



**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

May 23, 2024

Martha Donaldson  
Owner  
River Ridge Bed & Biscuit  
159 Iotla Hill Drive  
Franklin, North Carolina 28734  
and via email  
rrbbI@frontier.com

**NOTICE of CIVIL PENALTY**

**Re: CIVIL PENALTY ASSESSMENT for VIOLATIONS of TITLE 02 N.C. ADMINISTRATIVE CODE (NCAC) CHAPTER 52J SECTIONS .0201(d)(1) and (4) and (e); .0205(h); .0206(d); .0207(d)(4) and (5), (e) and(f)**

**AWS-CP-2024-8**

**Facility: River Ridge Bed & Biscuit**  
**License Number: 10392**

Dear Ms. Donaldson:

Pursuant to NCGS § 19A-40, I am issuing this notice that you as owner and operator of River Ridge Bed & Biscuit (“the kennel”) is hereby assessed a civil penalty of \$1,800.00 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 )  
 )  
MARTHA DONALDSON )  
 )  
OWNER OF RIVER RIDGE )  
 )  
BED & BISCUIT )  
 )  
 )

NOTICE of VIOLATIONS and  
ASSESSMENT of CIVIL PENALTY  
for VIOLATIONS of TITLE 02 NC  
ADMINISTRATIVE CODE (“NCAC”)  
CHAPTER 52J SECTIONS .0201(d)(1) and  
(4) and (e); .0205(h); .0206(d); .0207(d)(4)  
and (5), (e) and (f)

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, River Ridge Bed & Biscuit (“the kennel”) owned and operated by the Martha Donaldson was a boarding kennel, registered pursuant to NCGS § 19A-28.
2. During the May 8, 2023, Facility Compliance Inspection (“FCI”), AWS Animal Health Technician Joshua James (“Inspector James”) noted violations of 02 NCAC 52J .0201(d)(1) and (4); and .0207(e). Inspector James discussed these violations and the required corrective actions with the owner during the FCI.
3. On October 23, 2023, Inspector James attempted to conduct a FCI of the kennel. Despite requesting permission twice at that visit, the owner of the kennel denied permission for Inspector James to enter the kennel. This FCI was marked as “Disapproved.”
4. During the January 10, 2024 FCI, Inspector James noted violations of 02 NCAC 52J .0201(d)(1); and .0207(d)(4). Inspector James discussed these violations and the required corrective actions with the owner during the FCI. This FCI was marked as “Disapproved” due to the severity and repetitive nature of the violations.
5. During the February 7, 2024 FCI, Inspector James noted violations of 02 NCAC 52J .0201(d)(1) and (4). Inspector James discussed these violations and the required corrective actions with the owner during the FCI.
6. On April 24, 2024, AWS received a complaint alleging inadequate sanitation and poor care of the animals 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.
7. As part of the complaint investigation, Inspector James attempted to conduct unannounced site visits

of the kennel on May 1, 2024 at 11:30 AM, May 6, 2024 at 11:20 AM, and May 7, 2024 at 2:13 PM. These attempts were unsuccessful as no one was present at the kennel.

8. Inspector James was able to conduct an unannounced site visit of the kennel on May 9, 2024. The findings for the site visit included:
- a. in violation of 02 NCAC 52J .0201(d)(1) the clean bedding was contaminated with rodent droppings;
  - b. in violation of 02 NCAC 52J .0201(d)(4) clean bedding was stored in piles in the floor of the hallways and not in cabinets or sealed containers;
  - c. in violation of 02 NCAC 52J .0201(e) which requires daily removal and disposal of animal and food waste, four buckets of waste were found at the rear of the facility that had not been removed from the facility;
  - d. in violation of 02 NCAC 52J .0205(h) which requires food receptacles to be clean and sanitized, unused bowls were observed to be contaminated with rodent feces;
  - e. in violation of 02 NCAC 52J .0206(d) which requires water receptacles to be kept clean and sanitized, unused water bowls were observed to be contaminated with rodent feces;
  - f. in violation of 02 NCAC 52J .0207(d)(4) which requires common areas accessible to multiple animals to be kept clean and sanitary, the lobby and hallways were unsanitary, cluttered, and contaminated with rodent feces;
  - g. in violation of 02 NCAC 52J .0207(d)(5) which requires food and water receptacles to be sanitized daily, the sink which was used to sanitize the receptacles was filled with an accumulation of litter boxes and other dishes that prevents the daily sanitizing of these receptacles;
  - h. in violation of 02 NCAC 52J .0207(e) which requires the premises to be free of accumulations of trash, junk, waste products and discarded matter, the hallways, kitchen, grooming and laundry room, and office were filled with trash and discarded matter; and
  - i. in violation of 02 NCAC 52J .0207(f) which requires the facility to maintain an effective program for the control of insects and mammalian pests, there was a significant presence of insect husks and rodent feces in the hallways, grooming and laundry room, kitchen, office, and cat boarding area.
9. All the FCI reports referenced herein have been provided to the kennel and are available on AWS's website at <https://www.ncagr.gov/divisions/veterinary/aws>.

## 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 .0201(d)(1) for failure to store bedding to adequately protect against infestation or contamination by vermin and insects as noted on May 9, 2024

02 NCAC 52J .0201(d)(4) for failure to store clean bedding and laundry in cabinets or sealed containers as noted on May 9, 2024

02 NCAC 52J .0201(e) for failure to provide daily removal and disposal of animal and food waste as noted on May 9, 2024

02 NCAC 52J .0205(h) for failure to keep food receptacles clean and sanitized as noted on May 9, 2024

02 NCAC 52J .0206(d) for failure to keep water receptacles clean and sanitized as noted on May 9, 2024

02 NCAC 52J .0207(d)(4) for failure to keep common areas accessible to multiple animals clean and sanitary as noted on May 9, 2024

02 NCAC 52J .0207(d)(5) for failure to sanitize food and water receptacles daily with hot water, detergent, and disinfectant as noted on May 9, 2024

02 NCAC 52J .0207(e) for failure to maintain premises free of accumulations of trash, junk, waste products and discarded matter as noted on May 9, 2024

02 NCAC 52J .0207(f) for failure to maintain an effective program for the control of insects and mammalian pests as noted on May 9, 2024

## **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 violations listed above.

Accordingly, Martha Donaldson, as owner and operator of River Ridge Bed & Biscuit, is hereby assessed a civil penalty for the following violations:

\$200.00 for violation of 02 NCAC 52J .0201(d)(1) for failure to store bedding to adequately protect against infestation or contamination by vermin and insects as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0201(d)(4) for failure to store clean bedding and laundry in cabinets or sealed containers as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0201(e) for failure to provide daily removal and disposal of animal and food waste as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0205(h) for failure to keep food receptacles clean and sanitized as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0206(d) for failure to keep water receptacles clean and sanitized as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0207(d)(4) for failure to keep common areas accessible to multiple animals clean and sanitary as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0207(d)(5) for failure to sanitize food and water receptacles daily with hot water, detergent, and disinfectant as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0207(e) for failure to maintain premises free of accumulations of trash, junk, waste products and discarded matter as noted on May 9, 2024

\$200.00 for violation of 02 NCAC 52J .0207(f) for failure to maintain an effective program for the control of insects and mammalian pests as noted on May 9, 2024

**\$1,800.00 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.

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

May 22, 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-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 .0201 GENERAL**

(d) Storage of food and bedding:

- (1) food and bedding shall be stored in cabinets and/or sealed containers which adequately protect such supplies against infestation or contamination by vermin and insects;
- (4) clean bedding and laundry shall be: stored in cabinets and/or sealed containers; stored separately from soiled laundry and materials; and stored separately from general housing areas for animals; and

(e) The facility shall provide for the daily removal and disposal of animal and food waste, soiled bedding and debris from the facility in accordance with local ordinances, to assure the facility will be maintained in a clean and sanitary manner.

*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 .0205 FEEDING**

(h) Food receptacles shall be durable and shall be kept clean and sanitized.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. October 1, 2022.*

#### **02 NCAC 52J .0206 WATERING**

(d) Watering receptacles shall be durable and kept clean and sanitized.

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

#### **02 NCAC 52J .0207 SANITATION**

(d) Sanitation shall be as follows:

- (4) common areas, any area accessible to multiple animals and exercise areas not covered by 02 NCAC 52J .0207(d)(3) shall be kept clean and sanitary. These areas are to be properly cleaned a minimum of two times per day. Hard and/or impervious surfaces of these areas shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (d)(3) of this Rule;

- (5) food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant. The disinfectant shall be used consistent with the manufacturer's directions;
- (e) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.
- (f) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note: Authority G.S. 19A-24; Eff. April 1, 1984; Amended Eff. January 1, 2005; April 1, 1985; Readopted Eff. September 1, 2022.*