



Steven W. Troxler  
Commissioner

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

R. Douglas Meckes, DVM  
State Veterinarian

July 10, 2018

Rita James  
Anson County Manager  
101 South Greene Street, Suite 205  
Wadesboro, North Carolina 28170

**Notice of Warning**

**Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J, Sections .0101(1), (2), (3) and (5); .0103 and .0210(c).**

**AWS-WL-2018-12**

Animal Shelter: Anson County Animal Shelter  
Registration No. 43

Dear County Manager Gatewood:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") conducted a Facility Compliance Inspection on June 28, 2018. The Facility Compliance Inspection was marked as "Disapproved" for the following reasons:

- a) The shelter did not have the records documenting the origin of the animals, the date of intake or description of the animals required by 02 NCAC 52J .0101(1) and (2) for 7 dogs reportedly impounded on June 26, 2018;
- b) The shelter did not have the records documenting the origin of the animal, the date of intake or description of the animal required by 02 NCAC 52J .0101(1) and (2) for another dog reportedly impounded on June 28, 2018;
- c) The shelter was unable to match each of these 8 animals to its record upon request by the Inspector on June 28, 2018 as required by 02 NCAC 52J .0103;
- d) The dog, "Irma 1" Accession Number A38981649, impounded on June 26, 2018, was visibly injured. The shelter did not provide veterinary care on June 26, 2018. Although the shelter did take the dog to the veterinarian on June 27, 2018, the shelter declined to follow the veterinarian's recommendations. Instead of following the veterinarian's recommendations, the shelter staff returned the dog to the shelter, stating to the veterinarian that they would treat the dog with Cephalexin. A review of the records for this dog at the time of the June 28, 2018 inspection showed no evidence that the dog received any medication between June 26-28, 2018;

- e) Despite the veterinarian noting that the dog was lame and in pain on June 27, 2018, the shelter did not provide pain relief medication to Irma 1 prior to the AWS Inspector's arrival on June 28, 2019;
- f) At the time of the June 28, 2018 inspection, the AWS Inspector directed the shelter staff to provide appropriate veterinary care to Irma 1. The shelter staff did return the dog to the veterinary clinic and did accept some of the diagnostic and treatment recommendations of the veterinarian;
- g) On June 29, 2018, the shelter staff did provide the 8 origination and description records that were missing during the June 28, 2018 inspection. These records appear to have been generated after the June 28, 2018 inspection. These records contain the following inconsistencies:
  - 1) The shelter provided documentation that 7 dogs were impounded on June 26, 2018, 2 dogs and 2 cats were impounded on June 27, 2018 and 1 dog was impounded on June 27, 2018;
  - 2) For 5 dogs, the computer and hand-written records are in agreement documenting the intake as occurring on June 26, 2018;
  - 3) For 2 dogs the computer records document the intake as being June 28, 2018 yet the hand-written intake form shows the intake as occurring on June 26, 2018; and
  - 4) For 1 dog, the computer records show the intake date to be June 28, 2018, yet the hand-written documents have the intake date as June 27, 2018;
- h) The hand-written and computer records produced by the shelter on June 29, 2018 for the dog Irma 1 documented the only medications administered to this dog to be:
  - 1) Vaccinations on 6/27/2018;
  - 2) Cephalexin 250 mg AM and PM doses on June 27, 2018 and June 28, 2018 and AM dose on June 29, 2018; and
  - 3) Panacur on June 28, 2018;
- i) The hand-written and computer records produced by the shelter on June 29, 2018 for the dog Irma 1 did not show that the medications dispensed by the veterinarian on June 28, 2018, including the pain relief medications, were administered to the dog June 28-29, 2018. The dog was transferred as a medical rescue on June 29, 2018 directly to the veterinary clinic used by the rescue;
- j) The shelter also sent hand-written and computer records for Irma 1 to the AWS Inspector on July 3, 2018. These records are inconsistent with the records for Irma 1 submitted to AWS on June 29, 2018; and
- k) Contact with the veterinary clinic to which Irma 1 was transferred revealed that they did not receive copies of medical records for this dog and were not provided with full written disclosure of the medical condition. In addition, they were not made aware that this dog had been prescribed "gabapentin" for supplemental pain relief. Although the other medications, cephalexin, ciprofloxacin and carprofen, were transferred with the dog, the gabapentin was not.

Based on the results of the Facility Compliance Inspection on June 28, 2018 and subsequent investigation, the shelter appears to have violated Title 02 NCAC Chapter 52J, Sections .0101(1), (2), (3) and (5); .0103 and .0210(c).

This Warning Letter serves as written notice indicating in which respects the shelter has violated the NC Animal Welfare Act and the rules issued pursuant thereto.

Continued or future violation of these statutes or regulations 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.

Your immediate 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 of Animal Welfare Section  
Veterinary Division

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

## Appendix

### REFERENCED STATUES 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-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;
- (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 .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.

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