



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

December 12, 2023

Siglinda Scarpa
Owner, The Goathouse Refuge
680 Alton Alston Road
Pittsboro, NC 27312
via email:
siglinda@goathouserefuge.org

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTE (“N.C.G.S.”) § 19A-32.1(i) and (j)(1) – (4); and TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTIONS .0101(1), (2), (4), (5) and (6); .0103; .0201(m) and (q); .0209(7)(a); and NOTICE OF WARNING for VIOLATION of 02 NCAC 52J .0202(a)(2) and (d); .0203(a)(2); .0207(e) and .0210(i).

AWS-CP-2023-25

**Facility: Goathouse Refuge
Registration Number 264**

Dear Ms. Scarpa:

Pursuant to NCGS § 19A-40, I am issuing this notice that you individually and d/b/a The Goathouse (“the shelter”) is hereby assessed a civil penalty of \$3,200.00 as provided in the enclosed Notice of Violation.

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

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

Pursuant to 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 black ink, appearing to read "Patricia Norris DVM, MS". The signature is fluid and cursive, with the initials "DVM, MS" written in a more formal, blocky style at the end.

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
Christopher R. McLennan, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

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

IN THE MATTER OF)
)
SIGLINDA SCARPA ANDERSON)
)
OWNER of)
)
THE GOATHOUSE REFUGE)
)
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NOTICE of VIOLATION and
ASSESSMENT of CIVIL PENALTY
for VIOLATIONS of N.C.G.S. § 19A-32.1(i) and
(j)(1)-(4) and TITLE 02 NC ADMINISTRATIVE
CODE (“NCAC”) CHAPTER 52J SECTIONS
.0101(1), (2), (4), (5) and (6); .0103; .0201(m)
and (q); and .0209(7)(a); and NOTICE of
WARNING for VIOLATIONS of 02 NCAC 52J
.0202(a)(2) and (d); .0203(a)(2); 0207(e) and
.0210(i)

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, The Goathouse Refuge (“the shelter”), was an animal shelter registered pursuant to NCGS § 19A-26.
2. On November 13, 2023, AWS Animal Health Technician Elizabeth Garner (“Inspector Garner”) conducted a Facility Compliance Inspection (“FCI”) of the shelter. The FCI was marked as “Disapproved” due to the severity of the violations. The November 13, 2023 FCI revealed the following:
 - a. During the initial site walk through of the shelter property, the facility owner advised the “Infirmarium” building was only housing a Feline Leukemia (“FELV”) positive cat awaiting its adoption and therefore did not require inspection;
 - b. At the end of the walk through, the owner discouraged Inspector Garner from entering the Infirmarium;
 - c. Upon entry into the Infirmarium, 2 people dressed in scrubs were present and when Inspector Garner asked what was going on, the shelter owner replied “neuters;”
 - d. 3 cats were present in transport crates on the floor and clean towels were laid out on the stainless steel table as if in preparation for a surgical procedure. The 3 cats had been sedated;
 - e. When the people dressed in scrubs were questioned as to what was occurring, they denied that neuter surgeries were imminent on these cats but said that the cats had been sedated to draw blood for FELV/FIV testing;
 - f. One person dressed in scrubs had an ID badge on her scrub top, but it was turned so that the identifying information was hidden. This person initially refused to give her name but when pressed for her identification, she eventually stated her name was Dr. Saker;
 - g. The facility owner was not truthful initially during the November 13, 2023 FCI concerning the

- activities occurring in the Infirmary building in violation of 02 NCAC 52J .0201(m);
- h. None of the animal housing areas were equipped with operational smoke or carbon monoxide alarms in violation of 02 NCAC 52J .0201(q). The need for these alarms had been discussed with the owner and noted on the April 13, 2023 FCI;
 - i. The floor surface of the patio area of the main refuge building is damaged, chipped and peeling in violation of 02 NCAC 52J .0202(d);
 - j. Gravel is not being maintained at a minimum depth of 6 inches in the small, enclosed yard off the green room at the main building, yards and walkways in violation of 02 NCAC 52J .0203(a)(2). This violation was also noted and discussed with the facility owner during the April 13, 2023 FCI;
 - k. The common yards and walkways have large accumulations of leaf and organic matter in violation of 02 NCAC 52J .0207(e);
 - l. Provision of daily social interactions and enrichment was not being documented by the shelter in violation of 02 NCAC 52J .0209(7)(a). This violation was also noted and discussed with the facility owner during the April 13, 2023 FCI; and
 - m. Although the facility owner stated that the cats in the Infirmary were being neutered and the cats were sedated, the NC licensed veterinarian, Dr. Saker, denied that the surgeries were about to be performed on the sedated cats. She stated furthermore that she had never done surgeries on cats at the shelter. 02 NCAC 52J .0210(i) requires that the area in which surgeries are to be conducted meet the minimum standards for surgery in 21 NCAC 66 .0207(b)(9). 02 NCAC 52J .0210(i)(6) dictates that no surgical procedures can be performed until the AWS inspection of the surgical facility and supporting procedures noted in the subsection had occurred and all deficiencies have been corrected. At no time had the shelter sought inspection of this area as a surgical facility and it had not been inspected by AWS for compliance with the surgical requirements.
3. On November 20, 2023, Inspector Garner returned to the shelter along with AWS Outreach Coordinator Joe Blomquist to conduct a follow-up FCI. The November 20, 2023 FCI revealed the following:
- a. All shelter records for 2 of the 3 cats sedated by Dr. Saker on November 13, 2023 were missing. The shelter owner stated that the cats had been adopted and all records were removed from the shelter during the adoption. The shelter owner claimed that she had no knowledge of and would not be able to provide the name or contact information of the rescue or person who adopted these cats. The failure to maintain the required records for these 2 cats is a violation of N.C.G.S. § 19A-32.1(i) and (j)(1) – (4); and 02 NCAC 52J .0101(1),(2), (4), (5) and (6); and .0103;
 - b. The shelter record for the third cat (a Domestic Shorthaired tortoiseshell cat named Rumi) sedated by Dr. Saker did not contain the record of origin, the time/date/initials for the microchip placement or any of the required information pertaining to the administration of the sedative medications on November 13, 2023 in violation of 02 NCAC 52J .0101(1), (5) and (6); and
 - c. The cat housing facility called the Quiet Building was housing a semi-feral cat. The temperature within this indoor enclosure was measured at 48°F at approximately noon in violation of 02 NCAC 52J .0202(a)(2).
4. A review of AWS documents relative to the shelter revealed:
- a. On February 7, 2022, AWS assessed a Civil Penalty against the shelter for violation of 02

- NCAC 52J .0101(5);
- b. On June 2019, AWS issued a Notice of Denial of Animal Shelter Registration Renewal and Notice of Deficiencies in part due to willful disregard or violation of the NC Animal Welfare Act and its rules;
 - c. Of the 15 FCI inspections of the shelter from August 2017 until present, the shelter has been cited during 12 FCI for violations relative to failure to maintain required records;
 - d. Contrary to Dr. Saker's assertion to Inspector Garner on November 13, 2023, that she had never done surgery at the shelter, on January 21, 2022, Dr. Saker provided to the AWS Director medical records of animals that she had sedated, conducted FELV/FIV testing on and had neutered at the shelter;
 - e. On November 21, 2023, Inspector Garner emailed Dr. Saker a request for a copy of the medical records for the animals she sedated at the shelter on November 13, 2023. As Dr. Saker provided the controlled substances for the sedation of these animals, she should have medical records documenting their use. The email address used to send this request was the same email used by Dr. Saker in January 2022 to respond to AWS' previous request for medical records. Dr. Saker has failed to respond to the November 21, 2023, emailed request as of the date of this Notice of Civil Penalty; and
 - f. On November 29, 2023, Inspector Garner emailed Dr. Saker a second request for a copy of the medical records for the animals she sedated at the shelter on November 13, 2023. Dr. Saker has failed to respond to the November 29, 2023, emailed request as of the date of this Notice of Civil Penalty.

5. The February 7, 2022 Notice of Civil Penalty and Notice of Warning and all the FCI reports referenced herein have been provided to the shelter and are available on AWS's website at [Wayback Machine \(archive.org\)](#).

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 the AWS investigation, AWS concludes that the shelter has violated N.C.G.S. § 19A-32.1(i) and (j)(1) – (4) and 02 NCAC 52J .0101(1), (2), (4), (5) and (6); .0103; .0201(m) and (q); .0202(a)(2) and (d); .0203(a); .0207(e); and .0209(7)(a); and .0210(i).

AWS concludes that the shelter violated the following provisions:

N.C.G.S. § 19A-32.1(i) for the failure to document the name of the person, the type of photographic identification presented by the person and the photographic identification number of the person to whom the cats were released as noted on November 20, 2023

N.C.G.S. § 19A-32.1(j)(1) for the failure to maintain records of the date of impoundment of the animals sedated by Dr. Saker on November 13, 2023;

N.C.G.S. § 19A-32.1(j)(2) for the failure to maintain records of the length of impoundment of 2 of the 3 cats sedated by Dr. Saker on November 13, 2023;

N.C.G.S. § 19A-32.1(j)(3) for the failure to maintain records of the disposition of 2 of the 3 cats sedated by Dr. Saker on November 13, 2023, 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;

N.C.G.S. § 19A-32.1(j)(4) for the failure to maintain records of other information required by the rules adopted by the Board of Agriculture for the 3 cats sedated by Dr. Saker on November 13, 2023;

02 NCAC 52J .0101(1) for failure to properly record the origin of the cats as noted on November 20, 2023;

02 NCAC 52J .0101(2) for failure to properly record the description of the cats as noted on November 20, 2023;

02 NCAC 52J .0101(4) for failure to properly record the disposition of 2 cats as noted on November 20, 2023;

02 NCAC 52J .0101(5) for failure to properly document the provision of veterinary care for cats as noted on November 20, 2023. This is the second cited violation of this rule by the shelter;

02 NCAC 52J .0101(6) for failure to create or update records within 48 hours of the occurrence of procedures as noted on November 20, 2023;

02 NCAC 52J .0103 for failure to be able to match each animal to its record and to make all required records available upon request as noted on November 20, 2023;

02 NCAC 52J .0201(m) for failure of all agents of the facility to be truthful with NCDA&CS employees during all phases of an inspection as noted on November 13, 2023;

02 NCAC 52J .0201(q) for failure to equip the shelter with an operational smoke alarm and carbon monoxide alarm as noted on November 13, 2023;

02 NCAC 52J .0202(a)(2) for allowing the ambient temperature within the shelter facility to fall below 50°F as measured on November 20, 2023;

02 NCAC 52J .0202(d) for failure to maintain interior building surfaces so that they are impervious to moisture and can be readily sanitized as noted on November 13, 2023;

02 NCAC 52J .0203(a)(2) for the failure to maintain gravel at a minimum depth of 6 inches in the outdoor facilities and exercise areas as noted on November 13, 2023;

02 NCAC 52J .0207(e) for failure to maintain the premises free of accumulations of leaves and other organic matter as noted on November 13, 2023;

02 NCAC 52J .0209(7)(a) for failure to document the provision of daily social interactions and enrichment as noted on November 13, 2023;

02 NCAC 52J .0210(i) for the performance of surgical procedures before the AWS inspection of the surgical facility and supporting procedures noted in this section had occurred and all deficiencies corrected as noted on November 13, 2023.

Pursuant to NCGS §§ 19A-30 and 19A-40, these violations can result in the suspension, revocation or refusal to renew a registration for any animal shelter and/or the assessment of a civil penalty of up to \$5,000 per violation.

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, Siglinda Scarpa as the owner of The Goathouse Refuge animal shelter is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of N.C.G.S. § 19A-32.1(i) for the failure to document the name of the person, the type of photographic identification presented by the person and the photographic identification number of the person to whom the 2 cats were released as noted on November 20, 2023

\$200.00 for violation of N.C.G.S. § 19A-32.1(j)(1) for the failure to maintain records of the date of impoundment of the animals sedated by Dr. Saker on November 13, 2023;

\$200.00 for violation of N.C.G.S. § 19A-32.1(j)(2) for the failure to maintain records of the length of impoundment of 2 of the 3 cats sedated by Dr. Saker on November 13, 2023;

\$200.00 for violation of N.C.G.S. § 19A-32.1(j)(3) for the failure to maintain records of the disposition of 2 of the 3 cats sedated by Dr. Saker on November 13, 2023, 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;

\$200.00 for violation of N.C.G.S. § 19A-32.1(j)(4) for the failure to maintain records of other information required by the rules adopted by the Board of Agriculture for the 3 cats sedated by Dr. Saker on November 13, 2023;

\$200.00 for violation of 02 NCAC 52J .0101(1) for failure to properly record the origin of the cats as noted on November 20, 2023;

\$200.00 for violation of 02 NCAC 52J .0101(2) for failure to properly record the description of the cats as noted on November 20, 2023;

\$200.00 for violation of 02 NCAC 52J .0101(4) for failure to properly record the disposition of 2 cats as noted on November 20, 2023;

\$400.00 for the SECOND violation of 02 NCAC 52J .0101(5) for failure to properly document the provision of veterinary care for cats as noted on November 20, 2023;

\$200.00 for violation of 02 NCAC 52J .0101(6) for failure to create or update records within 48 hours of the occurrence of procedures as noted on November 20, 2023;

\$500.00 for violation of 02 NCAC 52J .0103 for failure to be able to match each animal to its record and to make all required records available upon request as noted on November 20, 2023;

\$200.00 for violation of 02 NCAC 52J .0201(m) for failure of all agents of the facility to be truthful with NCDA&CS employees during all phases of an inspection as noted on November 13, 2023;

\$200.00 for violation of 02 NCAC 52J .0201(q) for failure to equip the shelter with an operational smoke alarm and carbon monoxide alarm as noted on November 13, 2023;

\$100.00 for violation of 02 NCAC 52J .0209(7)(a) for failure to document the provision of daily social interactions and enrichment as noted on November 13, 2023;

\$3,200.00 TOTAL AMOUNT ASSESSED

Continued or future violation of the statutes or regulations referenced in this letter will be considered a willful disregard or violation of the N.C. Animal Welfare Act and the rules issued pursuant thereto. Such willful disregard or violation may result in action against your facility's registration 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.

NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0202(a)(2) for allowing the ambient temperature within the shelter facility to fall below 50°F; 02 NCAC 52J .0202(d) for failure to maintain interior building surfaces so that they are impervious to moisture and can be readily sanitized; 02 NCAC 52J .0203(a)(2) for the failure to maintain gravel at a minimum depth of 6 inches in the outdoor facilities and exercise areas; 02 NCAC 52J .0207(e) for failure to maintain the premises free of accumulations of leaves and other organic matter; 02 NCAC 52J .0210(i) for the performance of surgical procedures before the AWS inspection of the surgical facility and supporting procedures noted in this section had occurred and all deficiencies corrected, this Warning Letter serves as written notice indicating in which respects the shelter 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 willful disregard or violation may result in action against your facility's registration 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

December 12, 2023
Date

 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.

(i) An animal shelter shall require every person to whom an animal is released to present one of the following valid forms of government-issued photographic identification: (i) a drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military identification card, or (iv) a passport. Upon presentation of the required photographic identification, the shelter shall document the name of the person, the type of photographic identification presented by the person, and the photographic identification number.

(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:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, estimated age, sex, breed or breed type, and color markings;
- (4) disposition of animals including name and address of person to whom animal is sold, traded, transferred, or adopted, and the date and time of such transaction; name and address of intermediary transporter if used; in the event of death, the record shall show the date, signs of illness, and cause of death if identified; if euthanized, the record shall show date and type of euthanasia;

- (5) record of veterinary care including medications, treatments, procedures, and immunizations. The record shall include: diagnosis(es), diagnostic testing and results, date and time of administration or procedure, description of medication and initials of person administering any product, medication or procedure. The description of the medication shall include the name, strength or concentration, dosage, and dosing regimen. The dosage regimen shall include the frequency, duration to include the number of dosages or days to be given and the reason for the administration; and
- (6) all records shall be created and/or updated within 48 hours of the occurrence of procedures, including but not limited to intake, change of location, medication or treatment administration and/or disposition. The record shall be accurate; creation of a misleading record or deliberate or non-incidental falsification of a record including medication administration documentation during or after an investigation or inspection shall be considered a violation of this regulation.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the Director or his or her authorized representative on request, during the business and cleaning hours listed on the license application and/or during an inspection of the facility or an investigation. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released from a boarding kennel or sold from a pet store or public auction. Animal shelters shall maintain records required by the Animal Welfare Act or this Subchapter for a period of three years after the disposition of the animal.

History Note: Authority G.S. 19A-24; 19A-25; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

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.
- (q) All facilities shall be equipped with an operational smoke alarm and carbon monoxide alarm and shall have a means of fire suppression, such as functional fire extinguishers or a sprinkler system on the premises.

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

02 NCAC 52J .0202 INDOOR FACILITIES

- (a) Heating and cooling of indoor facilities:
 - (2) the ambient temperature shall not be allowed to fall below 50 degrees F or exceed 85 degrees F; and
- (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; 19A-30(3); Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0203 OUTDOOR FACILITIES

(a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures, common areas and walkways with which an animal comes in contact:

- (2) may use gravel for groundcover so long as it is maintained at a minimum depth of six inches and maintained in a sanitary manner as prescribed in Rule .0207 of this Subchapter.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0207 SANITATION

(e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

- (7) Animals in long term care must be provided with human interaction other than interaction for enclosure cleaning, same species social interaction, opportunity for play and exercise, and environmental enrichment daily. The provision of these daily interactions and enrichment shall be adequate for the animal's species, age, size and behavior needs. In addition:

- (a) The provision of the daily social interactions and enrichment shall be documented in the animal's records and the records maintained for three years; and

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; Readopted Eff. September 1, 2022.

02 NCAC 52J .0210 VETERINARY CARE

(i) If surgical procedures are performed at the registered/licensed facility, the facility shall:

- (1) only perform surgical procedures on animals owned by the facility. The facility shall not perform surgery on animals owned by the public unless the practice of veterinary medicine at that facility falls under the jurisdiction of the North Carolina Board of Veterinary Medicine;
- (2) appoint a North Carolina ('NC') licensed veterinarian to be the supervising veterinarian to direct, oversee and be responsible for the performance of all surgical procedures and for the condition of the surgical facility;
- (3) ensure all surgical procedures are performed by a NC licensed veterinarian and performed within the designated surgical area;
- (4) ensure that the designated surgical area meets the minimum standards for surgery in 21 NCAC 66 .0207(b)(9), the drug procedures meet the minimum standards in 21 NCAC 66 .0207(b)(11) and the recordkeeping procedures meet the minimum standards in 21 NCAC 66 .0207(b)(12);

- (5) ensure that the minimum standards for after-hours emergency service in 21 NCAC 66 .0207(b)(19) for the provision of after-hours emergency veterinary care for an animal receiving surgical procedure(s) are met; and
- (6) ensure that surgical procedures are not performed until the inspection of the surgical facility and supporting procedures noted in this section has occurred and all deficiencies have been corrected.

History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. March 23, 2009; January 1, 2005; Readopted Eff. September 1, 2022.