

**ALLEGHENY COUNTY HEALTH DEPARTMENT
ADMINISTRATIVE HEARING**

SWINDERMAN DEVELOPMENT,)	
LLC AND EDDY HOMES, INC.,)	
)	
Appellants,)	Docket No. ACHD-19-029
)	
vs.)	
)	
ALLEGHENY COUNTY HEALTH)	
DEPARTMENT,)	
)	
Appellee.)	

MOTION TO JOIN INDISPENSIBLE PARTY

The Allegheny County Health Department (hereinafter “ACHD” or “Department”) files this Motion to Join an Indispensable Party to the above-captioned case pursuant to Section 1104.3(1) of the Department’s Rules and Regulations Article XI, “Hearings and Appeals” (hereinafter “Article XI”).

Appellants, Swinderman Development, LLC and Eddy Homes, Inc., installed fixtures at 130 Brookfield Estates Drive, Pine Township, PA 15090 (hereinafter “Subject Property”) that upon inspection, were found to be in violation of the Department’s Rules and Regulations Article XV, “Plumbing and Building Drainage” (hereinafter “Article XV”). Appellants sold the Subject Property to Harry W. Ratty. Appellants do not deny that the Subject Property is in violation of Article XV. In the appeal underlying this matter, Appellants simply request a variance from Article XV § 405.3.1 regarding the installation of fixtures to keep them in their current condition at the Subject Property. However, as the owner/purchaser of the Subject Property, Mr. Rattay is the appropriate individual to request a variance of Article XV § 405.3.1. The Department contends that the owner must have notice that fixtures were not installed in accordance to the

code and approve this noncompliant installation by submitting a request for a variance to the Department. The Department cannot make a determination on a variance request if it has not received one from the appropriate party. In this case, an administrative decision would provide incomplete relief because Mr. Rattay has not submitted a variance request and is not a party to this matter.

Mr. Rattay's absence in the proceedings leaves him subject to obligations he may not have assumed or even be aware of and impedes Mr. Rattay's ability to protect his interest. Therefore, joinder of Mr. Rattay is necessary for complete relief. For the reasons stated herein, the Department requests that the Hearing Officer join Harry W. Rattay as a party to the proceedings in this case.

Dated: January 22, 2020

Respectfully submitted by:



Vijyalakshmi Patel, Esq.
Attorney for the Appellee
Allegheny County Health Department
301 39th Street, Bldg. #7
Pittsburgh, PA 15201

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing MOTION TO JOIN AN
INDISPENSIBLE PARTY was served on this 22^d day of January 2020, via first class mail to the
following address:

Harry W. Rattay
130 Brookfield Estates Drive
Pine Township, PA 15090



Vijyalakshmi Patel, Esq.