



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

June 14, 2024

Antione Robinson
Owner
Real Deal Kennels
1059 Silver Moon Trail
Yadkinville, NC 27055
and via email
Realdealkennels@gmail.com

NOTICE of CIVIL PENALTY and NOTICE of VIOLATION

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0201(b); .0202(b)(3); .0204(h); .0206(a); and .0207(a), (d)(4), (7), and (8) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0102(1); 0201(d)(2); .0203(b)(2), (3), and (4), (e) and (f); .0204(c) and (d); .0209(7)(a); and .0210(h).

AWS-CP-2024-10

Facility: Real Deal Kennels
License Number: 20658

Dear Mr. Robinson:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of Real Deal Kennels (“the kennel”) are hereby assessed a civil penalty of \$2,8000.00 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
Christopher R. McLennan, Special Deputy Attorney General

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

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

IN THE MATTER OF)
ANTIONE ROBINSON)
OWNER OF)
REAL DEAL KENNELS)

) NOTICE of VIOLATIONS and
) ASSESSMENT of CIVIL PENALTY
) for VIOLATIONS of TITLE 02 NC
) ADMINISTRATIVE CODE (“NCAC”)
) CHAPTER 52J SECTIONS .0201(b);
) .0202(b)(3); .0204(h); .0206(a); and
) .0207(a), (d)(4), (7), and (8) and
) NOTICE of WARNING for VIOLATIONS
) 02 NCAC 52J .0102(1); .0201(d)(2);
) .0203(b)(2), (3), and (4), (e) and (f); .0204(c);
) and (d); .0209(7)(a); and .0210(h).

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, Real Deal Kennels (“the kennel”) owned and operated by Antione Robinson was a boarding kennel that was licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. AWS Animal Health Technician Harris (“Inspector Harris”) conducted facility compliance inspections (“FCI”) of the kennel on March 18, 2024 and April 3, 2024. Due to the number, severity, and repetitive nature of the violations of the N.C. Animal Welfare Act (“AWA”) and its associated regulations, the FCIs for March 18, 2024 and April 3, 2024 were noted as “Disapproved.” On May 1, 2024, Inspector Harris attempted to conduct an FCI, but despite cars present in the parking lot, the bell being rung 3 times and calling of the kennel phone, no one responded and the FCI could not be completed.
3. On June 10, 2024, Inspector Harris conducted an FCI at the kennel. This FCI revealed the following:
 - a. in violation of 02 NCAC 52J .0102(1), the kennel was inconsistent in maintaining the required records for the intake of boarding animals. This violation was previously cited in the March 18, 2024 FCI;
 - b. in violation of 02 NCAC 52J .0201(b), electrical cords were located so that animals had access to them.
 - c. in violation of 02 NCAC 52J .0201(d)(2), open bags of food and treats were not stored in airtight containers with lids. This violation was previously cited in the March 18, 2024 FCI;
 - d. in violation of 02 NCAC 52J .0202(b)(3), the air flow was not adequate to dissipate the strong, overwhelming odor in the kennel. This violation was previously cited in the March 18, 2024 and April 3, 2024 FCIs;

- e. in violation of 02 NCAC 52J .0203(b)(2), the gravel in exercise areas was not maintained at a minimum depth of six inches. In addition, the gravel was not kept sanitary;
- f. in violation of 02 NCAC 52J .0203(b)(3), the artificial turf was not clean and sanitary as an accumulation of dog hair was present;
- g. in violation of 02 NCAC 52J .0203(b)(4), bare dirt was present in the exercise area. This violation was previously cited in the March 18, 2024 FCI;
- h. in violation of 02 NCAC 52J .0203(e), adequate protection from inclement weather and the sun was not provided in the outdoor exercise areas. This violation was previously cited in the March 18, 2024 and April 3, 2024 FCIs;
- i. in violation of 02 NCAC 52J .0203(f), the outdoor common areas were not properly cleaned and sanitized as evidenced by the numerous piles of fecal waste, some of which were noted to be in various stages of decomposition;
- j. in violation of 02 NCAC 52J .0204(c), two dogs were noted to be housed in small crates with a leash threaded through the crate in a manner that presented a risk of injury to the animals. This violation was previously cited in the March 18, 2024 and April 3, 2024 FCIs;
- k. in violation of 02 NCAC 52J .0204(d), photographs taken during this FCI show that 2 dogs were housed in enclosures too small to allow the animal to walk, turn about freely, stand with their tails erect, sit or lie in a natural position with limbs extended without touching the side or top of the enclosure;
- l. in violation of 02 NCAC 52J .0204(h), two dogs were housed in crates without solid resting surfaces. This violation was previously cited in the March 18, 2024 and April 3, 2024 FCIs;
- m. in violation of 02 NCAC 52J .0206(a), 7 dogs did not have continuous access to any water. 6 of those enclosures did not have any water receptacles. This violation was previously cited in the March 18, 2024 FCI;
- n. in violation of 02 NCAC 52J .0207(a), waste was not removed from primary enclosures, exercise areas and common areas to prevent contamination of the dogs contained therein and the exercise areas were not properly cleaned a minimum of twice daily. In one of the primary enclosures, the dog was not able to walk or lie down without coming in contact with waste;
- o. in violation of 02 NCAC 52J .0207(d)(4), the exercise areas and common areas were not kept clean and sanitary as numerous piles of fecal waste in various stages of decomposition were present. This violation was previously cited in the March 18, 2024 FCI;
- p. in violation of 02 NCAC 52J .0207(d)(7), areas accessible to multiple animals were not kept clean and sanitary as evidenced by the hair buildup throughout the facility;
- q. in violation of 02 NCAC 52J .0207(d)(8), fans were not kept clean of accumulated debris, dust and biological material;
- r. in violation of 02 NCAC 52J .0209(7)(a), provision of daily social interactions and enrichment was not documented in the animal's record for the dog that had been boarding at the facility since April 10, 2024; and
- s. in violation of 02 NCAC 52J .0210(h), all animals were not in compliance with the NC rabies law, NCGS §130A, Article 6, Part 6.

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 June 10, 2024 FCI, AWS concludes that the kennel violated the following provisions:

02 NCAC 52J .0102(1) for failure to maintain the required records for the intake of boarding animals

02 NCAC 52J .0201(b) for failure to locate or protect electrical cords so that animal do not have access to them

02 NCAC 52J .0201(d)(2) for failure to store open bags of food and edible treats in airtight containers with lids

02 NCAC 52J .0202(b)(3) for failure to maintain adequate air flow to minimize odors

02 NCAC 52J .0203(b)(2) for failure to maintain gravel at a minimum depth of six inches and maintain it in a sanitary manner

02 NCAC 52J .0203(b)(3) for failure to keep artificial turf clean and sanitized in exercise areas

02 NCAC 52J .0203(b)(4) for failure to maintain grass in exercise areas so that dogs do not have access to bare dirt

02 NCAC 52J .0203(e) for failure to provide adequate protection from inclement weather and the sun

02 NCAC 52J .0203(f) for failure to properly clean and sanitize outdoor common areas

02 NCAC 52J .0204(c) for failure to maintain primary enclosures in a manner to prevent risk of injury to animals

02 NCAC 52J .0204(d) for failure to provide primary enclosures of sufficient space to allow the dogs to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching the sides or top of the enclosure

02 NCAC 52J .0204(h) for failure to provide 2 primary enclosures with solid resting surfaces

02 NCAC 52J .0206(a) for failure to provide 7 dogs with continuous access to fresh, potable water

02 NCAC 52J .0207(a) for failure to properly clean primary enclosures, exercise areas, and common areas a minimum of twice daily and to remove waste so that the animal was able to walk or lie down without coming in contact with any waste

02 NCAC 52J .0207(d)(4) for failure to keep common areas clean and sanitary

02 NCAC 52J .0207(d)(7) for failure to keep areas accessible to multiple animals clean and sanitary

02 NCAC 52J .0207(d)(8) for failure to keep fans clean of accumulated debris, dust and biological material

02 NCAC 52J .0209(7)(a) for failure to provide documentation of daily social interactions and enrichment in the animal's record for animals in long term care

02 NCAC 52J .0210(h) for failure to have all animals in compliance with the NC rabies law, NCGS §130A, Article 6, Part 6.

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 violations listed above.

Accordingly, Antione Robinson, as owner and operator of Real Deal Kennels, is hereby assessed a civil penalty for the following violations:

\$100.00 for violation of 02 NCAC 52J .0201(b) for failure to locate or protect electrical cords so that animal do not have access to them

\$400.00 for violation of 02 NCAC 52J .0202(b)(3) for failure to maintain adequate air flow to minimize odors

\$200.00 for 2 violations (\$100.00 per violation) of 02 NCAC 52J .0204(h) for failure to provide each primary enclosure with a solid resting surface

\$1,400.00 for 7 violations (\$200.00 per violation) of 02 NCAC 52J .0206(a) for failure to provide 7 dogs with continuous access to fresh, potable water

\$200.00 for violation of 02 NCAC 52J .0207(a) for failure to properly clean primary enclosures, exercise areas, and common areas a minimum of twice daily and to remove waste so that the animal was able to walk or lie down without coming in contact with any waste

\$100.00 for violation of 02 NCAC 52J .0207(d)(4) for failure to keep common areas clean and sanitary

\$200.00 for violation of 02 NCAC 52J .0207(d)(7) for failure to keep areas accessible to multiple animals clean and sanitary

\$200.00 for violation of 02 NCAC 52J .0207(d)(8) for failure to keep fans clean of accumulated debris, dust and biological material

\$2,800.00 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 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.

NOTICE of WARNING

As to the remaining violations of 02 NCAC 52J .0102(1); .0201(d)(2); .0203(b)(2); .0203(b)(3); .0203(b)(4); .0203(e); .0203(f); .0204(c); .0204(d); .0209(7)(a); and .0210(h), 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 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)



June 14, 2024

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-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 .0102 RECORDS; BOARDING KENNELS

Operators of boarding kennels shall maintain records of all dogs and cats showing the following:

- (1) name and address of owner or person responsible for animal, the date of entry and signature of the person leaving the animal; and the date of release and signature and address of individual to whom animal is released;

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

02 NCAC 52J .0201 GENERAL

(b) All light fixtures and electrical outlets in animal areas shall be in compliance with the State Building Code. Electrical appliances, light fixtures, electrical outlets, and electrical cords shall be located or protected in such a way that animals do not have access to them.

(d) Storage of food and bedding:

- (2) all open bags of food and edible treats shall be stored in airtight containers with lids;

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

(b) Ventilation of indoor facilities:

- (3) air flow shall be adequate to minimize odors and moisture condensation.

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

(b) Exercise areas of outdoor facilities:

- (2) use gravel for groundcover so long as it is maintained at a minimum depth of six inches and kept in a sanitary manner; and/or
- (3) artificial turf may be allowed so long as it is adequately maintained in good repair, is replaced when damaged, and is cleaned and sanitized in accordance with 02 NCAC 52J .0207; and/or
- (4) may contain established grass so long as the animal(s) do not have access to bare dirt and the grass covered area(s) must be kept properly cleaned and sanitized as prescribed in

Rule .0207 of this Subchapter. In the event of a contagious disease outbreak, the sanitation, management, and use of the grass area shall be addressed in the veterinarian's written protocol required by 02 NCAC 52J .0210(b) and (c).

(e) Dogs and cats in outdoor areas shall be provided adequate protection from inclement weather and the Sun. This protection shall be sufficient to protect all animals simultaneously in the exercise area. If an animal cannot maintain its normal body temperature in an outdoor exercise area, the animal shall not be placed in an outside exercise area.

(f) Outdoor common areas used for play, enrichment and elimination shall be maintained in good repair and be properly cleaned and sanitized as set forth in 02 NCAC 52J .0207 to protect the animals from injury and/or illness.

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 .0204 PRIMARY ENCLOSURES

(c) Primary enclosures and exercise areas for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out.

(d) Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to stand with their tails erect, sit, or lie in a natural position with their limbs extended without touching other animals within the enclosure or the sides or top covering of the enclosure.

(h) Each primary enclosure and exercise area shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure and exercise area at the same time. All resting surfaces shall be of a non-porous or easily sanitized material, such as a solid floor, towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

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 .0206 WATERING

(a) Animals shall have continuous access to fresh, potable water, except as might otherwise be required to provide adequate veterinary care.

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

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures, exercise areas and common 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 shall 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.

(d) Sanitation shall be as follows:

- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

- (7) any area accessible to multiple animals shall be kept clean and sanitary; and
- (8) fans, including floor fans, ceiling fans, wall fans, vent fans, etc. shall be kept clean of accumulated debris, dust and biological material.

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

Animals housed in the same primary enclosure or confined to an exercise area shall be maintained in compatible groups, with the following additional restrictions:

- (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

(h) All animals in a licensed or registered facility shall be in compliance with the North Carolina rabies law, G.S. 130A, Article 6, Part 6. This subsection shall not apply to animals which have been in the facility less than 15 days.

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