

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

John A. Kauffman, an individual,
Respondent.

AWA Docket No. [23-J-0036](#)
COMPLAINT

REC'D - USDA/OALJ/HCO
2023 MAR 23 8:30 AM

There is reason to believe that the Respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (AWA or Act), and the regulations (9 C.F.R. Part 2) (Regulations) and standards (9 C.F.R. Part 3) (Standards) issued thereunder. Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent John A. Kauffman is an individual whose address is in the Commonwealth of Pennsylvania. Respondent's address will not be provided in the complaint to protect the Respondent's personal privacy, but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint and future documents.
2. At all times mentioned herein, the Respondent was a breeder, as that term is defined in the Act and the Regulations, and held AWA Class A "Breeder" license No. 23-A-0583.

ALLEGED VIOLATIONS

3. On or about June 20, 2019, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows: a

juvenile black and yellow guinea pig in enclosure #13L was non-weight bearing on its front legs and moved around by hopping on its hind legs. 9 C.F.R. § 2.40(b)(2)

4. On or about July 30, 2019, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows: a guinea pig in pen #15L had a pale colored eye surface and pale discharge from the eye. 9 C.F.R. § 2.40(b)(2)

5. On or about July 30, 2019, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

- a. the front wall and front ends of the guinea pig enclosures failed to meet the regulatory height requirement. 9 C.F.R. § 3.25(a).
- b. the inside of the water lines connecting to the water nipples had a build-up of dark green material. 9 C.F.R. § 3.30.

6. On or about January 8, 2020, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows: a juvenile tri-color guinea pig in pen #21 had a swollen and closed right eye with a crusty discharge. 9 C.F.R. § 2.40(b)(2).

7. On or about January 8, 2020, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

- a. the front wall and front ends of the guinea pig enclosures failed to meet the regulatory height requirement. 9 C.F.R. § 3.25(a)
 - b. several feeders had feces mixed in the guinea pig feed and a guinea pig was observed on one of the feeders. 9 C.F.R. § 3.29(d).
 - c. several PVC pipes underneath the water spigots had a build-up of bedding, feces, and wet greenish-brown material. 9 C.F.R. § 3.30.
8. On or about March 4, 2020, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows:
- a. a brown and white weanling guinea pig in pen #16L had a two-centimeter circular area of hair loss and scaliness on its right hip. 9 C.F.R. § 2.40(b)(2).
 - b. an adult tri-color guinea pig in pen #15R had a one centimeter in diameter area of hair loss below its right ear. 9 C.F.R. § 2.40(b)(2).
9. On or about March 4, 2020, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:
- a. the front and side walls of the guinea pig enclosures failed to meet the regulatory height requirement. 9 C.F.R. § 3.25(a)
 - b. the wooden sides of several enclosures were chewed, worn, and had exposed unsealed wood. 9 C.F.R. § 3.28(a)(1).
 - c. the back walls of the enclosures had exposed wire tips within reach of the guinea pigs. 9 C.F.R. § 3.28(a)(1).

- d. several PVC pipes underneath the water spigots had a build-up of bedding, feces, and wet greenish-brown material. 9 C.F.R. § 3.30.
 - e. the lines connected to the water nipples had a thick build-up of dark green material inside. 9 C.F.R. § 3.30.
10. On or about October 20, 2020, the Respondent violated the Regulations (9 C.F.R. § 2.126(b)) by failing to make a responsible adult available to accompany APHIS officials during the inspection process.
11. On or about February 5, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:
- a. approximately eleven of the forty-eight enclosures had the wooden sides of the enclosures chewed and worn down with exposed unsealed wood. 9 C.F.R. § 3.28(a)(1).
 - b. the back walls of the enclosures had exposed wire tips within reach of the guinea pigs. 9 C.F.R. § 3.28(a)(1).
12. On or about May 20, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:
- a. the water inside of the large clear plastic container that provides water to the guinea pig enclosures had a greenish color and the bottom 3 inches inside of the container was coated with a brown material. 9 C.F.R. § 3.30.
 - b. the inside of the connecting lines to the watering nipples had a build-up of green material. 9 C.F.R. § 3.30.
13. On or about August 12, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain

programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows:

- a. an adult brown and white guinea pig in pen #16R had a closed right eye with thick yellow discharge inside and around the eye. 9 C.F.R. § 2.40(b)(2).
- b. an adult tri-colored guinea pig in pen #16R had a closed left eye with thick yellow discharge and a partially closed right eye with red, swollen margins and yellow discharge inside and around the eye. 9 C.F.R. § 2.40(b)(2).

14. On or about August 12, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: a garage door in the building housing guinea pigs had a 4-inch by 9-inch section of glass broken out of one of the panes. 9 C.F.R. § 3.25(a).

15. On or about November 30, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.126(b)) by failing to make a responsible adult available to accompany APHIS officials during the inspection process.

16. Between approximately December 9, 2021 and June 1, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: a garage door in the building housing guinea pigs had a 4-inch by 9-inch section of glass broken out of one of the panes. A feed bag was placed in the opening where the glass was missing. 9 C.F.R. § 3.25(a).

17. On or about March 3, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126(a)) by refusing to allow APHIS officials to conduct an inspection.

18. On or about August 26, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126(b)) by failing to make a responsible adult available to accompany APHIS officials during the inspection process.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact violated the Act and the Regulations and Standards 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.

Done at Washington, D.C.

This 22 day of March 2023

MICHAEL WATSON

Digitally signed by MICHAEL
WATSON

Date: 2023.03.22 13:15:14 -04'00'

Kevin Shea

Administrator

Animal and Plant Health Inspection Service

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