


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

BRENDA TRAVILLION,	)	Docket no.: ACHD-23-006
	)	
Appellant,	)	In re: 421 Lemon Street
	)	
v.	)	
	)	
ALLEGHENY COUNTY	)	
HEALTH DEPARTMENT,	)	
	)	
Appellee.	)	

**ORDER SUSTAINING ACHD’S MOTION TO DISMISS NOTICE OF APPEAL**

AND NOW, this 26<sup>th</sup> day of May, 2023, the undersigned Hearing Officer is in receipt of the Motion to Dismiss filed by Appellee Allegheny County Health Department (“ACHD”) in the above-captioned matter. ACHD issued a Notice of Violation (“NOV”) to Appellant Brenda Travillion on October 6, 2022, concerning violations of ACHD Rules and Regulations Article VI but did not require any compliance or impose a penalty for the cited violations. Therefore—despite the NOV informing Appellant of her right to appeal to this Tribunal—we find that there was no “action” taken by ACHD that is subject to the right of appeal pursuant to Art. VI § 608 or Art. XI § 1103. *See Frank T. Perano v. Commonwealth Pennsylvania, Department of Environmental Protection*, 2011 WL 5823825 (Pa.Env.Hrg.Bd.).

We therefore SUSTAIN ACHD’s Motion to Dismiss and DISMISS Appellant’s Notice of Appeal filed January 20, 2023, without prejudice to refile if ACHD pursues an appealable action for the violations cited in the October 6, 2022, NOV. The Hearing previously scheduled for May 30, 2023, is also CANCELLED.

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