



**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

September 3, 2024

C. Blaire Johnson Philmon  
Owner  
Beach Paws Pet Resort  
804 ½ Fischer Street  
Morehead City, NC 28557  
and via email  
carsonb33@outlook.com

**NOTICE of CIVIL PENALTY and NOTICE of WARNING**

**Re: CIVIL PENALTY ASSESSMENT for VIOLATION of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTION .0204(j) and NOTICE of WARNING for VIOLATIONS of 02 NCAC 52J .0102(5) and (6); .0204(b); and .0207(d)(8).**

**AWS-CP-2024-17**

**Facility: Beach Paws Pet Resort**  
**License Number: 10926**

Dear Ms. Johnson Philmon:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of Beach Paws Pet Resort (“the kennel”) are hereby assessed a civil penalty of \$400.00 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 CARTERET

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

IN THE MATTER OF )  
 )  
C. BLAIRE JOHNSON PHILMON )  
 )  
OWNER OF )  
 )  
BEACH PAWS PET RESORT )  
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NOTICE of VIOLATION and  
ASSESSMENT of CIVIL PENALTY  
for VIOLATION of TITLE 02 NC  
ADMINISTRATIVE CODE (“NCAC”)  
CHAPTER 52J SECTION .0204(j);  
and NOTICE of WARNING for  
VIOLATIONS of 02 NCAC 52J .0102(5)  
and (6); .0204(b) and .0207(d)(8)

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, Beach Paws Pet Resort (“the kennel”) owned and operated by C. Blaire Johnson Philmon was a boarding kennel that was licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On July 23, 2024, AWS received a complaint alleging inadequate care of the animals and poor sanitation of the kennel. 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 July 26, 2024, AWS Animal Health Technician Tolley (“Inspector Tolley”) conducted a site visit at the kennel. The following information was obtained during this site visit:
  - a. in violation of 02 NCAC 52J .0204(j), 9 dogs were confined to the front exercise area without employee supervision. The requirement for supervision of more than 4 adult comingling dogs was discussed with the kennel owner during the November 6, 2023 Facility Compliance Inspection;
  - b. in violation of 02 NCAC 52J .0204(j), 5 dogs were confined to the back exercise area without employee supervision;
  - c. in violation of 02 NCAC 52J .0102(5), the kennel was not maintaining an incident file;
  - d. in violation of 02 NCAC 52J .0102(6), the kennel failed to notify AWS within 48 hours of the death of a dog that occurred on March 25, 2024;
  - e. in violation of 02 NCAC 52J .0204(b), damaged wood in primary enclosures and other areas where animals had access had not been replaced so that the animals no longer had contact with the wood;
  - f. in violation of 02 NCAC 52J .0207(d)(8), the fans in the kennel were not kept clean of accumulated debris, dust and biological material.

## 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:

02 NCAC 52J .0102(5) for failure to maintain an incident file as noted on July 26, 2024

02 NCAC 52J .0102(6) for failure to report to AWS within 48 hours of the death of a dog that occurred on March 25, 2024 as noted on July 26, 2024

02 NCAC 52J .0204(b) for failure to replace damaged wood in primary enclosures and other areas where animals had access so that the animals no longer had contact with the wood as noted on July 26, 2024

02 NCAC 52J .0204(j) for failure to supervise the 9 dogs confined to the front exercise area and the 5 dogs confined to the back exercise area as observed on July 26, 2024

02 NCAC 52J .0207(d)(8) for failure keep the fans in the kennel clean of accumulated debris, dust and biological material as noted on July 26, 2024

## 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, C. Blaire Johnson Philmon, as owner and operator of Beach Paws Pet Resort, is hereby assessed a civil penalty for the following violations:

\$400.00 for 2 violations (\$200.00 per violation) of 02 NCAC 52J .0204(j) for failure to supervise groups of 4 or more animals confined to an exercise area as observed on July 26, 2024

**\$400.00 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(5) and (6); .0204(b); and .0207(d)(8), 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)

September 3, 2024  
Date



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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:

- (5) an incident file shall be kept within each facility for animals sustaining injury or illness requiring veterinary care; animal death; and/or any animal escape. Each report shall include date of incident, pet's name, breed or breed type/species, age, owner's name and contact information, description of incident and course of action; and
- (6) in the event of either an animal death or escape, the licensee shall notify the Animal Welfare Section within 48 hours.

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

#### **02 NCAC 52J .0204 PRIMARY ENCLOSURES**

(b) For primary enclosures and exercise areas placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures and exercise areas in use in a licensed or registered facility prior to January 1, 2005, any damaged wood shall be replaced in a manner that does not permit contact with wood by the animal.

(j) Not more than four adult dogs shall be housed or confined in the same primary enclosure or exercise area without supervision. Dogs younger than six months of age shall not be housed or confined or cocomingled with adult dogs other than their dams without supervision; this includes any animals owned by the staff or operator of the 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 .0207 SANITATION**

(d) Sanitation shall be as follows:

- (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; Readopted Eff. September 1, 2022.*