

ALLEGHENY COUNTY HEALTH DEPARTMENT  
ADMINISTRATIVE DECISION

JOHN MILLER, an individual, and : In re: 3 Wynoka Street  
RECOVERY UNITED PITTSBURGH : Pittsburgh, PA 15210  
FOUNDATION INCORPORATED, a :  
Pennsylvania non-profit corporation, : Copies Sent To:  
: *Counsel for Appellants:*  
Appellants, : Steven G. Polin, Esq.  
: Attorney At Law  
v. : 3034 Tennyson St. N.W.  
: Washington, D.C. 20015  
ALLEGHENY COUNTY HEALTH : spolin2@earthlink.net  
DEPARTMENT, :  
: *Counsel for Appellee:*  
Appellee. : Vijya Patel, Esq.  
ALLEGHENY COUNTY HEALTH  
DEPARTMENT  
301 39<sup>th</sup> Street, Building 7  
Pittsburgh, PA 15201

**DECISION AND ORDER OF THE ALLEGHENY COUNTY HEALTH  
DEPARTMENT HEARING OFFICER**

AND NOW, this 19<sup>th</sup> day of October, 2018, the Allegheny County Health Department's ("ACHD") Motion to Dismiss is hereby **GRANTED**, for the following reasons:

- 1) On September 24, 2018, a telephone status conference was held in this matter to discuss the appeal filed by Recovery United and John Miller (collectively "Appellants") on November 28, 2017 ("Wynoka Appeal"). Participants included the Hearing Officer, Vijya Patel, Dave Namey, David DelGreco, and Steven Polin.
- 2) The purpose of the status conference was to understand why the October 2, 2017 letter was issued to Recovery United regarding the Allegheny County Health Department ("ACHD") permit for the property at 3 Wynoka Street, Pittsburgh, PA 15210 (the "Property").
- 3) The Wynoka Appeal alleged that the October 2<sup>nd</sup> Notice was improperly issued because a final determination on Appellants request for a waiver of the permit fee was still pending.

- 4) During the status conference, the ACHD informed Appellants' counsel<sup>1</sup> that the permit had been approved in May 2017, and Appellants indicated interest in applying for a permit fee waiver for the Property.
- 5) Upon approval and in order to receive the actual permit, the ACHD informed Appellants in writing of the permit fee amount and the public service rooming house application for a permit fee waiver, along with the corresponding due dates for each.
- 6) The ACHD never received a public service rooming house application, and therefore could not make a determination regarding the permit fee waiver. Thus, the ACHD sent the October 2<sup>nd</sup> Notice reminding Appellants of the unpaid permit fee.
- 7) In December 2017, the ACHD informed Appellants that they may still either submit the application for a public service rooming house or pay the permit fee.
- 8) To date, the ACHD has not received a completed public service rooming house application from Appellants for review.
- 9) Therefore, no controversy exists in this matter because the ACHD has never had the opportunity to issue a final determination on whether the permit fee may be issued for the property.
- 10) Therefore, there is no matter ripe for adjudication. The ACHD's Motion to Dismiss is **GRANTED, and Appellants' Appeal is DISMISSED.**

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Max Slater  
Administrative Hearing Officer  
Allegheny County Health Department

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Dated:

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<sup>1</sup> Mr. DelGreco and Mr. Polin were both participants to the status conference. Mr. Polin is now the attorney representing Appellants. Mr. DelGreco is no longer representing Appellants.