

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

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|--------------------|---|-------------------------|
| MATTHEW LIPAY, |) | Docket no.: ACHD-23-017 |
| |) | |
| Appellant, |) | In re: 5409 Mere Street |
| |) | |
| v. |) | |
| |) | |
| ALLEGHENY COUNTY |) | |
| HEALTH DEPARTMENT, |) | |
| |) | |
| Appellee. |) | |

ORDER GRANTING APPELLEE’S MOTION TO DISMISS

AND NOW, this 3rd day of July, 2023, it is ORDERED that Appellee Allegheny County Health Department’s (“ACHD”) Motion to Dismiss filed in the above-captioned matter on June 30, 2023, is GRANTED. There was no action taken by ACHD subject to the right to appeal in the February 13, 2023, Extension Based on Progress Letter pursuant to ACHD Rules and Regulations Article VI § 608 or Article XI § 1103. *See Frank T. Perano v. Commonwealth Pennsylvania, Department of Environmental Protection*, 2011 WL 5823825 (Pa.Env.Hrg.Bd.). We therefore DISMISS Appellant Matthew Lipay’s Notice of Appeal filed March 20, 2023, without prejudice to refile if ACHD pursues an appealable action for the violations cited in the February 13, 2023, Letter. The Hearing previously scheduled for July 6, 2023, is also CANCELLED.

Appellant did not file an appeal based on the December 14, 2022, Penalty Assessment, and we therefore decline to rule on ACHD’s Motion to Dismiss based on failure to timely file a notice of appeal.

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

