

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 22-J-0007
)
Joshua Stoltzfus, an individual)
)
Respondent.) COMPLAINT

REC'D - USDA/OALJ/HCO
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There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), and the regulations thereunder (9 C.F.R. § 1.1 et seq.)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Joshua Stoltzfus is an individual whose business address is 2871 Jacksonville Road, Bellefonte, Pennsylvania 16823. At all times material herein, Respondent was a breeder as that term is defined in the Act and the Regulations and held AWA license 23-A-0710 as an “individual.” Respondent operated a rabbit and guinea pig breeding facility at the Bellefonte, Pennsylvania address.

2. On or about April 14, 2021, Respondent voluntarily terminated AWA license 23-A-0710.

ALLEGED VIOLATIONS

3. On or about March 26, 2020, Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate services and adequate guidance to personnel involved in the care and use of animals regarding euthanasia, in willful violation of the Regulations (9 C.F.R. § 2.40(b)(4)), and specifically, Respondent represented to an APHIS inspector that he had “euthanized” guinea pigs by blunt force trauma.

4. On or about March 26, 2020, Respondent willfully violated the records Regulations as specified below:

a. Respondent failed to make, keep, and maintain records or forms that fully and correctly disclose the disposition of guinea pigs, and specifically, Respondent's disposition records did not include the addresses of the persons to whom the guinea pigs were sold or given. 9 C.F.R. § 2.75(b)(1)(iv).

b. Respondent failed to make, keep, and maintain records or forms that fully and correctly disclose the number of animals held, owned, and acquired including any offspring born of any animal while in his possession or under his control. Specifically, Respondent maintained records that included only adult animals and not weanling, or newborn animals. 9 C.F.R. § 2.75(b)(1).

c. Respondent failed to make, keep, and maintain records or forms that fully and correctly disclose the number of animals transported, sold, euthanized, or otherwise disposed of. Specifically, Respondent failed to maintain records which fully and correctly disclose the number of animal deaths. 9 C.F.R. § 2.75(b)(1).

5. On or about March 26, 2020, Respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

a. Respondent failed to keep primary enclosures of rabbits reasonably free of excreta, hair, and discarded food. 9 C.F.R. § 3.56(a)(1).

b. Respondent failed to keep premises clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth for rabbits in the Regulations. Specifically, Respondent maintained the premises such that

there was an accumulation of dirt, grime and debris on the wall behind the food storage bins and three (3) rabbit enclosures. 9 C.F.R. § 3.56(c).

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS, GOOD FAITH AND HISTORY OF PREVIOUS VIOLATIONS

6. Respondent operates a large business. In 2019, Respondent represented to APHIS that he planned to sell about 400 animals within the next business year.

7. The gravity of the violations alleged in this complaint is great. They include the failure to maintain a program of adequate veterinary care that included guidance to personnel in the care and use of animals regarding euthanasia, resulting in unnecessary pain and suffering to those animals, as well as the failure to make, keep, and maintain records or forms that fully and correctly disclose the disposition and number of animals.

8. Animal Control of Centre County, Pennsylvania, issued Respondent two citations for “Neglect of Animals – Vet Care,” on or about October 14, 2020 with respect to housing guinea pigs in overcrowded and unsanitary living conditions and failure to provide necessary veterinary care to guinea pigs with open wounds. Respondent entered a guilty plea for two counts of “Neglect of Animals – Vet Care,” 18 Pa. C.S. § 5532(a)(3), on or about October 29, 2020 and paid administrative assessments totaling \$645.08 for said counts. Magisterial District Court, Case No. 49-3-02.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondent. Respondent shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer

shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances, including revocation of AWA license 23-A-0710, and civil penalties as warranted under the circumstances.

Done at Washington DC
this ____ day of _____ 2021

ANTHONY SHEA Digitally signed by ANTHONY SHEA
Date: 2021.11.05 11:55:27 -04'00'

Kevin Shea
Administrator
Animal and Plant Health Inspection Service

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