written by Dr. Zebley also note the deworming with Panacur occurred after the medical evaluation by the shelter staff on Monday (August 6, 2018). During the August 7, 2018 FCI, the shelter staff was asked again for any documentation of veterinary care for the dam and puppies. The shelter staff then produced a “Med Log Dog.” The first page of this log had notations of administration of Albon, Panacur and Red Cell to these animals on August 4, 5, and 6, 2018. Albon, Panacur and Red Cell are medications prescribed by the veterinarian for these animals during the August 6, 2018 phone call.
8. During the August 7, 2018 FCI, Inspectors Harris and Blatche discussed the veterinary care of the shelter animals with the shelter veterinarian, Dr. Zebley. Dr. Zebley indicated that she had instructed

the shelter to administer ivermectin monthly to the dogs for heartworm prevention and for the heartworm positive dogs to receive doxycycline as the "slow-kill" heartworm treatment regime. Review of the "Med Log Dog" did not document any monthly administration of ivermectin to the shelter dogs and did not document that any of the heartworm positive dogs housed at the shelter received doxycycline or ivermectin. There was no documentation present in the "Med Log Dog" or in the individual animals' records that indicate that the shelter complied with these instructions of the shelter veterinarian.

9. During the August 7, 2018 FCI, Inspector Harris noted that 8 cats in the cat room had cage cards indicating that the animals were receiving medications. There was no documentation, other than these cage cards, to indicate the administration of the medication(s).
10. During the August 6-7, 2018 FCI the shelter was not compliant with 02 NCAC 52J .0101(1) and (2) as evidenced by following:
  - a. The shelter did not maintain intake information or descriptive information for 22 animals housed at the shelter;
  - b. The shelter did not maintain records of the initial intake of the dam and puppies into the care and custody of the shelter; and
  - c. The shelter director and staff consistently maintained that the shelter did not note intake information or create records for young animals until they were sure the animals were not going to die while in their care and custody.
11. During the August 6-7, 2018 FCI, the shelter was not compliant with 02 NCAC 52J .0101(3) as evidenced by the following:
  - a. When asked on August 6, 2018 about the foster care provider for the dam and puppies, the shelter director replied that her friend, Jamie Worthy, provided the care. When asked to see the foster paperwork containing the address for the location where the animals were housed, and foster care provided, the shelter director was unable to do so; and
  - b. When asked on August 7, 2018 about the foster care provider for the dam and puppies, the shelter director replied that Amber Knowles provided the care. When asked to see the foster paperwork containing the address for the location where the animals were housed, and foster care provided, the shelter director was unable to do so.
12. During the August 6-7 FCI, the shelter was not compliant with 02 NCAC 52J .0101(4) as evidenced by the following:
  - a. The shelter director and staff consistently maintained that the shelter did not note intake information or create records for young animals until they were sure the animals were not going to die while in their care and custody. Therefore, the shelter has not maintained disposition records for the young animals that died while in their care and custody; and
  - b. On August 7, 2018, Inspector Harris noted a binder labeled "Cell Dogs." The shelter director explained that these animals are fostered out to inmates at the prison. The shelter director explained that the animals live there and may be adopted straight from the prison. When Inspector Harris asked to see the foster paperwork and disposition information for these animals, the shelter director said she did not have any such paperwork.
13. During August 6-7, 2018 FCI, the shelter was not compliant with the record of veterinary care as required by 02 NCAC 52J .0101(5) as evidenced by the following:
  - a) The intake log does not provide all information required by 02 NCAC 52J .0101(5) relative to the administration of dewormer and vaccinations;

- b) There was no documentation of the administration of the medications for the 8 cats that had cage cards indicating that they were to be medicated;
  - c) None of the >100 animal records reviewed on August 16, 2018 contained all the information required by 02 NCAC 52J .0101(5);
  - d) The "Call Log" serves as the vaccination record for animals that are housed in their adoptive homes but are awaiting the spay/neuter surgery. During the waiting period, if the animal is due for a booster vaccination, the adoptive owner returns the dog to the shelter for the vaccination. The vaccination documentation contained within the Call Log is not compliant with 02 NCAC 52J .0101(5);
  - e) The shelter director indicated that it is the shelter's protocol to administer a second dose of dewormer to puppies and kittens 3-4 weeks after the initial dose. The records for these animals did not document a second dose of dewormer for a single animal; and
  - f) When asked how the information in the computer records was generated when the handwritten records did not contain all of the required information, the shelter director replied to Inspector Harris on August 6, 2018 that they just choose a random time for the time of administration. When asked if the computer records are accurate, the shelter director replied that the staff just guesses at the information.
14. The shelter is aware of the need to maintain proper documentation required by 02 NCAC .0101(1) and (5) as evidenced by:
- a. On November 1, 2016, AWS issued a Warning Letter to the shelter for failure to comply with 02 NCAC 52J .0101(1) and (5);
  - b. During the March 15, 2017 FCI, the shelter was cited for failure to maintain adequate records of veterinary care;
  - c. The shelter improved its maintenance of veterinary care as records evidenced by the results of the September 20, 2017 FCI; and
  - d. During the April 2, 2018 FCI, the shelter was cited again for failure to maintain adequate records of veterinary care.
15. During the August 6, 2018 FCI, Inspector Harris requested that the shelter staff pull and match the records to all the animals housed at the shelter as required by 02 NCAC 52J .0103. The shelter staff was unable to match 22 animals to their records as there were no records available for these animals.
16. During the August 6-7, 2018 FCI, the shelter failed to store open containers of food in airtight containers with lids in the cat isolation room in violation of 02 NCAC 52J .0201(d). The shelter had been previously cited for this violation during the March 15, 2017 FCI.
17. During the August 6-7, 2018 FCI, the shelter confined unsupervised animals in the outdoor play areas that were not enclosed with a separate five-foot perimeter fence as required by 02 NCAC 52J .0201(h). The shelter was also cited for violation of 02 NCAC 52J .0201(h) during the March 15, 2017 FCI and the September 20, 2017 FCI.
18. During the August 7, 2018 FCI, Inspectors Harris and Blatche noted that citizens were bringing in animals for spay/neuter surgeries to be performed by Dr. Zelbey on the shelter premises. The shelter director explained that these were animals that had been adopted by a member of the public and taken to their home to await the surgery. The adopter left 2 checks at the time of adoption – 1 as a deposit for that specific animal and the other was the adoption fee for that specific animal. She relayed that both checks are held until the surgery is done. The adoption paperwork specifies that: the shelter is

still the “owner” of the animal until the surgery; the adopter is financially responsible for the animal; and the owner is responsible for the medical care of the animal while awaiting the surgery. The surgery paperwork notes that adopter makes the medical decision as to whether the animal receives post-op pain relieving medication. This medical form is filled out prior to the admittance of the animal for surgery. According to the shelter director, the shelter does not take responsibility for any post-op care, complication or treatment. The adopter is responsible for treatment of any post-op medical condition or emergency. The surgical facility of the shelter has not been inspected by the N.C. Board of Veterinary Medicine (NCBVM). Discussion with the Executive Director of the NCBVM revealed that, under this scenario of animal ownership, the NCBVM would require that the surgical facility to be in compliance with the N.C. Veterinary Practice Act and be inspected. Therefore, the shelter may be in violation of 02 NCAC 52J.0201(l) which requires the shelter to be in compliance with all federal, state, and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.

19. During the August 6, 2018 FCI, Inspector Harris noted a strong odor throughout the facility. The odor was particularly strong in the indoor enclosures and cat room. This strong odor in the facility was also noted on August 7, 2018 by Inspectors Harris and Blatche. The airflow within the facility was not adequate to minimize odors. Therefore, the shelter violated 02 NCAC 52J .0202(b).
20. During the August 6-7, 2018 FCI, the drainage in the outdoor enclosure was inadequate as evidenced by the buildup of waste sludge in the drain that was resulting in an overwhelming odor emanating from the drain. This violates 02 NCAC 52J .0203(e) which requires a suitable method of drainage for outdoor areas.
21. During the August 6-7, 2018 FCI, 3 cats were housed in Enclosure “E” in the cat isolation room. There was no elevated resting area available to these cats in violation of 02 NCAC 52J .0204(c).
22. During the August 6, 2018 FCI 16 cats were housed as free-roaming in the cat room. Sixteen cats housed in a single primary enclosure is a violation of 02 NCAC 52J .0204(f), which requires that no more than 12 cats may be housed in the same primary enclosure.
23. During the August 6-7, 2018 FCI, the 6 litter boxes in the free-roaming cat enclosure were heavily soiled. The cats in this enclosure did not have access to a receptacle containing clean litter as required by 02 NCAC 52J .0204(g).
24. During the August 7, 2018 FCI, the cats in the free-roaming cat enclosure were noted as to be fed from a single feeder. In addition, in Enclosure #8, only 2 food receptacles were used to feed the 4 dogs housed in that enclosure. 02 NCAC 52J .0205(b) requires that for every adult animal, there must be at least one food receptacle offered.
25. The outdoor play area was noted at approximately 10:30 AM on August 7, 2018 to contain the same piles of feces as were noted on the morning of August 6, 2018. As the Inspectors were leaving at approximately 12 PM on August 7, 2018, the piles of feces still had not been removed. The play area was not properly cleaned despite the fact that this area was being used to contain dogs. Therefore, the shelter violated 02 NCAC 52J .0207(a) which requires enclosures and exercise areas to be properly cleaned a minimum of two times per day.
26. During the August 6-7, 2018 FCI, the shelter director indicated that the free-roaming cat enclosure which was housing cats at the time of the FCI, had not been sanitized in approximately 2 weeks. She further indicated that it is the standard practice of the shelter to only sanitize this enclosure every two

weeks. Therefore, the shelter violated 02 NCAC 52J .0207(b)(2) which requires enclosures and accessories to be sanitized a minimum of once every seven days.

27. During the August 6-7, 2018 FCI, the outdoor play area, which is accessible to multiple animals, was noted to be soiled with an accumulation of feces on August 7, 2018. Some of the fecal piles were noted as remaining from the previous day, August 6, 2018. 02 NCAC 52J .0207(b)(6) requires that any area accessible to multiple animals be kept clean and sanitary.
28. During the August 6-7, 2018 FCI the recycling area was noted to be overflowing with trash and cans. This accumulation of trash violates 02 NCAC 52J .0207(c). The shelter was previously cited for this violation during the April 2, 2018 FCI.
29. During the August 6-7, 2018 FCI, a large number of flies were noted, especially in the cat isolation room and the large dog indoor enclosures. The fly traps in these areas were full. The shelter failed to establish and maintain an effective program for the control of insects as required by of 02 NCAC 52J .0207(d).
30. During the August 6-7, 2018 FCI, the shelter was not compliant with 02 NCAC 52J .0210(c) as evidenced by the following:
  - a. During the August 6, 2018 FCI, a puppy was noted as being in medical distress. The shelter staff acknowledged that they were aware of the puppy's condition, yet they made no attempt to provide veterinary care or euthanize the puppy until directed to do so by the Inspector Harris;
  - b. During the August 7, 2018 FCI, the veterinarian disclosed to Inspectors Harris and Blatche that she had instructed the shelter to administer doxycycline and ivermectin to the heartworm-positive dogs. There were at least 2 dog heartworm-positive dogs housed at the shelter and review of the medical records for these dogs and the "Med Log Dog" did not show any administration of these medications to these 2 dogs; and
  - c. During the August 7, 2018 FCI, the veterinarian disclosed to Inspectors Harris and Blatche that she had instructed the shelter to administer ivermectin monthly to the dogs as heartworm prevention. Review of the medical records for the dogs housed at the shelter and the "Med Log Dog" did not show any administration of this medication to any of the dogs.
31. During the August 6-7, 2018 FCI, the shelter was not compliant with 02 NCAC 52J .0210(d) as evidenced by the following:
  - a. Review of the shelter records showed 8 animals were noted as being older than 16 weeks and housed at the shelter longer than 15 days before being administered a rabies vaccination. The names of these animals were Barney, Pink, Chester, Waylon, Zena, Nuggies, Maddie and Ruby.; and
  - b. The shelter was cited during the March 15, 2017 FCI for failure to comply with 02 NCAC 52J .0210(d).
32. During the August 6-7, 2018 FCI, the shelter was not compliant with NCGS § 19A-32.1(j)(1) - (4) as evidenced by the following:
  - a. The shelter repeatedly admitted to failing to maintain a record of all animals impounded at the shelter as the shelter's protocol for young animals is not to record the intake until they "see if the animal will make it or not;"
  - b. The shelter was unable to make records available for inspection by AWS for numerous animals including the dam and puppies noted in the first sections of these findings, the foster care paperwork for any animal, the disposition records for the animals adopted through the "Cell Dogs" program and the date of impoundment for 22 of the animals presently housed at

- the shelter; and
- c. The records detailing the length of impoundment for the unknown number of puppies and kittens that died while in the care and custody of the shelter could not be produced for inspection upon request by the AWS because the shelter failed to maintain these records.

## CONCLUSIONS

To the extent that the Findings of Fact contain Conclusion of Law, based on the findings of this investigation, AWS concludes that the shelter, either by act or omission, violated the following provisions:

N.C. General Statute § 19A-32.1(j)(1) – (4) for failing to maintain records of all animals impounded at the shelter and failing to make records available for inspections upon the request of the representative of the Animal Welfare Section. The violation of failing to make the records available occurred on August 6 and 7, 2018. The violation of failing to maintain records of all impounded animals, in particular the unknown number of young animals that died in the care and custody of the shelter and the 22 animals housed at the shelter that had no records, occurred prior to and was discovered on August 6 - 7, 2018;

02 NCAC 52J .0101(1) for failing to maintain records on all dogs and cats showing the origin of animals (including names and addresses of consignors) and date animals were received for the 22 animals housed in the shelter that were discovered to have no records on August 6-7, 2018;

02 NCAC 52J .0101(2) for failing to maintain records on all dogs and cats showing the description of the animals including species, age, sex, breed and color markings for the 22 animals housed in the shelter that were discovered to have no records on August 6-7, 2018;

02 NCAC 52J .0101(3) for failing to maintain records of the location of the animals if not kept at the registered facility as there were no records available for the animals that were in or had recently been in the foster care program. The shelter had no records of the foster care provider for the dam and litter of puppies that were observed to be in distress and/or poor medical condition on August 6-7, 2018;

02 NCAC 52J .0101(4) for failing to maintain records including name and address of person to whom the animal was adopted and the date of such transaction for the animals that were adopted through the Cell Dogs program;

02 NCAC 52J .0101(4) for failing to maintain records in the event of death of the young animals, showing the date, signs of illness, or cause of death if identified;

02 NCAC 52J .0101(5) for failing to maintain records of veterinary care including treatments, immunizations, and date, time, description of medication (including name and dosage), for and initials of person administering any product or procedure. This failure was noted during the for all the 100+ reviewed records of the animals housed at the shelter at the time of the August 6-7, 2018 FCI;

02 NCAC 52J .0103 for failing to make all required records available to the AWS upon request and failing to match each animal to its record upon request during the August 6-7, 2018 FCI;

02 NCAC 52J .0201(d) for failing to store open bags of food in airtight containers with lids as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0201(h) for failing to provide a separate five-foot perimeter fence while confining dogs to unsupervised exercise areas as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0201(l) for failing to comply with state laws relating to or affecting the welfare of dogs and cats in its facility as it pertains to compliance with the N.C. Veterinary Practice Act and its requirement for the shelter's surgical facility to be inspected and in compliance with the relevant regulations as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0202(b) for failing to provide adequate ventilation of the indoor facility such that the air flow was sufficient to minimize odors as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0203(e) for failing to provide a suitable method of drainage for the outdoor facilities as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0204(c) for failing to provide elevated resting surface(s) in primary enclosures housing 3 cats as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0204(f) for housing 16 cats in the same primary enclosure as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0204(g) for failing to provide a receptacle containing clean litter for waste in the free-roaming cat enclosure as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0205(b) for failing to provide a food receptacle for each adult animal as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0207(a) for failing to properly clean the exercise areas a minimum of two times per day as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0207(b)(2) for failing to sanitize enclosures and accessories a minimum of once every seven days as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0207(b)(6) for failing to keep areas accessible to multiple animal clean and sanitary as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0207(c) for failing to keep the premises free of accumulations of trash and discarded matter as noted on the August 6-7, 2018 FCI;

02 NCAC 52J .0210(c) for failing to provide veterinary care or euthanize sick or diseased animals as evidenced by the dying puppy observed on August 6, 2018, the heartworm positive animals not receiving ivermectin and doxycycline as instructed by the shelter veterinarian and the shelter dogs not receiving ivermectin monthly for heartworm prevention as instructed by the shelter veterinarian. These violations were noted on the August 6-7, 2018 FCI; and

02 NCAC 52J .0210(d) for failing to inoculate 4 dogs and 4 cats for rabies that were 4 months of age or older and had been in the shelter at least 15 days as noted on the August 6-7, 2018 FCI.

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

## **CIVIL PENALTIES**

As required by N.C. General Statute § 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, Friends for Animals Humane Society of Burke County, Inc. is hereby assessed a civil penalty for the following violations:

\$500.00 for violation N.C. General Statute § 19A-32.1(j)(1) – (4) for failing to maintain records of all animals impounded at the shelter and failing to make records available for inspections upon the request of the representative of the Animal Welfare Section. The violation of failing to make the records available occurred on August 6 and 7, 2018. The violation of failing to maintain records of all impounded animals, in particular the unknown number of young animals that died in the care and custody of the shelter and the 22 animals housed at the shelter that had no records, occurred prior to and was discovered on August 6 - 7, 2018;

\$500.00 for violation of 02 NCAC 52J .0101(1) for failing to maintain records on all dogs and cats showing the origin of animals (including names and addresses of consignors) and date animals were received for the 22 animals housed in the shelter that were discovered to have no records on August 6-7, 2018;

\$500.00 for violation of 02 NCAC 52J .0101(2) for failing to maintain records on all dogs and cats showing the description of the animals including species, age, sex, breed and color markings for the 22 animals housed in the shelter that were discovered to have no records on August 6-7, 2018;

\$200.00 for violation of 02 NCAC 52J .0101(3) for failing to maintain records of the location of the animals if not kept at the registered facility as there were no records available for the animals that were in or had recently been in the foster care program. The shelter had no records of the foster care provider for the dam and litter of puppies that were observed to be in distress and/or poor medical condition on August 6-7, 2018;

\$400.00 for 2 violations (\$200.00 per violation) violation of 02 NCAC 52J .0101(4) for failing to maintain records including name and address of person to whom the animal was adopted and the date of such transaction for the animals that were adopted through the Cell Dogs program and for failing to maintain records in the event of death of the young animals, showing the date, signs of illness, or cause of death if identified;

\$500.00 for violation of 02 NCAC 52J .0101(5) for failing to maintain records of veterinary care including treatments, immunizations, and date, time, description of medication (including name and dosage), for and initials of person administering any product or procedure. This failure was noted during the for all the 100+ reviewed records of the animals housed at the shelter at the time of the August 6-7, 2018 FCI;

- \$250.00 for violation of 02 NCAC 52J .0103 for failing to make all required records available to the AWS upon request and failing to match each animal to its record upon request during the August 6-7, 2018 FCI;
- \$100.00 for violation of 02 NCAC 52J .0201(d) for failing to store open bags of food in airtight containers with lids as noted on the August 6-7, 2018 FCI;
- \$250.00 for violation of 02 NCAC 52J .0201(h) for failing to provide a separate five-foot perimeter fence while confining dogs to unsupervised exercise areas as noted on the August 6-7, 2018 FCI;
- \$200.00 for violation of 02 NCAC 52J .0202(b) for failing to provide adequate ventilation of the indoor facility such that the air flow was sufficient to minimize odors as noted on the August 6-7, 2018 FCI;
- \$100.00 for violation of 02 NCAC 52J .0203(e) for failing to provide a suitable method of drainage for the outdoor facilities as noted on the August 6-7, 2018 FCI;
- \$100.00 for violation of 02 NCAC 52J .0204(c) for failing to provide elevated resting surface(s) in primary enclosures housing 3 cats as noted on the August 6-7, 2018 FCI;
- \$100.00 violation of 02 NCAC 52J .0204(f) for housing 16 cats in the same primary enclosure as noted on the August 6-7, 2018 FCI;
- \$100.00 for violation of 02 NCAC 52J .0204(g) for failing to provide a receptacle containing clean litter for waste in the free-roaming cat enclosure as noted on the August 6-7, 2018 FCI;
- \$100.00 for violation of 02 NCAC 52J .0205(b) for failing to provide a food receptacle for each adult animal as noted on the August 6-7, 2018 FCI;
- \$200.00 for violation of 02 NCAC 52J .0207(a) for failing to properly clean the exercise areas a minimum of two times per day as noted on the August 6-7, 2018 FCI;
- \$200.00 violation of 02 NCAC 52J .0207(b)(2) for failing to sanitize enclosures and accessories a minimum of once every seven days as noted on the August 6-7, 2018 FCI;
- \$200.00 for violation of 02 NCAC 52J .0207(b)(6) for failing to keep areas accessible to multiple animal clean and sanitary as noted on the August 6-7, 2018 FCI;
- \$200.00 for violation of 02 NCAC 52J .0207(c) for failing to keep the premises free of accumulations of trash and discarded matter as noted on the August 6-7, 2018 FCI;
- \$1,500.00 for 2 violations (\$1000.00 for violation A and \$500.00 for violation B of 02 NCAC 52J .0210(c) for failing to provide veterinary care or euthanize sick or diseased animals. Violation A was the failure to provide veterinary care or euthanasia for the dying puppy observed on August 6, 2018. Violation B was failure of the shelter to provide veterinary care as instructed by the shelter veterinarian to provide the medications ivermectin and doxycycline to the heartworm positive animals and to provide ivermectin monthly to the shelter dogs for heartworm prevention. These violations were noted on the August 6-7, 2018 FCI; and

\$800.00 for 8 violations (\$100.00 per violation) of 02 NCAC 52J .0210(d) for failing to inoculate 4 dogs and 4 cats for rabies that were 4 months of age or older and had been in the shelter at least 15 days as noted on the August 6-7, 2018 FCI.

\$7,000.00 TOTAL AMOUNT ASSESSED

### NOTICE OF WARNING AND DEFICIENCY

As to the matter of the violation of 02 NCAC 52J .0201(l) for failing to comply with state laws relating to or affecting the welfare of dogs and cats in its facility as it pertains to compliance with the N.C. Veterinary Practice Act and its requirement for the shelter's surgical facility to be inspected and in compliance with the relevant regulations as noted on the August 6-7, 2018 FCI, this letter serves as a written warning indicating in which respects the shelter has violated this provision.

Continued or future violation of the statutes or regulations referenced in this letter and the attached inspection reports will be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's license pursuant to NC General Statute § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NC General Statute § 19A-40.

August 27, 2018  
Date

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

## Appendix

### REFERENCED LAWS AND REGULATIONS

#### **§ 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. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

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

(j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall retain those records for a period of at least three years from the date of impoundment, and shall make those records available for inspection during regular inspections pursuant to this Article or upon the request of a representative of the Animal Welfare Section. These records shall contain, at a minimum:

- (1) The date of impoundment.
- (2) The length of impoundment.
- (3) The disposition of each animal, including the name and address of any person to whom the animal is released, any institution that person represents, and the identifying information required under subsection (i) of this section.
- (4) Other information required by rules adopted by the Board of Agriculture. (2013-377, s. 2.)

**§ 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. (1995, c. 516, s. 6; 1998-215, s. 3.)

**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 .0201 GENERAL**

(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.

- (h) A separate five-foot perimeter fence is required if any animals have access to an outdoor enclosure, including unsupervised exercise areas.
- (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.

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

#### **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.

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

#### **02 NCAC 52J .0203 OUTDOOR FACILITIES**

(e) A suitable method of drainage shall be provided.

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

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

(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.

(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 .0205 FEEDING**

(b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by waste. For every adult animal, there must be at least one food receptacle offered. Food receptacles shall be durable and shall be kept clean and sanitized. Damaged receptacles shall be replaced. Disposable food receptacles may be used but must be discarded after each feeding.

*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:

(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.

(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.*

**02 NCAC 52J .0210      VETERINARY CARE**

(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.*

**Animal Welfare Section**  
**NC Department of Agriculture and Consumer Services**  
**1030 Mail Service Center**  
**Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431  
 Email: agr.aws@ncagr.gov  
 Website: www.ncaws.com

**Facility Compliance Inspection - Animal Shelter**

Facility Name: FRIENDS FOR ANIMALS-HUMANE SOCIETY BURKE COUNTY	License Number: 231
Owner: TONI L. DAVIS-DIRECTOR	
Address: 417 KIRSKEY DRIVE	
City: MORGANTON	Zip Code: 28655
County: BURKE	
Phone: (828)433-1115	Email: BCFFA1@GMAIL.COM
Latitude:	Longitude:
Total Enclosures: 56	
Dogs on Premise: 78	Cats on Premise: 51
Licensed Capacity (Dogs): 95	Licensed Capacity (Cats): 40
Type of Inspection: Random Inspection	Date of Inspection: 08/06/2018

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - **Not In Compliance**
2. description [02 NCAC 52J .0101(2)] - **Not In Compliance**
3. location [02 NCAC 52J .0101(3)] - **Not In Compliance**
4. disposition of animals
  - name and address of person [02 NCAC 52J .0101(4)] - **In Compliance**
  - death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - **Not In Compliance**
  - date and type of euthanasia [02 NCAC 52J .0101(4)] - **Not In Compliance**
5. record of veterinary care. [02 NCAC 52J .0101(5)] - **Not In Compliance**

**22 animals are noted to not have records at the time of inspection. Of the animals who were noted to have a record, documentation of veterinary care was not provided at the time of**

inspection in accordance with 02 NCAC 52J .0101. Origin and date of entry are lacking for all animals that are lacking a record. Description of animals is lacking for all animals that are lacking a record. Location of animals is lacking for all animals that are lacking a record and was also not documented for the mother and her 5 puppies that were formerly in foster care according to Director Toni Davis. Disposition records are lacking for animals in foster care. Date and type of euthanasia was not documented for the puppy that was euthanized on 8/6/2018. This puppy also did not have a record at the time of inspection. Over the course of the two day inspection, Inspector Blatche and I viewed the records for all animals at the facility that have a record. None of the records for veterinary care were in compliance with 02 NCAC 52J .0101(5). This inadequacy was also noted on previous inspection reports dated 3/15/17 and 4/2/18.

## 02 NCAC 52J .0103 INSPECTION OF RECORDS

1. Records available upon request. [02 NCAC 52J .0103] - **Not In Compliance**
2. Animals matched to record. [02 NCAC 52J .0103] - **Not In Compliance**
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - **In Compliance**

22 animals were noted to not have a record at the time of inspection. Of the animals that had a record at the time of inspection staff was able to match those records with the corresponding animal. Staff was unable to match records for the animals that did not have a record at the time of inspection.

## 02 NCAC 52J .0201 GENERAL

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - **In Compliance**
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - **In Compliance**
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - **In Compliance**
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - **In Compliance**
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - **Not In Compliance**
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - **Not In Compliance**
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - **In Compliance**
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - **Not In Compliance**
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - **In Compliance**
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - **In Compliance**
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - **In Compliance**
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0101(h)] - **Needs Improvement**
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - **In Compliance**
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - **In Compliance**

15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance
16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - In Compliance

**#5 + #6 - Two open containers of food noted in the feline isolation room. Food shall be stored in air tight containers with lids. This inadequacy was noted on a previous inspection report dated 3/15/17. #8 - Overall cleanliness of the shelter is of concern at the time of inspection. Clutter, debris, and other waste is building up throughout the facility. This inadequacy remains from the previous inspection dated 4/2/18. #12- Supervision of animals housed in the outdoor play yards was not continuous during my time at the facility over the course of this two day inspection. There were lengthy periods of time for which animals were housed in the outdoor play yards without supervision. Secondary fencing for this area is inadequate therefore animals housed in the outdoor exercise pens must have supervision. This inadequacy was noted on a previous inspection dated 9/20/17.**

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

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - **Not In Compliance**
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - **Not In Compliance**
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - **Not In Compliance**
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - In Compliance

**#3 & #5- A strong odor is detected throughout the entirety of this facility during the inspection. Overall cleanliness may contribute to this odor along with lack of sufficient ventilation. A strong odor is noted in the cat room. Soiled litter boxes may contribute to this overwhelming odor. #8 - A carpeted cat climbing tree is noted in the cat room and is accessible to free roaming cats. This cat climbing tree cannot be readily sanitized and is not impervious to moisture. Remove cat climbing tree or replace the cat climbing tree with a tree that is impervious to moisture. This inadequacy was noted on a previous inspection report dated 3/7/16.**

## 02 NCAC 52J .0203 OUTDOOR FACILITIES

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - **Not In Compliance**
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - **In Compliance**
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - **In Compliance**
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - **In Compliance**
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - **In Compliance**
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - **In Compliance**
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - **Not In Compliance**

**#1 - Cracks are noted in the concrete in the walkway and along the trough drain on the backside of the facility in the area of large dog outdoor enclosures. #7 - The drain on the backside of the facility in the area of large dog outdoor enclosures does not appear to be functioning adequately and/or the trough drain has not been adequately cleaned. What appears to be waste sludge is building up in the bottom of the trough drain. It does not appear that the grates over the drain have been removed in some time. An overwhelming odor was coming from this area.**

## 02 NCAC 52J .0204 PRIMARY ENCLOSURES

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - **In Compliance**
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - **In Compliance**
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - **In Compliance**
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - **In Compliance**
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out. [02 NCAC 52J .0204(b)] - **In Compliance**
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - **In Compliance**
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - **In Compliance**
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - **In Compliance**
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - **Not In Compliance**
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - **Needs Improvement**

11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - **Not In Compliance**
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - In Compliance
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - **Not In Compliance**
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - **Not In Compliance**
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

**#9 & #10- A resting surface is not noted in the large dog canine primary enclosures at the time of inspection. Resting surfaces must be provided in accordance with 02 NCAC 52J .0204. #11 - 3 cats are noted in the enclosure labeled "E" in the cat isolation room. These cats do not have access to a raised resting surface. #17 - 16 cats were noted to be free roaming in the cat room on August 6th, 2018. No more than 12 cats may be housed in one primary enclosure. #18- In the free roaming cat room 6 litter boxes were noted to heavily soiled. The free roaming cats do not have access to clean litter in this room at the time of inspection. Cats must have access to a receptacle with clean litter provided for waste.**

## **02 NCAC 52J .0205 FEEDING**

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - Needs Improvement
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - **Not In Compliance**

7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - In Compliance

**#3- At 10:00 am staff indicated that feeding had not yet taken place for the animals housed in this facility. Staff also indicated that generally all staff has departed the facility at or near 5:00pm. Insure that 8 hour intervals are between feedings if only two feedings are offered in a 24 hour period. #6- Not all adult dogs have separate feeding receptacles. Example is enclosure # 8 housing 4 adult dogs with only 2 food receptacles. Also, on 8/7/18 only one food large food receptacle was available for all 12 free roaming cats in this enclosure. Each adult animal must have a separate feeding receptacle.**

### **02 NCAC 52J .0206 WATERING**

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

### **02 NCAC 52J .0207 SANITATION**

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - **Not In Compliance**
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - **Not In Compliance**
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - **Not In Compliance**
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - Not Applicable
  - washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)]- Not Applicable

8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - **Not In Compliance**
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - **Not In Compliance**
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - **Not In Compliance**
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - **Not In Compliance**
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - **Not In Compliance**

**#6 - Director Davis indicated that the cat room has not been sanitized in approximately two weeks. She also indicated that this room is normally only sanitized every two weeks. If the same animal(s) is housed in a primary enclosure it must be sanitized at least every seven days. Empty enclosures must be cleaned prior to the introduction of animal(s). #6 & #9 - Bedding in the cat room appears heavily soiled and does not appear to have been washed or sanitized recently. Bedding should be washed routinely and must be washed at least every 7 days. #11 - Accumulations of clutter, storage, and various items are noted throughout the facility that make routine cleaning difficult. All areas of the facility should remain free of accumulations of clutter and other various items to maintain cleanliness and to facilitate the prescribed husbandry practices set forth in 02 NCAC 52J .0207. #12 - The recycling area is overflowing with a large accumulation of discarded cans and trash such that it would encourage the presence of rodents. #1 & #2 - The outdoor play yard remained soiled with feces that was noted on 8/6/18 and was again noted on 8/7/18. The feces had not been removed from the play yard prior to use on 8/7/18. Therefore, this area could not have been cleaned twice daily between the dates of 8/6/18 and 8/7/18. #10 - The play area which is accessible to multiple animals had not been cleaned prior to the introduction of new animals. Therefore, this area was not kept clean and sanitary. #14 - A large number of flies are noted throughout the facility. The abundance of flies was especially bad in the cat isolation room and in the area of large dog indoor enclosures. Fly traps in this area appear full and should be replaced in order to effectively control the abundance of flies. Other areas of the facility were not noted to have an effective program for the control of flies.**

#### **02 NCAC 52J .0208 EMPLOYEES**

1. Sufficient number of employees. [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

#### **02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION**

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance

3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)]- In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0207(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance
7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

## **02 NCAC 52J .0210 VETERINARY CARE**

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - Needs Improvement
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - **Not In Compliance**
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - In Compliance
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for 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. [02 NCAC 52J .0210(d)] - **Not In Compliance**

**#3 & #4 - A mother dog and her 5 puppies were noted in poor condition during today's inspection. The mother appears emaciated and the puppies do not appear to be thriving. I noted**

one puppy attempting to vomit. I also noted one puppy to be near death at the time of inspection. Staff indicated that they had seen the puppy at 8:55am yet did not take action to get this puppy veterinary care. Upon finding this puppy I directed this facility to obtain immediate veterinary care for this individual puppy. The remainder of the puppies and the mother dog must have veterinary care provided within 24 hours. Documentation of such veterinary care must be provided to me via email within 24 hours. No records are available at the time of inspection for the mother and her puppies. #9 - Review of the records indicated that the following animals were not vaccinated for rabies and/or they had been at the shelter for at least 15 days prior to being administered a rabies vaccine; Barney, Pink, Chester, Waylon, Zena, Nuggies, Maddie, and Ruby. This was noted on a previous inspection dated 03/15/17.

## **02 NCAC 52J .0301 VEHICLES**

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - Not Applicable
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not Applicable
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not Applicable
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not Applicable

## **02 NCAC 52J .00302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS**

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not Applicable
2. Such enclosures constructed or positioned so that:
  - Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not Applicable
  - The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not Applicable
  - The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not Applicable
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not Applicable
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not Applicable
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not Applicable
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not Applicable
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not Applicable
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not Applicable

9. Animals not be placed in primary enclosure over other animals in transit unless such enclosures is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not Applicable
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302 (e)] - Not Applicable

## **02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS**

1. If animals are transported for more than 12 hours:
  - The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)]- Not Applicable
  - Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303 (2)]- Not Applicable
  - Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not Applicable
  - Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)]- Not Applicable

## **02 NCAC 52J .0304 CARE IN TRANSIT**

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not Applicable

## **§19A-32.1 MINIMUM HOLDING PERIOD**

1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1 (d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1 (g)] - In Compliance

10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - **Not In Compliance**
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - **Not In Compliance**

**#15 & #16 - 22 animals were lacking records at the time of inspection. These records, and the lack thereof, are not in compliance with 19A - 32.1.**

**General Comments:**

**Inspection Result:**

**Disapproved**

Inspector's Signature	Date
 Lindsey Harris	08/06/2018
Facility Representative's Signature	Date
 Sharon martinez	08/06/2018

**Animal Welfare Section  
NC Department of Agriculture and Consumer Services  
1030 Mail Service Center  
Raleigh, NC 27699-1030**

Phone: (919) 707-3280 Fax: (919) 733-6431  
Email: agr.aws@ncagr.gov  
Website: www.ncaws.com

**Facility Compliance Inspection - Animal Shelter**

Facility Name: FRIENDS FOR ANIMALS HUMANE SOC. BURKE CO	License Number: 231
Owner: TONI L. DAVIS-DIRECTOR	
Address: 417 KIRSKEY DRIVE	
City: MORGANTON	Zip Code: 28655
Phone: (828)433-1115	Email: BCFFA1@GMAIL.COM
Total Enclosures: 53	
Dogs on Premise: 62	Cats on Premise: 19
Licensed Capacity (Dogs):	Licensed Capacity (Cats):
Type of Inspection: Random Inspection	Date of Inspection: 04/02/2018

**02 NCAC 52J .0101 RECORDS**

1. origin and date received. [02 NCAC 52J .0101(1)] - In Compliance
2. description [02 NCAC 52J .0101(2)] - In Compliance
3. location [02 NCAC 52J .0101(3)] - In Compliance
4. disposition of animals
  - o name and address of person [02 NCAC 52J .0101(4)] - In Compliance
  - o death - date, signs of illness, or cause of death if identified [02 NCAC 52J .0101(4)] - In Compliance
  - o date and type of euthanasia [02 NCAC 52J .0101(4)] - In Compliance
5. record of veterinary care. [02 NCAC 52J .0101(5)] - Needs Improvement

#5 - Medication logs are not fully documented. Some records are lacking initials of individual who gave medications/vaccinations. One record for "Uriah" indicates that 3cc of PPM (stated by staff to be de-wormer) on 9/19/17 in a handwritten note. This handwritten note lacks the time of administration along with documentation of who gave the medication. The computer generated record for the same animal indicates that 1cc of PPM-2 Tri-wormer was given on 9/19/17. This record also lacks documentation of who gave the de-wormer. Any and all medications and vaccinations should be fully documented as is outlined in NCAC 52J .0101.

**02 NCAC 52J .0103 INSPECTION OF RECORDS**

1. Records available upon request. [02 NCAC 52J .0103] - In Compliance
2. Animals matched to record. [02 NCAC 52J .0103] - In Compliance
3. Records retained for 1 year; [02 NCAC 52J .0103]; see section for §19A-32.1(j) for records to be retained for 3 years - In Compliance

**02 NCAC 52J .0201 GENERAL**

1. Housing facilities structurally sound and maintained in good repair. [02 NCAC 52J .0201(a)] - In Compliance
2. Housing facilities contain the animals and restrict entry of other animals and people. [02 NCAC 52J .0201(a)] - In Compliance
3. Light fixtures and electrical outlets in animal areas in compliance with the State Building Code. [02 NCAC 52J .0201(b)] - In Compliance
4. Electric power reliable and safe. [02 NCAC 52J .0201(c)] - In Compliance
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - Not In Compliance
6. Open bags of food stored in airtight containers with lids. [02 NCAC 52J .0201(d)] - In Compliance
7. Refrigeration for perishable food. [02 NCAC 52J .0201(d)] - In Compliance
8. Daily removal and disposal of animal and food waste, bedding and debris; facility maintained in a clean and sanitary manner. [02 NCAC 52J .0201(e)] - In Compliance
9. Hot and cold running, potable water available. [02 NCAC 52J .0201(f)] - In Compliance
10. Washroom, basin or sink provided to maintain cleanliness among animal caretakers, animals, and animal food and water receptacles. [02 NCAC 52J .0201(f)] - In Compliance
11. Ability to confirm ambient temperature. [02 NCAC 52J .0201(g)] - In Compliance
12. A separate five-foot perimeter fence if any animals have access to an outdoor enclosure, including unsupervised exercise areas. [02 NCAC 52J .0101(h)] - In Compliance
13. Adequate drainage system. [02 NCAC 52J .0201(i)] - In Compliance
14. All areas of a facility available for review or inspection during normal business hours. [02 NCAC 52J .0201(j)] - In Compliance
15. All animals in a facility subject to the requirements of the Animal Welfare Act, regardless of ownership. [02 NCAC 52J .0201(k)] - In Compliance

16. Compliance with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility. [02 NCAC 52J .0201(l)] - In Compliance
17. No dog or cat present in a window display except during business hours and in compliance with standards set forth in this Section. [02 NCAC 52J .0201(m)] - In Compliance

**#5 - I noted a soiled crate tray placed on top of storage tote of clean blankets. There was no lid on top of the storage tote containing the blankets therefore the bedding was exposed to the soiled crate tray. Bedding should be stored in a manner that keeps it clean and soiled crate trays should not be placed on top of bedding.**

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

1. Indoor housing facilities adequately heated and cooled. [02 NCAC 52J .0202(a)] - In Compliance
2. Ambient temperature between 50°F and 85°F. [02 NCAC 52J .0202(a)] - In Compliance
3. Indoor housing facilities adequately ventilated. [02 NCAC 52J .0202(b)] - In Compliance
4. Fresh air and ventilation provided and drafts minimized. [02 NCAC 52J .0202(b)] - In Compliance
5. Air flow adequate to minimize odors and moisture condensation. [02 NCAC 52J .0202(b)] - Needs Improvement
6. Indoor housing facilities adequately illuminated. [02 NCAC 52J .0202(c)] - In Compliance
7. Illumination provides regular diurnal lighting cycles and be uniformly diffused [02 NCAC 52J .0202(c)] - In Compliance
8. Interior building surfaces are impervious to moisture and can be readily sanitized. [02 NCAC 52J .0202(d)] - In Compliance
9. Drainage rapidly eliminates excess water. [02 NCAC 52J .0202(e)] - In Compliance
10. Closed drain systems equipped with traps and installed to prevent odors and backup of sewage. [02 NCAC 52J .0202(e)] - In Compliance
11. The drainage system constructed to prevent cross-contamination among animals. [02 NCAC 52J .0202(e)] - In Compliance

**#5 - Air flow in the feline community room should be increased to reduce odor in this area. A significant odor was detected upon entry to this room.**

#### **02 NCAC 52J .0203 OUTDOOR FACILITIES**

1. Primary enclosures and walkways constructed of sealed concrete or other surfaces impervious to moisture. [02 NCAC 52J .0203(a)] - Needs Improvement
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - In Compliance
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - In Compliance
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - In Compliance
5. One house available for each animal within each enclosure unless the animals are a mother and her unweaned offspring. [02 NCAC 52J .0203(b)] - In Compliance
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - In Compliance
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - In Compliance

**#1 - Concrete in the area of small dogs outdoor enclosures has cracks and is no longer impervious to moisture. Reseal concrete in the area of small dog outdoor enclosures.**

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

1. Primary enclosures constructed prevent contamination from waste and wastewater from animals in other enclosures. [02 NCAC 52J .0204(a)] - In Compliance
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - Needs Improvement
3. For primary enclosures placed into service on or after January 1, 2005, no wood within the animal's reach. [02 NCAC 52J .0204(a)] - In Compliance
4. For primary enclosures in use in a registered facility prior to January 1, 2005, any damaged wood replaced so that there's no contact with wood by the animal. [02 NCAC 52J .0204(a)] - In Compliance
5. Primary enclosures structurally sound, maintained in good repair and in a manner to prevent injury to animals, and keep other animals out [02 NCAC 52J .0204(b)] - In Compliance
6. Primary enclosures provide space to allow animal to walk, turn about freely, and to easily stand, sit, or lie in a natural position. [02 NCAC 52J .0204(b)] - In Compliance
7. The height of primary enclosures other than cage no less than five feet. [02 NCAC 52J .0204(b)] - In Compliance
8. All enclosures constructed as to prevent the escape of animals. [02 NCAC 52J .0204(b)] - In Compliance
9. Each primary enclosure provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. [02 NCAC 52J .0204(c)] - In Compliance
10. All resting surfaces made of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. [02 NCAC 52J .0204(c)] - In Compliance
11. The resting surface or surfaces be elevated in primary enclosures housing two or more cats. [02 NCAC 52J .0204(c)] - In Compliance
12. In addition to Paragraph (b) of 02 NCAC 52J .0204, each dog shall be provided with the minimum square footage required by 02 NCAC .0204(d). [02 NCAC 52J .0204(d)] - In Compliance
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - In Compliance
14. If more than four dogs are housed in a common area or enclosure, then at least one person supervising each 10 dogs housed within each enclosure or common area. [02 NCAC 52J .0204(e)] - In Compliance
15. In addition to Paragraph (b) of 02 NCAC 52J .0204, each feline older than six months housed in any primary enclosure provided with a minimum of 4sq ft. of floor space which may include elevated resting surfaces. [02 NCAC 52J .0204(f)] - In Compliance
16. Each feline younger than 6 months provided 1.5 sq. ft. [02 NCAC 52J .0204(f)] - In Compliance
17. No more than 12 cats housed in the same primary enclosure. [02 NCAC 52J .0204(f)] - In Compliance
18. In all cat enclosures, receptacle with clean litter provided for waste. [02 NCAC 52J .0204(g)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - In Compliance

**#2 - The grooming room is heavily soiled with feces and bedding material. This room has not been approved for use for the containment of free roaming animals. Wooden cabinets and other surfaces which are not impervious to moisture remain accessible to any animal(s) that would be free roaming in this room. I have discussed this with management during previous inspections yet this room has again been used for the free roaming containment of puppies**

(according to the sign on the door to the room). This room should be cleaned and disinfected immediately. This room should not be used for the housing of free roaming animals. This room will need to be brought into compliance before the facility plans to use the room for housing animals. Please contact me for inspection prior to utilizing this room for housing animals.

#### 02 NCAC 52J .0205 FEEDING

Dogs and cats fed at least once each 24-hour period except as otherwise might be required to provide adequate veterinary care. [02 NCAC 52J .0205(a)]

1. Food is commercially prepared food complying with laws applicable to animal feed or the food provided by the owner. [02 NCAC 52J .0205(a)] - In Compliance
2. The food is free from contamination, wholesome, palatable, and of adequate quality and quantity appropriate for the given size, age, and condition of an animal meeting the daily requirements for nutritional value. [02 NCAC 52J .0205(a)] - In Compliance
3. Puppies and kittens less than six months of age fed at least twice in each 24-hour period. An eight-hour interval between feedings if only two feedings are offered in a 24-hour period. [02 NCAC 52J .0205(a)] - In Compliance
4. Food receptacles accessible to all dogs or cats. [02 NCAC 52J .0205(b)] - In Compliance
5. Food receptacles located to minimize contamination by waste. [02 NCAC 52J .0205(b)] - In Compliance
6. For every adult animal, at least one food receptacle offered. [02 NCAC 52J .0205(b)] - In Compliance
7. Food receptacles durable, clean and sanitized. [02 NCAC 52J .0205(b)] - In Compliance
8. Damaged receptacles replaced. [02 NCAC 52J .0205(b)] - In Compliance
9. Disposable food receptacles discarded after each feeding. [02 NCAC 52J .0205(b)] - In Compliance
10. Food and water receptacles in outdoor facilities protected from the elements. [02 NCAC 52J .0205(c)] - In Compliance

#### 02 NCAC 52J .0206 WATERING

1. Continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. [02 NCAC 52J .0206] - In Compliance
2. Watering receptacles durable, clean and sanitized. [02 NCAC 52J .0206] - In Compliance
3. Damaged receptacles replaced. [02 NCAC 52J .0206] - In Compliance

#### 02 NCAC 52J .0207 SANITATION

1. Waste removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats and to reduce disease hazards and odors. [02 NCAC 52J .0207(a)] - In Compliance
2. Enclosures and exercise areas for dogs and cats properly cleaned a minimum of two times per day. [02 NCAC 52J .0207(a)] - In Compliance
3. The animal must be able to walk or lie down without coming in contact with any waste or debris. [02 NCAC 52J .0207(a)] - In Compliance
4. When a hosing or flushing method is used for cleaning an enclosure, animals are removed during the cleaning process, and measures taken to protect the animals in other such enclosures from being contaminated with water and other wastes. [02 NCAC 52J .0207(a)] - In Compliance
5. Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories sanitized in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
6. In addition to primary enclosures being properly cleaned a minimum of two times per day, if the same animal is housed in the same enclosure more than seven days, enclosures and accessories sanitized at least once every seven days in the manner provided in 02 NCAC 52J .0207(b)(3). [02 NCAC 52J .0207(b)(1)] - In Compliance
7. Cages, rooms and hard-surfaced pens or runs be sanitized by:
  - o washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or - In Compliance
  - o washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or - In Compliance
  - o cleaning all soiled surfaces with live steam. [02 NCAC 52J .0207(3)(A-C)] - In Compliance
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - In Compliance
9. Soiled linens and cloth products mechanically washed with detergent and sanitized. [02 NCAC 52J .0207(b)(5)] - In Compliance
10. Any area accessible to multiple animals kept clean and sanitary. [02 NCAC 52J .0207(b)(6)] - In Compliance
11. Premises (buildings and grounds) kept clean and in good repair to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. [02 NCAC 52J .0207(c)] - In Compliance
12. Premises are free of accumulations of trash, junk, waste products, and discarded matter. [02 NCAC 52J .0207(c)] - Not In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - In Compliance
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

#12 - Clutter throughout the facility remains an issue. Reduce clutter to aide in overall cleanliness of the facility.

#### 02 NCAC 52J .0208 EMPLOYEES

1. Sufficient number of employees. [02 NCAC 52J .0208] - In Compliance
2. Supervision of an animal caretaker who has a background in animal husbandry or care. [02 NCAC 52J .0208] - In Compliance

#### 02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

1. Animals in the same primary enclosure maintained in compatible groups. [02 NCAC 52J .0209] - In Compliance
2. Females in season (estrus) not be housed in the same primary enclosure with males except for planned breeding. [02 NCAC 52J .0209(1)] - In Compliance
3. Breeding not allowed in animal shelters. [02 NCAC 52J .0209(1)] - In Compliance
4. Aggressive animals housed individually in a primary enclosure. [02 NCAC 52J .0209(2)] - In Compliance
5. Puppies or kittens less than four months of age housed in the same primary enclosure with adults without written permission. [02 NCAC 52J .0209(3)] - In Compliance
6. Puppies or kittens between 4 and 16 weeks of age have daily access to human social interaction. [02 NCAC 52J .0209(3)] - In Compliance

7. Dogs not housed in the same primary enclosure with cats; dogs or cats not housed in the same primary enclosure with any other species of animals without written permission. [02 NCAC 52J .0209(4)] - In Compliance
8. Designated isolation area for animals being treated or observed for communicable diseases. [02 NCAC 52J .0209(5)] - In Compliance
9. Dogs or cats in isolation that are being treated for a communicable disease separated as to minimize dissemination of disease. [02 NCAC 52J .0209(5)] - In Compliance
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - In Compliance
11. Animals in long term care:
  - Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
  - Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - In Compliance
  - A species and size-appropriate toy, unless it poses a health threat. [02 NCAC 52J .0209(6)(c)] - In Compliance
12. All animals confined in primary enclosures or exercise areas. [02 NCAC 52J .0209(7)] - In Compliance

#### 02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - In Compliance
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - In Compliance
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - In Compliance
4. Sick or diseased, injured, lame, or blind dogs or cats provided with veterinary care [02 NCAC 52J .0210(c)] - In Compliance
5. If euthanasia is performed, a list of personnel approved to perform euthanasia maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. [02 NCAC 52J .0210(c)] - In Compliance
6. Diseased or deformed animals sold or adopted only under the policy set forth in the "Program of Veterinary Care." [02 NCAC 52J .0210(c)] - In Compliance
7. Full written disclosure of the medical condition provided to the new owner. [02 NCAC 52J .0210(c)] - In Compliance
8. All animals in a licensed or registered facility in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. [02 NCAC 52J .0210(d)] - In Compliance
9. However, rabies vaccine not required for 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. [02 NCAC 52J .0210(d)] - In Compliance

#### 02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - Not Applicable
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - Not Applicable
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - Not Applicable
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - Not Applicable

#### 02 NCAC 52J .0302 PRIMARY ENCLOSURES USED IN TRANSPORTING DOGS AND CATS

1. Primary enclosures constructed, ventilated and designed to protect the health and insure the safety of the animals. [02 NCAC 52J .0302(a)] - Not Applicable
2. Such enclosures constructed or positioned so that:
  - Each animal in the vehicle has sufficient fresh air for normal breathing. [02 NCAC 52J .0302(a)(1)] - Not Applicable
  - The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - Not Applicable
  - The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - Not Applicable
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - Not Applicable
4. The animal containment units are equipped with operable air-conditioning, forced-air cooling and heating or other temperature control mechanisms. [02 NCAC 52J .0302(a)] - Not Applicable
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - Not Applicable
6. Puppies or kittens less than 4 months of age not be transported in the same primary enclosures with adults other than their dams. [02 NCAC 52J .0302(b)] - Not Applicable
7. Primary enclosures for transport large enough for each animal to turn about freely, and to easily stand, sit or lie down in a natural position. [02 NCAC 52J .0302(c)] - Not Applicable
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - Not Applicable
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosures is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - Not Applicable
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - Not Applicable

#### 02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
  - The vehicles stop at least once every 12 hours for a period of 1 hour. During the 1-hour stop, potable water continuously provided for dogs and cats. [02 NCAC 52J .0303(1)] - Not Applicable
  - Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)] - Not Applicable
  - Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)] - Not Applicable
  - Dogs removed from the vehicle, given fresh water and given the opportunity for exercise if they have been confined in the vehicle for 36 hours. [02 NCAC 52J .0303(3)] - Not Applicable

#### 02 NCAC 52J .0304 CARE IN TRANSIT

1. The attendant or driver inspects animals frequently enough to assure health and comfort and to determine if they need emergency care and to obtain it if needed. [02 NCAC 52J .0304] - Not Applicable

#### \$19A-32.1 MINIMUM HOLDING PERIOD

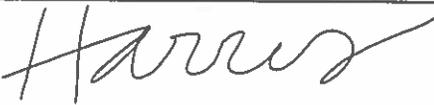
1. All animals held for a minimum holding period (MHP) of 72 hours. [§19A-32.1(a)] - In Compliance
2. Animal made available for adoption unless exempted by §19A-32.1(b)(1-3). [§19A-32.1(a)] - In Compliance
3. Seriously ill or injured animal euthanized before the expiration of the MHP: a) Determination in writing from the animal shelter manager; and b) the writing includes the reason for the determination. [§19A-32.1(b)(2)] - In Compliance
4. Viewing for lost pet: a) entitled to view every animal; and b) at least 4 hours a day, 3 days a week. [§19A-32.1(c)] - In Compliance
5. Reasonable arrangements allow pet owners to determine whether their lost pets are amongst animals in restricted areas. [§19A-32.1(c)] - In Compliance
6. Fostering during MHP: at least 1 photograph displayed in a conspicuous location. [§19A-32.1(d)] - In Compliance
7. Foster care policies. [§19A-32.1(e)] - In Compliance
8. Owner surrendered and not reclaimed during the MHP: a) be returned to the owner, b) adopted, or c) euthanized. [§19A-32.1(f)] - In Compliance
9. Owner surrender disposed of before the expiration of the MHP: a) proof of ownership provided; and b) signed written consent to the disposition before the expiration of the MHP. [§19A-32.1(g)] - In Compliance
10. Owner surrender: statement in writing whether the dog has bitten any individual within the previous 10 days. [§19A-32.1(h)] - In Compliance
11. The person to whom an animal is released presents a valid form of government-issued photographic identification. [§19A-32.1(i)] - In Compliance
12. Documentation of the name of the person, the type of ID and the ID number. [§19A-32.1(i)] - In Compliance
13. Record of all animals impounded at the shelter maintained. [§19A-32.1(j)] - In Compliance
14. Retain the animal records for at least 3 years from the date of impoundment. [§19A-32.1(j)] - In Compliance
15. Animal records available for inspection during regular inspection or upon request of AWS. [§19A-32.1(j)] - In Compliance
16. Records contain at a minimum: date of impoundment, length of impoundment, disposition of each animal, name and address of person to whom the animal was released, any institution that person represents, and the identifying information; other information required by rules adopted by the Bd of Ag. [§19A-32.1(j)(1-4)] - In Compliance

**General Comments:**

Overall cleanliness remains an issue at this facility along with consistency in record keeping. I will follow up with this facility at some point after 45 day to insure that all inadequacies are corrected. I was accompanied on today's inspection by Rebekah Connell.

**Inspection Result:**

Approved

Inspector's Signature	Date
	04/02/2018
Facility Representative's Signature	Date
	04/02/2018

**Animal Welfare Section**  
**NC Department of Agriculture and Consumer Services**  
**1030 Mail Service Center**  
**Raleigh, NC 27699-1030**  
 phone: (919) 715-7111 FAX: (919) 733-6431  
 e-mail: aws.agr@ncagr.gov  
 URL: www.ncaws.com

<b>Inspection Results</b>		<b>Date of inspection</b>	
Approved		Sep 20, 2017	
Type of Inspection	Annual Inspection	Type of runs	Indoor + Outdoor runs
License type	40 - Private Shelter	License #	81
# dogs present	92	# cats present	31
Number of prim. enclosures		53	

35.45999	81.3984
Latitude	Longitude

Burke County Friends For Animals Humane Society		Toni Davis	
Name of business		Name of owner	
417 Kirksey Drive	Morganton	NC 28655	Burke
Street address	City	ZIP code	County
+1 (828) 433-1115			
Phone Number			

### Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	NOT ACCEPTABLE
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Acceptable		

### Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	Acceptable	Location off-site 0101	Acceptable	Disposition of animals 0101	Acceptable
0101 Descript. of animals, shelter	Acceptable			Veterinary treatment, shelter 0101	Acceptable

### Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

### Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	Acceptable	0103 Records match animals	Acceptable	0103 Records kept 1+ year	Acceptable

Animal Welfare Section, NCDA&CS  
Inspection Report, continued

Inspection Results

Date of inspection

Approved

Sep 20, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Indoor facilities**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	Acceptable	0202 Lighting, indoor	Acceptable
0202 Imperv/Sanitary surf., indoor	Acceptable	0202 Drainage, indoor	Acceptable		

**Outdoor facilities**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	Acceptable	0203 Protection from elements	Acceptable
0203 Owner advised, outdoor	Acceptable	0203 Drainage, outdoor	NOT ACCEPTABLE		

**Primary enclosures**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	Acceptable	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	Acceptable
0204 Surf. Impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	Acceptable	0204 Cats, >= 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	Acceptable	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	Acceptable
0204 Enclosures in sound repair	Acceptable	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Acceptable		

**Feeding**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

**Watering**

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	Acceptable

**Sanitation/Employees/Classification & Separation**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	Acceptable	0207 Grounds overgrown	Acceptable	0207 Young given social interact.	Acceptable
0207 Animals removed while clean	Acceptable	0207 Pest Control	Acceptable	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS  
Inspection Report, continued

Inspection Results

Approved

Date of inspection

Sep 20, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Sanitation/Employees/Classification & Separation (continued)**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage	Acceptable
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program	Acceptable
0207 Build./grnds., clean & repair	Acceptable	0207 Owner perm, commingling	Acceptable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

**Veterinary Care**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	Acceptable
0210 Veterinary care when needed	Acceptable				

**Vehicles**

0301 Vehicles mechanically sound	Acceptable	0301 Fresh air and ventilation	Acceptable	0301 Cargo area clean	Acceptable
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**Primary Enclosure Used in Transportation**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Acceptable	0302 Age and species separated	Acceptable	0302 Size of transport enclosure	Acceptable
0302 Enclosure clean & sanitized	Acceptable				

**Transportation: Food and Water**

**Transportation: Care**

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Acceptable	0304 Observation of animals	Acceptable

**General Statute 19A-32.1**

(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	Acceptable	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	Acceptable	(g) i, ii Owner surrender held unless proof ownership & signed consent	Acceptable
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	Acceptable	(i) Release animal to person, record of approved government photo ID	Acceptable		

**Inspection Results**

Date of inspection

Approved

Sep 20, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Narrative Explanation**

At the time of inspection morning cleaning is underway. The population appears healthy with no sign of illness/injury noted at the time of inspection.

Inadequacies noted at the time of inspection include:

(0203, 0204)

1) Concrete in the area of outdoor puppy enclosures appears to be no longer sealed. Seal concrete in this area.

2) Two outdoor enclosures permit animals housed within access to bare dirt areas. Gravel should be added to these enclosures at a minimum depth of 6".

(0201)

1) A total of 5 dogs were housed in 3 outdoor play yards that were lacking supervision at the time of inspection.

This area does not have adequate secondary fencing therefore animals housed within these outdoor play yards must be continuously supervised. This inadequacy remains from the previous inspection dated 03 15 2017.

Records were in order for all animals requested. Medication logs viewed were current and time of administration was adequately documented. All records viewed indicated that these animals were current on their rabies vaccine.

Food was stored in sealed containers. Bowls and bedding were clean and adequately stored in a sanitary manner.

No other inadequacies were noted at the time of inspection.

**Inspection Results**

Date of inspection

**Approved**

Sep 20, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Narrative Explanation**

This facility does not perform euthanasia.

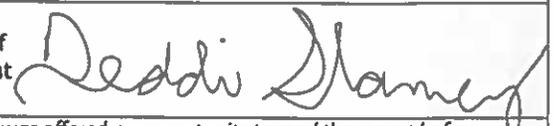
Clutter continues to improve at this facility. Continue reducing clutter and storing any necessary items in sealed containers to prevent contamination and to aide in cleaning.

check here if a euthanasia inspection form is attached

Digital signature  
of inspector

**Lindsey Harris**  
Digitally signed  
by Lindsey Harris  
Date: 2017.09.20  
15:30:27 -04'00'

Signature of  
Management



*I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.*

**Animal Welfare Section**  
**NC Department of Agriculture and Consumer Services**  
**1030 Mail Service Center**  
**Raleigh, NC 27699-1030**  
 phone: (919) 715-7111 FAX: (919) 733-6431  
 e-mail: aws.agr@ncagr.gov  
 URL: www.ncaws.com

<b>Inspection Results</b>		<b>Date of inspection</b>	
Approved		Mar 15, 2017	
Type of inspection	Annual inspection	Type of runs	Indoor + Outdoor runs
license type	40 - Private Shelter	License #	81
# dogs present		# cats present	
Number of prim. enclosures			53

35.45999	81.3984
Latitude	Longitude

Burke County Friends For Animals Humane Society		Toni Davis	
Name of business		Name of owner	
417 Kirksey Drive	Morganton	NC 28655	Burke
Street address	City	ZIP code	County
+1 (828) 433-1115			
Phone Number			

**Facilities**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	Acceptable	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	NOT ACCEPTABLE
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	NOT ACCEPTABLE	0201 Thermometer present	Acceptable	0201 Compliance with welfare	Acceptable
		0201 Animals in windows	Acceptable		

**Records, shelter**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	Acceptable	Location off-site 0101	Acceptable	Disposition of animals 0101	Acceptable
0101 Descript. of animals, shelter	Acceptable			Veterinary treatment, shelter 0101	NOT ACCEPTABLE

**Records, kennel**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

**Records, inspection**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	Acceptable	0103 Records match animals	Acceptable	0103 Records kept 1+ year	Acceptable

Animal Welfare Section, NCDA&CS  
Inspection Report, continued

Inspection Results

Date of inspection

Approved

Mar 15, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Indoor facilities**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	Acceptable	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	Acceptable	0202 Drainage, indoor	Acceptable		

**Outdoor facilities**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	Acceptable	0203 Protection from elements	Acceptable
0203 Owner advised, outdoor	Acceptable	0203 Drainage, outdoor	Acceptable		

**Primary enclosures**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	Acceptable	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	Acceptable
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	Acceptable	0204 Cats, >= 4 sq. ft. / adult	Acceptable
0204 Prevent contact with wood	NOT ACCEPTABLE	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	Acceptable
0204 Enclosures in sound repair	Acceptable	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	Acceptable
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Acceptable		

**Feeding**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

**Watering**

Inspection Category	Result	Inspection Category	Result
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	Acceptable

**Sanitation/Employees/Classification & Separation**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	Acceptable	0207 Grounds overgrown	Acceptable	0207 Young given social interact.	Acceptable
0207 Animals removed while clean	Acceptable	0207 Pest Control	Acceptable	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS  
Inspection Report, continued

Inspection Results

Approved

Date of inspection

Mar 15, 2017

Burke County Friends For Anima

Toni Davis

Morganton

NC

**Sanitation/Employees/Classification & Separation (continued)**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	Acceptable	0207 Number of employees	Acceptable	0207 Isolation area & signage	NOT ACCEPTABLE
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program	Acceptable
0207 Build./grnds., clean & repair	NOT ACCEPTABLE	0207 Owner perm, commingling	Acceptable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

**Veterinary Care**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	NOT ACCEPTABLE
0210 Veterinary care when needed	Acceptable				

**Vehicles**

0301 Vehicles mechanically sound	Acceptable	0301 Fresh air and ventilation	Acceptable	0301 Cargo area clean	Acceptable
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**Primary Enclosure Used in Transportation**

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Acceptable	0302 Age and species separated	Acceptable	0302 Size of transport enclosure	Acceptable
0302 Enclosure clean & sanitized	Acceptable				

**Transportation: Food and Water**

**Transportation: Care**

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Acceptable	0304 Observation of animals	Acceptable

**General Statute 19A-32.1**

(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	Acceptable	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	Acceptable	(g) 1, 2 Owner surrender held unless proof ownership & signed consent	Acceptable
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	Acceptable	(i) Release animal to person, record of approved government photo ID	Acceptable		

**Inspection Results**

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**Narrative Explanation**

At the time of inspection cleaning is in progress.

Inadequacies noted at the time of inspection include:

(0201)

1) Noted 2 open bags of food inside the facility today. One was located outside the main office/lobby area and the other was noted in area of enclosures for the canine general population. Store all food in sealed containers.

2) 4 dogs were playing without supervision in the outdoor play yards (2 dogs per play yard). The gate to the secondary fence was open upon my arrival when I noticed these 4 dogs playing unsupervised. If dogs are to be left unsupervised in the outdoor enclosures the secondary fence (including the gate) must be intact in order to suffice as secondary fencing. I discussed this with staff who indicated that during hours open to the public the gate remains open. I suggested either 1. not utilizing the play yards for unsupervised play during hours open to the public or 2. insure that someone is able to directly supervise animals in these yards when the gate remains open.

(0203, 0204)

1) Cracks were noted in the outdoor portion of the small dog enclosures. Seal cracks throughout the facility.

(0204)

1) 1 great dane was housed in the feline quarantine room with free range of this room. This room has not been approved for free range housing since wooden cabinetry exists of which animals would come into contact. Formerly this room contained stainless steel cages for cats. This dog should be housed in an enclosure that is impervious to moisture and of which denies this animal access to wood.

(0207)

1) Noted one cat "Billagain" in the cat colony room with drainy, crusty eyes. The amount of drainage indicates that this condition has existed for greater than 24 hours. This cat should have been isolated from the general

Inspection Results

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Narrative Explanation

population. Isolate all animals exhibiting signs and symptoms of illness from the general population.

(0101)

1) Medication logs are lacking times for administration of medications. Also, the name of the medication for many medications such as eye medications and ear medications were not listed along with dosage amounts.

Medications logs should be consistent with 02 NCAC 52J .0101 records; animal shelters, etc. (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.

(0210)

1) One dog "Yolanda" with an intake date of January 2017 is not currently vaccinated for Rabies. All animals at this facility for 15 days or longer shall be up to date on rabies vaccination.

This facility has been working diligently to reduce clutter and to reduce the overall size of the population. This continues to improve.

The approval of today's inspection is contingent that all inadequacies are corrected within 30 days. I will follow up with this facility at some point after 30 days to insure that these inadequacies have been corrected.

check here if a euthanasia inspection form is attached

Digital signature of inspector

**Lindsey Lloyd**  
Digitally signed by Lindsey Lloyd  
Date: 2017.03.17 12:31:57 -04'00'

Signature of Management

*I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.*