

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

SYLVIA KURTZ, an individual
doing business as VALLEY KENNEL,

Respondent.

AWA Docket No. 24-J-0055

CONSENT DECISION AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (AWA or Act), by a Complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), alleging that the Respondent violated the Act and the Regulations issued pursuant to the Act (9 C.F.R. § 1.1 *et seq.*) (Regulations). This Consent Decision and Order is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (Rules of Practice) applicable to this proceeding (7 C.F.R. §1.138).

The Respondent, Sylvia Kurtz d/b/a Valley Kennel (“Respondent”), admits to the findings of fact, as set forth herein, and specifically admits that the Secretary of the USDA has jurisdiction in this matter. The Respondent neither admits nor denies the remaining allegations in the Complaint. The parties agree to the issuance of the following Consent Decision and Order without further procedure or hearing. The Respondent specifically waives her right to any further process or procedure in this proceeding. The Respondent further waives all rights to seek judicial review and otherwise challenge or contest the validity of this Consent Decision and Order, including waiving challenges to the Administrative Law Judge’s authority to enter this Consent Decision

and Order under the Administrative Procedure Act and the Constitution of the United States; and waives any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by the Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order is entered without further procedure or hearing pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. §1.138).

FINDINGS OF FACT

1. The Respondent Sylvia Kurtz (“Respondent”) is an individual who resides in the State of Wisconsin.
2. The Respondent’s mailing address was not provided in the complaint to protect her personal privacy, but was provided to the Hearing Clerk’s Office, United States Department of Agriculture, for the purpose of serving the complaint and future documents.
3. At all times material herein, the Respondent did business as Valley Kennel.
4. At all times material herein, the Respondent operated as a breeder as that term is defined in the Act and the Regulations and held a USDA Class A “Breeder” license number 35-A-0394.

CONCLUSIONS OF LAW

Respondent, having admitted the Findings of Fact, as set forth herein, and the parties having agreed to the entry of this Consent Decision, such Consent Decision will be entered.

ORDER

1. Respondent, either individually or through her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating

the Act, the Regulations, and/or the Standards.


2. Respondent is assessed a civil penalty of one thousand dollars (\$1,000.00), which shall be paid in full within 30 days of the entry of this Consent Decision. The civil penalty of one thousand dollars (\$1,000.00) shall be paid by certified check or money order made payable to the "Treasurer of the United States" and mailed to USDA APHIS GENERAL, P.O. BOX 979043, St. Louis, MO 63197-9000. Respondent shall indicate on the certified check or money order that this payment is in reference to AWA Docket No. 24-J-0055.

3. This Consent Decision shall have the same force and effect as if entered after a full hearing. The provisions of this Order shall become final and effective on the date of issuance by the Administrative Law Judge

4. Copies of this Consent Decision shall be served upon the parties.

By: 
Sylvia Kurtz
Respondent

date: 11-22-24

By: 
Olivia DePasquale
Attorney for the Complainant

date: 1/17/2025

Done at Washington, D.C.,

This 17th day of January, 2025

CHANNING STROTHER Digitally signed by CHANNING STROTHER
Date: 2025.01.17 13:42:26 -05'00'

Chief Administrative Law Judge