



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Christina L. Waggett
Assistant Commissioner
for Consumer Protection

Michael Martin, DVM
State Veterinarian

February 20, 2025

Ishah Scott
9andMe, LLC
5104 Kiev Drive
Charlotte, NC 28216

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATION of NC GENERAL STATUTES § 19A-28 and NOTICE of WARNING for VIOLATION OF 02 NC ADMINISTRATIVE CODE 52J .0201(m) and (n).

AWS-CP-2025-3

Facility: 9andMe, LLC
License Number: Unlicensed

Dear Ms. Scott:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of an unlicensed boarding kennel (“the kennel”) are hereby assessed a civil penalty of \$500.00 as provided in the enclosed Notice of Violation.

With regard to the civil penalty, within 60 days from the date of this letter, 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 NCGS § 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 NCGS § 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:

Mr. Jonathan Lanier
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 blue ink, appearing to read "Patricia Norris DVM MS".

Patricia Norris, DVM, MS
Director, Animal Welfare Section

Attachment: Notice of Violations, Assessment of Civil Penalty

cc: Michael Martin, DVM, State Veterinarian
Jonathan Lanier, General Counsel, NCDA&CS
Christina L. Waggett, Assistant Commissioner, NCDA&CS
Samuel Gray, Assistant Attorney General

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

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

IN THE MATTER of)
)
ISHAH SCOTT)
)
OWNER of)
)
9ANDME, LLC)
)
)
)

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

FINDINGS OF FACT

1. At all times pertinent to this matter, Ishah Scott owner and operator of 9andMe, LLC provided boarding services at her residence (“the kennel”), located at 5104 Kiev Drive, Charlotte, NC 28216. This kennel was not licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28. AWS opened an investigation. The investigation centered on possible violation(s) of the N.C. Animal Welfare Act (“AWA”) as these statutes and associated regulations are the extent of the jurisdiction of AWS.
2. On February 5, 2025, AWS obtained information that a kennel at the address above provided boarding and dog daycare services to the public for a fee. A review of the kennel’s 9andMe, LLC website and social media posts for this kennel shows that, as of February 5, 2025, the kennel offered to the public boarding services starting at \$40.00 per day and dog daycare services for \$25.00 a day. The kennel also offered training services for a fee, but these fees were found in a different section of the post under a tab entitled “Training.”
3. On February 5, 2025, while AWS Veterinary Program Specialist Bradley (“Inspector Bradley”) was on the premises, Ms. Scott, the owner of the kennel, spoke to him through a wireless device attached to the garage. They continued the conversation by phone and this is what was relayed during this conversation:
 - a. Ms. Scott denied that she was offering boarding and dog daycare services to the public for a fee. She stated that she only trained dogs at this kennel; and
 - b. when Inspector Bradley countered this inaccurate information stating that he had already obtained recent screenshots of the hours of operation and a price schedule for boarding and daycare services as well as recent client reviews, Ms. Scott refused to concede the accuracy of her own social media posts for the facility.

4. A review of AWS documentation shows that AWS:
- a. on October 17, 2019, Ms. Scott submitted a boarding kennel application to AWS for a kennel named 9andMe, LLC located at 1100 N Church Street, Charlotte, 28206;
 - b. as part of this boarding kennel license dated October 17, 2019, Ms. Scott initialed the following section: “10. As owner or authorized agent, I agree to comply with the NC Animal Welfare Act and regulations 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;
 - c. the name of the owner on this October 17, 2019 boarding kennel application was Ishah Scott and the owner’s address was 5104 Kiev Drive, Charlotte, NC 28216;
 - d. the boarding kennel license (Boarding Kennel License Number 20543) for this kennel was not renewed on July 1, 2020 and was noted to be closed on July 7, 2020 due to the COVID pandemic;
 - e. AWS has never received a boarding kennel license application or issued a boarding kennel license to Ishah Scott for operation of a boarding kennel at 5104 Kiev Drive, Charlotte, NC 28216; and
 - f. a review of the Facebook post for this kennel on February 10, 2025 shows that under the description of the facility, the post states “Providing excellent in-home/facility dog boarding and doggie daycare.”

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 kennel violated the following provisions:

NCGS §19A-28 for willfully operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment

02 NCAC 52J .0201(m) and (n) for obstructing and failure to be truthful with NCDA&CS during all phases of inspections or investigations

CIVIL PENALTY

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 violation listed above.

Accordingly, Ishah Scott is hereby assessed a civil penalty for the following violation:

\$500.00 for the willful violation of NCGS § 19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment. This violation was deemed willful as Ms. Scott had prior knowledge of the statute requiring the obtaining of an AWS boarding kennel license before offering these services to the public for a fee.

\$500.00 TOTAL AMOUNT ASSESSED

Please be aware that pursuant to NC General Statute § 19A-33, operation of a boarding kennel without a currently valid license constitutes a Class 3 misdemeanor with each day of operation constituting a separate offense. In addition, the operation of a boarding kennel without a valid license is a violation of the NC Animal Welfare Act and may result in the assessment of a civil penalty of up to \$5,000.00 per violation pursuant to NC General Statute § 19A-40 and/or the suspension, revocation, or denial of a license pursuant to NC General Statute § 19A-30.

NOTICE of WARNING

As to the remaining violation of 02 NCAC 52J .0201(m) and (n), this Warning Letter serves as written notice indicating in which respects the kennel may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

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

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



February 20, 2025
Date

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

Appendix

REFERENCED LAWS AND REGULATIONS

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 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-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.

§ 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

(m) A licensee or registrant and all agents of the facility shall be truthful with NCDA&CS employees during all phases of inspections or investigations.

(n) Neither an applicant for a license or registration nor a licensee or registrant or any agent of a facility may abuse, harass, delay or obstruct any inspector or State official while inspectors or officials are attempting to discharge their official duties. For the purposes of this Rule, the following definitions apply:

- (1) "Abuse" means:
 - (A) Communicating a threat as defined by G.S. 14-277.1;
 - (B) Using profane, indecent or threatening language to any person over the telephone, annoying or harassing by repeated telephoning or making false statements over the telephone as defined by G.S. 14-196;
 - (C) Cyberstalking as defined by G.S. 14-196.3;
 - (D) Stalking as defined by G.S. 14-277.3A; and/or
 - (E) Disorderly conduct as defined by G.S. 14-288.4.
- (2) "Harass" means knowingly conduct, including oral, written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, page messages or transmissions, answering machine or voice mail messages or transmissions, electronic mail messages, or other computerized or electronic transmissions directed at a specific person that torments, terrorizes or terrifies that person and that serves no legitimate purpose.

History Note: Authority G.S. 19A-24; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. October 1, 2022.