



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 26, 2025

Shontell Robinson  
Forsyth County Manager  
201 N. Chestnut Street  
Winston-Salem, NC 27101  
Via hand delivery

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

**Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of N.C.G.S. § 19A-32.1(b)(2) and (j) and TITLE 02 N.C. ADMINISTRATIVE CODE (“NCAC”) CHAPTER 52J SECTION .0101(1), (3), (5) and (6); .0201(l) and (s); .0204(c); .0206(a); .0209(6) and (8); .0210(a)(3) and (4), (d); .0418(4); and .0501(2) and NOTICE of WARNING for VIOLATION OF 02 NCAC 52J .0103.**

**AWS-CP-2025-4**

**Facility: Forsyth County Animal Shelter  
Registration Number 435**

Dear County Manager Robinson:

Pursuant to NCGS § 19A-40, I am issuing this notice that Forsyth County as the operator of the Forsyth County Animal Shelter (“the shelter”) is hereby assessed a civil penalty of \$8,400.00 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,



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  
Samuel Gray, Assistant 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	)	NOTICE of VIOLATION and
	)	ASSESSMENT of CIVIL PENALTY
FORSYTH COUNTY	)	for VIOLATIONS of N.C.G.S.§ 19A-32.1(b)(2) and
	)	(j) and TITLE 02 NC ADMINISTRATIVE CODE
OPERATOR of	)	(“NCAC”) CHAPTER 52J SECTIONS .0101(1),
	)	(3), (5) and (6); .0201(l) and (s); .0204(c); .0206(a);
FORSYTH COUNTY	)	.0209(6) and (8); .0210(a)(3) and (4), (d); .0418(4);
	)	and .0501(2) and NOTICE of WARNING for
ANIMAL SHELTER	)	VIOLATION of 02 NCAC 52J .0103
	)	

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 Forsyth County Animal Shelter (“the shelter”), owned and operated by Forsyth County was an animal shelter registered pursuant to NCGS §19A-26.
2. On February 3, 2025, AWS received a complaint alleging that the shelter failed to provide adequate veterinary care to several animals including a dog with multiple fractures. This dog was later found dead in its 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 February 4, 5, and 6, 2025, AWS Veterinary Program Specialists Harris and Shore (Inspectors Harris and Shore) conducted site visits at the shelter to conduct the investigation. The following information was obtained from these site visits:
  - a. in violation of N.C.G S. § 19A-32.1(b)(2), the Shelter Director did not determine in writing that it was appropriate to euthanize 3 animals prior to the end of the 72-hour minimum holding period;
  - b. in violation of N.C.G S. § 19A-32.1(j), the shelter failed to maintain a record of 4 animals impounded at the shelter. The only records available for these 4 animals, other than vaccination cards from the previous owner, were the notations in the euthanasia log that they were euthanized. The shelter did not maintain any of the other required information;
  - c. in violation of 02 NCAC 52J .0101(1), the origin of 4 animals (Gingerbread, Biscotti, Oatmeal and Haystack) and the date on which the animals were received were not maintained by the shelter;
  - d. in violation of 02 NCAC 52J .0101(3), the records detailing the locations of the animals taken out of the shelter for “staff fostering” were not maintained by the shelter;

- e. in violation of 02 NCAC 52J .0101(5), the shelter failed to record the veterinary care procedure of abdominocentesis performed on the dog named Maise which documented the diagnosis of fulminant heart failure instead of pregnancy as previously stated by the Shelter Director;
- f. in violation of 02 NCAC 52J .0101(5), numerous records failed to provide the required information relevant to the administration of medication;
- g. in violation of 02 NCAC 52J .0101(6), numerous required records were not created or updated within 48 hours of the occurrence of procedures, medication administration, and location changes;
- h. in violation of 02 NCAC 52J .0101(6), shelter staff relayed that rather than entering the accurate time of medication administration, they allow the computer to enter its default time setting. In addition, they relayed that it was common practice to mark the administration as complete when the medications were not administered. Therefore, the records were not accurate as required by 02 NCAC 52J .0101(6);
- i. in violation of 02 NCAC 52J .0103, shelter staff failed to make all required records available when requested by AWS staff;
- j. in violation of 02 NCAC 52J .0201(1), the shelter staff violated the NC Veterinary Practice Act (VPA) by administering vaccinations, other than rabies vaccinations, and inserting microchips into animals owned by the public. These actions were conducted by the Shelter Director and the shelter's Certified Rabies Vaccinators (CRVs) as directed by the Shelter Director. None of these people were NC licensed veterinarians. The Shelter Director relayed she was aware that she and the shelter staff were not licensed and knew that only licensed veterinarians could perform these services on animals owned by the public. On February 5, 2025, the Shelter Director requested that the AWS Inspectors not be present at the shelter on February 6, 2024 between the hours of 2 – 4 PM as that was when their advertised vaccination clinic was scheduled. Contact with NC Public Health veterinarian and the Executive Director of the NCVMB showed that this shelter did not have permission to violate the NC VPA. Due to the intervention of the AWS Inspectors, this scheduled vaccination clinic did not occur. The shelter staff relayed that they routinely provided these services to animals owned by the public when directed to do so by the Shelter Director and done so in the very recent past;
- k. in violation of 02 NCAC 52J .0201(s), the shelter does not have written standards for approved foster care providers;
- l. in violation of 02 NCAC 52J .0204(c), during the site visit on February 4, 2025, a dog named Leroy was observed to have cord hanging from its collar which posed a risk of injury should the cord get caught in the fencing of the primary enclosure. The AWS Inspectors directed shelter management to have the cord removed from the collar. On February 5, 2025, the cord was observed to still be attached to Leroy's collar and again AWS Inspectors directed the Shelter Director to have this hazard removed. On February 6, 2026, it was noted that Leroy was no longer in the dog population at the shelter;
- m. in violation of 02 NCAC 52J .0206(a), during the February 4, 2025 site visit, 2 dogs were noted to be without water;
- n. in violation of 02 NCAC 52J .0206(a), during the February 5, 2025 site visit, 3 dogs were noted to be without water;
- o. in violation of 02 NCAC 52J .0209(6), 2 dogs and 1 cat, Huckle, Juliet, and Eden, were being treated for communicable diseases but the shelter failed to isolate these animals from the general population. This was noted during the February 4, 2025 site visit and the AWS Inspectors directed the Shelter Director to properly isolate these animals. During the February

- 5, 2025 site visit, Huckle and Juliet continued to not be properly isolated and remained in contact with the general population of animals. The AWS Inspectors again directed the Shelter Director to properly isolate these animals. During the February 6, 2025 site visit, all 3 animals were observed to be properly isolated;
- p. in violation of 02 NCAC 52J .0209(8), the shelter confined animals in the new enclosure in the ACOR intake room prior to the enclosure being inspected by AWS and found to be in compliance with the rules of the AWA;
  - q. in violation of 02 NCAC 52J .0210(a)(3), the shelter failed to implement and follow their Program of Veterinary Care (“PVC”) as described in the shelter’s 2045-2025 shelter registration renewal application. In the shelter’s PVC, it states “all animals will be vaccinated and tested within 12 hours of intake.” The shelter staff relayed that they were not vaccinating animals within 12 hours of intake but rather they were vaccinating animals once they had been approved for the adoption program. The shelter staff also relayed that there was an extended period when vaccinations had not been purchased and none of the animals taken in during this period received the Distemper/Parvo vaccinations as required by the shelter’s PVC;
  - r. in violation of 02 NCAC 52J .0210(a)(4), the shelter failed to submit the changes to the PVC to AWS for approval within 10 days of the effective date of the change;
  - s. in violation of 02 NCAC 52J .0210(d), the shelter failed to provide Haley (FORSA-76339) with adequate veterinary care in a timely manner on January 30, 2025. This dog had recently been hit by a car and was impounded by the shelter. Without being directed by a veterinarian, the shelter heavily sedated the dog and took it to a veterinary clinic. There the dog was diagnosed as having an open femoral fracture, multiple fractures of the pelvis and a degloving injury (skin torn away and underlying tissues exposed). The veterinary clinic gave a quote for surgical repair of the fracture leg. The shelter rejected the quote and did not give the veterinary clinic permission to stabilize the dog or administer appropriate pain medication. The shelter removed the dog from the clinic and returned it to the shelter. The Shelter Director directed the shelter’s medical team to administer a tablet of gabapentin. Gabapentin is not an appropriate analgesic for this type of injury and would not have provided adequate pain relief. Although the medical records for this animal show that the gabapentin was administered, the shelter’s medical staff relayed that it was not given because the dog was too sedated to be able to swallow the pill. The shelter failed to provide adequate veterinary care to stabilize the dog such as fluids, wound care, etc. Haley was found dead in the cage, the next morning;
  - t. in violation of 02 NCAC 52J .0210(d), for failure to provide adequate veterinary care in a timely manner to the cat named Eden (FORSA-76371). This cat was impounded on February 3, 2025 and was noted by the shelter staff to be ill and partially blind from the severe Upper Respiratory Infection (URI). The cat was placed in the general population of cats instead of being properly isolated. No veterinary care was provided to Eden until the AWS Inspectors observed Eden during their February 4, 2025 site visit. The AWS Inspectors directed the Shelter Director to isolate and provide veterinary care for the cat. The shelter took Eden to the veterinary clinic for an exam and treatment and returned her to the shelter. On February 5, 2025, the AWS Inspectors noted that Eden appeared to be having increased difficulty in breathing. AWS Inspectors requested to see the veterinarian’s notes from February 4<sup>th</sup> and the plan for the cat now that it appeared to be worsening. The shelter did not provide the veterinarian’s notes or plan. The AWS Inspectors called the veterinary clinic and obtained an update on the cat’s condition. The shelter did return the cat to the veterinary clinic on February 5, 2025 requesting that the cat be boarded and medicated at the veterinary clinic;
  - u. in violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to

- the dog named Maisie (FORSA-10960). The shelter medical staff advised the Shelter Director on October 26 and 27, 2025 that the dog was not doing well and was passing black tarry stool. The Shelter Director failed to provide or seek veterinary care for this dog and noted in the dog's records that the dog was "VERY Pregnant, 3:26pm Placenta coming out....so far...normal." The Shelter Director would not authorize the dog to be examined by a veterinarian, but the shelter staff asked a veterinarian who happened to be at the shelter on October 27, 2024 to look at the dog. The veterinarian examined the dog, conducted an abdominocentesis that verified that the dog was not pregnant but was in congestive heart failure, the gums were turning white, and the dog was in pain;
- v. in violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to Pebbles (FORSA-10526) from September 17-19, 2024. This kitten was impounded and noted to be very ill with URI. The Shelter Director directed the medical staff to administer Clavamox drops despite the kitten's condition being so severe that it was struggling to breathe and swallow. The medical staff did not begin administering the medication until September 19, 2024 due to the kitten's inability to breathe and did not provide any other veterinary care to alleviate the kitten's suffering. The kitten was euthanized on September 20, 2024 with the reason given "Medical Emergency;"
  - w. in violation of 02 NCAC 52J .0210(d), the shelter failed to provide adequate veterinary care to numerous animals by administering prescription medications to animals without the medications being prescribed by a NC licensed veterinarian directly or via adequate veterinary standing orders;
  - x. in violation of 02 NCAC 52J .0418(4), the shelter failed to accurately record the facility's identification number of 4 animals prior to the euthanasia of the animals and failed to record the route of administration of euthanasia drugs for 5 animals; and
  - y. in violation of 02 NCAC 52J .0501(2), the shelter failed to document why intraperitoneal injection of euthanasia drugs was not practical or humane prior to euthanizing 2 cats via intracardiac injection.

## 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 finds that the shelter violated the following provisions:

N.C.G S. § 19A-32.1(b)(2) for failure by the Shelter Director to determine in writing that it was appropriate to euthanize 3 animals prior to the end of the 72-hour minimum holding period

N.C.G S. § 19A-32.1(j) for failure to maintain records of 4 animals impounded at the shelter

02 NCAC 52J .0101(1), for failure to maintain the records of the origin of 4 animals (Gingerbread, Biscotti, Oatmeal and Haystack) and the date on which the animals were received

02 NCAC 52J .0101(3) for failure to maintain the records detailing the locations of the animals taken out of the shelter for "staff fostering"

02 NCAC 52J .0101(5) for failure to record the veterinary care procedure of abdominocentesis performed on the dog named Maisie

02 NCAC 52J .0101(6) for failure to create or update within 48 hours of the occurrence of procedures, medication administration, and location changes for numerous animal records

02 NCAC 52J .0101(6) for failure to maintain accurate records relevant to the occurrence and/or time of administration of medications

02 NCAC 52J .0103 for failure to make all required records available when requested by AWS staff

02 NCAC 52J .0201(l) for failure to comply with state laws (NC Veterinary Practice Act) affecting the welfare of dogs and cats

02 NCAC 52J .0201(s) for failure to have written standards for approved foster care providers

02 NCAC 52J .0204(c) for failure to house an animal (Leroy) in a manner to prevent injury to the dog

02 NCAC 52J .0206(a) for failure to provide 2 dogs with continuous access to water on February 4, 2025

02 NCAC 52J .0206(a) for failure to provide 3 dogs with continuous access to water on February 5, 2025

02 NCAC 52J .0209(6) for failure to isolate 2 dogs and 1 cat (Huckle, Juliet, and Eden) from the general population while they were being treated for communicable diseases on February 4, 2025

02 NCAC 52J .0209(6) for failure to separate 2 dogs (Huckle and Juliet) from the general population while they were being treated for communicable diseases on February 5, 2025

02 NCAC 52J .0209(8) for failure to obtain an inspection by AWS of the new enclosure in the ACOR intake room prior to confining animals in the enclosure

02 NCAC 52J .0210(a)(3) for failure to implement and follow the shelter's Program of Veterinary Care ("PVC")

02 NCAC 52J .0210(a)(4) for failure to submit changes to the PVC to AWS for approval within 10 days of the effective date of the change

02 NCAC 52J .0210(d) for failure to provide the dog named Haley (FORSA-76339) with adequate veterinary care in a timely manner on January 30, 2025

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care in a timely manner to the cat named Eden (FORSA-76371) on February 3, 2024

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to the dog named Maisie (FORSA-10960) from October 26-27, 2024



02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to Pebbles (FORSA-10526) from September 17-19, 2024

02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to numerous animals by administering prescription medications to animals without the medications being prescribed by a NC licensed veterinarian specifically for the animal or via adequate veterinary standing orders

02 NCAC 52J .0418(4) for failure to accurately record the facility's identification number of 4 animals prior to the euthanasia of the animals as noted on February 6, 2025

02 NCAC 52J .0418(4) for failure to record the route of administration of euthanasia drugs for 5 animals as noted on February 6, 2025

02 NCAC 52J .0501(2) for failure to document why intraperitoneal injection of euthanasia drugs was not practical or humane prior to euthanizing 2 cats via intracardiac injection as noted on February 6, 2025

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 violation listed above.

Accordingly, Forsyth County as the owner and operator of the Forsyth County Animal Shelter is hereby assessed a civil penalty for the following violations:

\$300.00 for 3 violations (\$100.00 for each violation) N.C.G S. § 19A-32.1(b)(2) for failure by the Shelter Director to determine in writing that it was appropriate to euthanize 3 animals prior to the end of the 72-hour minimum holding period

\$400.00 for 4 violations (\$100.00 for each violation) N.C.G S. § 19A-32.1(j) for failure to maintain records of 4 animals impounded at the shelter

\$400.00 for 4 violations (\$100.00 for each violation) 02 NCAC 52J .0101(1), for failure to maintain the records of the origin of 4 animals (Gingerbread, Biscotti, Oatmeal and Haystack) and the date on which the animals were received

\$200.00 for violation of 02 NCAC 52J .0101(3) for failure to maintain the records detailing the locations of the animals taken out of the shelter for "staff fostering"

\$200.00 for violation of 02 NCAC 52J .0101(5) for failure to record the veterinary care procedure of abdominocentesis performed on the dog named Maise

\$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, medication administration, and location changes for numerous animal records

\$200.00 for violation of 02 NCAC 52J .0101(6) for failure to maintain accurate records relevant to the occurrence and/or time of administration of medications

\$500.00 for violation of 02 NCAC 52J .0201(l) for failure to comply with state laws (NC Veterinary Practice Act) affecting the welfare of dogs and cats

\$200.00 for violation of 02 NCAC 52J .0201(s) for failure to have written standards for approved foster care providers

\$100.00 for violation of 02 NCAC 52J .0204(c) for failure to house an animal (Leroy) in a manner to prevent injury to the dog

\$400.00 for 2 violations (\$200.00 for each violation) 02 NCAC 52J .0206(a) for failure to provide 2 dogs with continuous access to water on February 4, 2025

\$600.00 for 3 violations (\$200.00 for each violation) 02 NCAC 52J .0206(a) for failure to provide 3 dogs with continuous access to water on February 5, 2025

\$200.00 for violation of 02 NCAC 52J .0209(6) for failure to isolate 2 dogs and 1 cat (Huckle, Juliet, and Eden) from the general population while they were being treated for communicable diseases on February 4, 2025

\$200.00 for violation of 02 NCAC 52J .0209(6) for failure to isolate 2 dogs (Huckle and Juliet) from the general population while they were being treated for communicable diseases on February 5, 2025

\$100.00 for violation of 02 NCAC 52J .0209(8) for failure to obtain an inspection by AWS of the new enclosure in the ACOR intake room prior to confining animals in the enclosure

\$200.00 for violation of 02 NCAC 52J .0210(a)(3) for failure to implement and follow the shelter's Program of Veterinary Care ("PVC")

\$200.00 for violation of 02 NCAC 52J .0210(a)(4) for failure to submit changes to the PVC to AWS for approval within 10 days of the effective date of the change

\$1,000.00 for violation of 02 NCAC 52J .0210(d) for failure to provide the dog named Haley (FORSA-76339) with adequate veterinary care in a timely manner on January 30, 2025

\$200.00 for violation of 02 NCAC 52J .0210(d), for failure to provide adequate veterinary care in a timely manner to the cat named Eden (FORSA-76371) on February 3, 2024.

\$500.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to the dog named Maisie (FORSA-10960) from October 26-27, 2024.

\$200.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to Pebbles (FORSA-10526) from September 17-19, 2024

\$500.00 for violation of 02 NCAC 52J .0210(d) for failure to provide adequate veterinary care to numerous animals by administering prescription medications to animals without the medications being prescribed by a NC licensed veterinarian specifically for the animal or via adequate veterinary standing orders

\$400.00 for 4 violations (\$100.00 for each violation) 02 NCAC 52J .0418(4) for failure to accurately record the facility's identification number of 4 animals prior to the euthanasia of the animals as noted on February 6, 2025

\$500.00 for 5 violations (\$100.00 for each violation) 02 NCAC 52J .0418(4) for failure to record the route of administration of euthanasia drugs for 5 animals as noted on February 6, 2025

\$500.00 for 2 violations (\$250.00 for each violation) 02 NCAC 52J .0501(2) for failure to document why intraperitoneal injection of euthanasia drugs was not practical or humane prior to euthanizing 2 cats via intracardiac injection as noted on February 6, 2025

**\$8,400.00 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 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 .0103, 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 a 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 XX, 2025**

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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-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.**

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

- (2) The animal is seriously ill or injured, in which case the animal may be euthanized before the expiration of the minimum holding period if the Director of the animal shelter determines, in writing, that it is appropriate to do so. The writing shall include the reason for the determination.

(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. (2013-377, s. 2.)

**§ 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;
- (3) location of animal, including complete address and contact information, if not kept at the licensed or registered facility;
- (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**

(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.

(s) For the purposes of G.S. 19A-23(5a), written standards for an "approved foster care provider" shall include but not be limited to: the application process; sanitation protocols; provision of daily observation of the animals; feeding and watering protocols; provision and documentation of veterinary care; provision and documentation of human and same-species daily interaction, exercise, play and environmental enrichment for animals in long term care; requirements for inspection by the shelter; and compliance by the foster care provider with the NC Animal Welfare Act and its rules issued pursuant thereto.

*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 .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.

## **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 .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:

- (6) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease, including the identification of the disease. Accessories, cleaning equipment and supplies used in isolation areas shall not be used in other areas of the facility.
- (8) All animals shall be confined in primary enclosures or exercise areas. Primary enclosures and exercise areas shall be inspected by the Animal Welfare Section and in compliance with the rules of this Subchapter before an animal can be confined in the enclosure or area.

*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**

(a) A written program of veterinary care ('PVC') to include disease control and prevention, vaccination, euthanasia (animal shelters only), disposition of diseased, ill, injured, infirm or deformed animals, and provision of adequate routine and emergency veterinary care shall be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act, Article 3 of Chapter 19A of the General Statutes. The following is required of each PVC:

- (3) The facility shall implement and follow the PVC; and
- (4) Changes to the PVC shall be submitted for approval to the Animal Welfare Section within 10 days of the effective date.

(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.*

## **02 NCAC 52J .0418 DUTIES**

A Certified Euthanasia Technician shall:

- (4) Accurately record the facility's identification number of the animal, its species, sex, breed or breed type, description and date, dosages and route of administration for drugs that are administered for sedation and euthanasia and amounts for drugs wasted;

*History Note: Authority G.S. 19A-24; Eff. March 23, 2009; Readopted Eff. October 1, 2022.*



## **SECTION .0500 – EUTHANASIA BY INJECTION**

### **02 NCAC 52J .0501      INTRACARDIAC INJECTION**

Intracardiac injection for euthanasia shall only be administered under the following conditions:

- (2)      due to medical condition of the animal and/or size of the animal, intravenous or intraperitoneal administration is not practical or humane;

*History Note:*      *Authority G.S. 19A-24;*