



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

February 14, 2019

Robin Laffin
Loiselle's Littel Angels
367 Mustang Drive
Red Springs, North Carolina 28377

NOTICE OF CIVIL PENALTY

**Re: CIVIL PENALTY ASSESSMENT FOR VIOLATION OF NCGS § 19A-32.1(h) and (j) and
TITLE 02 N.C. ADMINISTRATIVE CODE CHAPTER 52J SECTIONS .0101(1), (2) and (4)**

AWS-CP-2019-5

**Facility: Loiselle's Littel Angels
Registration No. 167**

Dear Ms. Laffin:

Pursuant to N.C. General Statute § 19A-40, I am issuing this notice that Loiselle's Littel Angels ("the shelter") is hereby assessed a civil penalty of \$800.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of receipt, you must do one of the following:

1. Pay the civil penalty assessment; or
2. File a written petition for a contested case hearing with the N.C. Office of Administrative Hearings to appeal the penalty assessment.

Pursuant to 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.

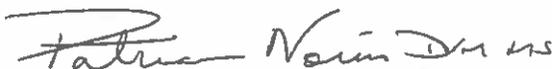
You must serve NCDA&CS by mailing a copy of the petition to:

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, DVM, MS". The signature is fluid and cursive, with the first name "Patricia" being the most prominent.

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

LOISELLE'S LITTEL
ANGELS

) NOTICE OF VIOLATION and
) ASSESSMENT OF CIVIL PENALTY
) FOR VIOLATION OF NCGS
) § 19A-32.1(h) and (j) and 02 N.C.
) ADMINISTRATIVE CODE ("NCAC")
) CHAPTER 52J SECTIONS .0101(1),
) (2) and (4).

Acting pursuant to NCGS § 19A-40, Dr. Patricia Norris, Director, Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") makes the following:

FINDINGS OF FACT

1. At all times pertinent to this matter, Loiselles's Littel Angels ("the shelter") operated by Robin Laffin was an animal shelter, registered pursuant to NCGS § 19A-26.
2. On January 29, 2019, AWS received information concerning a dog released to the Hoke County animal shelter by Robin Laffin of Loiselles's Littel Angels. Based on this information, AWS opened an investigation.
3. The investigation revealed:
 - a) On January 28, 2019, Ms. Laffin surrendered a dog to Hoke County Animal Shelter stating that the dog was a stray found on Old Wire Rd and that the dog was feral. The shelter scanned the dog and found a microchip. The person to whom the microchip was registered informed the Hoke County shelter staff that this dog, named "Chloe," and another dog, named "Addie," had been owner surrendered to Loiselles's Littel Angels for rehoming;
 - b) AWS Animal Health Technician Elizabeth Garner ("Inspector Garner") observed Chloe in the kennel at Hoke County animal shelter and found the dog to be friendly rather than feral.
 - c) Inspector Garner conducted a site visit at the shelter and requested to see Addie. Addie was present at the shelter; and
 - d) Inspector Garner requested to review the records for Chloe and Addie. Ms. Laffin stated there were no records for either dog. Inspector Garner confirmed that no records were present to document whether either dog had bitten anyone within the 10 days prior to intake. Also, no records were present containing information related to the date of intake or the origin of either dog. In addition, no descriptive information and no disposition information was available for Chloe.
4. A review of the facility compliance inspection ("FCI) reports for this shelter show that:
 - a. Proper record keeping was discussed with Ms. Laffin at the shelter during the FCIs conducted on March 3, 2017, June 13, 2017 and November 26, 2018; and
 - b. The shelter failed to be in compliance with the record keeping requirements of the Animal Welfare Act and its associated regulations during the FCIs conducted on December 14, 2017 and April 12, 2018.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusion of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. Based on the findings of this investigation, AWS concludes that the shelter violated the following provisions:

NCGS § 19A-32.1(h) for failing to require the owner to provide statements in writing whether the dogs named Addie and Chloe had bitten any individual within the 10 days preceding the date of surrender; and

NCGS § 19A-32.1(j) for failing to maintain records for Addie impounded at the shelter including the date of impoundment and other information required by rules adopted by the Board of Agriculture and retaining those records for a period of at least three years from the date of impoundment; and

NCGS § 19A-32.1(j) for failing to maintain records for Chloe impounded at the shelter including the date of impoundment, length of impoundment, disposition of the animal including the name and address to whom Chloe was released and other information required by rules adopted by the Board of Agriculture and retaining those records for a period of at least three years from the date of impoundment; and

02 NCAC 52J .0101(1) for failing to maintain records of Addie and Chloe showing the origin of these dogs (including names and addresses of consignor) and date the dogs were received; and

02 NCAC 52J .0101(2) for failing to maintain records of Chloe showing the description of this dog including breed, sex, age and color marking; and

02 NCAC 52J .0101(4) for failing to maintain records of Chloe showing the disposition of this dog including name and address of person to whom animal was transferred.

(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, Loiselle's Little Angels is hereby assessed a civil penalty for the following violations:

\$200.00 for 2 violations of (\$100.00 per violation) of NCGS § 19A-32.1(h) for failing to require the owner to provide a statement in writing whether the dog has bitten any individual within the 10 days preceding the date of surrender; and

\$200.00 for 2 violations of (\$100.00 per violation) of NCGS § 19A-32.1(j) for failing to maintain a record of animals impounded at the shelter and retaining those records for a period of at least three years from the date of impoundment; and

\$200.00 for 2 violations of (\$100.00 per violation) of 02 NCAC 52J .0101(1) for failing to maintain records of dogs showing the origin of animals (including names and addresses of consignor) and date animals were received; and

\$100.00 for violation of 02 NCAC 52J .0101(2) for failing to maintain records of dogs showing the description of animal including breed, sex, age and color marking; and

\$100.00 for violation of 02 NCAC 52J .0101(4) for failing to maintain records of dogs showing the disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction.

\$800.00 TOTAL AMOUNT ASSESSED

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

2/14/19
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 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.

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

(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.

§ 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;
- (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

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