

**BEFORE THE HEARING OFFICER
ALLEGHENY COUNTY HEALTH DEPARTMENT**

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|-----------------------|---|-------------------------|
| THE CRACKED EGG, LLC, |) | Docket no.: ACHD-22-023 |
| |) | |
| Appellant, |) | |
| |) | |
| v. |) | |
| |) | |
| ALLEGHENY COUNTY |) | |
| HEALTH DEPARTMENT |) | |
| |) | |
| Appellee. |) | |

**ORDER DISMISSING APPELLANT’S NOTICE OF APPEAL IN PART AND
REMANDING TO FOOD SAFETY PROGRAM IN PART**

AND NOW, this 17th day of July, 2023, it is ORDERED that previous Order dated July 14, 2023, is RESCINDED. Also, for the reasons stated in the attached Memorandum Opinion, Appellant the Cracked Egg, LLC’s, Notice of Appeal filed on April 26, 2022, is DISMISSED with prejudice to refile concerning the violations of ACHD Article III § 335 on August 26, 31, and December 14, 2020; and Article III § 337 on August 24-28, September 1-4, September 10-11, September 14-17, December 14, December 30, 2020, and January 25, February 21, March 1, May 10, and June 28, 2021. The matter is also REMANDED to ACHD Food Safety Program for recalculation of the civil penalty with the removal of the violation of Article III § 337 on October 1, 2020.

The parties have thirty (30) days to file an appeal of this decision to the Allegheny County Court of Common Pleas pursuant to 42 Pa. C.S.A. § 4472(b) and ACHD Article XI § 1110.

/s/ John McGowan
John F. McGowan, Esquire
Hearing Officer
Allegheny County Health Department

