



# THE PORTNOFF REPORTER

Spring 2016 – Volume 3, Number 2

## Portnoff Law Associates Receives Another Endorsement!



Portnoff Law Associates was very pleased to receive the following endorsement from the Schuylkill County Municipal Authority:

I would like to take this time to congratulate all the people that I am in contact with at Portnoff and all of those I did not have the pleasure of working with. I just received the Portnoff Reporter and read the article from the North Pocono School District. Portnoff works hard for all of their clients. I do collections for a water and wastewater company. We have been with Portnoff since 2012. Everyone at Portnoff that I have been in contact with has treated our company with an utmost professional service, answering all questions that were asked, advising our office of the different options we can pursue and letting us decide what option we feel is best for each account. We plan on working with Portnoff for a long time.

-Tina Williams, Schuylkill County Municipal Authority

### Spoiler Alert!

Look for the announcement of some BIG changes from Portnoff Law Associates in the next edition of The Portnoff Reporter!

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## THE PORTNOFF REPORTER

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### In Person

April  
2016

Portnoff attorney Kevin Buraks was a member of the Delinquencies Panel at the **Pennsylvania Municipal Authorities Association's** Spring Management Workshop on April 13 in Hershey, PA. The Panel addressed the various collection tools and methods available to municipal authorities.

June  
2016

Portnoff Law Associates attended the **Pennsylvania State Association of Borough's** 2016 Annual Conference in Hershey, PA on June 5-8.

Portnoff Law Associates will be attending the **Pennsylvania State Association of Township Commissioners** Annual Conference in King of Prussia, PA on June 23-24.

If you are interested in having Portnoff Law Associates present at your professional association's next conference or event, please contact us at (800) 561-7989.

### Local Event Idea

Looking to recapture the thrill of rail excursions of the past? Those interested can now take a trip from Pottsville to Jim Thorpe on two Budd Co. rail diesel cars built in the 1950's. The train leaves Union Station in Pottsville at 9:00 a.m. and arrives in Jim Thorpe at 3:30 p.m., with stops at the Schuylkill Haven Station and Tamaqua Station. The ride will provide scenic views along the way and a family-style picnic lunch served on the train. The train will return to Union Station at 6:00 p.m. Excursions are currently scheduled for May 28, June 18, July 10, August 13 and August 28. Trips also are scheduled to the North Reading Yard in Port Clinton on June 11, July 30 and September 10. Ticket prices range from \$24 to \$39. For more information, call (610) 562-2102.

Let us know if you would like your community's next event to be highlighted in a future edition of *The Portnoff Reporter*.

## Employee Spotlight

### Robert P. Daday, Esq.



For the past 14 years, attorney Robert Daday has been a member of Portnoff Law Associates and runs the firm's Allentown office. As a senior litigator, Bob handles the most complex and sensitive issues affecting our clients, including overseeing the sheriff and tax sale portion of our collection process. Bob proudly served our Country and is a retired Colonel in the United States Marine Corps. While on active duty, Bob served as Deputy Counsel of the Marine Corps Air Bases Western Area. More recently, Bob served in the Marine Corps Reserves as a Judge Advocate at Marine Aircraft Group 49, Willow Grove, PA. Bob also served as Deputy Chief Counsel for the Department of Military and Veterans Affairs and was responsible for providing legal services to five state veterans' homes located throughout Pennsylvania.

Bob continues to be an active member of the Allentown community, currently serving on the Board of Directors for the Crime Victims' Council of the Lehigh Valley and the Casa Guadalupe Center. Bob recently served as a Co-Chair of the St. Thomas More School Building Campaign. Bob graduated from Catholic University and Temple University School of Law.

### By the Numbers

<b>130</b>	Number of school districts, townships, boroughs, cities and municipal authorities that Portnoff currently represents
<b>23</b>	Number of Pennsylvania counties where Portnoff represents municipal clients
<b>40,300</b>	Approximate number of delinquent accounts that were turned over to Portnoff for collection in 2015
<b>512</b>	Number of properties that Portnoff listed for sheriff's sale in 2015
<b>73</b>	Number of properties that Portnoff sold at sheriff's sale in 2015

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## Legal Update

### Augustin v. City of Philadelphia

In a case that affects many Pennsylvania municipalities, a federal court ruled that Philadelphia Gas Works violated the due process rights of landlord property owners by failing to provide adequate notice of liens filed on rental properties where tenants had not paid their bills. In Augustin v. City of Philadelphia, Philadelphia landlords initiated litigation against PGW in the U.S. District Court for the Eastern District of Pennsylvania to challenge and enjoin PGW from imposing liens on their properties for unpaid utility bills incurred by their tenants. The landlord plaintiffs averred that because the first notice they received of PGW's intent to lien their real estate came shortly before the liens were actually imposed, and in many instances, years after the charges were incurred and the tenants departed, that procedure violated their constitution due process rights under the Fourteen Amendment. To state a claim for due process relief, plaintiffs must establish that they were deprived of a right secured by the Constitution or U.S. laws, and that the alleged deprivation was committed under the color of state law. In its defense, the city asserted that the Due Process Clause does not require a pre-lien notice or a pre-lien hearing before the imposition of a lien for unpaid municipal gas service, and that due process is satisfied by the procedures provided under the Municipal Claims and Tax Liens Act.

In ruling against the city, the court initially noted that the placement of a lien against real property constitutes a "sufficient taking of property" so as to warrant due process protection. The court held that because "notice and hearing must be provided at a meaningful time and in a meaningful manner, in situations where the State feasibly can provide a pre-deprivation hearing before taking property, it must do so regardless of the adequacy of a post-deprivation remedy to compensate for the taking." The court found that PGW offered no explanation as to why it would be impracticable to notify property owner landlords of its customers' delinquencies within such time as would allow the landlords to investigate and take steps to hold their tenants accountable before their account arrearages reached the level where liening is appropriate. The court ruled that PGW's methods do not meet the fundamental requirements of due process. The city has indicated that it plans to appeal the ruling.

## Customer Service 101

An easy way to assist your constituents is to facilitate their ability to pay their bills. By providing more payment options, your municipality will not only be providing better customer service, but may also be increasing the amount of money that is coming in. Almost two years ago, Portnoff Law Associates upgraded its website to allow property owners to look up their delinquent balances online and to make payment through our website via credit and debit card. Since this change, visits to this portion of our website have been the most plentiful. Allowing remote access for constituents to view their open balances and to pay their bills should cut down on administrative time needed to speak with property owners and reduce the paperwork needed to record and deposit payments.

## Note of Appreciation

Portnoff Law Associates frequently receives thank you notes from property owners who appreciate the professional manner in which they were treated during the collection process. The following is a note of appreciation that we recently received:

**I called your office today to access my information and make a payment on a late tax bill.**

**Dachi was the person who handled my call, and I wanted you to know how much I appreciated the kind and professional way she talked to me and answered my questions. I am in customer service myself and know how important it is to make the client/customer feel respected, and I just wanted to pass along my opinion that Dachi is excellent at her job.**

A property owner from  
Washington, PA

## Hiring Portnoff

Portnoff Law Associates represents 130 municipalities, school districts and municipal authorities in 23 counties throughout Pennsylvania. From smaller clients in rural parts of the state to larger clients in more urban areas, Portnoff's proven collection process can be tailored to meet your specific collection needs. We are available to meet with your staff or attend a work session or public meeting to discuss the benefits of our services with your elected officials. If you are interested in hearing more about how Portnoff can help, please contact us at (800) 561-7989.

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## YOUR TRUSTED LEGAL TEAM FOR COLLECTING DELINQUENT REAL ESTATE TAXES AND MUNICIPAL FEES

With over 25 years of experience in the field, Portnoff Law Associates currently represents 130 municipalities, school district and municipal authorities in the collection of delinquent:

- Real Estate Taxes
- Municipal Service Fees
- Abatement of Nuisance Fees
- Sewer Fees
- Water Bills
- Trash Fees



Michelle Portnoff, President  
Portnoff Law Associates

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