



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

July 25, 2024

William and Jacqueline Hodges
Owners
Laurel Oak Farm Dog Kennel
16223 Youngblood Road
Charlotte, NC 28278
and via email
Janie@laureloakfarm.net

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(g) and NOTICE of WARNING for VIOLATIONS of NC GENERAL STATUTE (“NCGS”) § 19A-28 and 02 NCAC 52J .0102(3) and (5); .0201(h); .0204(k); and .0209(8).

AWS-CP-2024-12

Facility: Laurel Oak Farm Dog Kennel
License Number: 11257

Dear Mr. and Ms. Hodges:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owners and operators of Laurel Oak Farm Dog Kennel (“the kennel”) are hereby assessed a civil penalty of \$1,000.00 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 MECKLENBURG

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

IN THE MATTER OF)
)
WILLIAM and JACQUELINE HODGES)
)
OWNERS OF)
)
LAUREL OAK FARM DOG KENNEL)
)
)
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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. Until July 1, 2024, Laurel Oak Farm Dog Kennel (“the kennel”) owned and operated by William and Jacqueline Hodges was a boarding kennel that was licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28. On June 30, 2023, the kennel’s boarding kennel license from AWS expired and, as of the date of this Notice of Civil Penalty and Notice of Warning, the kennel has not submitted an application to renew the AWS boarding kennel license. The kennel continues to operate as a boarding kennel without a valid AWS boarding kennel license in violation of NCGS § 19A-28.
2. On July 9, 2024, AWS Animal Health Technician Bradley (“Inspector Bradley”) conducted a site visit and Facility Compliance Inspection (“FCI”) at the kennel. The following information was obtained during this site visit:
 - a. in violation of 02 NCAC 52J .0102(3), records documenting the purpose for the administration of medication were not being maintained. This violation was previously cited in the March 6, 2023 and August 23, 2023 FCIs;
 - b. in violation of 02 NCAC 52J .0102(5), although the death of the dog at the kennel on July 6, 2024 was reported to AWS as required, the incident was not noted in the kennel’s incident log;
 - c. in violation of 02 NCAC 52J .0201(h), on July 6, 2024, a dog was left unsupervised in an outdoor exercise area that was not surrounded by a separate five-foot perimeter fence. The dog escaped and was killed;
 - d. in violation of 02 NCAC 52J .0204(g), on July 6, 2024, a dog was left in an outdoor exercise area that was not constructed to prevent the escape of an animal. As noted above, the dog escaped and was killed;
 - e. in violation of 02 NCAC 52J .0204(k), in one exercise area 16 dogs were being supervised by 1 employee and in another exercise area, 12 dogs were being supervised by 1 employee. This violation was previously noted and discussed with the kennel management during the August

- 23, 2023 FCI;
- f. in violation of 02 NCAC 52J .0209(8), the outdoor exercise area housing the dog in the July 6, 2024 incident noted above had not previously been inspected by AWS before being put into use and was not in compliance with the AWA rules; and
 - g. the July 9, 2024 FCI for the kennel was marked as “Disapproved” due to previously noted violations that continued to be in non-compliance.

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 operation of a boarding kennel without a license to operate such an establishment having been granted by the AWS Director

02 NCAC 52J .0102(3) for failure to maintain records documenting the purpose for the administration of medication as noted on July 9, 2024

02 NCAC 52J .0102(5) for failure to document in the incident log the death of a dog on July 6, 2024

02 NCAC 52J .0201(h) for failure to supervise an animal in an exercise area that was not surrounded by a separate five-foot perimeter fence on July 6, 2024

02 NCAC 52J .0204(g) for failure to construct the outdoor exercise area to prevent the escape of animals. This violation along with the violations of 02 NCAC 52J .0201(h) and .0209(8) on July 6, 2024 resulted in the death of an animal

02 NCAC 52J .0204(k) for failure to maintain a supervision ratio of at least 1 employee for every 10 comingling dogs. There were two violations of this rule noted on July 9, 2024 and this violation had been previously cited and discussed with the kennel management on August 23, 2023

02 NCAC 52J .0209(8) for housing animals in primary enclosures prior to inspection of the enclosure by AWS and before they were in compliance with the AWA rules on July 6, 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, William and Jacqueline Hodges, as owners and operators of Laurel Oak Farm Dog Kennel, is hereby assessed a civil penalty for the following violations:

\$1,000.00 for violation of 02 NCAC 52J .0204(g) for failure to construct the outdoor exercise area to prevent the escape of animals. This violation along with the violations of 02 NCAC 52J .0201(h) and .0209(8) on July 6, 2024 resulted in the death of an animal.

\$1,000.00 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 NCGS § 19A-28 and 02 NCAC 52J .0102(3) and (5); .0201(h); 0204(k); and .0209(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. AWS does acknowledge the receipt of the letter from the kennel owners dated July 11, 2024 detailing the corrective actions in response to the July 9, 2024 FCI.

Until such a time the facility has a valid AWS boarding kennel license, you may not operate as a boarding kennel. This means that the facility may not board or provide day care services for any dogs or cats.

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.

In addition, 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.

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

July 25, 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 .0102 RECORDS; BOARDING KENNELS

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

- (3) veterinary care provided while boarded, which shall include date, times of administration, description of medication and initials of person administering product 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 and duration to include the number of dosages or days to be given and the reason for the administration;
- (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

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

(h) A separate five-foot tall perimeter fence is required if any animal(s) has/have unsupervised access to an outdoor primary enclosure, common area, and/or exercise area. Supervision of animals is required for any animal(s) within any outdoor enclosure, common area, or exercise area without a separate five-foot tall perimeter fence.

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

- (g) All primary enclosures and exercise areas shall be constructed to prevent the escape of animals.
- (k) If more than four dogs including animals owned by the staff or operator of the facility are housed or confined in an exercise area or primary enclosure, then there shall be at least one person constantly supervising each 10 dogs housed or confined within each primary enclosure or exercise area. This supervision shall be conducted from within the exercise area or primary enclosure such that the person(s)

has/have immediate access to the animals in the event of an emergency, aggression or fight between animals.

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:

- (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.