



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 12, 2024

Thomas Britt
Paws & Claws
8711 Mooresville Rd
Salisbury, NC 28147
and via email
Thomasbritt69@icloud.com

NOTICE of CIVIL PENALTY

Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of NC GENERAL STATUTES § 19A-28

AWS-CP-2024-9

Facility: Paws & Claws
License Number: Unlicensed

Dear Mr. Britt:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of Paws & Claws (“the kennel”) are hereby assessed a civil penalty of \$5,000.00 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 ROWAN

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

IN THE MATTER OF)
)
THOMAS BRITT)
)
OWNER OF)
)
PAWS & CLAWS)
)
)

NOTICE of VIOLATION and
ASSESSMENT of CIVIL PENALTY
for VIOLATIONS of N.C. GENERAL
STATUTE (“NCGS”) § 19A-28.

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, Paws and Claws (“the kennel”) owned and operated by Thomas Britt was a boarding kennel that was not licensed with AWS as a boarding kennel pursuant to NCGS § 19A-28.
2. On June 15, 2022, AWS issued a Notice of Compliance to the owner of the kennel for operation of a boarding kennel without a valid AWS boarding kennel license in violation of NCGS § 19A-28. This Notice included the following language:
Pursuant to NC General Statute § 19A-33, operation of a boarding kennel without a currently valid license shall constitute 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.
3. On May 30, 2024, AWS received information that a dog named Milo had died while boarding at 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.
4. Through communications with Milo’s owner, AWS learned the following:
 - a. Milo’s owner had boarded Milo at the kennel several times previously;
 - b. on Friday, May 24, 2024, Milo was left at the kennel to board until Monday May 27, 2024. Milo’s owner paid the kennel owner \$100.00 when she left Milo at the kennel;
 - c. on Monday, May 27, 2024, Milo’s owner attempted several times to contact the kennel owner to discuss the arrangements to pick up Milo, but the kennel owner did not respond to her texts;
 - d. on Tuesday, May 28, 2024, Milo’s owner left a voice message stating that her husband was on his way to pick up Milo;

- e. the kennel owner immediately called her and asked for her husband's number. During the next phone call when he accidentally called her back instead of her husband, the kennel owner stated that on Sunday, May 26, 2024, he took Milo for a walk at a local park, the dog ran away from him, and was still missing;
 - f. on Tuesday, May 28, 2024 and Wednesday, May 29, 2024, Milo's owners searched the park, posted Milo's information on social media and hired a pet tracker in an effort to find Milo;
 - g. on the evening of Wednesday, May 29, 2024, Milo's owner received information that Milo had been hit by a car at approximately 11PM Saturday evening, May 25, 2024;
 - h. Milo's owner identified Milo's body (Milo's collar was still on him). The body was located approximately 200 yards from the kennel.
5. On June 5, 2024, AWS Animal Health Technicians Shore and Bradley ("Inspectors Shore and Bradley") conducted a site visit at the kennel. The following information was obtained during this site visit:
- a. the kennel owner admitted to boarding Milo for a fee and that he had done so several times;
 - b. the kennel owner stated that he charged \$20.00 a night to board an animal;
 - c. the kennel owner confirmed that he had received the warning letter in 2022 at this address from the previous AWS investigation; and
 - d. Inspectors Shore and Bradley requested copies of the rabies vaccination certificates for the 5 dogs they could hear in the house so that they could verify ownership of the dogs and to ensure that none of the dogs were being boarded. As of the date of this Notice, the kennel owner has failed to provide this information.
6. A review of AWS documentation shows that AWS has never issued a boarding kennel license to Thomas Britt for any boarding facility.
7. The June 15, 2022 Notice of Compliance with NCGS § 19A-28 is attached and incorporated hereinto this Notice of Civil Penalty.

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 which resulted in the death of a dog. This is the second violation of this statute and deemed to be a willful violation of this statute.

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, Thomas Britt as owner and operator of Paws and Claws is hereby assessed a civil penalty for the following violation:

\$5,000.00 for the SECOND and willful violation of NCGS § 19A-28 for operating a boarding kennel without obtaining a license granted by the AWS Director to operate such an establishment. This violation resulted in the death of a dog.

\$5,000.00 TOTAL AMOUNT ASSESSED

Please be aware that 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)



June 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.