



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 12, 2024

Christa Raven Hargo
Unit 101
1210 Canyon Rock Court
Raleigh, NC 27610

NOTICE of CIVIL PENALTY

**Re: CIVIL PENALTY ASSESSMENT for VIOLATION of NC GENERAL STATUTE § 19A-28
and TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTION .0210(d).**

AWS-CP-2024-18

Facility: In-home Boarding
License Number: Unlicensed

Dear Ms. Hargo:

Pursuant to NCGS § 19A-40, I am issuing this notice that you are hereby assessed a civil penalty of \$1,250.00 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,

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 WAKE

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

IN THE MATTER OF)
)
CHRISTA RAVEN HARGO) NOTICE of VIOLATION and
) ASSESSMENT of CIVIL PENALTY
) for VIOLATIONS of N.C. GENERAL
) STATUTE (“NCGS”) § 19A-28 and
) TITLE 02 NC ADMINISTRATIVE
) CODE CHAPTER 52J SECTION .0210(d).
)
)

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 in-home boarding kennel (“the kennel”) owned and operated by the Christa Raven Hargo located at Unit 101 1210 Canyon Rock Court, Raleigh NC 27610 was a boarding kennel that was not licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On August 14, 2024, AWS received information that an unlicensed kennel was operating at Unit 101 1210 Canyon Rock Court, Raleigh NC 27610. The complaint alleged that the complainant had boarded his dog named Lassie at this location from August 1 – 5, 2024. During this stay, Lassie was injured, and adequate veterinary care was not provided by the kennel owner.
3. On August 15, 2024, AWS Outreach Coordinator Joe Blomquist (“Coordinator Blomquist”) attempted to conduct a site visit at this address to speak with the kennel owner. No one answered the door, so he left a business card. Approximately 20 minutes later, a woman giving her name as Christa relayed that she was boarding dogs at this residence through Rover.com. Christa refused to supply her last name during this conversation. Christa relayed that Lassie had stepped on something while being walked and that the dog had arrived with scabs on its body that opened up when she brushed Lassie.
4. During the August 15, 2024 conversation, Coordinator Blomquist advised Christa that boarding dogs or cats in a residence required a Boarding Kennel license from AWS. He also informed her that for such a license to be issued, the area in which the animals were kept would need to pass an inspection and the residence would have to be in a zoning area which allowed operation of a kennel. Coordinator Blomquist informed Christa that he would contact the City of Raleigh Zoning office to see if the zoning of this location would allow the operation of a kennel.
5. Christa ended the August 15, 2024 conversation by stating she would stop boarding animals and remove her information from Rover.com.

6. Coordinator Blomquist contacted the City of Raleigh Zoning office which informed him that the zoning in place for this residence prohibited the operation of a kennel.
7. Coordinator Blomquist attempted to contact Christa again by phone. He left 4 voicemails requesting that she return his call. As of the date of this Notice of Civil Penalty, Christa has failed to do so.
8. A review of the veterinary medical records for Lassie showed that on August 5, 2024, Lassie was treated for infected puncture wounds and a laceration. Lassie was sedated, the wounds cleaned and sutured and a drain was placed. Pain medications and antibiotics were dispensed for Lassie.
9. A search on Rover.com conducted on August 29, 2024, shows that the kennel continues to advertise and offer boarding and dog daycare services to the public for a fee.
10. As of the date of this Notice of Civil Penalty, the kennel has failed to submit a boarding kennel application to AWS for the kennel.

CONCLUSIONS

To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. Based on the findings of this investigation, AWS concludes that the kennel violated the following provisions:

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

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to Lassie, when she was injured while boarding at this kennel from August 1 -5, 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, Christa Raven Hargo, as owner and operator of the in-home boarding kennel located at Unit 101 1210 Canyon Rock Court, Raleigh NC 27610, you are hereby assessed a civil penalty for the following violation:

\$1,000.00 for the violation of NCGS § 19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment

\$250.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to Lassie, when she was injured while boarding at this kennel from August 1 -5, 2024

\$1,250.00 TOTAL AMOUNT ASSESSED

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

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



September 12, 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-33. Penalty for operation of pet shop, kennel or auction without license.

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

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

02 NCAC 52J .0210 VETERINARY CARE

(d) Each dog and cat shall be observed daily by the animal caretaker who has been adequately trained or is experienced in animal care or is under the direct supervision of a person who has such training or experience. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with adequate veterinary care in a timely manner or be euthanized, provided that the euthanasia shall not affect compliance with any state or local law requiring the holding, for a specified period, of animals suspected of being diseased. If an animal cannot be euthanized due to a required holding period and does not meet the criteria of G.S. 19A-32.1(b)(2), then adequate veterinary care shall be provided to the animal.

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