

ALLEGHENY COUNTY HEALTH DEPARTMENT  
ADMINISTRATIVE DECISION

In Re: Icy Roll/Biumy Enterprises, Inc.

AND NOW, this 20<sup>th</sup> day of February, 2018, it is hereby ORDERED that the Allegheny County Health Department's ("ACHD") Motion to Dismiss Biumy Enterprises Inc.'s ("Biumy") Appeal as untimely is **DENIED** for the following reasons:

- 1) On November 21, 2017, the ACHD assessed a penalty against Biumy.
- 2) On December 5, 2017—14 days later—Biumy filed an appeal.
- 3) The ACHD moved to dismiss Biumy's appeal as being untimely within the ten-day appeal window articulated in Article XI, §§1104(A) and (D) of the ACHD Rules and Regulations.
- 4) However, on November 21, 2017, County Council ratified changes to Article XI, including a change that extends the appeal window from ten days to thirty days.<sup>1</sup>
- 5) The County Executive signed the Article XI changes into law on November 28, 2017, and they took effect on December 8, 2017.
- 6) In light of the changes to Article XI, which were ratified and signed into law during the original ten-day appeal period, I will **DENY** the ACHD's Motion to Dismiss Biumy's Appeal.

\_\_\_\_\_/s/\_\_\_\_\_  
Max Slater  
Administrative Hearing Officer  
Allegheny County Health Department

Copies Sent Via Email to:  
*Ramy Biumy*, Appellant

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<sup>1</sup>The full changes can be found on County Council's website at <https://alleghenycounty.legistar.com/LegislationDetail.aspx?ID=3193445&GUID=37D0A923-E4E0-409F-9488-FDF48C286898&Options=ID|Text|&Search=article+xi>

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