



**Steven W. Troxler**  
Commissioner

North Carolina Department of Agriculture  
and Consumer Services  
*Veterinary Division*

**Christina Waggett**  
Assistant Commissioner  
for Consumer Protection

**Michael Martin, DVM**  
State Veterinarian

July 2, 2024

Justin LaBarre  
Owner  
Total Recall K9  
1408 Pleasant Ridge Road  
Ramseur, NC 27316

**Re: Compliance with NC General Statute § 19A-28**

Dear Mr. LaBarre:

The Animal Welfare Section (“AWS”) of the North Carolina Department of Agriculture and Consumer Services (“NCDA&CS”) received a complaint that a blind, diabetic, 15-year-old Dachshund named Buddy had to be euthanized shortly after being picked up from boarding at Total Recall (“the facility”). AWS opened an investigation into the potential operation of an unlicensed boarding kennel based on this information.

Previously, on August 17, 2023, AWS received information that the facility was operating as an unlicensed boarding kennel. On August 24, 2023, Animal Health Technician Shore contacted the owner of the facility and directed him to submit a boarding kennel license application. On September 21, 2023, AWS was informed by Randolph County Animal Services that they had received a complaint of a dog housed at the facility being killed by another dog. AWS was informed that the dogs were at the facility for training, not boarding, therefore, Randolph County conducted the investigation.

On October 10, 2023, AWS received a boarding kennel license application for the facility. The facility was unable to be licensed at that time because of the improvements that were needed before the facility met the requirements of the NC Animal Welfare Act (“AWA”) and its rules. The facility owner relayed to Inspector Shore at this time that he would limit his services to training with boarding incidental to the training and discontinue offering his boarding and daycare services until he could make the required improvements.

On February 7, 2024, Inspector Shore called the facility owner to check on the status of those improvements. On February 8, 2024, the facility owner left a voicemail stating that he was continuing to limit his services to training with boarding only incidental to the training.

On June 17, 2024, AWS received a complaint that 2 dogs, Buddy and Marley were left for boarding at the facility on June 7, 2024. The owner stated that the two dogs had previously stayed at the facility in August and September 2023. The dog's owner had received an email from the facility on September 27, 2023 stating that because the "State came in" that the boarding program was being converted to a program called "Ongoing Training" and an additional \$5 per day fee was being added for the training.

The AWS investigation into the June 17, 2024 complaint revealed that while there were training notes for Buddy and Marley's stay at the facility from September 28 – 30, 2024, there were no training notes for either dog for the June 7 – 10, 2024 stay. There is no indication that any training was provided to either animal during this stay. According to the staff, none of the insulin injections provided to the facility by the owner were administered to Buddy because the dog did not eat at all from the time he was left on June 7, 2024 through June 10, 2024 when he was picked up. When he was picked up, Buddy was unable to stand and his tongue was hanging out of his mouth according to Buddy's owner. Buddy was taken to the veterinary hospital on June 10, 2024 where he was found to be in diabetic ketoacidosis and his blood glucose was too high to be measured accurately. Given the poor prognosis, Buddy's owner elected euthanasia.

During the complaint investigation, Inspector Shore noted that the sign at the entrance of the facility indicates that they offer boarding services as does the signage on the facility van. Additionally, the website for the facility had sections describing "boarding" and "daycare" services available at the facility. Multiple social media reviews revealed statements from clients of the facility that describe leaving their dogs for boarding.

Therefore, AWS concludes that the facility was operating as a boarding kennel as defined by NC General Statute § 19A-23(5c). A review of AWS records does not show an active boarding kennel license for this facility or for you at any other address. 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 dogs or cats. Providing boarding services and labeling them as something else does not excuse non-compliance with this requirement.

To initiate the process to become licensed as a boarding kennel, you must complete a new boarding kennel license application, submit the application fee, pass a Facility Compliance Inspection and be issued a boarding kennel license from the AWS before housing any dogs or cats. If you need a copy of the application form, it can be found on the AWS website at the following link:

<https://www.ncagr.gov/veterinary/awsnewboardingapp/open>.

Failure to abide by this directive shall be considered a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under NC General Statute § 19A-40, violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

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.

Your immediate 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  
Veterinary Division, NCDA&CS

cc:

Dr. Michael Martin, DVM, State Veterinarian, NCDA&CS  
Christina Waggett, Assistant Commissioner, NCDA&CS  
Jonathan Lanier, General Counsel, NCDA&CS  
Christopher McLennan, Assistant Attorney General

## Appendix

### RELEVANT 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-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.