

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF VETERINARY MEDICINE

Commonwealth of Pennsylvania Bureau of
Professional and Occupational Affairs

v.
Gideon Alphonse Stoltzfus,
Respondent

Case No. 16-57-05621

Commonwealth of Pennsylvania Bureau of
Professional and Occupational Affairs

v.
Ethan Wentworth,
Respondent

Case No. 16-57-05622

Department of State

2018 OCT -5 AM 7:32

PROFESSIONAL

**FINAL ORDER ADOPTING HEARING EXAMINER'S
PROPOSED ADJUDICATION AND ORDER**

AND NOW, this 5TH day of October, 2018, the State Board of Veterinary Medicine, having reviewed the evidentiary record of this proceeding, together with the hearing examiner's proposed adjudication and order, and noting that no party filed exceptions to the hearing examiner's proposal, it is hereby **ORDERED** that the proposed adjudication and order of the hearing examiner be adopted as the **FINAL** adjudication and order of the State Board of Veterinary Medicine in this proceeding. A copy of the hearing examiner's proposed adjudication and order is appended to this order as **Appendix A**.

This order shall take effect immediately.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

IAN J. HARLOW,
COMMISSIONER



BY ORDER:
STATE BOARD OF
VETERINARY MEDICINE

THOMAS N. GARG, VMD
CHAIRPERSON



Respondents:

Gideon Alpheus Stoltzfus
aka Alpie Stoltzfus
281 White Horse Rd.
Gap, PA 17527

Ethan Wentworth
105 Church Rd.
Airville, PA 17302

Prosecuting Attorney:

Timothy P. Smith, Esquire

Board Counsel:

Thomas M. Davis, Esquire

Date of Mailing:

OCTOBER 5, 2018

APPENDIX A

HISTORY

This consolidated matter was commenced on October 5, 2017 with the Commonwealth's filing of an *Order to Show Cause* individually against each of the Respondents, Gideon Alphonse Stoltzfus ("Respondent Stoltzfus")¹ and Ethan Wentworth ("Respondent Wentworth") (respectively, Exhibits C-1 and C-2, collectively, "OTSCs"). In the OTSCs, the Commonwealth charges that each Respondent is subject to disciplinary action under sections 9(a) and 28(c) of the Veterinary Medicine Practice Act (Act), Act of December 27, 1974, P.L. 995, No. 326, 63 P.S. §§ 485.9(a) and 485.28(c), and sections 5(b)(4) and (b)(5) of the Act of July 2, 1993, P.L. 345, No. 48, 63 P.S. §2205(b)(4) and (b)(5) (Act 48), based upon allegations that each Respondent engaged in the practice of veterinary medicine without being properly licensed to do so under the Act.

Specifically, the OTSCs allege that, from July 2014 through present, each Respondent engaged in the unlicensed practice of veterinary medicine by performing pregnancy examinations on cattle using ultrasound equipment. The OTSCs allege that, to lawfully perform pregnancy examinations on cattle using ultrasound equipment each Respondent was required to hold a current and active license issued by the Board to practice veterinary medicine.

On November 3, 2017, Respondent Wentworth filed a *Response* to the OTSC ("*Wentworth Answer*," Exhibit C-4). On November 6, 2017, Respondent Stoltzfus filed a letter in response to the OTSC ("*Stoltzfus Answer*," Exhibit C-3).

On November 17, 2017, the State Board of Veterinary Medicine (Board) issued an *Order Delegating Case* to a hearing examiner of the Department of State to conduct a formal hearing and

¹ Respondent Stoltzfus signed his filings in this matter as Gideon Alphonse Stoltzfus, but also refers to himself therein as Alphonse Stoltzfus. The caption in other filings in this matter refers to him as Gideon Alphonse Stoltzfus. At the outset of his testimony at the hearing, he identified himself as Gideon Alphonse Stoltzfus. The caption in this writing respectfully references him as per his testimony. All references in the record to Respondent Stoltzfus refer to the same person.

to issue a proposed report in accordance with the Administrative Agency Law, 2 Pa. C.S. §§501 *et. seq.*, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§31.1 *et. seq.*

On November 21, 2017, the Commonwealth filed a *Motion for a Consolidated Hearing* of these two matters, stating that the facts and violations alleged against both Respondents are the same, the witnesses to be offered by the Commonwealth will be the same individuals in both matters, and that the majority of the documentary evidence to be offered by the Commonwealth in both cases will be the same. On December 20, 2017, in the absence of any response filed by Respondents, the undersigned hearing examiner granted the motion and issued an *Order Consolidating Hearings*.

On January 8, 2018, the Prothonotary of the Department of State issued a *Notice of Hearing*, which scheduled a hearing for February 16, 2018, commencing at 1:30 p.m. at 2601 N. Third Street, One Penn Center, Harrisburg, PA.

On January 18, 2018, the Commonwealth filed a *Motion for Continuance* of the February 16, 2018 hearing due to the unavailability of its expert witness.

On January 19, 2018, the undersigned hearing examiner issued an *Order Continuing Consolidated Hearing*.

On February 5, 2018, the Prothonotary issued a *Notice of Rescheduled Hearing*, which rescheduled the hearing for April 25, 2018, commencing at 9:30 a.m. at 2601 N. Third Street, One Penn Center, Harrisburg, PA.

On April 6, 2018, the Prothonotary issued a *Corrected Notice of Rescheduled Hearing*, which rescheduled the hearing for April 27, 2018 at 1:30 p.m. at the same location.²

² On April 5, 2018, the Prothonotary had issued a *Notice of Rescheduled Hearing* changing the date of the hearing from April 25 to April 27, but listed the wrong time thereon; hence, the need for a corrected notice.

On April 27, 2018 at 1:30 p.m., the hearing took place as rescheduled before the undersigned hearing examiner and Board Member Tom Garg, VMD. Prosecuting Attorney Timothy P. Smith appeared at the hearing for the Commonwealth. The Commonwealth introduced the following exhibits into evidence: the *OTSC* filed against Respondent Stoltzfus (Exhibit C-1), the *OTSC* filed against Respondent Wentworth (Exhibit C-2), the *Stoltzfus Answer* (Exhibit C-3), the *Wentworth Answer* (Exhibit C-4), and the Curriculum Vitae of James A. Orsini, DVM (Exhibit C-7).

Each Respondent appeared *pro se* and waived his right to be represented by counsel. The Respondents collaborated on the presentation of their consolidated defenses. The Respondents cross-examined the Commonwealth's expert and each Respondent testified on his own behalf. At the conclusion of the hearing the parties elected to file post-hearing briefs in lieu of verbal closing arguments.

On May 16, 2018, the record in this matter was closed with the filing of the Notes of Testimony ("N.T."). On May 22, 2018, the undersigned hearing examiner issued an Order Establishing Briefing Schedule. On July 23, 2018, the Commonwealth filed its responsive post-hearing brief. On July 25, 2018, Respondents' consolidated brief was filed with the Prothonotary.³ This consolidated matter now is ripe for determination.

³ Respondents' brief was due on June 22, 2018. It appears that Respondents' post-hearing brief was mailed to the Office of Prosecuting Attorney as opposed to the Prothonotary's office, and was subsequently transmitted to the Prothonotary for filing, which explains its actual filing date with the Prothonotary. Respondents' brief will be considered as having been filed on time. Respondents did not file a reply brief to the Commonwealth's brief, as provided within the *Order Establishing Briefing Schedule*; however, they were in no way required to do so.

FINDINGS OF FACT

1. Respondent Stoltzfus does not hold a license to practice as a veterinarian in the Commonwealth of Pennsylvania. (Official Notice, Board Records).⁴
2. Respondent Wentworth does not hold a license to practice as a veterinarian in the Commonwealth of Pennsylvania. (*Id.*).
3. Respondent Stoltzfus's home address is 281 White Horse Road, Gap, PA 17527. (N.T., p. 93).
4. Respondent Wentworth's home address is 105 Church Road, Airville, PA 17302. (*Id.*, p. 102).
5. Respondent Stoltzfus is employed by Select Sires Power as an Artificial Insemination Technician. (*Id.*, p. 94).
6. Respondent Wentworth was previously employed by Select Sires Power as an Artificial Insemination Technician. (*Id.*, p. 103).
7. Respondents' pay structure, at all pertinent times, was a commission based upon their respective sales of semen. (*Id.*, pp. 94, 98-99, 103).
8. Respondent Stoltzfus owns his ultrasound equipment. (*Id.*, p. 95).
9. Respondent Wentworth owns his ultrasound equipment. (*Id.*, p. 103).
10. Respondents used their ultrasound equipment to determine if cows were pregnant. (*Id.*, pp. 95-96, 103).

⁴ Official notice is taken of the Board's records and the docket filings in this case, since they are clearly something of which the Board has specialized knowledge. This is permissible under the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 31.1 *et seq.*, at § 35.173. See also *Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007) (licensing board may take official notice of its own records).

11. Respondents would perform pregnancy checks on cows that were owned by their customers. (*Id.*).

12. Respondent Stoltzfus would use the ultrasound equipment to also determine if customers' cows were in heat. (*Id.*, pp. 100-101).

13. Respondent Stoltzfus would sell semen to customers after using the ultrasound to determine that their cow was in heat. (*Id.*).

14. Respondent Wentworth used the ultrasound equipment to diagnose whether his customers' cows had other medical issues. (*Id.*, pp. 103, 112).

15. Each Respondent was served with the *OTSC* and all subsequent pleadings, filings and notices in this matter and had an opportunity to be heard and to be represented by counsel (the right to counsel having been waived by both Respondents) at the administrative hearing held on April 27, 2018. (N.T., p. 9 and *passim*; Docket Nos. 1928-57-17 and 1929-57-17).

CONCLUSIONS OF LAW

1. The Board has jurisdiction over each Respondent in this consolidated matter.

(Findings of Fact Nos. 1-2).

2. Each Respondent received adequate notice of this proceeding and was afforded an opportunity to be heard in accordance with section 4 of the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact Nos. 1-4, 15).

3. Respondent Stoltzfus is subject to discipline under sections 9(a) and 28(c) of the Act, 63 P.S. §§ 485.9(a) and 485.28(c) and under section 5(b)(4) of the Act of July 2, 1993, P.L. 345, No. 48, 63 P.S. §2205(b)(4) (Act 48), and to the imposition of the payment of costs of investigation under section 5(b)(5) of Act 48, 63 P.S. §2205(b)(5), by engaging in the practice of veterinary medicine when he was not licensed by the Board to do so. (Findings of Fact Nos. 1-14)

4. Respondent Wentworth is subject to discipline under sections 9(a) and 28(c) of the Act, 63 P.S. §§ 485.9(a) and 485.28(c) and section 5(b)(4) of the Act of July 2, 1993, P.L. 345, No. 48, 63 P.S. §2205(b)(4) (Act 48), and to the imposition of the payment of costs of investigation under section 5(b)(5) of Act 48, 63 P.S. §2205(b)(5), by engaging in the practice of veterinary medicine when he was not licensed by the Board to do so. (Findings of Fact Nos. 1-14)

DISCUSSION

Violations

This Commonwealth's action against each Respondent was brought under sections 9(a) and 28(c) of the Act, 63 P.S. §§485.9(a) and 485.28(c), and section 5(b)(4) of the Act of July 2, 1993, P.L. 345, No. 48, 63 P.S. §2205(b)(4) (Act 48), which provide, in pertinent part, as follows:

§ 485.9. Applicants for license to practice veterinary medicine; qualifications.

(a) Any person wishing to practice veterinary medicine in this State shall obtain a license from the board and maintain registration. Unless such person shall have obtained such a license it shall be unlawful for him or her to practice veterinary medicine as defined herein and if he or she shall so practice he or she shall be deemed to have violated the provisions of this act.

63 P.S. §485.9(a).

485.28. Penalties.

...

(c) In addition to any other civil remedy or criminal penalty provided for in this act, the board, by a vote of the majority of the maximum number of the authorized membership of the board as provided by law or by a vote of the majority of the duly qualified and confirmed membership or a minimum of four members, whichever is greater, may levy a civil penalty of up to one thousand dollars (\$1,000) . . . on any person who practices veterinary medicine or performs the duties of an animal health technician without being properly licensed or certified to do so under this act. The board shall levy this penalty only after affording the accused party the opportunity for a hearing, as provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

63 P.S. §485.28(c).

§2205. Civil penalties

...

(b) **Additional powers.** - - In addition to the disciplinary powers and duties of the boards and commissions within the Bureau of

Professional and Occupational Affairs under their respective practice acts, boards and commissions shall have the power, respectively:

...
(4) To levy a civil penalty of not more than \$10,000 per violation on any...unlicensed person who violates any provision of the applicable licensing act or board regulation.

63 P.S. §2205(b)(4).

Specifically, the Commonwealth charges in its *OTSC* that each Respondent engaged in the practice of veterinary medicine without being properly licensed or certified to do so.

It is undisputed that neither Respondent holds a license to practice veterinary medicine in the Commonwealth. Section 3 (10) of the Act, 63 P.S. § 485.3(10), defines the “practice of veterinary medicine” as follows:

(10) “Practice of veterinary medicine” includes, but is not limited to, **the practice by any person who (i) diagnoses, treats, corrects, changes, relieves or prevents animal disease, deformity, injury or other physical, mental or dental conditions by any method or mode, including the prescription or administration of any drug, medicine, biologic, apparatus, anesthetic or other therapeutic or diagnostic substance or technique ...**

63 P.S. §485.3(10) (emphasis added).

The Commonwealth presented the testimony of James A. Orsini, DVM, is expert in Veterinary Medicine. (N.T., pp. 25-31; Exhibit C-7). Dr. Orsini has been an Associate Professor of Surgery at the University of Pennsylvania School of Veterinary Medicine. (*Id.*). Dr. Orsini has specialized training and experience in the surgical treatment of large animals, mostly cows and horses. (*Id.*). Dr. Orsini explained in his testimony that the most common use of an ultrasound on a cow is for reproductive assessment and to determine whether the cow pregnant or in heat. If a cow is not heat, there may be a problem with ovarian function. (*Id.*, p. 33). Veterinarians are trained in the use of an ultrasound not only in school, but after that as well, and it has become an

area of specialization. (*Id.*, pp. 34-35). The risks inherent in the use of an ultrasound to detect pregnancy or heat include making a wrong diagnosis or tearing the rectum tissue. (*Id.*, pp. 37-38).

Respondents used the ultrasound and/or performed rectal examinations of cows for both diagnostic and treatment purposes, specifically to make a determination regarding the cow's reproductive cycle and to decide whether or not to breed that cow. (*Id.*, pp. 44-45). Whether by use of ultrasound or some other apparatus, method or technique, Respondents, diagnosed whether a cow owned by another⁵ was pregnant or in heat. In so doing, and without being licensed by the Board, the Respondents violated the Act as alleged in the *OTSCs*. Accordingly, the Commonwealth has met its burden of proof in both cases.⁶

Sanction

In each of its *OTSCs*, the Commonwealth sought the return of any fees collected by Respondents for practicing veterinary medicine without being licensed to do so. There is no evidence of record that Respondents collected any such fees. The evidence indicates that any monies received by Respondents were attributable to their sale of semen and not to their conduct

⁵Section 32(a)(4) of the act states:

§ 485.32. Exemptions and exceptions

This act shall not apply to:

(4) Any person or his or her regular employe or agent while practicing veterinary medicine on his or her own animals...

63 P.S. § 485.32(4).

⁶ The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Public Utility Commission*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1949). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

of any diagnostic testing *per se*. Nevertheless, the relationship of the positive diagnosis of heat to the commission-generating sale of semen by Respondents is evident. The economic savings to the cow's owner, based on a positive pregnancy or negative heat result, are outweighed by the risk of harm to the cow posed by the unlicensed practice.

In its *OTSC* filed against Respondent Stoltzfus (Exhibit C-1), the Commonwealth pled that it incurred costs of investigation in the amount of \$2,349.27 and sought imposition of these costs against each Respondent under section 5(b)(5) of Act 48, 63 P.S. §2205(b)(5).⁷ In its *OTSC* filed against Respondent Wentworth (Exhibit C-2), the Commonwealth pled that it incurred costs of investigation in the amount of \$1,000.00 and requested imposition of these under Act 48 as well. The Commonwealth did not offer documentation or testimony relating to these costs, whether attributable to its investigation or its expert witness's review, assessment and testimony.

The remaining consideration is the appropriate penalty to impose for each Respondent's unlicensed practice of veterinary medicine. Under section 28(c) of the Act, 63 P.S. § 485.28(c), the maximum civil penalty that can be imposed for each violation is \$1,000.00. Act 48 gives the Board broader authorization to impose a civil penalty of not more than \$10,000.00 per violation on any unlicensed person who violates any provision of the Act. 63 P.S. §2205(b)(5).

⁷ Section 5(b)(5) of Act 48 provides, in pertinent part:

§2205. Civil penalties.

(b) Additional powers. – In addition to the disciplinary powers and duties of the boards and commissions within the Bureau of Professional and Occupational Affairs under their respective practice acts, boards and commissions shall have the power, respectively:

(5) To assess against the respondent determined to be in violation of the disciplinary provisions administered by a licensing board or commission in a disciplinary proceeding pending before the board or commission for final determination, as part of the sanction, the costs of investigation underlying that disciplinary action. The cost of investigation shall not include those costs incurred by the board or commission after the filing of formal actions or disciplinary charges against the respondent.

63 P.S. §2205(b)(5).

In its post-hearing brief, the Commonwealth requests that the Board issue an order directing Respondents to cease and desist from the practice of veterinary medicine and impose a civil penalty on each Respondent in the amount of \$3,000.00. For a number of years, each Respondent has engaged in the unlicensed practice of veterinary medicine by performing pregnancy examinations on cattle using ultrasound equipment.⁸ (Exhibit C-1, paragraph 6; Exhibit C-2 paragraph 5). The unlicensed practice of veterinary medicine undermines one of the fundamental purposes of the Act – to protect the public and animals from practice by unauthorized persons.

With that objective, the Hearing Examiner believes that a cease and desist order and the recommended civil penalty must be imposed against each Respondent in an amount to discourage them from continued unlicensed practice.

Accordingly, the following proposed order shall issue:

⁸ The *OTSCs* allege that each Respondent has engaged in diagnosis via ultrasound since July 2014. Respondents' respective Answers do not specifically deny, or otherwise address, this allegation. See, General Rules of Administrative Practice and Procedure at 1 Pa. Code. § 35.37.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF VETERINARY MEDICINE**

Commonwealth of Pennsylvania	:	
Bureau of Professional and	:	
Occupational Affairs	:	Docket No. 1928-57-17
	:	File No. 16-57-05621
v.	:	
	:	
Gideon Alphonse Stoltzfus,	:	
Respondent	:	
	:	
Commonwealth of Pennsylvania	:	
Bureau of Professional and	:	
Occupational Affairs	:	Docket No. 1929-57-17
	:	File No. 16-57-05622
v.	:	
	:	
Ethan Wentworth,	:	
Respondent	:	

PROPOSED ORDER

AND NOW, this 12th day of September 2018, in accordance with the foregoing findings of fact, conclusions of law and discussion,

It is hereby **ORDERED** that Respondents Gideon Alphonse Stoltzfus and Ethan Wentworth shall each **IMMEDIATELY CEASE AND DESIST** from the unlicensed practice of veterinary medicine.

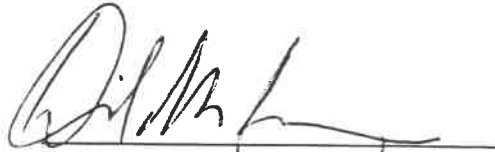
It is **FURTHER ORDERED** that a **CIVIL PENALTY** in the amount of **THREE THOUSAND DOLLARS (\$3,000.00)**, **EACH** shall be assessed against Respondents Gideon Alphonse Stoltzfus and Ethan Wentworth, for their unlicensed practice of veterinary medicine.

The civil penalty and costs of investigation shall be paid by certified check or money order made payable to the Commonwealth of Pennsylvania, State Board of Veterinary Medicine, and mailed to Board Counsel, State Board of Veterinary Medicine, 2601 N. Third Street, P.O. Box

69523, Harrisburg, PA 17106-9523. Failure by any Respondent to remit the civil penalty may result in additional legal action against that Respondent.

The State Board of Veterinary Medicine has announced its intention to review this Proposed Report in accordance with 1 Pa. Code § 35.226(a)(2).

BY ORDER:



David M. Green
Hearing Examiner

For the Commonwealth: Timothy P. Smith, Esquire
Commonwealth of Pennsylvania
GOVERNOR'S OFFICE OF GENERAL COUNSEL
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

For Respondents: Gideon Alpheus Stoltzfus, aka Alphonse Stoltzfus
281 White Horse Rd.
Gap, PA 17527

Ethan Wentworth
105 Church Rd.
Airville, PA 17302

Date of Mailing: 9/12/18



NOTICE

SERVICE OF PROPOSED REPORT:

The foregoing is the proposed report issued in this matter by a Hearing Examiner for the Department of State, in accordance with the General Rules of Administrative Practice and Procedure at 1 Pa. Code §35.207.

EXCEPTIONS TO PROPOSED REPORT:

Any participant who wishes to appeal all or part of the Hearing Examiner's proposed report to the Board must file exceptions in the form of a *Brief on Exceptions* with the Prothonotary of the Department of State within 30 days after the date of mailing shown on this proposed report in accordance with the General Rules of Administrative Practice and Procedure at 1 Pa. Code §§35.211-214.

The *Brief on Exceptions* shall contain a short statement of the case, a summary of the appealing party's position, the grounds for filing exceptions to the proposed report, and the argument in support of the appealing party's position with citations to the record and legal authority. The appealing party may also include proposed findings of fact and conclusions of law.

In the event any participant files exceptions, the Board may substitute its findings for those of the Hearing Examiner, and /or may impose a greater or lesser sanction than that imposed by the Hearing Examiner without regard to the relief requested or the position argued by any party, and without hearing additional argument or facing additional evidence.

Failure to file a *Brief on Exceptions* within the time allowed under the General Rules of Administrative Practice and Procedure at 1 Pa. Code §§35.211-214 shall constitute a waiver of all objections to the proposed report.

FILING AND SERVICES:

An original and three (3) copies of the *Brief on Exceptions* shall be filed with:

Prothonotary
2601 North Third Street
P. O. Box 2649
Harrisburg, PA 17105-2649

Copies of the Brief on Exceptions must also be served on all participants to the proceeding.

Briefs on Exceptions must be received for filing by the Prothonotary within the time limits specified herein. Date of receipt by the Office of Prothonotary and not date of deposit in the mail is determinative.



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

David M. Green
Hearing Examiner

davgreen@pa.gov

September 11, 2018

Gideon Alpheus Stoltzfus, aka Alphonse Stoltzfus
281 White Horse Rd.
Gap, PA 17527

Ethan Wentworth
105 Church Rd.
Airville, PA 17302

RE: *Commonwealth of Pa., BPOA v. Stoltzfus*
Docket No. 1928-57-17

Commonwealth of Pa., BPOA v. Wentworth
Docket No. 1929-57-17

Dear Messrs. Stoltzfus and Wentworth:

Enclosed is the Proposed Adjudication and Order in this matter.

Sincerely,

David M. Green
Hearing Examiner

DMG/dg
Enclosure
CC w/enclosure: Timothy P. Smith, Esquire

NOTICE

The attached Final Order represents the final agency decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a Petition for Review with that Court within 30 days after the entry of the order in accordance with the Pennsylvania Rules of Appellate Procedure. See Chapter 15 of the Pennsylvania Rules of Appellate Procedure entitled "Judicial Review of Governmental Determinations," Pa. R.A.P 1501 – 1561. Please note: An order is entered on the date it is mailed. If you take an appeal to the Commonwealth Court, you must serve the Board with a copy of your Petition for Review. The agency contact for receiving service of such an appeal is:

Board Counsel
P.O. Box 69523
Harrisburg, PA 17106-9523

The name of the individual Board Counsel is identified on the Final Order.



**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF GENERAL COUNSEL**

**Thomas M. Davis
Assistant Counsel**

**tmdavis@pa.gov
Counsel Division**

October 5, 2018

VIA CERTIFIED AND FIRST CLASS MAIL

Gideon Alpheus Stoltzfus,
aka Alphonse Stoltzfus
281 White Horse Rd.
Gap, PA 17527

Ethan Wentworth
105 Church Rd.
Airville, PA 17302

**RE: Final Order Adopting Hearing Examiner's Proposed Adjudication and Order:
Commonwealth of Pennsylvania, Bureau of Professional and
Occupational Affairs v. Gideon Alphonse Stoltzfus
Case No. 16-57-05621**

**Commonwealth of Pennsylvania, Bureau of Professional and
Occupational Affairs v. Ethan Wentworth
Case No. 16-57-05622**

Dear Mr. Stoltzfus and Mr. Wentworth:

Enclosed please find a Final Order Adopting Hearing Examiner's Proposed Adjudication and Order issued by the State Board of Veterinary Medicine in the above-referenced matter.

Sincerely,

Thomas M. Davis, Counsel
State Board of Veterinary Medicine

Enclosure

cc: Michelle Roberts, Board Administrator
State Board of Veterinary Medicine

