



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 14, 2024

Sheriff W. Rogers
Columbus County Sheriff's Office
817 Washington Street
Whiteville, NC 28472
and via email:

info@columbussheriff.com

aprince@columbusco.org

NOTICE of CIVIL PENALTY and NOTICE of WARNING

Re: CIVIL PENALTY ASSESSMENT for VIOLATION of NC GENERAL STATUTE ("NCGS") § 19A-32.1(a) and TITLE 02 N.C. ADMINISTRATIVE CODE ("NCAC") CHAPTER 52J SECTIONS .0101(1), (5) and (6); .0103; and .0210(g); and NOTICE OF WARNING for VIOLATION of 02 NCAC 52J .0201(l).

AWS-CP-2024-4

**Facility: Columbus County Animal Protective Services Animal Shelter
Registration Number 2**

Dear Sheriff Rogers:

Pursuant to NCGS § 19A-40, I am issuing this notice that Columbus County Sheriff's Office as the operator of the Columbus County Animal Protective Services Animal Shelter ("the shelter") is hereby assessed a civil penalty of \$1,650.00 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.

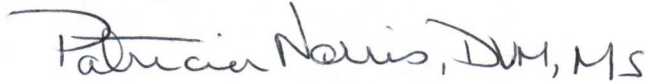
You must serve NCDA&CS by mailing a copy of the petition to:

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 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: 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 COLUMBUS

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

IN THE MATTER of)	NOTICE of VIOLATION and
COLUMBUS COUNTY)	ASSESSMENT of CIVIL PENALTY
SHERIFF'S OFFICE)	for VIOLATION of NC GENERAL STATUTE
OPERATOR of)	("NCGS") § 19A-32.1(a) and TITLE 02 NC
COLUMBUS COUNTY)	ADMINISTRATIVE CODE ("NCAC")
ANIMAL PROTECTIVE SERVICES)	CHAPTER 52J SECTIONS .0101(1), (5) and
ANIMAL SHELTER)	(6); .0103; and .0210(g); and NOTICE of
)	WARNING for VIOLATION of 02 NCAC
)	52J .0201(l).
)	

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 Columbus County Animal Protective Services Animal Shelter ("the shelter"), operated by Columbus County Sheriff's Office, was an animal shelter registered pursuant to NCGS §19A-26.
2. On January 29, 2024, AWS received a complaint alleging that the puppy the complainant adopted from the shelter developed parvo shortly after the adoption. In addition, they alleged that the adoption paperwork provided to them was inaccurate and that the shelter dispensed medication and butterfly (IV) catheters for the complainant to treat the puppy at home. Based on this information, 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.
3. On January 30, 2024, AWS Animal Health Technician Christina Tolley ("Inspector Tolley") conducted the site visit portion of the investigation. The site visit revealed the following:
 - a. the puppy named Peaches, (Shelter Animal #2205), was 1 of 3 littermates (the other two puppies were #2210 Wakko, and #2211 Bear), and was surrendered to the shelter on January 19, 2024 as a stray. No owner surrender form or proof of ownership for the litter of 3 puppies was obtained by the shelter. These puppies were adopted by 3 separate people on January 19, 2024, the same day they were impounded as strays. Failure to hold the 3 stray puppies for a minimum of 72 hours was a violation of NCGS § 19A-32.1(a);
 - b. the shelter staff was unable to locate the intake sheet containing the information related to the origin of the animals including the name and address of person surrendering the puppies. Failure to maintain records of animals including the origin of the animal was a violation of 02 NCAC 52J .0101(1);
 - c. copies of the adoption paperwork for all 3 puppies were viewed during this site visit. The

computerized adoption paperwork for all 3 puppies had the shelter address as the address of origin, which was inaccurate. In addition, the veterinary care information documented that the puppies received oral dewormer and vaccinations by the shelter staff on January 8, 2024. This was not possible as the puppies were not impounded until January 19, 2024. This inaccurate veterinary care documentation is in violation of 02 NCAC 52J .0101(5);

- d. as the required documentation for the 3 puppies was not entered or updated within 48 hours of the event or procedures in violation of 02 NCAC 52J .0101(6);
 - e. the shelter staff did not maintain the required records for these 3 puppies so that they were available upon request by AWS in violation of 02 NCAC 52J .0103;
 - f. when notified by the complainant of the parvo diagnosis of Peaches, a member of the shelter staff dispensed 2 bags of intravenous/subcutaneous fluids and butterfly catheters to the complainant. The bags of fluids are prescription medications that require a prescription from a licensed veterinarian. The shelter staff relayed that although they had these prescription medications on hand to treat the in-house shelter animals, a veterinarian was not consulted and did not prescribe this medication for Peaches. Prescribing a medication in NC without a veterinary license granted by the NC Veterinary Medical Board is a violation of the NC Veterinary Practice Act (NCGS § 90-187.2). Failure to comply with state laws relating to the welfare of animals is a violation of 02 NCAC 52J .0201(1); and
 - g. full written disclosure of all veterinary medical treatments provided to Peaches was not provided to the person adopting Peaches in violation of 02 NCAC 52J .0210(g).
4. As part of the investigation, AWS documentation relevant to the shelter was reviewed. This review noted:
- a. on May 22, 2023, AWS issued a Notice of Warning to the shelter for violation NCGS § 19A-32.1(a); and
 - b. on October 17, 2023, AWS assessed a Civil Penalty against the shelter in part due to the violations of 02 NCAC 52J .0101(6) and .0103.
5. The May 22, 2023 Notice of Warning and October 17, 2023 Notice of Civil Penalty and Notice of Warning referenced herein have been provided to the shelter and are available on AWS's website at <https://www.ncagr.gov/divisions/veterinary/aws/DisciplinaryActions>.

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 NCGS § 19A-32.1(a) and 02 NCAC 52J .0101(1), (5) and (6); .0103; .0201(1) and .0210(g). AWS concludes that the shelter violated the following provisions:

02 NCAC 52J .0101(1) for failure to maintain the records of the origin of the 3 puppies as noted on January 30, 2024

02 NCAC 52J .0101(5) for failure to accurately document the veterinary care provided to the 3 puppies as noted on January 30, 2024

02 NCAC 52J .0101(6) for failure to create required documentation within 48 hours of the intake and veterinary care for the 3 puppies as noted on January 30, 2024. This is the SECOND violation of this rule

02 NCAC 52J .0103 for failure to provide the required records upon request by AWS for the 3 puppies impounded at the shelter as noted on January 30, 2024. This is the SECOND violation of this rule

02 NCAC 52J .0201(1) for failure to comply with state laws relating to the welfare of animals as noted on January 30, 2024

02 NCAC 52J .0210(g) for failure to provide full written disclosure of the veterinary care of Peaches to the person adopting this puppy as noted on January 30, 2024

NCGS § 19A-32.1(a) for the failure to hold the 3 stray puppies for a minimum of 72 hours. Each adoption prior to the end of the minimum of 72-hour hold was deemed to be a separate violation for a total of 3 violations of this statute

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, Columbus County Sheriff's Office as the operator of the Columbus County Animal Protective Services Animal Shelter is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0101(1) for failure to maintain the records of the origin of the 3 puppies as noted on January 30, 2024

\$100.00 for violation of 02 NCAC 52J .0101(5) for failure to accurately document the veterinary care provided to the 3 puppies as noted on January 30, 2024

\$250.00 for the SECOND violation of 02 NCAC 52J .0101(6) for failure to create required documentation within 48 hours of the intake and veterinary care for the 3 puppies as noted on January 30, 2024

\$500.00 for the SECOND violation of 02 NCAC 52J .0103 for failure to provide the required records upon request by AWS for the 3 puppies impounded at the shelter as noted on January 30, 2024

\$100.00 for violation of 02 NCAC 52J .0210(g) for failure to provide full written disclosure of the veterinary care of Peaches to the person adopting this puppy as noted on January 30, 2024

\$600.00 for the 3 violations (\$200.00 per violation) of NCGS § 19A-32.1(a) for the failure to hold the 3 stray puppies for a minimum of 72 hours. This is the SECOND violation of this statute by the shelter

\$1,650.00 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

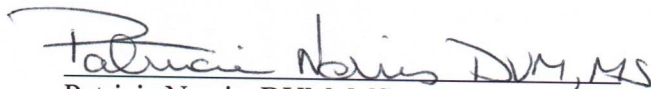
As to the remaining violation of 02 NCAC 52J .0201(1), this Warning Letter serves as written notice indicating in which respects the shelter may have violated the NC Animal Welfare Act and the rules issued pursuant thereto.

AWS strongly recommends that the shelter develop and implement written protocols to avoid future violations of these rules.

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)

February 14, 2024
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.

(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 .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;
- (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-incident 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

(l) 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; April 1, 1985; Readopted Eff. September 1, 2022.

02 NCAC 52J .0210 VETERINARY CARE

(g) Full written disclosure of the medical condition of the animal and all veterinary medical treatments provided to the animal shall be provided to the person or organization receiving, adopting, purchasing or otherwise acquiring the animal. Proof of written disclosure signed by the person or organization receiving the animal shall be maintained as part of the animal's record.

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