



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

March 4, 2020

Erica Erickson
Pisgah Animal Welfare Society (PAWS), Inc.
7123 Asheville Highway
Pisgah Forest, NC 28768

NOTICE OF SUSPENSION OF ANIMAL SHELTER CERTIFICATE OF REGISTRATION

Animal Shelter: Pisgah PAWS Cat Café and Emporium
Registration No. 375

Dear Ms. Erickson:

Pursuant to N.C. General Statute ("NCGS") § 19A-30(1), (2), (3) and (8), the Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS"), provides you this notice that the animal shelter certificate of registration for Pisgah PAWS Cat Café and Emporium ("the shelter") is hereby **SUSPENDED** due to the shelter's frequent, repeated, and willful violations of the North Carolina Animal Welfare Act and its associated rules as set forth in the attached documentation.

You have 5 days from your receipt of this Notice of Suspension to surrender your animal shelter certificate of registration (Registration Number 375) to the Director of the AWS or their designated representative.

You may contest this decision by filing a petition under the North Carolina Administrative Procedure Act, NCGS § 150B-23, within five (5) days of your receipt of this Order of Suspension (see below, "Appeal").

Pursuant to NCGS § 150B-22, either party to a dispute may initiate informal settlement negotiations at any time. To negotiate a settlement, you may contact me by telephone at (919) 707-3280. Settlement offers do not extend the 5-day deadline for filing of a contested case petition.

APPEAL

If you file a contested case petition, it must be in writing and in the form prescribed by NCGS § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 5 days from your receipt of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). 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.

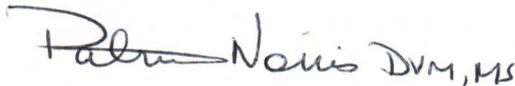
You must serve NCDA&CS by mailing a copy of the petition to:

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

If the violations which resulted in the suspension are of a continuing or repeating nature, NCDA&CS reserves the right to take additional enforcement action against you.

Your attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director, Animal Welfare Section

Enclosures

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	)	NOTICE of SUSPENSION
	)	for VIOLATIONS of N.C.G.S. §19A-32.1(a);
PIGSAH ANIMAL WELFARE	)	and TITLE 2 N.C. ADMINISTRATIVE CODE
SOCIETY (PAWS), INC.	)	("NCAC") CHAPTER 52J SECTIONS
	)	.0201(d); .0202(d); .0204(f) and (g); .0205(b);
OWNER of	)	.0206; .0207(a) and (b); .0209(5) and (7);
PIGSAH PAWS	)	and .0210(b) and (c).
CAT CAFÉ AND EMPORIUM)	
)	

Acting pursuant to N.C. General Statute § 19A-30, 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, Pisgah Animal Welfare Society (PAWS), Inc. was the owner of Pisgah PAWS Cat Café and Emporium located at 190 N. Broad Street, Brevard, NC ("the shelter"), an animal shelter, registered pursuant to N.C.G.S. § 19A-26.
2. On August 19 and 21, 2019, AWS received complaints concerning the conditions at the shelter and failure to provide proper care of the animals housed at the shelter. Based on the information in the complaints, AWS opened an investigation.
3. On September 12, 2019, based on the findings documented as part of the complaint investigation, AWS assessed a Civil Penalty for violation of 02 NCAC 52J .0204(f); .0209(5) and .0210(c) and Notice of Warning for violations of N.C.G.S. §19A-32.1(j)(1-4) and 02 NCAC 52J .0101(4) and (5); .0204(g); .0205(b); .0207(a) and (d); .0208; .0209(3) and .0210(b). A copy of the September 12, 2019 Civil Penalty and Notice of Warning is attached hereto and incorporated by reference.
4. On October 4, 2019, the shelter entered into a Settlement Agreement with AWS to resolve the September 12, 2019 Civil Penalty and agreed to: pay a \$100.00 Civil Penalty within 30 days; to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the violations noted in the September 12, 2019 Notice of Civil Penalty; and 'abide by and comply with all provisions of the North Carolina Animal Welfare Act (Article 3 of Chapter 19A of the General Statutes) ("AWA") and its associated rules (02 NCAC 52J).' A copy of the October 2019 Settlement Agreement is attached hereto and incorporated by reference.
5. As of the date of this Notice of Suspension, the Civil Penalty set forth in the Settlement Agreement has not been paid. The Settlement Agreement stated that should the shelter commit any violation of

the AWA or its associated rules within one year of the effective date of the Agreement, the shelter is immediately responsible for paying AWS the full sum of \$750.00, which had been held in abeyance.

6. On October 23, 2019, AWS conducted a Facility Compliance Inspection (“FCI”) of the shelter. This FCI was noted to be “Disapproved” due to the number and severity of violations of the AWA and its associated regulations. The October 23, 2019 FCI noted violations of 02 NCAC 52J .0101(1); .0103; .0204(a), (f) and (g); .0205(b); .0207(a) and (b)(4); .0209(6)(b); and .0210(b), (c) and (d). A copy of the October 23, 2019 FCI report is attached hereto and incorporated by reference. The violations noted in the October 23, 2019 FCI include:
- a. In violation of 02 NCAC 52J .0101(1) and .0103 no origin or intake records were available for Princess or Rocky.
 - b. The shelter was unable to provide animal records requested during this FCI in violation of 02 NCAC 52J .0103. The Inspectors requested animal records for animals born and/or died at the shelter and the shelter was unable to provide them. The Inspectors requested records for the kittens nursed by Stella (6 of her own and Rocky an orphan added later). Only 6 kittens were housed with Stella at the time of inspection and no records were present as to the outcome/disposition of the missing kitten.
 - c. In violation of 02 NCAC 52J .0204(a), the open-topped ferret cages allowed cats to sit on top and sneeze down onto the cats housed in the ferret cages. In addition, the vinyl booth within the cat enclosure had been damaged by the cats, exposing surfaces that were not impervious to moisture and allowed wood to be within the reach of the animals. Also, a large carpeted cat tree was in the main cat enclosure. This cat tree had been damaged such that wood was accessible to the cats, impervious surfaces were exposed, and a significant amount of dried fecal material, dander and debris was present on this accessory.
 - d. In violation of 02 NCAC 52J .0204(f), which limits the number of cats within a single enclosure to 12, the main cat enclosure housed 33 free-roaming cats. This is a repeat violation, as the September 12, 2019 Civil Penalty cited the shelter for having an estimated 30 cats present in the main enclosure.
 - e. In the main enclosure housing the 33 free-roaming cats, only 7 litter boxes were present in violation of 02 NCAC 52J .0204(g), which requires a minimum of one litter receptacle per three cats.
 - f. In the main enclosure housing the 33 free-roaming cats, only 10 food bowls were present in violation of 02 NCAC 52J .0205(b), which requires at least one food receptacle offered for every adult animal.
 - g. The tops of the stainless kennels were dirty and had dried fecal material on them. The bars of these stainless kennels had a black residue from the body oil and skin debris that had not been properly cleaned. Given the amount of debris buildup, it appeared that these areas had not been properly cleaned in several days. The Inspector observed the shelter staff/volunteers cleaning the enclosures and noted after the cleaning was completed that: i) the ramps and bars of the ferret cages still had dried biological matter present; ii) the main cat enclosure still had dried nasal discharge present on the center post and iii) the wall behind the litter boxes and the walls behind the ferret cages still had dried fecal matter present. These deficiencies in cleaning of the primary enclosures are in violation of 02 NCAC 52J .0207(a) which requires that enclosures and exercise areas must be properly cleaned a minimum of two times per day.
 - h. The Inspectors noted that the food bowls were moved from the ferret cages, placed in the main enclosure where cats housed there ate out of them, and then returned to the cages without

proper sanitation in violation of 02 NCAC 52J .0207(b)(4) which requires that food and water receptacles to be sanitized daily with hot water, detergent, and disinfectant.

- i. The Inspectors noted that the cats in the main enclosure that have been housed more than 30 days are not provided with access to space other than the primary enclosure in violation of 02 NCAC 52J .0209(6)(b). The shelter did not have a plan in place for the required provisions for animals in long term care in violation of 02 NCAC 52J .0209(6).
 - j. Observation of the animals and review of the records during this FCI show that Upper Respiratory Infection (“URI”) and skin conditions consistent with ringworm have been present at the shelter for more than 30 days and the shelter has not obtained or followed a veterinarian’s written recommendations for correcting a disease problem that persists for more than 30 days. This is in violation of 02 NCAC 52J .0210(b).
 - k. Observation of the animals in the main enclosure and kennels that are within the main enclosure showed numerous animals exhibiting signs of contagious diseases such as URI and skin lesions consistent with ringworm. According to the review of the records for these animals, these animals are not receiving veterinary care for their signs of disease. This is in violation of 02 NCAC 52J .0210(c).
 - l. Review of the shelter records showed that the cats, Stella³ and Mira were over 12 weeks of age and had been housed at the shelter for more than 15 days but had not received a rabies vaccination in violation of 02 NCAC 52J .0210(d).
7. On November 14, 2019, AWS received a complaint against the shelter regarding a kitten that died shortly after adoption from the shelter. Based on the information in the complaint, AWS opened an investigation.
8. On December 30, 2019, based on the findings documented as part of the investigation of the November 2019 complaint, AWS issued a Warning Letter to the shelter for violation of 02 NCAC 52J .0101(5) and .0201(l). A copy of the December 30, 2019 Warning Letter is attached hereto and incorporated by reference.
9. On February 12, 2020, AWS conducted a follow-up FCI of the shelter. This FCI was noted to be “Disapproved” due to the number, repetitive nature and severity of violations of the AWA and its associated regulations. The February 12, 2020 FCI noted the following violations: N.C.G.S. §19A-32.1(a) and 02 NCAC 52J .0201(d); .0202(d); .0204(f) and (g); .0205(b); .0206; .0207(a) and (b); .0209(5) and (7); and .0210(b) and (c). A copy of the February 12, 2020 FCI report is attached hereto and incorporated by reference. The violations noted in the February 12, 2020 FCI include:
- a. In violation of N.C.G.S. §19A-32.1(a), which requires that all animals received by an animal shelter be held for a minimum holding period of 72 hours prior to being disposed of, the shelter took in a stray kitten, later named Kosmo, and adopted out the animal the next day.
 - b. Open bags of food not stored in airtight containers were found next to a kennel housing the puppies, on the table top, and next to the kennel housing the cat named Nelson in violation of 02 NCAC 52J .0201(d).
 - c. Damaged surfaces present in the main cat enclosures were not impervious to moisture or able to be readily sanitized in violation of 02 NCAC 52J .0202(d).
 - d. The main cat enclosure was housing 21 cats (according to the shelter records, 22 cats should have been present, but only 21 were counted). This is in violation of 02 NCAC 52J .0204(f) which limits the number of cats within a single enclosure to 12. The shelter has repeatedly violated this regulation as the September 12, 2019 Civil Penalty cited the shelter for housing

- an estimated 30 cats in a single enclosure and the October 23, 2019 FCI cited this violation for housing 33 cats in the single enclosure.
- e. In violation of 02 NCAC 52J .0204(g), which requires a minimum of one litter receptacle per three cats, only 6 litter boxes were present in the main enclosure housing the 21 cats. This is a repeat violation as the shelter was cited for this violation in the September 12, 2019 Civil Penalty and the October 23, 2019 FCI.
 - f. In the main enclosure housing the 21 free-roaming cats, only 17 food bowls were present in violation of 02 NCAC 52J .0205(b), which requires at least one food receptacle offered for every adult animal. This is a repeat violation as the shelter was cited for this violation in the September 12, 2019 Civil Penalty and the October 23, 2019 FCI.
 - g. Several animals were deprived of continuous access to fresh water: i) a cat enclosure had a dry water receptacle which had dried newspaper stuck to the inside of the bowl indicating that the water receptacle for this cat had been empty for a significant amount of time; ii) the puppies within the kennel did not have water and did not even have a water receptacle in the kennel. Upon arrival, the Inspectors directed the shelter operator to provide the puppies with water. Approximately 85 minutes later, the Inspector noted the puppies were still without water and directed the shelter operator again to immediately provide water to the puppies; and iii) the 2 larger dogs tied to the posts in the café portion of the shelter did not have access to water. This failure to provide animals with continuous access to water is a violation of 02 NCAC 52J .0206.
 - h. The shelter primary enclosures, exercise areas, and accessories were not being properly cleaned a minimum of two times per day and the primary enclosures and accessories were not being properly sanitized in violation of 02 NCAC 52J .0207(a) and (b). These violations are evidenced by the significant buildup of dried biological matter such as nasal discharge, fecal matter and other organic material on the surfaces of the primary enclosures and accessories within the enclosures.
 - i. The shelter was in violation of 02 NCAC 52J .0209(5) as evidenced by the cat named Kenly who was receiving medication for a contagious disease at the time of intake on February 7, 2020 and was placed directly into the main cat enclosure instead of being isolated as required.
 - j. In addition, the shelter was also in violation of 02 NCAC 52J .0209(5), as the shelter had separated 4 cats, Nolan, Misty, Dottie and Raven, for treatment or observation of a communicable disease, but had not posted the required sign at the cage or isolation area giving notice of a communicable disease. A review of the medical record for Raven showed that the veterinarian had noted "Due to neurologic signs, this kitty has to be considered a rabies suspect should it deteriorate or show further signs." The shelter operator relayed to the Inspectors that subsequent to that veterinary examination, the cat had suffered additional neurological signs. Despite this deterioration, the cat was not taken in for an additional veterinary examination or diagnostics; no barrier was placed to prevent the public access to this cat; and no sign was posted alerting the public to the possibility of this cat being a rabies suspect. It is AWS's understanding that this cat has since died with no further veterinary diagnostics or care being provided by the shelter. It is also AWS's understanding that this cat was not tested for rabies upon its demise.
 - k. By housing the puppies in kennels in the café and tying the 2 larger dogs to center posts overnight in the café portion of the shelter, the shelter violated 02 NCAC 52J .0209(7) which requires that all animals be confined in primary enclosures or exercise areas.
 - l. The shelter violated 02 NCAC 52J .0210(b) by failing to obtain and follow a veterinarian's written recommendation for a disease problem that persists for more than 30 days at the

- facility. This was evidenced by the two kittens, Misty and Dottie, which by the shelter's own admission and the veterinary records of the phone consults indicate, had been suffering from chronic diarrhea for several months. The shelter operator indicated to the veterinarian that the diarrhea appeared contagious as many of the cats were developing diarrhea. At the time of this FCI, a large amount of the feces throughout the facility appeared to be diarrhea. When asked, the shelter could not provide the written recommendations for these kittens. In addition, the veterinary records show that the veterinarian's office recommended that the shelter try the kittens on a prescription diet such as "Biome" made by Hill's. This recommendation was not followed; instead, the shelter fed the kittens a raw diet. This failure to provide veterinary care as recommended by the veterinarian is in violation of 02 NCAC 52J .0210(c).
- m. Additionally, in violation of 02 NCAC 52J .0210(c), the shelter failed to provide veterinary care to a significantly injured cat, named Chloe, until directed to do so by the Inspector during this FCI. Upon arrival at the shelter, the Inspectors noted that Chloe was laying on her side and not moving. When a shelter staff member moved Chloe, the cat showed signs of severe pain. The Inspector directed the shelter operator to take the cat immediately to the veterinary clinic as the shelter operator indicated that she had a standing drop-off appointment at the clinic. The cat was placed into a cat carrier after a few minutes. Approximately 1 hour later, the Inspector noted that the shelter staff member had still not taken the cat to the veterinary clinic. The Inspector again directed the staff member to immediately transport the cat to the veterinary clinic. The staff member then moved the cat to her car but then returned immediately to the shelter without first transporting the cat for veterinary care. A review of the veterinary records for Chloe show that the veterinarian found multiple areas of pain in the cat, administered pain relief to the cat; and the staff had to manually express the cat's bladder. The cat was hospitalized.
- n. Three cats, Ginny, Leesa and Tommy, were noted to have missing hair and/or other signs consistent with ringworm. Review of the cats' medical records showed there had not been any veterinary care provided for these signs of disease. The shelter director stated she had not observed these signs. 02 NCAC 52J .0210(c) requires that each animal is observed daily and that sick or diseased, injured, lame or blind animal is to be provided with veterinary care or euthanized. Therefore, the failure to observe these animals daily and provide them with needed veterinary care is a violation of 02 NCAC 52J .0210(c).
- o. A black cat believed to be Vincent and a free-roaming cat, Della, in the main enclosure were noted to be showing signs of URI with sneezing, a colored nasal discharge and ocular discharge. Records indicate that these animals were not receiving veterinary care as required by 02 NCAC 52J .0210(c).
- p. As noted in the section above, Raven, showed signs of severe neurological signs at the time of intake on December 16, 2019. Additional neurological signs developed with progression of symptoms until her death on or around February 22, 2020. Other than a cursory examination by a veterinarian who visited the facility with her family, Raven did not receive a veterinary examination, diagnostic workup or veterinary care from the time of her intake into the shelter until her death, with the exception of the administration of a rabies vaccination on January 13, 2020. The veterinarian who visited the facility with her family indicated that she had recommended that the cat receive a full veterinary examination and diagnostic workup. No necropsy was done to find the cause of death or to rule out the possibility of rabies, which has significant public health implications. This failure to provide veterinary care for Raven is in violation of 02 NCAC 52J .0210(c).

- q. During the December 16, 2019 veterinary examination, Raven was diagnosed with Giardia. The veterinarian recommended that Raven's Giardia infection be treated with administration of 1 ml of Panacur at the dosage of 1 ml per 5 pounds daily for 3 days. As Raven weighed 3.3 pounds, the correct dose for Raven would have been 0.66 ml once daily for 3 days. The shelter only administered 0.3 ml daily for 3 days which amounts to less than 50% of the recommended dose. This failure to provide the veterinary care directed by the licensed veterinarian is a violation of 02 NCAC 52J .0210(c) and presented a potential public health hazard. Giardia can infect and cause disease in humans. Raven was noted to show fecal incontinence during the February 12, 2020 FCI, meaning she was unable to control her bowels. The public had access to her in her kennel and thereby may have been exposed to the infective Giardia cysts shed by Raven. The shelter administered less than 50% of the veterinary-recommended dosage of Panacur to treat the Giardia infection. This willful under-dosing increases the likelihood of a treatment failure. Furthermore, the shelter failed to submit a follow-up fecal for testing, meaning the shelter failed to confirm the effectiveness of the Giardia treatment regime and cessation of shedding of infective Giardia cysts by Raven.
 - r. Failure to observe the animals daily and failure to provide veterinary care in violation of 02 NCAC 52J .0210(c) are repeat violations as the shelter was cited for these violations in the October 23, 2019 FCI. In addition, the September 12, 2019 Civil Penalty cited the shelter for failure to provide veterinary care.
10. One of the findings of the February 12, 2020 FCI was that the shelter was housing dogs. 2 puppies were housed in a kennel in the café portion of the facility and 2 larger dogs were tied to posts in the café portion of the facility. On the February 14, 2020 return visit, the 2 larger dogs again were found tied to the posts in the café portion of the facility. A review of the shelter's application for the certificate of registration as an animal shelter shows that the application stated that there would be no dogs on site. A copy of the shelter's application for their animal shelter certificate of registration is attached hereto and incorporated by reference.
11. On February 20, 2020, AWS issued a Notice of Violations and Notice of Intent to Suspend the Animal Shelter Certificate of Registration to the shelter. This Notice offered the shelter the opportunity to submit any information to AWS prior to AWS issuing a final decision as to the suspension/revocation that the shelter believed showed compliance with all lawful requirements for the retention of the shelter's certificate of registration. The shelter was given 5 days from the receipt of the February 20, 2020 notice to submit the information. As of the date of this Order of Suspension, no such information was submitted by the shelter to AWS. A copy of the February 20, 2020 Notice of Violations and Notice of Intent to Suspend the Animal Shelter Certificate of Registration is attached hereto and incorporated by reference.

CONCLUSIONS

Based on the findings of this investigation, AWS concludes that the shelter, either by act or omission, violated the following provisions:

NCGS § 19A-32.1(a) for failing to complete the minimum 72 hour holding period prior to adopting the stray kitten named Kosmo;

02 NCAC 52J .0201(d) for failing to store open bags of food in airtight containers with lids

02 NCAC 52J .0202(d) for failing to maintain interior surfaces within the main cat housing area impervious to moisture and that can be readily sanitized;

02 NCAC 52J .0204(f) for failing to limit the number of cats in a single primary enclosure to the maximum number of 12 cats. The shelter has willfully committed this violation on multiple occasions, as the shelter had been previously cited for this matter. The September 12, 2019 Civil Penalty noted this violation. The two subsequent FCIs, the October 2019 FCI and the February 2020 FCI, both noted significant violations of this rule;

02 NCAC 52J .0204(g) for failing to provide a minimum of one litter receptacle per 3 cats in a primary enclosure. The shelter has willfully committed this violation as this violation was noted in the September 12, 2019 Civil Penalty and during the two subsequent FCIs;

02 NCAC 52J .0205(b) for failing to provide at least one feeding receptacle for each adult cat in the primary enclosure. The shelter has willfully committed this violation as this violation was noted in the September 12, 2019 Civil Penalty and during the two subsequent FCIs;

02 NCAC 52J .0206 for failing to provide the animals with continuous access for water. During the February 12, 2020 FCI 1 cat, 2 puppies and 2 larger dogs were found to be without access to any water in their enclosures. Despite being directed to immediately provide water to these animals, the shelter failed to provide water to the puppies for more than 85 minutes;

02 NCAC 52J .0207(a) for failing to properly clean primary enclosures a minimum of two times per day as evidenced by the significant buildup of dried biological matter such as nasal discharge, fecal matter and other organic material on the surfaces of the primary enclosures and accessories within the enclosures. This violation was noted on both the October 23, 2010 FCI and the February 12, 2020 FCI;

02 NCAC 52J .0207(b) for failing to properly sanitize the primary enclosures and accessories as evidenced by the significant buildup of dried biological matter such as nasal discharge, fecal matter and other organic material on the surfaces of the primary enclosures and accessories within the enclosures.

02 NCAC 52J .0209(5) for failing to separate an animal being treated for a communicable disease by housing Kenly in with the general shelter population while he was being treated for an URI which is a communicable disease. In addition, the shelter violated this regulation by failing to post a sign at the cage or isolation area for the enclosures housing Nolan, Misty, Dottie and Raven giving notice of a communicable disease;

02 NCAC 52J .0209(7) for failing to confine an animal in a primary enclosure or exercise area for housing 2 puppies in the café portion of the shelter and for housing 2 larger dogs by tying them to center posts within the café portion of the shelter. The shelter had noted on the application for the certificate of registration as an animal shelter that no dogs would be housed on site at the shelter;

02 NCAC 52J .0210(b) for failing to obtain and follow a veterinarian's written recommendations for correcting a disease problem persisting at the shelter for more than 30 days. Dottie and Misty had been suffering from chronic diarrhea for several months; the shelter had not taken the kittens in for veterinary evaluation and the chronic medical condition was still ongoing during the February 12, 2020 FCI;

02 NCAC 52J .0210(c) for failing to provide daily observation and/or veterinary care or euthanize sick or diseased animals as evidenced by:

- a) Failing to follow the recommendation of administering prescription diet for Dottie and Misty;
- b) Failing to provide veterinary care to Chloe until directed to do so by the AWS Inspectors. Chloe was showing signs of significant pain and discomfort; yet the AWS Inspectors had to direct the shelter twice to provide veterinary care for this cat and the shelter still delayed taking the cat to the veterinarian;
- c) Failing to provide daily observation and veterinary care to the cats, Ginny, Leesa and Tommy that were showing easily-visible signs of a skin condition consistent with ringworm;
- d) Failing to provide veterinary care to the cats, Vincent and Della that were showing clearly-visible signs of URI, a communicable disease;
- e) Failing to provide veterinary care for Raven suffering from a neurological disease other than an initial examination and a rabies vaccination. Despite Raven's visible deterioration, the shelter did not obtain any additional veterinary examination, diagnostic workup and/or treatment for Raven. Raven died, apparently from her medical condition, although cause of death is unknown due to the shelter's failure to obtain a necropsy;
- f) Failing to provide veterinary care for Raven by not following the treatment regime prescribed by a licensed veterinarian for Raven's Giardia infection. The shelter administered to this cat less than 50% of the dose prescribed by the veterinarian.

In addition, AWS concludes that:

- a) The shelter made a material misstatement in the application for the certificate of registration as an animal shelter by indicating that no dogs would be housed at the shelter, then proceeding to do so;
- b) The shelter has willfully disregarded and violated the N.C. Animal Welfare Act ("AWA") and rules issued pursuant thereto as noted above;
- c) The shelter fails to possess the necessary qualifications to meet the requirement of the AWA for the holding of an animal shelter registration; and
- d) The shelter fails to possess the necessary qualifications and does not meet the requirements of the AWA and its rules issued pursuant thereto.

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

SUSPENSION OF CERTIFICATE OF REGISTRATION AS AN ANIMAL SHELTER

Pursuant to N.C. General Statutes § 19A-30(1), (2), (3), and (8), and due to the severity and number of violations of the AWA and its associated regulations noted above, as well as the failure of the shelter to implement corrective actions for these violations, I am hereby suspending the animal shelter registration

of the Pisgah PAWS Cat Café and Emporium. AWS will allow the shelter up to 30 days from the surrendering of the shelter's certificate of registration to find suitable accommodations for animals in its care and custody. The shelter is to provide AWS with copies of the location and disposition of all animals currently in its care and custody including animals in foster care within 48 hours of the end of the 30-day period noted in this paragraph. Taking in additional animals during the period of suspension is specifically prohibited.

This suspension shall remain in effect for 120 days from the date of suspension. During the 120-day suspension period the shelter shall:

- 1) Effectively implement corrective actions including written protocols so that the shelter is in compliance with all statutes and regulations of the AWA and its associated rules (02 NCAC 52J Sections .0100 - .0800); and
- 2) Submit an updated Animal Shelter Registration application that reflects current, compliant policies and procedures of the shelter; and
- 3) Submit to and pass an AWS facility inspection prior to housing any animals at the facility.

At the end of the suspension period, AWS will review the status of the shelter and its compliance with the requirements detailed above. Should the shelter fail to comply with the requirements detailed above, additional action against the shelter's animal shelter registration may be occur.

Pursuant to N.C. General Statute § 19A-26 no person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the AWS Director.

Continued or future violations of the statutes or regulations referenced in this letter 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 NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

March 4, 2020
Date

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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 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.

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

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

§ 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.

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.

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

02 NCAC 52J .0202 INDOOR FACILITIES

(d) Interior building surfaces of indoor facilities with which animals come in contact shall be constructed and maintained so that they are impervious to moisture, and can be readily sanitized.

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

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(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 .0206 WATERING

Animals shall have continuous access to fresh water, except as might otherwise be required to provide adequate veterinary care. Watering receptacles shall be durable and kept clean and sanitized. Damaged receptacles shall be replaced.

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

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

- (1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.
- (2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.
- (3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:
 - (A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or
 - (B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or
 - (C) cleaning all soiled surfaces with live steam.
- (4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.
- (5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.
- (6) Any area accessible to multiple animals shall be kept clean and sanitary.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign

shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.

- (7) All animals shall be confined in primary enclosures or exercise areas.

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

02 NCAC 52J .0210 VETERINARY CARE

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

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

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



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

September 12, 2019

Erica Erikson
Pisgah Animal Welfare Society (PAWS), Inc.
7123 Asheville Highway
Pisgah Forest, NC 28768

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0204(f); .0209(5) and .0210(c) and NOTICE of WARNING for VIOLATIONS of N.C.G.S. §19A-32.1(j)(1-4) and 02 NCAC 52J .0101(4) and (5); .0204(g); .0205(b); .0207(a) and (d); .0208; .0209(3) and .0210(b).

AWS-CP-2019-14

Facility: Pisgah PAWS Cat Café and Emporium
Registration No. 375

Dear Ms. Erickson:

Pursuant to N.C.G.S. § 19A-40, I am issuing this notice that Pisgah Animal Welfare Society (PAWS), Inc., as owner of Pisgah PAWS Cat Café and Emporium, is hereby assessed a civil penalty of \$850.00 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.G.S. § 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.G.S. § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). 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 that reads "Patricia Norris DVM MS". The signature is written in a cursive style with a large initial "P".

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	)	NOTICE of VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
PIGSAH ANIMAL WELFARE	)	for VIOLATIONS of TITLE 2
SOCIETY (PAWS), INC.	)	N.C. ADMINISTATIVE CODE (“NCAC”)
OWNER of	)	CHAPTER 52J SECTIONS .0204(f);
PIGSAH PAWS	)	.0209(5); and .0210(c); and NOTICE
CAT CAFÉ AND EMPORIUM	)	of WARNING for VIOLATIONS of
	)	N.C.G.S. §19A-32.1(j) and NCAC 52J
	)	.0101(4) and (5); .0204(g); .0205(b);
	)	.0207(a) and (d); .0208; .0209(3); and
	)	.0210(b).

Acting pursuant to N.C.G.S. § 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, Pisgah Animal Welfare Society (PAWS), Inc. was the owner of Pisgah PAWS Cat Café and Emporium located at 190 N. Broad Street, Brevard, NC (“the shelter”), an animal shelter, registered pursuant to N.C.G.S. § 19A-26.
2. On August 9, 2019, AWS received a complaint concerning the care of the animals at the shelter. AWS opened an investigation based on the information contained in the complaint.
3. During the course of this investigation, AWS received an additional complaint on August 21, 2019 also concerning the care of the animals at the shelter. AWS combined the two complaints into one investigation.
4. The investigation into the two complaints revealed:
 - a. On July 27, 2019, one of the complainants adopted a cat she named “Big Boy” from the shelter. The shelter’s name for the cat was “Joe.” The complainant stated that she did not receive any paperwork from the shelter at the time of adoption. Furthermore, she stated that when she went back again to get the adoption paperwork, including the rabies certificate and other medical records the shelter would not give her any documents concerning this cat. The complainant stated that Ms. Erikson stated that the paperwork had been lost. Due to the multiple health issues affecting this cat, the complainant returned the cat to the shelter.
 - b. On August 27, 2019, AWS Animal Health Technicians Joshua James (“Inspector James”) and Christie Shore (“Inspector Shore”) conducted the site visit portion of this investigation.
 - c. During the August 27, 2019 site visit (“the site visit”), Inspector James requested to see all the paperwork for the cat named Big Boy (Joe) adopted and later returned by the complainant. The shelter was unable to produce the documentation required by N.C.G.S § 19A-32.1(j) and 02 NCAC 52J .0101(4) and (5), such as medical records, adoption/disposition information or

- the return/re-impoundment information. Ms. Erikson stated to Inspector James that this paperwork was not available because the complainant requested that no records be kept so that she would not be criticized for returning the cat. Statements from the complainant directly contradict Ms. Erikson's statements concerning the paperwork for the return of this cat.
- d. During the site visit, an estimated 30 cats were housed in the main primary enclosure, which far exceeds the maximum number of 12 cats per primary enclosure allowed by 02 NCAC 52J .0204(f).
 - e. In this main primary enclosure, which housed an estimated 30 cats, only 5 litter boxes were provided. These litter boxes were full of feces. 02 NCAC 52J .0204(g) requires that a receptacle containing clean litter shall be provided for waste in cat enclosures and that a minimum of 1litter receptacle per 3 cats be provided.
 - f. At the time of the site visit, only 6 food receptacles were available for the estimated 30 cats. While not all the cats were adults, there were more than 6 adult cats loose in the main primary enclosure. This lack of sufficient feeding receptacles is in violation of 02 NCAC 52J .0205(b), which requires one receptacle per adult cat. In addition, lids from opened cat food cans were present within the main primary enclosure, creating a risk of injury to the animals.
 - g. The population of ~30 cats in the main primary enclosure included adult cats and kittens of various ages, many of which appeared to be under the age of 4 months. The kitten named Abigail, which Inspector James directed the shelter to provide veterinary care for immediately, was estimated by the veterinarian on September 4, 2019 to be 14 weeks of age. This mixture of kittens less than 4 months of age and adult cats that are not their dams is not in compliance with 02 NCAC 52J .0209(3).
 - h. The Inspectors drove by the facility at 8:05 AM on the day of the site visit and noted that there were no lights on in the building and no cars parked near the building. Starting at approximately 9 AM, the Inspectors remained outside the building continuously until Ms. Erikson arrived at approximately 12:15 PM. During this interval, no one entered or left the building and no lights were visible.
 - i. Upon entry for the site visit, it appeared that the facility had not been cleaned that day. The cleaning hours stated on the registration application are 10 AM – 12 PM for the first cleaning and 4 PM – 8 PM for the second cleaning. The water containers were almost empty and most of the water was dirty. The litter boxes were filled with waste and there was a large amount of urine on the floor around the litter boxes. There was an accumulation of spilled litter, cat hair, dander and debris on the floor.
 - j. During the site visit, Inspector James noted a significant amount of flea "dirt" accumulated on surfaces such as the table tops and water containers. He noted that most of the cats were scratching and several had thinning hair consistent with flea infestations. 02 NCAC 52J .0207(d) requires that an effective program for the control of ectoparasites be established and maintained.
 - k. When asked about the morning cleaning, Ms. Erikson claimed that a new volunteer, "Jessica," had been dropped off at approximately 8 AM and had done the cleaning. A volunteer who arrived during the site visit stated that she had dropped Jessica off and let her into the building. The volunteer stated that this was this Jessica's first day and that she had not been trained in the proper cleaning of the facility. When asked for contact information for Jessica so that the Inspectors could speak with her, Ms. Erikson and the other volunteer claimed that they had no contact information for Jessica and could not get in touch with her. Even assuming this is true, having a new volunteer with no training left on her own on her first day to clean the facility is

not in compliance with 02 NCAC 52J .0208 which requires the shelter's husbandry practices be under the supervision of an animal caretaker who has a background in animal husbandry or care.

- l. When asked about the morning cleaning of the individual cages housing cats, Ms. Erikson replied that she was the only person who was allowed to clean them. The cages were very soiled, and the water in the bowls was dirty. Ms. Erikson restated that she was the only one who was to clean the cages and that she had cleaned them the night before.
- m. Immediately upon entry of the facility, the Inspectors heard several cats sneezing and noted numerous cats showing visible signs of contagious disease such as ocular and nasal discharges and skin lesions. The cats showing these symptoms were housed in with the general population of animals that appeared to be healthy.
- n. When asked why the animals with apparent contagious diseases were not isolated, Ms. Erikson replied that she did not have the space to isolate all the sick animals. When asked, she affirmed that the sick animals were being housed in the main primary enclosure, by which the public enters and interacts with the cats. 02 NCAC 52J .0209(5) requires that a facility designates an isolation area for animals being treated or observed for communicable diseases. Cats in isolation shall be separated from other cats in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease. No such notice was posted at the facility at the time of the site visit.
- o. When asked about the provision of veterinary care for the animals suffering from infectious diseases, Ms. Erikson said she was giving them antibiotics under the direction of a licensed veterinarian. Ms. Erikson produced a large bottle of amoxicillin/clavulanate with the dispensing date of June 16, 2018. The label on the bottle stated it was for "KITTENS ERIKSON (FEL)" with an address different from the address of the shelter. The dispensing directions stated: "USE AS DIRECTED." Ms. Erikson did not produce any written instructions or standing protocols from a licensed veterinarian concerning the administration of this prescription medication.
- p. During the site visit, Ms. Erikson claimed to have provided treatment to many of the cats for Upper Respiratory Infections ("URI") and ringworm. Most of the claims could not be substantiated by the medication logs, as many of the animals' records did not have the documentation of the allegedly administered medications as required by 02 NCAC 52J .0101(5).
- q. In addition, a review of the medical records shows that some of animals appear to be have been suffering from URI and/or ringworm for more than 30 days. 02 NCAC 52J .0210(b) requires that, should a disease problem persist for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem. No such written veterinary recommendations had been obtained by the facility.
- r. Two cats, Abigail (a kitten) and Patsy/Noel appeared to be suffering significantly from a visible medical condition. A review of the shelter's medical records for these 2 animals did not show any recent veterinary care. Inspector James directed Ms. Erikson to have a licensed veterinarian examine these cats as soon as possible and to notify AWS of the findings. Ms. Erikson stated she had already called the veterinary clinic she used and had an appointment scheduled for these animals for the afternoon of August 28, 2019. The Inspectors visited the veterinary clinic after the shelter site visit and spoke with the front desk staff. The staff

related that there was no appointment scheduled for Ms. Erikson or the cats from the shelter for August 28, 2019 and that they had not received any phone call from her recently.

- s. After Inspector James made an additional request on August 29, 2019 for the medical records of the veterinary examinations for these cats, Ms. Erikson relayed that she had not taken them to the veterinary clinic until September 4, 2019.
- t. An additional inquiry at the veterinary clinic for information concerning the veterinary care administered to animals in the care and custody of the shelter revealed that the clinic had not seen any animal since the shelter had become registered other than the 2 cats that Inspector James had directed Ms. Erikson to have examined.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions 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:

N.C.G.S § 19A-32.1(j) (1) – (4) for failing to maintain a record of all animals impounded at the shelter and retaining those records for a period of at least three years from the date of impoundment and making those records available for inspection upon the request of a representative of the Animal Welfare Section;

02 NCAC 52J .0101(4) for failing to maintain records 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;

02 NCAC 52J .0101(5) for failing to maintain records 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;

02 NCAC 52J .0204(f) for housing more than 12 cats in the same primary enclosure;

02 NCAC 52J .0204(g) for failing to provide a minimum of one receptacle with clean litter for waste per three cats;

02 NCAC 52J .0205(b) for failing to provide at least one food receptacle for every adult animal;

02 NCAC 52J .0207(a) for failing to properly clean enclosures a minimum of two times per day;

02 NCAC 52J .0207(d) for failing to establish and maintain an effective program for the control of ectoparasites;

02 NCAC 52J .0208 for failing having sufficient number of employees to maintain the prescribed level of husbandry practices set forth in the Rule and having the practices under the supervision of an animal caretaker who has a background in animal husbandry or care

02 NCAC 52J .0209(3) for housing kittens less than 4 months of age in the same primary enclosure with adult cats other than their dams;

02 NCAC 52J .0209(5) for failing to designate an isolation area for animals being treated or observed for communicable disease, failing to separate animals in isolation from other animals in

such a manner as to minimize dissemination of such disease and failing to post a sign at the cage or isolation area giving notice of a communicable disease;

02 NCAC 52J .0210(b) for failing to obtain and follow a veterinarian's written recommendations for correcting a disease problem that persisted for more than 30 days at the facility; and

02 NCAC 52J .0210(c) for failing to euthanize or provide veterinary care to sick and diseased animals and failing to provide full written disclosure of the medical condition of an animal to the new owner.

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

CIVIL PENALTIES

As required by NCGS § 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, Pisgah Animal Welfare Society (PAWS), Inc. is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0204(f) for housing more than 12 cats in the same primary enclosure;

\$250.00 for violation of 02 NCAC 52J .0209(5) for failing to designate an isolation area for animals being treated or observed for communicable disease and failing to separate animals in isolation from other animals in such a manner as to minimize the dissemination of such disease; and

\$500.00 for violation of 02 NCAC 52J .0210(c) for failing to provide veterinary care for sick and diseased animals.

\$850.00 TOTAL AMOUNT ASSESSED

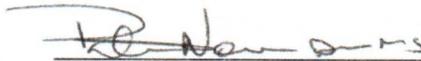
NOTICE of WARNING

As to the remaining violations, 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.

The shelter is hereby directed to immediately correct all violations noted herein and comply with the AWA and its associated regulations.

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 NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

September 12, 2019
Date


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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 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.

§ 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.

§ 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.

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:

- (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 .0204 PRIMARY ENCLOSURES

(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.

(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 .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (3) Puppies or kittens less than four months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction, excluding animals which pose a danger to humans or other animals.
- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.

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

02 NCAC 52J .0210 VETERINARY CARE

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

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring

the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

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

PIGSAH ANIMAL WELFARE
SOCIETY (PAWS), INC

Petitioner,

v.

NORTH CAROLINA DEPARTMENT
OF AGRICULTURE AND CONSUMER
SERVICES,

Respondent.

SETTLEMENT AGREEMENT

PURSUANT TO N.C. Gen. Stat. § 150B-22 and § 150B-41(c), which express the State's policy that parties shall attempt to mediate and resolve contested matters by settlement or stipulation, this agreement (hereinafter the "Agreement") is made and entered into by and between the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS"), Veterinary Division, Animal Welfare Section ("AWS") (hereinafter referred to as "Respondent") and Pisgah Animal Welfare Society (PAWS), Inc. (hereinafter referred to as the "Petitioner") effective as of the date reflected by signature of Patricia Norris, DVM, MS, Director of the NCDA&CS, AWS, appearing on page 8 of this Agreement

RECITALS

WHEREAS at all times pertinent to this matter Petitioner operated an animal shelter registered pursuant to N.C. Gen. Stat. § 19A-26; and

WHEREAS, on September 12, 2019, Respondent issued a Notice of Civil Penalty and Notice of Warning to the Petitioner in the amount of \$850.00 (hereinafter referred to as the "Civil Penalty"), a true and correct copy of which is attached to this Agreement as Exhibit A; and

WHEREAS, Respondent and Petitioner desire to fully and finally compromise and settle any and all disputes arising out of the Civil Penalty assessed on September 12, 2019; and

WHEREAS, Respondent and Petitioner desire to enter into such a compromise and settlement solely in order to avoid the burden and expense of further litigation.

AGREEMENT

NOW THEREFORE, for and in consideration of, among other things, the promises contained herein, the representations, covenants and warranties contained herein, the obligations

created hereby, and the release(s) contained herein, as well as for other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, Petitioner and Respondent hereby agree as follows:

1. The Recitals set forth above in this Agreement are hereby incorporated into this Agreement by this reference as if fully set forth herein.

2. By its signature below, Respondent hereby formally reduces the \$850.00 Civil Penalty assessed against the Petitioner on September 12, 2019 to \$100.00.

a. Petitioner's payment of \$100.00 is due to Respondent within thirty (30) days of the effective date of this Agreement.

b. Petitioner's payment of \$100.00 shall be made payable to "North Carolina Department of Agriculture and Consumer Services" and mailed addressed as follows:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, North Carolina 27699-1030

c. Petitioner's payment shall be considered to have been paid on time if they send the payment by U.S. Postal Service First Class Mail, or other commercial carrier, prepaid, and the envelope is postmarked on or before the date when the payment is due.

3. The remaining \$750.00 of the Civil Penalty shall be held in abeyance for a period of up to one year from the effective date of this Agreement.

a. If Petitioner does not commit any violation of the North Carolina Animal Welfare Act (Articles 3 of Chapter 19A of the General Statutes) or its associated rules (02 NCAC 52J) for a period of one year from the effective date of this Agreement, Respondent will deem the \$750.00 waived and fully forgiven at that time.

b. If Petitioner commits any violation of the North Carolina Animal Welfare Act (Articles 3 of Chapter 19A of the General Statutes) or its associated rules (02 NCAC 52J) within one year of the effective date of this Agreement, Petitioner shall be immediately responsible for paying Respondent the full sum of \$750.00.

c. If the payment contemplated by Paragraph 3(b) of this Agreement becomes due as a result of Petitioner's violation, Petitioner's payment shall be made payable to "North Carolina Department of Agriculture and Consumer Services" and mailed addressed as follows:

North Carolina Department of Agriculture and Consumer Services
Dr. Patricia Norris
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, North Carolina 27699-1030

d. If the payment contemplated by Paragraph 3(b) of this Agreement becomes due, Respondent will treat any such proceeds as a civil penalty and remit the payment to the Civil Penalty Forfeiture Fund in accordance with N.C.G.S. § 115C-457.2.

e. Petitioner's payment of the \$750.00 contemplated by Paragraph 3(b) of this Agreement in no way prohibits Respondent from taking additional enforcement action authorized by law, including, but not limited to, suspension or revocation of Petitioner's animal shelter registration and/or the assessment of additional civil penalties pursuant to N.C.G.S. §§ 19A-30 and 19A-40, in response to additional violations.

f. Respondent reserves the right to forgo demanding payment of the \$750.00 contemplated by Paragraph 3(b) of the Agreement in response to a violation by Petitioner if Respondent finds a good reason to refrain from doing so. However, if Respondent in the sound exercise of its discretion refrains from demanding the payment of the \$750.00 in response to a violation by Petitioner, it is not a waiver of its right to do so later.

4. Petitioner agrees to abide by and comply with all provisions of the North Carolina Animal Welfare Act (Article 3 of Chapter 19A of the General Statutes) ("AWA") and its associated rules (02 NCAC 52J).

5. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for all recordkeeping requirements including the ability to readily match the records to the animals.

6. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules addressing the cleaning, sanitation and number of litterboxes relative to the number of cats in the enclosure.

7. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the proper feeding procedures and type and number of food receptacles relative to the number of adult cats and kittens in the enclosure.

8. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for proper twice-daily cleaning of enclosures and exercise areas.

9. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the proper sanitation of enclosures a minimum of every 7 days if no new cats are added to the enclosure and for proper sanitation of enclosures when a new animal is added to the enclosure.

10. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for effective control of ectoparasites such as fleas.

11. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules pertaining to housing no more than 12 cats in a primary enclosure and cats 6 months or older are to be provided with a minimum of 4 square feet of floor space and cats younger than 6 months of age are to be provided with a minimum of 1.5 square feet of floor space.

12. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for proper training and supervision of animal caretakers and those personnel including volunteers that clean the facility.

13. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules so that kittens are properly aged by the facility and kittens under 4 months of age are not housed with adult cats unless that adult cat is the dam of the kitten(s).

14. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules to address the isolation of animals exhibiting signs of, being treated for, or being observed for a contagious/communicable disease.

15. Petitioner further agrees to designate an isolation area of sufficient size to house all the animals exhibiting signs of, being treated for, or being observed for a contagious/communicable disease and to post a sign in this area giving notice of a communicable disease. This isolation area shall be separated from the housing area of the general population and protocols put into place to minimize the spread of infectious disease.

16. Petitioner further agrees to separate the isolation area from the areas accessible to the public to minimize the potential transmission of communicable diseases.

17. Petitioner further agrees to house any animal being observed and/or treated for a zoonotic disease in an area not accessible to the public until that animal has been cleared by a licensed veterinarian. Should an animal being treated for a zoonotic disease be adopted, the Petitioner agrees to provide to the new owner full written disclosure of the medical condition, the treatments administered and the zoonotic potential of the disease.

18. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules to address the sanitation and disease mitigation of the isolation area and its enclosures.

19. Petitioner further agrees to obtain from a licensed veterinarian and implement written veterinary recommendations to address upper respiratory disease, ringworm and any other contagious disease present in any of the animals at the shelter.

20. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the provision of veterinary care for sick, diseased, and/or injured animals. These animals are to be examined promptly by a licensed veterinarian and the Petitioner is to implement and administer the recommended treatments. Should the Petitioner obtain veterinary services from a licensed veterinarian who agrees to provide veterinary services to the shelter animals as a "herd health" situation and the veterinarian agrees to provide detailed treatment protocols for common medical conditions, then the Petitioner would be considered in compliance with this section so long as:

- a) the veterinarian provides the detailed treatment protocols and the Petitioner fully implements the protocols;
- b) the animals being treated under this protocol and their medical conditions conform to the parameters of the specific treatment protocol;
- c) the animals are responding appropriately to the treatment protocol;

d) the Petitioner presents any animal for veterinary examination and treatment promptly should that animal fail to respond appropriately, react negatively or incompletely to the treatment protocol and/or the medical condition recurs; and

e) if at any point the veterinarian withdraws from the provision of veterinary services in this manner, these treatment protocols may no longer be utilized by the Petitioner until such services are provided by another veterinarian. In that case, the new veterinarian must develop treatment protocols or sign off on the previous protocols.

21. Petitioner further agrees to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the documentation of the administration of all treatments, medications and procedures for the veterinary care of the animals.

22. Petitioner further agrees to complete the requirements set forth in items 5-21 above within 14 days of the effective date of this Settlement Agreement.

23. The persons signing this Agreement below represent and warrant that they have full authority and representative capacity to execute this Agreement in the capacities indicated below, and that this Agreement constitutes the valid and binding obligations of all parties.

24. The parties agree to bear their own attorneys' fees and costs associated with this Agreement and with the matters referred to in this Agreement.

25. The parties acknowledge that this Agreement contains the entire agreement between them regarding the matters set forth and described in it, and that it supersedes all previous negotiations, discussions and understandings between them regarding such matters.

26. The terms of this Agreement are contractual and not a mere recital, and may be modified only in a writing executed by all signatories hereto.

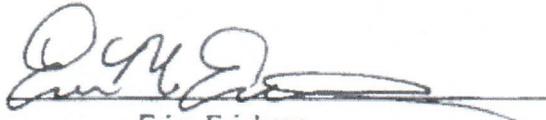
27. The parties acknowledge and agree that any and all disputes arising out of or under this Agreement, whether sounding in contract, tort or otherwise and including, among all others, the validity, construction, interpretation and enforcement of this Agreement, shall be governed by North Carolina law. Despite the foregoing, the parties further acknowledge and agree that this Agreement shall not be interpreted in favor of or against any party based upon which party drafted or participated in drafting this Agreement.

28. If any of the provisions of this Agreement are later determined to be invalid or unenforceable by a court of competent jurisdiction, the provisions found to be invalid or unenforceable shall be treated as being severable from the other provisions of this Agreement and this Agreement shall be construed and enforced as if any such invalid or unenforceable provision(s) had not been included in the Agreement.

29. This Agreement shall be binding upon the parties, their successors and assigns, upon execution by the undersigned, who represent and warrant that they are authorized to enter into this Agreement on behalf of the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and signed as of the day and year indicated by their signatures below:

PETITIONER

By: 
Erica Erickson
President, Pisgah Animal Welfare PAWS, Inc.

Date: 10-3-19

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

By: 
Patricia Norris DVM, MS
Director, Animal Welfare Section, North Carolina
Department of Agriculture and Consumer Services

Date: 10/4/19



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

September 12, 2019

Erica Erikson
Pisgah Animal Welfare Society (PAWS), Inc.
7123 Asheville Highway
Pisgah Forest, NC 28768

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0204(f); .0209(5) and .0210(c) and NOTICE of WARNING for VIOLATIONS of N.C.G.S. §19A-32.1(j)(1-4) and 02 NCAC 52J .0101(4) and (5); .0204(g); .0205(b); .0207(a) and (d); .0208; .0209(3) and .0210(b).

AWS-CP-2019-14

Facility: Pisgah PAWS Cat Café and Emporium
Registration No. 375

Dear Ms. Erickson:

Pursuant to N.C.G.S. § 19A-40, I am issuing this notice that Pisgah Animal Welfare Society (PAWS), Inc., as owner of Pisgah PAWS Cat Café and Emporium, is hereby assessed a civil penalty of \$850.00 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.G.S. § 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.G.S. § 150B-23. The petition must be filed with the N.C. Office of Administrative Hearings ("OAH") within 60 days from the date of this document. Additionally, the petition must be accompanied by a filing fee of twenty dollars (\$20.00). 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.

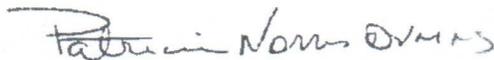
You must serve NCDA&CS by mailing a copy of the petition to:

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 that reads "Patricia Norris DVM, MS". The signature is written in a cursive style with a horizontal line above the first name.

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

PIGSAH ANIMAL WELFARE
SOCIETY (PAWS), INC.
OWNER of
PIGSAH PAWS
CAT CAFÉ AND EMPORIUM

) NOTICE of VIOLATION and
) ASSESSMENT of CIVIL PENALTY
) for VIOLATIONS of TITLE 2
) N.C. ADMINISTRATIVE CODE ("NCAC")
) CHAPTER 52J SECTIONS .0204(f);
) .0209(5); and .0210(c); and NOTICE
) of WARNING for VIOLATIONS of
) N.C.G.S. §19A-32.1(j) and NCAC 52J
) .0101(4) and (5); .0204(g); .0205(b);
) .0207(a) and (d); .0208; .0209(3); and
) .0210(b).

Acting pursuant to N.C.G.S. § 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, Pisgah Animal Welfare Society (PAWS), Inc. was the owner of Pisgah PAWS Cat Café and Emporium located at 190 N. Broad Street, Brevard, NC ("the shelter"), an animal shelter, registered pursuant to N.C.G.S. § 19A-26.
2. On August 9, 2019, AWS received a complaint concerning the care of the animals at the shelter. AWS opened an investigation based on the information contained in the complaint.
3. During the course of this investigation, AWS received an additional complaint on August 21, 2019 also concerning the care of the animals at the shelter. AWS combined the two complaints into one investigation.
4. The investigation into the two complaints revealed:
 - a. On July 27, 2019, one of the complainants adopted a cat she named "Big Boy" from the shelter. The shelter's name for the cat was "Joe." The complainant stated that she did not receive any paperwork from the shelter at the time of adoption. Furthermore, she stated that when she went back again to get the adoption paperwork, including the rabies certificate and other medical records the shelter would not give her any documents concerning this cat. The complainant stated that Ms. Erikson stated that the paperwork had been lost. Due to the multiple health issues affecting this cat, the complainant returned the cat to the shelter.
 - b. On August 27, 2019, AWS Animal Health Technicians Joshua James ("Inspector James") and Christie Shore ("Inspector Shore") conducted the site visit portion of this investigation.
 - c. During the August 27, 2019 site visit ("the site visit"), Inspector James requested to see all the paperwork for the cat named Big Boy (Joe) adopted and later returned by the complainant. The shelter was unable to produce the documentation required by N.C.G.S § 19A-32.1(j) and 02 NCAC 52J .0101(4) and (5), such as medical records, adoption/disposition information or

- the return/re-impoundment information. Ms. Erikson stated to Inspector James that this paperwork was not available because the complainant requested that no records be kept so that she would not be criticized for returning the cat. Statements from the complainant directly contradict Ms. Erikson's statements concerning the paperwork for the return of this cat.
- d. During the site visit, an estimated 30 cats were housed in the main primary enclosure, which far exceeds the maximum number of 12 cats per primary enclosure allowed by 02 NCAC 52J .0204(f).
 - e. In this main primary enclosure, which housed an estimated 30 cats, only 5 litter boxes were provided. These litter boxes were full of feces. 02 NCAC 52J .0204(g) requires that a receptacle containing clean litter shall be provided for waste in cat enclosures and that a minimum of 1 litter receptacle per 3 cats be provided.
 - f. At the time of the site visit, only 6 food receptacles were available for the estimated 30 cats. While not all the cats were adults, there were more than 6 adult cats loose in the main primary enclosure. This lack of sufficient feeding receptacles is in violation of 02 NCAC 52J .0205(b), which requires one receptacle per adult cat. In addition, lids from opened cat food cans were present within the main primary enclosure, creating a risk of injury to the animals.
 - g. The population of ~30 cats in the main primary enclosure included adult cats and kittens of various ages, many of which appeared to be under the age of 4 months. The kitten named Abigail, which Inspector James directed the shelter to provide veterinary care for immediately, was estimated by the veterinarian on September 4, 2019 to be 14 weeks of age. This mixture of kittens less than 4 months of age and adult cats that are not their dams is not in compliance with 02 NCAC 52J .0209(3).
 - h. The Inspectors drove by the facility at 8:05 AM on the day of the site visit and noted that there were no lights on in the building and no cars parked near the building. Starting at approximately 9 AM, the Inspectors remained outside the building continuously until Ms. Erikson arrived at approximately 12:15 PM. During this interval, no one entered or left the building and no lights were visible.
 - i. Upon entry for the site visit, it appeared that the facility had not been cleaned that day. The cleaning hours stated on the registration application are 10 AM – 12 PM for the first cleaning and 4 PM – 8 PM for the second cleaning. The water containers were almost empty and most of the water was dirty. The litter boxes were filled with waste and there was a large amount of urine on the floor around the litter boxes. There was an accumulation of spilled litter, cat hair, dander and debris on the floor.
 - j. During the site visit, Inspector James noted a significant amount of flea "dirt" accumulated on surfaces such as the table tops and water containers. He noted that most of the cats were scratching and several had thinning hair consistent with flea infestations. 02 NCAC 52J .0207(d) requires that an effective program for the control of ectoparasites be established and maintained.
 - k. When asked about the morning cleaning, Ms. Erikson claimed that a new volunteer, "Jessica," had been dropped off at approximately 8 AM and had done the cleaning. A volunteer who arrived during the site visit stated that she had dropped Jessica off and let her into the building. The volunteer stated that this was this Jessica's first day and that she had not been trained in the proper cleaning of the facility. When asked for contact information for Jessica so that the Inspectors could speak with her, Ms. Erikson and the other volunteer claimed that they had no contact information for Jessica and could not get in touch with her. Even assuming this is true, having a new volunteer with no training left on her own on her first day to clean the facility is

not in compliance with 02 NCAC 52J .0208 which requires the shelter's husbandry practices be under the supervision of an animal caretaker who has a background in animal husbandry or care.

- l. When asked about the morning cleaning of the individual cages housing cats, Ms. Erikson replied that she was the only person who was allowed to clean them. The cages were very soiled, and the water in the bowls was dirty. Ms. Erikson restated that she was the only one who was to clean the cages and that she had cleaned them the night before.
- m. Immediately upon entry of the facility, the Inspectors heard several cats sneezing and noted numerous cats showing visible signs of contagious disease such as ocular and nasal discharges and skin lesions. The cats showing these symptoms were housed in with the general population of animals that appeared to be healthy.
- n. When asked why the animals with apparent contagious diseases were not isolated, Ms. Erikson replied that she did not have the space to isolate all the sick animals. When asked, she affirmed that the sick animals were being housed in the main primary enclosure, by which the public enters and interacts with the cats. 02 NCAC 52J .0209(5) requires that a facility designates an isolation area for animals being treated or observed for communicable diseases. Cats in isolation shall be separated from other cats in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease. No such notice was posted at the facility at the time of the site visit.
- o. When asked about the provision of veterinary care for the animals suffering from infectious diseases, Ms. Erikson said she was giving them antibiotics under the direction of a licensed veterinarian. Ms. Erikson produced a large bottle of amoxicillin/clavulanate with the dispensing date of June 16, 2018. The label on the bottle stated it was for "KITTENS ERIKSON (FEL)" with an address different from the address of the shelter. The dispensing directions stated: "USE AS DIRECTED." Ms. Erikson did not produce any written instructions or standing protocols from a licensed veterinarian concerning the administration of this prescription medication.
- p. During the site visit, Ms. Erikson claimed to have provided treatment to many of the cats for Upper Respiratory Infections ("URI") and ringworm. Most of the claims could not be substantiated by the medication logs, as many of the animals' records did not have the documentation of the allegedly administered medications as required by 02 NCAC 52J .0101(5).
- q. In addition, a review of the medical records shows that some of animals appear to be have been suffering from URI and/or ringworm for more than 30 days. 02 NCAC 52J .0210(b) requires that, should a disease problem persist for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem. No such written veterinary recommendations had been obtained by the facility.
- r. Two cats, Abigail (a kitten) and Patsy/Noel appeared to be suffering significantly from a visible medical condition. A review of the shelter's medical records for these 2 animals did not show any recent veterinary care. Inspector James directed Ms. Erikson to have a licensed veterinarian examine these cats as soon as possible and to notify AWS of the findings. Ms. Erikson stated she had already called the veterinary clinic she used and had an appointment scheduled for these animals for the afternoon of August 28, 2019. The Inspectors visited the veterinary clinic after the shelter site visit and spoke with the front desk staff. The staff

relayed that there was no appointment scheduled for Ms. Erikson or the cats from the shelter for August 28, 2019 and that they had not received any phone call from her recently.

- s. After Inspector James made an additional request on August 29, 2019 for the medical records of the veterinary examinations for these cats, Ms. Erikson relayed that she had not taken them to the veterinary clinic until September 4, 2019.
- t. An additional inquiry at the veterinary clinic for information concerning the veterinary care administered to animals in the care and custody of the shelter revealed that the clinic had not seen any animal since the shelter had become registered other than the 2 cats that Inspector James had directed Ms. Erikson to have examined.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions 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:

N.C.G.S § 19A-32.1(j) (1) – (4) for failing to maintain a record of all animals impounded at the shelter and retaining those records for a period of at least three years from the date of impoundment and making those records available for inspection upon the request of a representative of the Animal Welfare Section;

02 NCAC 52J .0101(4) for failing to maintain records 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;

02 NCAC 52J .0101(5) for failing to maintain records 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;

02 NCAC 52J .0204(f) for housing more than 12 cats in the same primary enclosure;

02 NCAC 52J .0204(g) for failing to provide a minimum of one receptacle with clean litter for waste per three cats;

02 NCAC 52J .0205(b) for failing to provide at least one food receptacle for every adult animal;

02 NCAC 52J .0207(a) for failing to properly clean enclosures a minimum of two times per day;

02 NCAC 52J .0207(d) for failing to establish and maintain an effective program for the control of ectoparasites;

02 NCAC 52J .0208 for failing having sufficient number of employees to maintain the prescribed level of husbandry practices set forth in the Rule and having the practices under the supervision of an animal caretaker who has a background in animal husbandry or care

02 NCAC 52J .0209(3) for housing kittens less than 4 months of age in the same primary enclosure with adult cats other than their dams;

02 NCAC 52J .0209(5) for failing to designate an isolation area for animals being treated or observed for communicable disease, failing to separate animals in isolation from other animals in

such a manner as to minimize dissemination of such disease and failing to post a sign at the cage or isolation area giving notice of a communicable disease;

02 NCAC 52J .0210(b) for failing to obtain and follow a veterinarian's written recommendations for correcting a disease problem that persisted for more than 30 days at the facility; and

02 NCAC 52J .0210(c) for failing to euthanize or provide veterinary care to sick and diseased animals and failing to provide full written disclosure of the medical condition of an animal to the new owner.

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

CIVIL PENALTIES

As required by NCGS § 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, Pisgah Animal Welfare Society (PAWS), Inc. is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0204(f) for housing more than 12 cats in the same primary enclosure;

\$250.00 for violation of 02 NCAC 52J .0209(5) for failing to designate an isolation area for animals being treated or observed for communicable disease and failing to separate animals in isolation from other animals in such a manner as to minimize the dissemination of such disease; and

\$500.00 for violation of 02 NCAC 52J .0210(c) for failing to provide veterinary care for sick and diseased animals.

\$850.00 TOTAL AMOUNT ASSESSED

NOTICE of WARNING

As to the remaining violations, 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.

The shelter is hereby directed to immediately correct all violations noted herein and comply with the AWA and its associated regulations.

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 NCGS § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under NCGS § 19A-40.

September 12, 2019
Date



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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 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.

§ 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.

§ 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.

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:

- (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 .0204 PRIMARY ENCLOSURES

(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.

(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 .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

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

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

(3) Puppies or kittens less than four months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction, excluding animals which pose a danger to humans or other animals.

(5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.

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

02 NCAC 52J .0210 VETERINARY CARE

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

(c) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or be euthanized, provided that this shall not affect compliance with any state or local law requiring

the holding, for a specified period, of animals suspected of being diseased. If euthanasia is performed at a certified facility, a list of personnel approved to perform euthanasia shall be maintained in a Policy and Procedure Manual as described in 02 NCAC 52J .0800. Diseased or deformed animals shall be sold or adopted only under the policy set forth in the "Program of Veterinary Care." Full written disclosure of the medical condition of the animal shall be provided to the new owner.

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



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

December 30, 2019

Erica Erikson
Pisgah Animal Welfare Society (PAWS), Inc.
7123 Asheville Highway
Pisgah Forest, NC 28768

NOTICE of WARNING

Re: Violation of Title 02 N.C. Administrative Code ("NCAC") Chapter 52J Section .0101(5) and 02 NCAC 52J .0201(I).

AWS-WL-2019-13

Facility: Pisgah PAWS Cat Café and Emporium
Registration No. 375

Dear Ms. Erickson:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N.C. Department of Agriculture and Consumer Services ("NCDA&CS") received a complaint on November 14, 2019 concerning a kitten that died shortly after being adopted from the Pisgah PAWS Cat Café and Emporium (the "shelter"). Based on the information in this complaint, AWS initiated an investigation.

1. The investigation involved:

- a. a detailed review of the complaint;
- b. a review of the information provided by the complainant;
- c. an unannounced site visit to the shelter;
- d. an interview with the shelter management;
- e. a review of the relevant shelter records;
- f. an interview of shelter management and review of the records of the animal shelter that transferred this kitten to Pisgah PAWS Cat Café and Emporium;
- g. a review of the emails sent by the shelter to AWS during the course of the investigation; and
- h. a conversation with the veterinarian reviewing treatment protocols for the shelter.

2. The investigation revealed that:

- a. At all times pertinent to this matter, Pisgah Animal Welfare Society (PAWS), Inc. was the owner of Pisgah PAWS Cat Café and Emporium located at 190 N. Broad Street, Brevard, NC, an animal shelter, registered pursuant to N.C.G.S. § 19A-26.
- b. The kitten was transferred to the shelter on November 8, 2019. While with the previous owner, this kitten was given a medication as a coccidia prophylaxis in accordance with their

- approved veterinary protocol. No medication was given to the shelter by the previous owner at the time of the transfer.
- c. This kitten was adopted on November 11, 2019. During the adoption process, according to the adoption paperwork provided to the adopter by the shelter, this kitten was medicated with "Capstar," "Pyrantel" and "Ponazuril."
 - d. The animal record retained by the shelter did not document the administration of the medications noted above in violation of 02 NCAC .0101(5).
 - e. Ponazuril is a prescription medication only labeled for use in equines. Off-label use of a prescription medication requires dispensing by or written prescription from a licensed veterinarian.
 - f. AWS requested the shelter to provide the "written protocols signed and dated by your veterinarian detailing the use of Ponazuril in kittens for coccidia that was in use on November 11, 2019." The shelter responded: "We do not have a written protocol for Ponazuril."
 - g. While off-label treatment protocols exist for the use of ponazuril in kittens diagnosed with coccidiosis, these protocols require careful dilution of the equine paste to allow for proper dosing of a cat or kitten. These protocols generally note the dosing regimen to be a single dose followed by a second dose 10-14 days later if the cat or kitten is diagnosed as continuing to be infected with coccidia.
 - h. The paperwork given to the adopter by the shelter for this kitten states; "Ponazuril 0.2 ml give for 2 more days diarrhea[sic]." No dilution of the medication, if any, is documented. The dosing for a minimum of 3 consecutive days represents a misuse and overdose of this medication, the severity of which is dependent on the concentration. The concentration of the Ponazuril medication that was administered to this kitten was not documented in violation of 02 NCAC .0101(5).
 - i. The adopter relayed that the shelter dispensed to her the additional "Ponazuril" required for the subsequent 2 days in a prescription bottle. The bottle containing the medication was unlabeled as to its contents and had none of the information required for prescription medication to be dispensed to the public. No evidence could be found that anyone at the shelter is licensed to prescribe or dispense a prescription. In addition, no such license could be found by AWS for Erica Erickson who gave the medication to the adopter or for the shelter. These potential violations of the NC Veterinary Practice Act and the NC Pharmacy Act are considered violations of 02 NCAC 52J .0201(1).

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions 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:

02 NCAC 52J .0101(5) for failing to maintain records 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; and

02 NCAC 52J .0201(1) for failing to comply with state laws and rules relating to and/or affecting the welfare of dogs and cats in its facility.

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.

The shelter is hereby directed to immediately cease dispensing of prescription medications to the public unless that medication has been specifically prescribed for that specific animal. If and when these prescribed medications are to accompany the animal after the adoption or transfer, the medications are to remain in the original container with the appropriate labeling.

In addition, the shelter is hereby directed to immediately comply with 02 NCAC 52J .0101(5) and maintain the records on all dogs and cats 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.

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.G.S. § 19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N.C.G.S. § 19A-40.

December 30, 2019

Date

Patricia Norris DVM MS

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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 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.

§ 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.

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:

- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

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

02 NCAC 52J .0201 GENERAL

(1) 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.



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

February 20, 2020

Erica Erickson
Pisgah Animal Welfare Society (PAWS), Inc.
7123 Asheville Highway
Pisgah Forest, NC 28768

**NOTICE OF VIOLATIONS AND NOTICE OF INTENT TO SUSPEND ANIMAL SHELTER
CERTIFICATE OF REGISTRATION**

Animal Shelter: Pisgah PAWS Cat Café and Emporium
Registration No. 375

Dear Ms. Erickson:

Pursuant to N.C.G.S. §§ 19A-30 and 150B-3(b), I am issuing this notice to you that the Animal Welfare Section ("AWS"), North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") intends to suspend the certificate of registration for Pisgah PAWS Cat Café and Emporium ("the shelter"). Additionally, this letter serves as written notice of the manner in which the shelter is believed to have violated the North Carolina Animal Welfare Act ("AWA") and its associated rules or has otherwise failed to satisfy the requirements for the holding of a certificate of registration.

On September 12, 2019, AWS assessed a Civil Penalty for violation of Title 02 N.C. Administrative Code (NCAC) Chapter 52J Sections .0204(f); .0209(5) and .0210(c) and Notice of Warning for violations of N.C.G.S. §19A-32.1(j)(1-4) and 02 NCAC 52J .0101(4) and (5); .0204(g); .0205(b); .0207(a) and (d); .0208; .0209(3) and .0210(b). These findings were documented as part of a complaint investigation.

On October 4, 2019, the shelter entered into a Settlement Agreement with AWS and agreed to: pay a \$100.00 Civil Penalty within 30 days; to develop, fully implement and abide by written protocols to comply with the AWA and its rules for the violations noted in the September 12, 2019 Notice of Civil Penalty; and 'abide by and comply with all provisions of the North Carolina Animal Welfare Act (Article 3 of Chapter 19A of the General Statutes) ("AWA") and its associated rules (02 NCAC 52J).' As of the date of this Notice, the Civil Penalty has not been paid. The Settlement Agreement stated that should the shelter commit any violation of the AWA or its associated rules within one year of the effective date of the Agreement, the shelter is immediately responsible for paying AWS the full sum of \$750.00 which had been held in abeyance.

On October 23, 2019, AWS conducted a Facility Compliance Inspection ("FCI") of the shelter. This FCI was noted to be "Disapproved" due to the number and severity of violations of the AWA and its

associated regulations. The October 23, 2019 FCI noted violations of 02 NCAC 52J .0103; .0204(a), (f) and (g); .0205(a); .0207(a) and (b)(4); .0209(6)(c); and .0210(b), (c) and (d).

On December 30, 2019, AWS issued a Warning Letter to the shelter for violation of 02 NCAC 52J .0101(5) and .0201(l) based on the findings from an AWS investigation into a complaint.

On February 12, 2020, AWS conducted a follow-up FCI of the shelter. This FCI was noted to be "Disapproved" due to the number, repetitive nature and severity of violations of the AWA and its associated regulations. The February 12, 2020 FCI noted the following violations: N.C.G.S. §19A-32.1(a) and 02 NCAC 52J .0201(d); .0202(d); .0204(f); .0204(g); .0205(b); .0206; .0207(a); .0207(b)(1) and (3); .0209(5); .0209(7); and .0210(b) and (c).

Copies of the October 23, 2019 and February 12, 2020 FCI reports are attached hereto and incorporated by reference. Additionally, it should be noted that the shelter application for the shelter's certificate of registration stated that there would no dogs on site. During the February 12, 2020 FCI, 2 puppies were housed in a kennel in the café portion of the facility and 2 larger dogs were tied to posts in the café portion of the facility. On February 14, 2020 return visit, the 2 larger dogs again were found tied to the posts in the café portion of the facility. A copy of the animal shelter certificate of registration is attached hereto and incorporated by reference.

Based upon the review of these findings, it appears Pisgah Animal Welfare Society (PAWS), Inc. has violated the North Carolina Animal Welfare Act and its associated rules: N.C.G.S. §19A-32.1(a) and 02 NCAC 52J .0201(d); .0202(d); .0204(f); .0204(g); .0205(b); .0206; .0207(a); .0207(b)(1) and (3); .0209(5); .0209(7); and .0210(b) and (c).

Pursuant to N.C.G.S. §§ 19A-30 and 19A-40, these violations can result in the suspension or revocation of a certificate of registration and/or the assessment of a civil penalty of up to \$5,000 per violation. Based upon the review of the findings, AWS believes that the shelter made material misstatements in the application for the shelter's certificate of registration; willfully disregarded and violated the AWA and the rules issued pursuant thereto; failed to provide adequate primary enclosures and failed to provide feeding, watering, sanitizing and housing practices consistent with the intent of the AWA and its associated rules; and fails to possess the necessary qualifications and fails to meet the requirements of the AWA for the holding of a certificate of registration. Therefore, AWS currently intends to suspend the certificate of registration for Pisgah Animal Welfare Society (PAWS), Inc. pursuant to N.C.G.S. § 19A-30 (1), (2), (3), and (8).

Prior to AWS issuing a final decision as to the suspension/revocation, AWS will allow the shelter the opportunity to show compliance with all lawful requirements for the retention of the certificate of registration. Therefore, you have 5 days from your receipt of this letter to submit any information that you believe shows your compliance with all lawful requirements for retention of your certificate of registration.

You may submit any information you wish to provide to AWS at the following address:

Dr. Patricia Norris,
Director, Animal Welfare Section
1030 Mail Service Center
Raleigh, NC 27699-1030

Any submissions will be considered timely if they are sent by U.S. Postal Service First Class Mail, or other commercial carrier, prepaid, and the envelope is postmarked on or before the date when the submissions are due.

You may also submit any such information to AWS electronically by e-mailing it to patricia.norris@ncagr.gov.

If you choose not to submit any information, AWS will proceed with its final decision with the information available. This notice shall in no way limit AWS's ability to take further enforcement action against you for new or further violations. Furthermore, if the violations that have resulted in this notice are continuing or ongoing in nature, AWS maintains the right to take additional enforcement actions as authorized by law.

Your attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director, Animal Welfare Section

Enclosures

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

PISGAH ANIMAL WELFARE SOCIETY, INC.
PISGAH PAWS CAT CAFE & EMPORIUM
191 W. MAIN ST. SUITE A

BREVARD NC 28712

2020

North Carolina Department of Agriculture & Consumer Services
Steve Troxler, Commissioner
License/Certificate

LICENSE/CERTIFICATE NO.
375

NOT TRANSFERABLE
STATUTE GS
81.106.119

LICENSE/CERTIFICATE: Animal Shelter
EXPIRATION DATE: 06/30/2020
ENCLOSURE COUNT: 1
INSPECTION DATE: Jun 18 2019

LICENSEE OR CERTIFICATOR
PISGAH PAWS CAT CAFE & EMPORIUM
PISGAH ANIMAL WELFARE SOCIETY, INC.
190 N BOARD ST.

BREVARD NC 28712



Steve W. Troxler

STEVE TROXLER, COMMISSIONER

THIS LICENSE/CERTIFICATE MAY BE SUBJECT TO REVOCATION OR SUSPENSION AS PROVIDED BY LAW

Sent to Josh 5.21.19

North Carolina Department of Agriculture & Consumer Services

Print Form

Animal Welfare Section/Veterinary Division
1030 Mail Service Center
Raleigh, NC 27699-1030

phone: 919.707.3280 fax: 919.733.6431 e-mail: agr.aws@ncagr.gov

License Application / Renewal Application to Operate as the Following:

Check one

- New License
- Renew a License

Animal Shelter (no fee for license)

Facility License # 375

Name of Facility Pisgah Paws Cat Cafe & Emporium

Physical Address 190 N. Broad St

City Brevard NC ZIP Code 28712 County Transylvania

Phone Number 828-545-9390 Fax Number 828-885-5801 Email pisgahpaws@gmail.com

Mailing Address (if different from physical address)

Mailing Address 191 W Main St, Suite A

City Brevard NC ZIP Code 28712

Owner Information

Name of Owner Pisgah Animal Welfare Society, (PAWS), Inc

Owner's Address 191 W Main St, Suite A

City Brevard State NC ZIP Code 28712

Phone Number 828-545-9390 Email pisgahpaws@gmail.com

Information About the Facility

Hours Open to the Public 3:00 - 7:00pm W-F

Days Open to the Public (check all that apply):

Cleaning Hours: (cleanings required at least twice daily).
If more than twice daily, please indicate additional cleaning times in the comment box of section 1 on the next page.

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday 12-6
- Sunday 12-4

Time of 1st Cleaning 10AM - 12pm

of Dog Enclosures 0

Maximum # Dogs On-Site 0

Time of 2nd Cleaning 4pm - 8pm

of Cat Enclosures 1

Maximum # Cats On-Site 12

Signature of Owner or Authorized Agent

Date 5-17-19

Annual Program of Veterinary Care

PURPOSE: This form is to be used for documenting the program of veterinary care in facilities licensed/certified under the Animal Welfare Act. Items below are to be completed with the assistance of a veterinarian licensed in NC. If space is not adequate, use the back of this page or attach additional page(s). This form must be signed by the owner or manager of the facility and the veterinarian.

Name of Facility Pisgah Paws Cat Cafe and Emporium

Facility License #

Veterinarian's Information

Name of Veterinary Practice Pisgah Pet Care Animal Hospital

Name of Veterinarian Christopher Shea Veterinarian's NC License # 4686

Address 40 New Hendersonville Hwy

City Pisgah Forest NC ZIP Code 28768 Phone Number 828-883-5798

1. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. [02 NCAC 52J.0207(a)]

Is your facility cleaned a minimum of twice daily (including weekends and holidays)? YES NO

Describe your procedures for disinfecting the following: primary enclosures, exercise areas, feed & water bowls, litter boxes and bedding (if provided).

see attached 'Addendum A'

2. All animals in a licensed or registered facility must be in compliance with the North Carolina rabies law, NCGS §130A, Article 6, Part 6. [02 NCAC 52J.0210(d)]

Does your facility ensure that all dogs and cats 4 months of age and older, that have been in your facility for 15 days or more, have been vaccinated for rabies? YES NO

List any other vaccinations that you require for dogs and cats:

Cats
FVRCP

Owner/Manager Initials EME

Veterinarian's Initials CJS

4. A complete record of veterinary care is required. [02 NCAC 52J .0101(1-5)]
Veterinary care of all animals must be fully documented from the time of intake to the time of release from the facility.
All animal records must be retained a minimum of 3 years after the release of the animal. [19A-32.1(j)]

Does your facility retain or plan to retain (new facilities) all animal records for at least 3 years after the release of an animal? YES NO

5. All facilities must designate an isolation area for animals being treated or observed for communicable diseases.
This applies to incoming animals as well as animals that become ill during their stay at the facility. [02 NCAC 52J .029(5)]

Does your facility have a designated area for the isolation of animals that are sick during their stay?
YES NO

Briefly describe your procedure for the isolation of incoming ill animals as well as animals that become ill during their stay at the facility:

Incoming ill animals will not be brought to this site and will go directly to the vet or a foster home until recovered. Any cat that becomes ill at the site will be removed from the cat room, placed in a crate and kept in the staff bathroom area until the animal can be removed to the vet or a foster home for treatment. The sick cat will be removed from the bathroom area as soon as possible, but no longer than 8 hours after becoming ill.

5. 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. [02 NCAC 52J .0210(c)]

a. Does your facility sell, adopt or transfer dogs and/or cats? YES NO

b. Does your facility sell, adopt or transfer any deformed (i.e. blind, amputee, etc.) dogs and/or cats?
YES NO

c. Does your facility sell, adopt or transfer any ill dogs and/or cats? YES NO

d. If you answered YES to questions 5(b) or 5(c), please detail the protocol for the sale or adoption of diseased and/or deformed animals, including any health guarantees or refunds as well as the procedure for providing a full written disclosure.

If you answered NO to both 5(b) and 5(c), please disregard this question 5(d).

See attached "Addendum B"

Owner/Manager Initials EME

Veterinarian's Initials CJS

6. Sick, 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. [02 NCAC 52J .0210(c)]

Does the facility provide veterinary care for the animals in the facility that are ill or injured (i.e. animals not ill or injured to the degree that would necessitate euthanasia)? YES NO

Detail the facility's protocol(s) for providing adequate veterinary care:

See attached "Addendum C"

7. Detail your protocol(s) for providing emergency veterinary care, including emergency care during and after normal hours of operation. [02 NCAC 52J .0210(a)]

See attached "Addendum D"

8. Does this facility provide veterinary surgical services on site? YES NO

9. Does your facility perform euthanasia? YES NO

10. I certify that the facility named above has implemented this program of veterinary care and that the veterinarian named above assisted in its development.

Owner/Authorized Agent Initials

EME

11. Does your facility have an emergency disaster plan? YES NO
If no, please be advised that AWS will consider your failure to have and/or implement an emergency disaster plan as an aggravating factor in evaluating any violation that may occur during an emergency/disaster that is a result of or exacerbated by this failure.

12. As owner or authorized agent, I affirm that all information included in this application is a true and accurate representation of policies, procedures and actual practices of this facility.

Owner/Authorized Agent Initials

EME

13. As owner or authorized agent, I agree to comply with the N.C. Animal Welfare Act and the regulations issued pursuant thereto. I agree to cooperate as required by law with inspections and investigations conducted by personnel of the Animal Welfare Section, Veterinary Division, of the N.C. Department of Agriculture & Consumer Services.

Owner/Authorized Agent Initials

EME

14. The person signing this application represents and warrants that they have full authority and representative capacity to execute this application in the capacities indicated herein, and that this agreement constitutes the valid and binding obligations of all parties.

Owner/Authorized Agent Initials

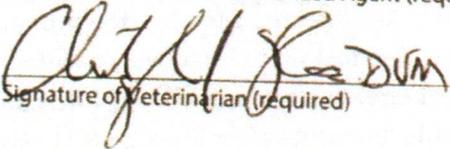
EME

NOTICE

A license is not transferable. "When there is a transfer of ownership, management or operation of a business... (they) shall have 10 days from such sale or transfer to secure license... A licensee shall promptly notify the director of any change in the name, address, management or substantial control of their business or operations." [GS 19A-31]. Notify this office of any additions to the facility.


Signature of Owner or Authorized Agent (required)

5/20/19
Date


Signature of Veterinarian (required)

5/20/19
Date

Addendum A

(page 2 of application for Pisgah Paws Cat Café and Emporium)

Procedures for disinfecting

- a. Primary Enclosures and Exercise areas (ie: main cat room):
 - a. All waste on floors or walls shall be immediately removed and disposed of in a waste container and the site of the waste shall be cleaned with a detergent, if necessary, to remove any remaining waste debris, and then sprayed with an accelerated hydrogen peroxide disinfectant, such as Accel. The disinfectant shall be wiped off of the infected site after the proper amount of time has elapsed for the disinfectant to effectively disinfect the site, at least 10 minutes. Cats shall be prevented from coming into contact with the site of the waste and disinfectant until after the area is cleaned and dry.
 - b. The floor in the cat room shall be thoroughly swept at least twice per day (more frequently if cat litter or other debris is prevalent) and mopped using hot water (at least 180 degrees F) and a floor cleaning solution, such as Odoban, each evening after the facility has been closed to the public. The cats shall be contained in one or more enclosure during mopping and cleaning until the main area has been cleaned and dried, at which times the cats may be released from their enclosures.
 - c. At least once per week, typically on Sundays after the facility has closed to the public, the cats will be put into one or more enclosures and the floors and any soiled areas of the walls or other surfaces in the cat room will be sanitized. A steam cleaner may be used to steam clean the floors. Otherwise, all soiled areas of the floors and walls will be treated with a detergent to remove all waste and debris. Once all debris is removed, the soiled surfaces will be sprayed with an accelerated hydrogen peroxide disinfectant, such as Accel. The disinfectant will be allowed remain on the surface as required to be effective, at least 10 minutes, before being thoroughly wiped off using a clean towel or paper towel. The cats will not return to the area until all surfaces are completely clean, disinfected, and dry.
- b. Feed and water bowls and litter boxes:
 - a. During the second cleaning of the day, after the facility has been closed to the public, all food, water, and litter box receptacles shall be sanitized. Water containers shall be emptied by pouring the water down the drain, uneaten food will be disposed of in the trash, and all litter boxes will be emptied into the trash. The utility sink in the back of the facility, near the restrooms shall be used to thoroughly scrub each water and food receptacle and each litter box using hot water and dish detergent. After each item has been thoroughly

scrubbed and rinsed, then a disinfectant product shall be applied onto each item for the proper period of time, at least 10 minutes. During this time, the sink will be rinsed out and also sprayed with disinfectant. After 10 minutes has elapsed, the sink will be rinsed and then each item will be thoroughly rinsed in the sink to remove and disinfectant residue. Each item will then be dried with a clean towel and returned to the cat room and refilled with water, food, or litter.

c. Bedding:

- a. All cat bedding and blankets will be washed and replaced with clean bedding each morning during the morning cleaning shift. Any soiled bedding will be removed and replaced with clean bedding immediately. Used or soiled bedding will be put into a laundry bag and transported off site to be washed on the steam cycle of the washing machine with a sanitizing laundry additive added to the fragrance-free laundry detergent that is used to wash the bedding. A separate, clean, laundry bag will be used to transport clean bedding back to the site, where it will be stored in a clean closet or cabinet outside of the cat room until needed.

Addendum B

(page 3 of application for Pisgah Paws Cat Café and Emporium)

Protocol for the adoption of diseased or deformed animals

- A. For each cat available for adoption at the Cat Café, there will be an information sheet describing the cat's known medical and behavioral concerns, which includes any diseases or deformities. Such diseases and deformities will be described in detail, along with any required or recommended treatments, medications, or need for ongoing or future veterinary care. If the disease is communicable to other cats, this will be clearly stated on the information sheet and persons interested in adopting such cats will be advised of the known disease/deformity status of the cat verbally as well upon inquiring about adopting the cat.
- B. A copy of the cat information sheet shall be provided to any person completing an adoption application or adoption contract for any cat.
- C. The adopter of a diseased or deformed cat shall receive a full copy of all veterinary records that are available for the cat that is being adopted.
- D. No cat shall come with any sort of health guarantee and this is clearly stated on the Adoption Contract.
- E. No refunds are issued for returned animals and this is clearly stated on the Adoption Contract.
- F. Any adopted cat may be returned to Pisgah Paws at any reasonable time, for any reason. If an adopter is no longer willing or able to care for a cat adopted from Pisgah Paws, they must return the cat to Pisgah Paws, per the Adoption Contract.

Addendum C

(page 4 of application for Pisgah Paws Cat Café and Emporium)

Protocol for providing adequate veterinary care

- A. Any cat that is ill shall be removed from the Cat Café as soon as possible and transferred to a foster home for care or taken to a veterinarian for care, if needed, depending on the type and severity of the illness. No sick animals shall remain in the group cat room at the Cat Café and shall be removed as described in the answer to number 4 on this application.
- B. A cat that becomes injured while at the Cat Café may be allowed to remain on the site if the injury does not necessitate veterinary care. If a cat becomes injured and the injury requires veterinary attention, then the cat will be taken to a veterinarian as soon as reasonably possible. If the injury is serious or life-threatening, the cat will be transported, as soon as possible and within a maximum of eight hours, to the nearest emergency veterinary hospital that upon calling ahead is able to treat the cat, typically Western Carolina Regional Animal Hospital. If Western Carolina Regional Animal Hospital is unable to treat the cat, then the cat shall be transported to REACH in Asheville for treatment and evaluation.
- C. An injured cat may be admitted to the Cat Café if the injury is healing and the setting is safe and appropriate for the injury to continue to heal and will not pose any additional risk or stress to the injured cat.
- D. All cats at the Cat Café are viewed at least twice daily by staff volunteers, who are required to note any signs of illness or injury and to report any concerns to the President of Pisgah Paws immediately via phone call, text, or email. The President will make every reasonable attempt to personally inspect any suspected injured or ill cat and if the President is not able to inspect the cat a volunteer veterinary technician will be called to evaluate the cat. If a vet tech is also not available, then the volunteer will be instructed to bring the cat to the veterinarian as soon as possible, but within eight hours.

Addendum D

(page 4 of application for Pisgah Paws Cat Café and Emporium)

Protocol for providing emergency veterinary care

- A. If a cat needs emergency veterinary care during normal hours of operation, the President of Pisgah Paws shall be immediately notified by phone call, text message or email. Without waiting for a response from the President, Pisgah Pet Care Animal Hospital will be called to see if they are available to admit the cat for evaluation and treatment. If Pisgah Pet Care Animal Hospital is not able to admit the cat, then Brevard Animal Hospital shall be called to see if they are able to admit the cat for evaluation and treatment. If neither of these two veterinary hospitals is able to admit the cat, then Western Carolina Regional Animal Hospital will be called to see if they are able to admit the cat for evaluation and treatment. If Western Carolina Regional Animal Hospital is unable to admit the cat, then REACH will be called. The cat will be transported immediately by a volunteer on duty to the first veterinary hospital above that is able to admit the cat. The President will be notified as to which vet the cat is being transported to and the President will make every attempt to meet the volunteer at the vet office. The volunteer has the authority to admit the cat to the vet and to pay a deposit of up to \$1,000 towards treatment costs using Pisgah Paws credit if the vet determines that treatment is feasible and recommended for a likely recovery. The volunteer and vet clinic shall continue to make reasonable attempts to reach the President via phone call, text, and email until she is able to be reached. If, in the unlikely event that the President is unable to be reached and the required deposit exceeds \$1,000, then the cat shall be admitted for the purpose of relieving suffering and keeping it alive and comfortable until the President can be reached. If the President cannot be reached and the veterinarian is unwilling or unable to admit and treat the cat without an immediate deposit in excess of \$1,000, then the cat shall be humanely euthanized by the vet. Additionally, if the veterinarian recommends euthanasia because the cat is likely not going to survive its illness or injury even with treatment, then the cat shall be euthanized even if the President has not been reached.
- B. If a cat needs emergency veterinary care after normal hours of operation, the President of Pisgah Paws shall be immediately notified by phone call, text message or email. Without waiting for a response from the President, Western Carolina Regional Animal Hospital will be called to see if they are able to admit the cat for evaluation and treatment. If Western Carolina Regional Animal Hospital is unable to admit the cat, then REACH will be called. The cat will be transported immediately by a volunteer on duty to the first veterinary hospital above that is able to admit the cat. The President will be notified as to which vet the cat is being transported to and the President will make every attempt to meet the volunteer at the vet office. The volunteer has the authority

to admit the cat to the vet and to pay a deposit of up to \$1,000 towards treatment costs using Pisgah Paws credit if the vet determines that treatment is feasible and recommended for a likely recovery. The volunteer and vet clinic shall continue to make reasonable attempts to reach the President via phone call, text, and email until she is able to be reached. If, in the unlikely event that the President is unable to be reached and the required deposit exceeds \$1,000, then the cat shall be admitted for the purpose of relieving suffering and keeping it alive and comfortable until the President can be reached. If the President cannot be reached and the veterinarian is unwilling or unable to admit and treat the cat without an immediate deposit in excess of \$1,000, then the cat shall be humanely euthanized by the vet. Additionally, if the veterinarian recommends euthanasia because the cat is likely not going to survive its illness or injury even with treatment, then the cat shall be euthanized even if the President has not been reached.

**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

Disapproved - 10/23/2019

Facility Name: PISGAH PAWS CAT CAFE & EMPORIUM	License Number: 375
Owner: PISGAH ANIMAL WELFARE SOCIETY, INC.	
Address: 190 N BOARD ST.	
City: BREVARD	Zip Code: 28712
County: TRANSYLVANIA	
Phone: (828)545-9390	Email: PISGAHPAWS@GMAIL.COM
Latitude:	Longitude:
Total Enclosures: 1	
Dogs on Premise: 0	Cats on Premise: 62
Capacity (Dogs):	Capacity (Cats): 12
Type of Inspection: Follow-up Inspection	Date of Inspection: 10/23/2019

02 NCAC 52J .0101 RECORDS

1. origin and date received. [02 NCAC 52J .0101(1)] - Needs Improvement
2. description [02 NCAC 52J .0101(2)] - In Compliance
3. location [02 NCAC 52J .0101(3)] - Needs Improvement
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)] - In Compliance

1-Facility has been utilizing the paperwork from the original shelter with the date of print off as the pull date, but there is a continuity error with cat Tinkerbell. Print off date is listed as 7/31/2019 but Tinkerbell was receiving treatments at the original facility after this date. Initial treatments by PAWS is documented starting 8/5/2019; date of entry into the PAWS shelter is not properly documented. 3-Cats Cash, Buddha, and Hanie were said to be in foster but their location is not documented.

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] - 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

1-Facility did not create records for animals born inside of the facility (Stella's kittens) and in doing so the death of animals is not being documented. Per PAWS Facebook page Stella had six kittens on September 10, 2019; an orphaned kitten, Rocky, was added to the litter September 14, 2019; at the time of inspection there were only six kittens instead of seven and no documentation of location/disposition of missing kitten. Princess and Rocky did not have intake forms present. Rocky entered the facility unhealthy (based on Ms. Erickson's verbal information) and if he received any treatment, there is no documentation.

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)] - Needs Improvement
5. Supplies of food and bedding stored and adequately protected against infestation or contamination by vermin and insects. [02 NCAC 52J .0201(d)] - 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 .0201(h)] - Not Applicable
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

4- Replace child safety plugs when not in use. Heating pad was in use for kittens but the cord was unprotected from the cats, potentially exposing the cats to a shock hazard. During the inspection we observed a kitten playing with this unprotected cord.

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)] - 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)] - 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

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 Applicable
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not Applicable
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not Applicable
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not Applicable
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)] - Not Applicable
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not Applicable
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not Applicable

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)] - **Not In Compliance**
2. All surfaces with which an animal comes in contact impervious to moisture. [02 NCAC 52J .0204(a)] - **Not 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)] - **Not 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)] - Not Applicable

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)] - Needs Improvement
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)] - Not Applicable
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - Not Applicable
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)] - Not Applicable
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)] - In Compliance
19. A minimum of one receptacle per three cats shall be provided. [02 NCAC 52J .0204(f)] - **Not In Compliance**

1-Ferret cages in use are open top design; cats free roaming in the facility were seen crawling up and on top of them. Cats were noted sitting on top of them and sneezing. 2/3-Vinyl booth seat was adequate when it was added to the room; since then it has been used as a scratching post by the cats leading to damage, exposing wood, and creating an area that can hold matter and debris. A volunteer used black tape to cover the damage during our inspection. Due to the design it could become damaged again in a short matter of time. There is a large carpeted cat tree present in the center of the room, it has become damaged exposing wood, hair matted in the carpet, and dried fecal matter was present inside cubby holes. Ms. Erickson stated it had been cleaned and sanitized over the weekend, but it appeared that it had not been adequately clean for sometime before that. The cat tree should be discarded due to damage and because it cannot be readily sanitized. Due to the difficulty of keeping it clean, and sanitizing properly once per seven or before a new cat is added I would strongly discourage the use of this type of tower. 8- During this visit and the previous visit cats escaped out the door when opened and into the general building; this has to be prevented from happening. A step through baby gate might be an adequate solution. 17-There were 33 cats free roaming in the main enclosure. There were five new ferret type cages in use (the small cage was empty.) Ms. Erickson said that there were so many loose because ones from the cages had been let out to play; the cages were currently filled to their maximum capacity according to minimum space requirements and could not hold any of the 33 that were free roaming. To be clear, with the exception of the small cage all the cages had at least two cats, a litter of kittens, or a dam with nursing kittens, so there were no empty cages to house the 21 "extra" free roaming cats. At no point during this inspection was a free roaming cat placed into the cages. 19-When arrived at the facility, there were seven litter boxes present; by the time of departure there were a total of nine which is still insufficient for 33 cats.

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)] - **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

6-At the beginning of the inspection there were ten food bowls in the open enclosure and five more were added by the end of the inspection, which is still not sufficient for 33 cats.

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)] - **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)] - Not Applicable
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 - Not Applicable
 - 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)]- Not Applicable
8. Food and water receptacles sanitized daily with hot water, detergent, and disinfectant. [02 NCAC 52J .0207(b)(4)] - **Not 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)] - 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

2- The top of the stainless cages were dirty and had dried fecal material on them; they were not cleaned when the workers were there or recently. The bars of the stainless cages had a black residue from body oil and skin that has not been properly clean/scrubbed in at least several days. After the ferret cages had been "cleaned" there was still matter/dust/residue on the bars and the ramps inside; Inspector Shore spoke with the staff on the need to ensure these are properly cleaned to reduce the possibility of the spread of disease. The workers then cleaned the outside of the cage but did not get the ramps on the inside. Seats and benches inside of the enclosure had not been cleaned/sanitized; matter present on them and could be felt. The center post had dried nasal discharge present that was not cleaned. The walls behind the litter boxes and the walls behind the ferret cages had dried fecal matter that was not cleaned that morning. 8- The original ten food bowls that were present that morning, some were near empty, had dried food still present. Bowls used in the ferret cages were reused and not cleaned; also they were set on the floor during the cleaning of their cage and allowed cats from the open enclosure to eat from them. Food and water bowls must be cleaned and sanitized daily.

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:
 - o Daily access to both human and same species social interaction. [02 NCAC 52J .0209(6)(a)] - In Compliance
 - o Daily access to space other than the primary enclosure. [02 NCAC 52J .0209(6)(b)] - **Not In Compliance**
 - o 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

6- Ensure that social interaction with people isn't just when the enclosures are being cleaned. 11B- Daily access to space other than primary enclosure for long term care is required, but due to the facility set up and numbers of animals at the facility, the long term care provisions are not and cannot be provide.

02 NCAC 52J .0210 VETERINARY CARE

1. Written program of veterinary care. [02 NCAC 52J .0210(a)] - Not Applicable
2. Veterinarian's written recommendations for correcting disease problem that persists for more than 30 days obtained and followed [02 NCAC 52J .0210(b)] - **Not In Compliance**
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - **Not In Compliance**
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)] - Not Applicable
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)] - **Not 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

1/2-The facility has a written program of veterinary care but is currently not following what they have put forth as their operating procedure. There is documented signs of an Upper Respiratory Infection (URI) and signs of possible ringworm that have been present for longer than thirty (30) days. When asked if anyone was in isolation (Iso) it was said that there was nobody that needed treatment. When medication in the refrigerator was checked, clindamycin, an antibiotic, was on hand. Ms. Erickson said it was not being used because no one needed to be medicated. 3/4- During the inspection there were cats sneezing in the open enclosure and had visible signs of nasal discharge and eye drainage. Cats in the ferret cages with goopy eyes, nasal discharge, and missing hair had contact with the cats free roaming in the enclosure. Cats free roaming in the open area had missing hair and crusty skin; one in particular, Peter, was missing hair on its ear and flaky looking skin; there was not a medical log present to indicate he was receiving any treatment for this condition nor documentation of a skin issue. Patsy was spayed on October 7, 2019, and the attending vet noted "scaly hairless patch on left foot and small spot on abdomen. Rule out ringworm before adoption"; Ms. Erickson applied Nustock and there has been no documentation of it being tested for ringworm. Hanie received a sulfur dip on 9/14/2019 for ringworm and no follow up has been documented. In cage number four there were two black kittens (Misty and Mopsy) that had an ocular discharge and one had missing hair. 8- Cats documented, Stella³ and Mira (adopted), were over the age of twelve weeks and had been at the facility longer than fifteen days but were not rabies vaccinated as required.

02 NCAC 52J .0301 VEHICLES

1. Vehicles mechanically sound. [02 NCAC 52J .0301(a)] - In Compliance
2. Vehicles equipped to provide fresh air to animals without harmful drafts. [02 NCAC 52J .0301(a)] - In Compliance
3. The animal cargo space constructed and maintained to prevent engine exhaust fumes from getting to the animals. [02 NCAC 52J .0301(b)] - In Compliance
4. The interior of the animal cargo space kept clean and sanitized. [02 NCAC 52J .0301(c)] - In Compliance

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)] - In Compliance
2. Such enclosures constructed or positioned so that:
 - o Each animal in the vehicle has sufficient fresh air for normal breathing [02 NCAC 52J .0302(a)(1)] - In Compliance
 - o The openings of enclosures are easily accessible for emergency removals. [02 NCAC 52J .0302(a)(2)] - In Compliance
 - o The animals are adequately protected from the elements. [02 NCAC 52J .0302(a)(3)] - In Compliance
3. The ambient temperature maintained between 50°F and 85°F. [02 NCAC 52J .0302(a)] - In Compliance
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)] - In Compliance
5. Animals in the same primary enclosure are of the same species. [02 NCAC 52J .0302(b)] - In Compliance

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)] - In Compliance
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)] - In Compliance
8. Primary enclosures for transport secured to the vehicle to prevent sliding or tipping of the enclosure during transit. [02 NCAC 52J .0302(c)] - In Compliance
9. Animals not be placed in primary enclosure over other animals in transit unless such enclosure is constructed so as to prevent animal excreta from entering lower enclosures. [02 NCAC 52J .0302(d)] - In Compliance
10. All primary enclosures for transport sanitized between use for shipments. [02 NCAC 52J .0302(e)] - In Compliance

02 NCAC 52J .0303 FOOD AND WATER REQUIREMENTS

1. If animals are transported for more than 12 hours:
 - o 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
 - o Adult dogs and cats fed at least once during each 24-hour period. [02 NCAC 52J .0303(2)]- Not Applicable
 - o Puppies and kittens less than 6 months of age fed every 6 hours. [02 NCAC 52J .0303(2)]- Not Applicable
 - o 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)] - Not Applicable
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

Facility has started accepting stray cats and is trapping "owned" cats. Facility is open three days a week and hours facilitate the ability to look for a lost pet. Since facility has started accepting strays, more owner surrenders, and trapping, they have to ensure that they are meeting every requirement of this section. 7- Facility needs to provide foster care policies that it has put in place for its fosters.

General Comments:

Arrived at the facility with Inspector Christie Shore at 8:53 AM to perform a follow-up inspection. When we arrived there were three volunteers inside of the facility cleaning and Ms. Erickson was not present; one volunteer was mopping while the other two were cleaning the cages. Initial sight there were more than 12 cats free roaming in the open enclosure, 7 litter pans, and 10 food bowls; counts revealed there were 33 cats loose in the open enclosure. There are five new ferret cages for the use of cats since the license approved inspection and the stainless steel cages are being utilized for cat housing. The cleaners were cleaning the primary surfaces such as cage floors, resting shelves, open enclosure floors, litter boxes, and the table tops. These areas appeared to be clean, but the

walls, chairs, benches, cage frame, cage wire, cage tops, and center post were not being cleaned thoroughly leaving organic matter and debris behind. The Kuranda tower tops had been wiped down but the underneath side had not. The carpet cat tower appeared dirty but Ms. Erickson disinfected over the weekend; hair, fecal, and nasal discharge were present on the tower. There were cats sneezing with discharge and ocular discharge present. I told Ms. Erickson to take two kittens that appeared to be weak, lethargic, and significantly ill to the vet. I also recommended she take the whole litter since they were in contact and housed together. She stated that they were going to a foster and would stop at a vet on the way. The kittens were subsequently diagnosed with an upper respiratory disease and dermatitis presumed by the vet to be ringworm. Ms. Erickson had said that she syringe fed the kittens the night before and they had perked up; kittens did not have records made and the procedure was not documented. There was no noticeable flea issue during the inspection and appeared to be a lot better from the previous visit; when cleaners were asked one did state that she still has seen fleas on the cats. Facility's intake paperwork that they utilize is set up well and is adequate, due to the numbers the facility has been taking in I would recommend that they use their own intake form for every animal to create conformity and better documentation; it can be added to the front of the paperwork from the original shelter. Cats and kittens in the cages had their minimum space requirements and each cage was at max capacity. Ms. Erickson had said that some of the ones that were out belonged in the cage but were out for exercise, there was no available room for them to go and have their minimum space required. The open room is a primary enclosure and each cage is a primary enclosure, if cats are released from the cage to roam the room you have just increased the number of animals inside of the open room primary enclosure, whether it is temporary or not. Facility's original plan, as stated in their original application was to "put all cats into one or more enclosures" to fully sanitize the room, with the current set up this is not able to be accomplished; Inspector Shore and myself were told there was nothing to put the cats in for separation. Isolation area was not being used at the time of inspection; Ms. Erickson said no animal needed to be in there and no animal was receiving medical treatment. When the kittens were taken to the vet, the vet was told they had received clindamycin the night before review of the shelter records for these kittens do not show medication being given. When reviewing records, cats were documented as receiving azithromycin at a time when the facility said they only had amoxicillin/clava. Abigail's original record as viewed on the previous visit (8/27/2019) noted that the last treatment she received was Pyrantel on 8/10/2019. Abigail's record in her adoption file viewed on this visit has documentation added of Augmentin and azithromycin from 8/10/2019-8/27/2019. After the 8/27/2019 visit Ms. Erickson emailed Noel's record and at that time no medical log was present. A records review on this visit notes that a full medical log is included in his adoption record. This medical log documents medications administered prior to 8/27/2019. When Ms. Erickson was asked on today's visit if there were any medical logs of any current treatments that were not in the book, she said no.

Inspection Result:

Disapproved

Inspector's Signature	Date
 Joshua James	10/23/2019
Facility Representative's Signature	Date
Erica Erickson	10/23/2019

**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

Disapproved - 02/12/2020

Facility Name: PISGAH PAWS CAT CAFE & EMPORIUM	License Number: 375
Owner: PISGAH ANIMAL WELFARE SOCIETY, INC.	
Address: 190 N BOARD ST.	
City: BREVARD	Zip Code: 28712
County: TRANSYLVANIA	
Phone: (828)545-9390	Email: PISGAHPAWS@GMAIL.COM
Latitude:	Longitude:
Total Enclosures: 1	
Dogs on Premise: 0	Cats on Premise: 45
Capacity (Dogs):	Capacity (Cats): 12
Type of Inspection: Follow-up Inspection	Date of Inspection: 02/12/2020

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
 - 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)] - In Compliance
 - date and type of euthanasia [02 NCAC 52J .0101(4)] - In Compliance
5. record of veterinary care. [02 NCAC 52J .0101(5)] - In Compliance

4b- Facility has started documenting when an animal dies in the facility but are not kept in a way that is easily retrievable. Keep the records "that are in the event of a death" in a separate folder than adoption dispositions.

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)] - 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)] - 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 .0201(h)] - Not Applicable
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

6- [NCAC 52J .0201(d)]- Open bags of food stored in airtight containers: One open bag of dog food is next to the puppy crate; one open bag is on a table top; and one open bag of cat food is next to Nelson. None of these open bags were stored in sealed containers.

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)] - 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

8- [02 NCAC 52J .0202(d)]- There was damage to the vinyl booth, from claws and scratching; previous damage has been partially covered with anti-scratch film. More damage has occurred since the last visit on new areas of the booth. PVC trim on the middle post has become damaged; The suggestion was made to use sandpaper to take off the burrs and roughness to try and get back to a smooth surface. Cats were able to damage the PVC trim at the top also due to access created by the cat tree placed next to it; suggested keeping accessories away from post. The damage makes it so this area cannot be and is not being adequately sanitized.

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 Applicable
2. Gravel maintained at a minimum depth of six inches and kept sanitary. [02 NCAC 52J .0203(a)] - Not Applicable
3. Outdoor housing provided allows animals to remain dry and comfortable during inclement weather. [02 NCAC 52J .0203(b)] - Not Applicable
4. Housing is impervious to moisture and can be disinfected. [02 NCAC 52J .0203(b)] - Not Applicable
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)] - Not Applicable
6. In addition to the housing, the enclosure provides protection from excessive sun and inclement weather. [02 NCAC 52J .0203(c)] - Not Applicable
7. Suitable method of drainage provided. [02 NCAC 52J .0203(e)] - Not Applicable

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)] - Not Applicable
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)] - Not Applicable
13. Not more than four adult dogs housed in the same primary enclosure without supervision. [02 NCAC 52J .0204(d)] - Not Applicable
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)] - Not Applicable
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)] - In Compliance

17 [02 NCAC 52 J .0204(f)]- Upon entry of the enclosure, 21 cats were counted free roaming in this single enclosure. Per Ms. Erickson's paperwork, there should have been 22 cats in the enclosure free roaming (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.) 19- [02 NCAC 52J .0204(g)]- There is supposed to be 1 litter box per 3 cats, there were 6 litter boxes

present. According to our numbers count of 21 cats there should have been 7 litter boxes (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.)

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)] - **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)] - Not Applicable

6- [02 NCAC 52J .0205(b)]- There should be one food bowl per adult cat. There were 17 food bowls present for the 21 cats free roaming (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.)

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] - **Not 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

1- [02 NCAC 52J .0206]- Continuous access to water: One cat enclosure in the cat room had no access to water - a water bowl was present but dry and had dry newspaper stuck to the inside of the bowl. Puppies in the crate in the front of the café area did not have water; no water bowls were present within the puppies' enclosure. The shelter owner had to be directed twice to provide the puppies water, photographed at 1037 AM and 1202 PM without water. Two dogs tied up to posts overnight did not have access to water - water bowls were present but empty.

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)] - **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)] - Not Applicable
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)] - **Not 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:
 - 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 - **Not 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)] - 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)] - In Compliance
13. Weeds, grasses, and bushes controlled. [02 NCAC 52J .0207(c)] - Not Applicable
14. Effective program for the control of insects, ectoparasites, and avian and mammalian pests [02 NCAC 52J .0207(d)] - In Compliance

2,5,- [02 NCAC 52J .0207(a)] and [02 NCAC 52J .0207(b)(3)] [02 NCAC 52J .0207(b)(1)] : **The stainless cages had what appeared to be dried nasal discharge, fecal matter, and other organic matter present; also present was clay litter residue. Based on the amount of dried biological material, it appears, this matter had been present longer than before the second cleaning on February 11, 2020. Dried fecal matter was also present on the walls around the litter boxes. There was hair and biological residue underneath the PVC Kuranda towers indicating that the accessories had not be adequately cleaned. Two new cats were also introduced into the enclosure on the evening of February 11, 2020, requiring the accessories and primary enclosure**

to have been fully sanitized before introduction. There was dust and debris present on top of the stainless-steel cages. On the storage bench organic matter, biological residue, and staining was present. When asked, Ms. Erickson stated that the cleaning was done with the use of OdoBan and paper towels. Paper towels will not adequately clean these surfaces of the buildup of matter as the extent of the buildup will require vigorous scrubbing after application of a detergent to remove all organic material as required by 02 NCAC 52J .0207b(3); I suggested to Ms. Erickson the use of a brush on the surfaces and a scour pad on the stainless cages (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.)

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)] - **Not In Compliance**
10. A sign posted at the cage or isolation area when in use. [02 NCAC 52J .0209(5)] - **Not 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)] - **Not In Compliance**

9- [02 NCAC 52J .0209(5)] Kenly- Ms. Erickson stated that Kenly started showing signs of illness, evening of February 11, 2020, so she put him inside one of the cat cages inside of the cat

room. Kenly arrived on February 7, 2020 and was receiving clavamox at the time of entry for an infectious disease. Kenly was placed directly into general population upon arrival despite being on treatment for a contagious disease. 'Dogs and cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.) 10-[02 NCAC 52J .0209(5)] Nolan, Misty, Dottie, and Raven were housed in a separate part of the cat cafe that was still accessible to the public. There was not a sign posted stating that this was an isolation area in violation of .0209 (5). A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease. The sign 'Do Not Stick Fingers In Cage" on Missy/Dottie's enclosure is not sufficient to qualify as notice of isolation. In addition, the medical record for Raven notes "Due to neurologic signs, this kitty has to be considered a rabies suspect should it deteriorate or show further signs." As rabies is a public health hazard, there should have been no public access to this cat and the enclosures appropriately marked. 12- [02 NCAC 52J .0209(7)] Animals only in primary enclosures: The dogs and puppies were not inside of approved primary enclosures. The two dogs tied to posts by collars which posed a choking/health hazard. When the dogs were being walked by the volunteers, one of the dogs slipped its collar as soon as they exited the building. The dog was caught and slipped out of the lead again. Once caught the second time, the walker sat with the dog in a car. A second visit to the facility on February 14, 2020 showed the same two dogs tied to a steel post together in the café portion, the same area of the cat cafe as on February 12,2020. At the time of the second visit, the leash/tie of one dog was tangled up around a chair and the dog had limited mobility.

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)] - **Not In Compliance**
3. Daily observation of animals. [02 NCAC 52J .0210(c)] - **Not In Compliance**
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)] - Not Applicable
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

2- [02 NCAC 52J .0210(b)]- Ms. Erickson stated that Misty and Dottie have been having diarrhea for a few months. This is corroborated with documented conversation between the attending veterinarian and Ms. Erickson. Diarrhea in the cats is prevalent in the cat cages and cat room. There are is no written recommendations from a veterinarian for correcting the problem. There have been verbal conversations between Ms. Erickson and the veterinary clinic

with regards of switching food. Ms. Erickson has stated that she has been using pro-pectalin in conjunction with raw food while the attending veterinarian recommended a prescription diet for these kittens (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.) 3- [02 NCAC 52J .0210(c)] Daily observation of animals: There were three cats (Ginny, Leesa, and Tommy) with missing hair or lesions on their head and or ears that is consistent with the potential symptoms of ringworm or another contagious skin disease. When asked Ms. Erickson stated that she had not noticed it before. (noted in the previous 2 site visits 8/27/2019 and 10/23/2019.) 4- [02 NCAC 52J .0210(c)]- Chloe, a large shaved DLH, was inside the top double stainless cat cage with another cat, and was not moving. Ms. Erickson stated that she was injured yesterday while jumping out of a volunteer's lap. Ms. Erickson picked up the cat and the cat became fractious, growling, and trying to bite and appeared to be painful. When asked if the cat had been taken to the vet, Ms. Erickson said that she has an appointment for today. Inspector Shore asked when the appointment was, Ms. Erickson's response was that it was a drop off appointment. Inspector Shore asked if it was possible that volunteer Diane could take Chloe immediately to the vet due to the animal's obvious discomfort and appearance of a significant injury or medical condition. After a short period of time, Chloe was put inside of a cat carrier at approximately 1115 AM, and taken outside of the room. Around 1212 PM, Inspector Shore noticed that Chloe was sitting the crate at the front of the store and had not yet been taken to the vet. Inspector Shore asked Diane if she would be taking the cat to the vet and she said yes. Inspector Shore directed her to go ahead and take Chloe to the vet immediately. Diane put Chloe in her car, but then walked back into the shelter. (It is uncertain as to the exact time when Diane departed to take Chloe to the vet.) * It should be noted that Chloe was housed in an enclosure with a healthy and active/ tortoiseshell, and had not been separated and housed by herself while injured. A black cat in the lower right stainless cage (I believe to be named Vincent) and Della, free roaming, were actively sneezing, with a colored discharge, and drainage from their eyes. Ms. Erickson stated that no cat in this area was currently receiving treatment. Misty and Dottie were separated in a cat cage/condo in the open cat café area. The cats actively have diarrhea and Ms. Erickson stated that they have had it for a few months and have been treating it. The cats have not been examined by a vet, but a fecal sample was taken for testing. Ms. Erickson stated the sample was fecal matter that had been expressed in the cage. The fecal test was negative and Ms. Erickson said that the kittens were now receiving raw food. Vet records obtained from attending veterinarian (and also sent by Ms. Erickson when requested) state that the two kittens had not been brought to the clinic and only had one record which was for Dottie. The veterinarian's written notes said it would be interesting to see if Biome food would firm things up. Documented statement by the vet staff with Ms. Erickson says that "this diarrhea seems highly contagious too, all the cats in the room with Dottie have gotten this terrible diarrhea." Raven is an 8-month-old kitten that was a returned adoption due to health problems, Ms. Erickson claims it was a neglect case. Raven is exhibiting neurological signs, trouble moving, and walking. Raven was laying with her head in her food bowl and was not moving. Ms. Erickson said that the cat had a seizure or a stroke and had worsened after intake, but she believed the cat had improved some since then. Medical records from the attending veterinarian show that Raven has not been brought back for a recheck since her initial examination on December 16, 2019. At the Dec visit, the medical records show that the veterinarian noted that "Due to neurologic signs, this kitty has to be considered a rabies suspect should it deteriorate or show further signs. Also on December 16, 2019, this cat tested positive for giardia. Medical records do not show a follow up fecal to show that the giardia infection had resolved. Raven appeared to be fecally incontinent, having a bowel movement where she lay after she was put back into her cage.

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)] - **Not 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

1- [19A-32.1(a)]- Kitten named Kosmo was found in a box at the Cat Café and Emporium on November 23, 2019. No owner information was left, therefore this animal is considered to be a stray. The kitten was adopted out on November 24, 2019 before the required 72 hour minimum hold for stray animals was complete.

General Comments:

See the narratives under each section of the inspection report for additional comments. Arrived at the facility with Inspector Christie Shore at approximately 840 AM for a follow-up inspection. Upon arrival there was no one present. At approximately 10 AM, a woman and a young lady arrived at the facility. They entered the facility and we pulled up to the front of the building. Inspector Shore noticed that the woman appeared to be unwrapping something from a post. She walked to the window and saw the woman unhook a dog from the post. The young lady was leading a dog on the leash outside and the woman was following behind her. We approached and introduced ourselves, we were recognized by the young lady. One of the dogs slipped its collar and started to run loose, the young lady chased the dog down to try and catch it. The dog was caught when the door to the NAPA Auto Parts store was opened and the dog tried to enter. I assisted putting the collar back on the dog and used the opposite end of the leash as a slip lead. After I handed the dog off to the young lady, the dog escaped again. After being recaptured the young lady picked the dog up and sat in her car. The woman stated that she could not let us in because she was just there to assist her daughter in walking the dogs. The daughter called Ms. Erickson to let her know we were there. Volunteer Diane arrived at approximately 1031 AM and stated that we were not allowed to enter until they opened to the public. First Inspector Shore, then I stated that we were allowed to do inspections during cleaning hours. She asked when the cleaning hours were, and I told her the most recent facility application stated 9 AM. Ms. Erickson arrived at approximately 1036 AM and entered the facility, Inspector Shore and I followed in a minute later. That was the last we saw of the two adult dogs until the second visit on February 14, 2020. Upon entry after greeting Ms. Erickson, Inspector Shore and I documented where the dogs had been tied up, a puddle of urination, puppies without water or bowls, and Inspector Shore requested that the puppies get some water. I crossed to the rear of the facility and initially noticed two cat cages near the doors that led to the restrooms and stockrooms. Inspector Shore and I entered the cat room and a tortoiseshell colored cat ran out past us. In the room we counted 21 cats free roaming. The enclosures have not yet been cleaned for the day. There were 17 food bowls and 6 litter boxes, both insufficient for the number of cats in the room. Temperature was adequate and ventilation was in place. The center post does appear to be have been cleaned adequately and child safety plugs were in place in each of the outlets. Cleaning around the litter boxes was better than it has been in the past but there was still matter on the walls above the electrical conduit. Plexi-glass has been added to the top of the cat cages (Ferret Brand cages) but did not have the protective film removed and cats have started to scratch it, causing tears and lifts in the film. The

protective film should be removed so as not to trap matter and debris so it can be adequately sanitized. Anti-scratch plastic has been applied to the corner of the booth but there are still areas that have become scratched and cannot be adequately sanitized. After talking about the disrepair of the cat tower, Ms. Erickson removed it from the room and set a new Kuranda PVC tower in its place. Inspector Shore recommended that accessories next to this pole should be pulled away from it so as not to allow the cats to damage it. The facility is still not adequately cleaning the stainless-steel cages that are present in the facility; nasal discharge, fecal matter, litter, and dust are present on all surfaces of the cages. Same with the storage bench there is matter and debris that is not being adequately cleaned, hence not being adequately disinfected. Recommend using a stiff brush on surfaces such as this to adequately remove matter, an industrial scour pad would be recommended on the stainless cages. On the floor there were several spots of vomit/regurgitation yellow and red in color. When checking medication present at the facility there was an unmarked amber bottle that Ms. Erickson said contained pyrantel pamoate. There were two amber bottles underneath the cage that housed Misty and Dottie that were marked with an "A" and "PZ", Ms. Erickson stated that it was Albon and either pyrantel or ponazuril, the bottle marked "PZ" contained a white liquid that is not consistent with pyrantel nor did it match the pyrantel that she had on site. When asked if she had other ponazuril on site Ms. Erickson stated that she didn't because she isn't supposed to have it after the last warning letter. When asked if the ponazuril came from the vet she stated that she mixed by the recommendations online, but not the UC Davis guidelines. Misty and Dottie have had diarrhea for several months now, stated by Ms. Erickson, and "have improved" but all stool in the enclosure was loose. There were several areas of loose stools in multiple cages in the facility. Ms. Erickson stated that another stool sample would be taken to the vet. See the narrative under Veterinary Care for additional comments concerning Raven. It is important to note: the medical record for Raven notes "Due to neurologic signs, this kitty has to be considered a rabies suspect should it deteriorate or show further signs." As rabies is a public health hazard, there should have been no public access to this cat and the enclosures should have been marked appropriately.

Inspection Result:

Disapproved

Inspector's Signature	Date
<div style="text-align: center;">  Joshua James </div>	02/12/2020
Facility Representative's Signature	Date
Erica Erickson	02/12/2020