

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO  
2022 MAR 22 10:58 AM

In re: ) AWA Docket 22-J-0038  
)  
Amos S. Stoltzfus, an individual, and ) AWA Docket 22-J-0039  
Katie Stoltzfus, an individual, )  
)  
Respondents. ) COMPLAINT

There is reason to believe that the Respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), and the regulations issued 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. Amos S. Stoltzfus is an individual whose business mailing address is 2404 W. Winter Road, Loganton, Pennsylvania 17747. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held license number 23-A-0653.<sup>1</sup>

2. Katie Stoltzfus is an individual whose business mailing address is 2404 W. Winter Road, Loganton, Pennsylvania 17747. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held license number 23-A-0653.

ALLEGED VIOLATIONS

---

<sup>1</sup> See 7 C.F.R. § 1.1 (“Class ‘A’ licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a “dealer” (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.”).

3. On or about the following dates, Respondents willfully violated the veterinary care Regulations as specified below:

a. January 9, 2020. Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Specifically, Respondents failed to identify and contact the attending veterinarian about a guinea pig with a 1-to-2-centimeter mass under its chin and a guinea pig with a 2-centimeter mass under its chin. The written program of veterinary care did not address animals with masses. 9 C.F.R. § 2.40(b)(2).

b. October 13, 2020. Respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Specifically, Respondents failed to identify and contact the attending veterinarian about two guinea pigs that exhibited increased respiratory effort and were lethargic and one guinea pig that was reluctant to bear weight on its front legs and observed with moderately swollen and red feet. 9 C.F.R. § 2.40(b)(2).

4. On or about the following dates, Respondents willfully violated the records Regulations as specified below:

a. January 9, 2020. Respondents failed to make, keep, and maintain records or forms that fully and correctly disclosed any offspring born of and any deaths of any animal in their possession or under their control. 9 C.F.R. § 2.75(b)(1).

b. October 13, 2020. Respondents failed to make, keep, and maintain records or forms that fully and correctly disclosed the address of the dealer or person to whom the guinea pigs were sold or given. 9 C.F.R. § 2.75(b)(1)(iv).

c. November 22, 2021. Respondents failed to make, keep, and maintain records or forms that fully and correctly disclosed the number of animals held, owned, and acquired or disposed. Specifically, there were no inventory records indicating the number of adults, weanlings, or newborns present since August 2021. 9 C.F.R. § 2.75(b)(1).

5. On or about August 7, 2019, Respondents willfully violated the Act and the Regulations, 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126(b), by failing to have a responsible adult available to accompany APHIS officials during the inspection process.

6. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. January 9, 2020. Respondents failed to adequately ventilate indoor housing facilities for guinea pigs to provide for the health and comfort of the animals at all times. Specifically, a strong ammonia odor was observed throughout an indoor housing facility with only a small opening in one window that was not sufficient to provide adequate ventilation. 9 C.F.R. § 3.26(b).

b. February 18, 2020. Respondents failed to adequately ventilate indoor housing facilities for guinea pigs to provide for the health and comfort of the animals at all times. Specifically, a strong ammonia odor was observed throughout an indoor housing facility without any vents, doors, or windows observed to be open to allow adequate ventilation. 9 C.F.R. § 3.26(b).

c. July 7, 2021. Respondents failed to adequately ventilate indoor housing facilities for guinea pigs and ensure that the ambient temperature does not rise above 85 degrees Fahrenheit. Specifically, the ambient temperature in the indoor housing facility

was 87 degrees Fahrenheit and several windows, vents, and a garage door were open but did not provide sufficient ventilation. 9 C.F.R. § 3.26(b).

7. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. November 22, 2021. Respondents failed to provide each guinea pig a minimum amount of floor space in any primary enclosure. Specifically, Respondents failed to provide each weanling a minimum of 60 square inches of floor space. 9 C.F.R. § 3.28(c)(iii).

8. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. February 18, 2020. Respondents failed to locate food receptacles so as to minimize contamination by excreta and failed to keep all food receptacles clean. Specifically, the self-feeders attached to the inside of the guinea pig enclosures contained fecal material mixed in with the feed and some feeding troughs with little to no pelleted feed available. 9 C.F.R. § 3.29(d).

b. November 22, 2021. Respondents failed to locate food receptacles so as to minimize contamination by excreta and to failed keep all food receptacles clean. Specifically, approximately a third of the self-feeders were empty and contained an accumulation of fecal material. 9 C.F.R. § 3.29(d).

9. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. February 18, 2020. Respondents failed to provide potable water daily except

as might otherwise be required to provide adequate veterinary care and failed to sanitize water receptacles when dirty. Specifically, the PVC piping used as drip pans for the water bottles contained an accumulation of fecal material, debris, and bedding. 9 C.F.R. § 3.30.

b. October 13, 2020. Respondents failed to provide potable water daily except as might otherwise be required to provide adequate veterinary care and failed to sanitize water receptacles when dirty. Specifically, the PVC piping used as drip pans for the water bottles contained an accumulation of fecal material, dirt, and debris, on the drip pans and around the surface of the pipes. 9 C.F.R. § 3.30.

10. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. January 9, 2020. Respondents failed to clean and sanitize primary enclosures enough to prevent an accumulation of excreta or debris. Specifically, several primary enclosures housing guinea pigs had wet, dirty, and soiled bedding by the water bottles and self-feeders. 9 C.F.R. § 3.31(a)(1).

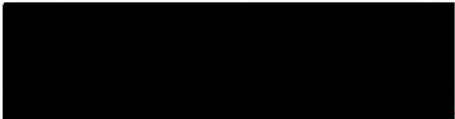
b. October 13, 2020. Respondents failed to clean and sanitize primary enclosures enough to prevent an accumulation of excreta or debris. Specifically, the majority of the guinea pig enclosures had an accumulation of excess fecal material, dirt, and debris with little or no clean bedding available. 9 C.F.R. § 3.31(a)(1).

c. July 7, 2021. Respondents failed to maintain an effective program for the control of insects, ectoparasites, and avian and mammalian pests. Specifically, numerous flies and gnats were observed in the indoor housing facility. No methods of fly or insect control were being utilized and there were three windows open with no screens and the

garage door was open with only the approximately lower three feet screened. 9 C.F.R. § 3.31(c)

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondents have in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the Respondents. Respondents 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.

Done at Washington DC  
this 21<sup>st</sup> day of March 2022

  
Kevin Shea  
Administrator  
Animal and Plant Health Inspection Service

Danielle Park, Esq.  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
1400 Independence Avenue, S.W.  
Room 2330 South Building  
Washington, D.C. 20250-1400  
(202) 878-0730  
danielle.park@usda.gov