



# THE PORTNOFF REPORTER

SPRING 2019

## In Memoriam Alan B. Portnoff, Esquire



Alan B. Portnoff, Esquire was born in Philadelphia on April 7, 1936 to Pauline and Irving Portnoff. Growing up, he worked in the family soda business, Sweetie Beverages. Alan was a member of the 201st Class of Central High School and attended the University of Pennsylvania for college and law school. He served his law preceptorship with Fox Rothschild in Philadelphia, and then went on to practice law in Coatesville with Samuel Halpern, Esquire, who was then serving as District Attorney. Alan practiced law primarily in Chester County and was a long-time member of its bar association. For many years, the focus of his practice was family law, and he was a caring and compassionate advocate. Alan always took the position that a fair resolution did not have to be punitive, and brought many contentious divorces to conclusion. He was at the forefront of the movement that promoted to preserve marital resources for the parties, instead of being spent on counsel.

1985, and together they changed the focus of the practice to the collection of delinquent municipal fees and real estate taxes. Alan lobbied for the passage of Act 1 of 1996, which enabled taxing districts to assess the costs of collection upon delinquent taxpayers, so municipalities were no longer required to increase costs upon those good citizens who timely paid in order to make up the shortfall. For many years, Alan and Michelle traveled throughout Pennsylvania in connection with their work, meeting many people, some of whom would become long-time friends.

Alan’s daughter, Michelle, joined him in the practice in

Alan was married for 60 years to his college sweetheart, Lois Robins Portnoff, and was the father of three children, Michelle, Larry and Sharon. He had five grandchildren and three great grandchildren. Alan died on February 5, 2019. May his memory be for a blessing.



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## THE PORTNOFF REPORTER

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### In Person

**Apr.  
2019**

Portnoff attorney Kevin Buraks presented a seminar titled “Creative Methods to Curtail Tax Delinquencies and Enhance Revenue” at the Allegheny League of Municipalities (ALOM) Spring Educational Conference on April 5<sup>th</sup> at the Seven Springs Mountain Resort.

Portnoff attorney Jason Leininger presented a seminar titled “Identifying Issues with Delinquent Accounts and Strategies to Enhance Collections” at the Pennsylvania State Association of Township Supervisors (PSATS) 97<sup>th</sup> Annual Educational Conference on April 16<sup>th</sup> at the Hershey Lodge in Hershey, PA.

**June  
2019**

Michelle Portnoff and Kevin Buraks will be presenting a webinar for PSATS on June 19, 2019 from 12:00-1:00 p.m. titled: “Changing a Culture: How to Get Your Delinquents to Recognize Their Obligations, Pay Overdue Debt and Begin Making Timely Payment of Future Municipal Charges.” Please sign up on the PSATS website.

**Sept.  
2019**

Attorney Buraks will be jointly presenting a seminar titled “Strategic Recovery of Delinquent Accounts & Best Practices for Compliance with the Utility Service Tenants Rights Act” at the Pennsylvania Municipal Authorities Association (PMAA) 2019 Annual Conference on Sept. 10<sup>th</sup> at the Kalahari Resort in Pocono Manor, PA.

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

### Note of Appreciation

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

**Thank you, Portnoff Associates for having a website that is so customer friendly. Thank you, also, for not reporting us to the credit bureaus.**

A property owner from  
Coatesville, PA

## Local Event Idea

**Clarion BBQ Festival**  
**Featuring Chainsaw Woodcarving**  
**Clarion Mall, Clarion, PA**  
**May 17-19**



For a smokin’ good time, make sure you attend the 4th annual Clarion BBQ Festival featuring the return of the Chainsaw Woodcarvers. This charitable event supports the Clarion Hospital Cancer Center and the Clarion University Tippin Scholarship Funds. The event features six regional BBQ-ers, sweet treat vendors, a children’s game area, and the Clarion BBQ Market Place for all things BBQ. The Chainsaw Woodcarvers will be demonstrating, selling and auctioning off their work. This event runs from 11:00 a.m. to dusk, and admission to the grounds is free. For more information, go to: <https://www.facebook.com/clarionbbqfest/>.

## Portnoff Law Associates Gives Back to the Community



Jackie Tassone presents Portnoff’s check, along with blankets, sheets, cookware and toiletries donated by Portnoff employees, to the Domestic Abuse Project of Delaware County. Portnoff employees also recently made donations of canned goods and other non-perishable food items to the Life Center of Eastern Delaware County shelter.

## Case Analysis

### Augustin v. City of Philadelphia

decided July 18, 2018, 897 F.3d 142 (3d Cir. 2018)

The City of Philadelphia, along with municipal governments throughout Pennsylvania, dodged a bullet with the reversal of an order invalidating liens for unpaid gas fees incurred by tenants of Philadelphia landlords for lack of due process rights of the property owners. In Augustin v. City of Philadelphia, 897 F.3d 142 (3d Cir. 2018), the City billed tenants directly for gas usage. Prior to filing a municipal lien, it would send a notice to the owner of the property, but given the delay between the billing of the charges and the filing of the lien against the property, there were situations where the tenants had vacated the premises and the landlords were unable to recoup the debt. The District Court ruled that this billing process violated the due process clause of the United States Constitution, and permanently enjoined the City from utilizing this collection process. The Third Circuit, in a precedential ruling, reversed the District Court. It held that the due process clause is triggered when a lien is filed; however, using a three prong balancing analysis, the Court decided that the landlord's due process rights were not violated. Judgment was ultimately entered in favor of the City.

This situation would have been avoided had bills been issued in the name of the property owners. Issuing bills for municipal claims to a tenant leads to confusion about responsibility for payment of the bill and makes collection more difficult for the municipality. Portnoff Law Associates, Ltd. has seen situations where municipalities have been required to charge off fees because it was impossible to identify the property to which the service was rendered. Bills were issued to the tenant, and when the tenant moved, the address was changed to the new mailing address for the tenant.

It is understandable why a municipality would want to accommodate a landlord's request to have a bill for services rendered sent directly to the tenant, especially when the bill is directly related to usage. But there is no legal requirement that a municipality do so. *In rem* claims, including water and sewer bills, trash fees, stormwater fees, levee fees, and street light charges, may be charged to the owner of the property and should always be so charged. The landlord is in a position to address these charges with the tenant as part of the lease. We advise that bills be issued to the landlord, and to the extent that a municipality wants to accommodate the landlord, it can set up its billing system to send a courtesy copy to the tenant.

## Employee Spotlight

### Brad Shipman

Over his eighteen years at Portnoff Law Associates, Business Analyst Brad Shipman has been intricately involved in all aspects of the firm's collection process. Initially starting as a paralegal, Brad worked his way up through the ranks. As a result of his performance and initiative, he was promoted to the position of account manager, where he developed processes for improving workflow and reporting, which enhanced the collections process and service to Portnoff's clients.



Brad's interest in business management led him to obtain an M.B.A., with a focus in strategic management. In response to his skills in process management and business operations, the firm created the role of business analyst to enable him to improve business processes on a firm-wide basis. As part of this transition, Brad also increased his knowledge and skills related to data management, data analysis and the incorporation of data into decision making.

To Brad, the most exciting part of his job is uncovering hidden patterns and identifying meaningful trends in data. He continues to create statistical modeling and analytics in order to provide critical insights to the firm's collection process. Brad also manages special projects, devising and implementing strategies to assist clients with highly complex data issues.

Brad received his undergraduate degree from Davidson College and his M.B.A. from Temple University. Outside of work, Brad can be found reading, playing guitar and chauffeuring his daughter to her many activities.

## Hiring Portnoff

Portnoff Law Associates represents over 140 municipalities, school districts and municipal authorities across 23 Pennsylvania counties. Portnoff's proven collection process can be tailored to meet your specific collection needs, and we are available to meet with you to discuss the benefits of our services. If you are interested in learning more about how Portnoff can help maximize your delinquent collections at minimal cost to your municipality, please contact us at (800) 561-7989 or sanderson@portnoffonline.com.

**PRACTICE TIP: Always send bills for municipal charges to the property owner.**





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**CONTACT PORTNOFF LAW ASSOCIATES TODAY TO REFRESH THE WAY YOUR CONSTITUENTS RESPOND TO YOUR EFFORTS TO COLLECT DELINQUENT MUNICIPAL FEES AND REAL ESTATE TAXES!**

With 30 years of municipal collection experience, Portnoff Law Associates represents over 140 municipalities, school districts and municipal authorities across Pennsylvania in the collection of delinquent:

- Real Estate Taxes
- Abatement of Nuisance Fees
- Water Bills and Tapping Fees
- Trash Fees
- Sewer Fees
- Stormwater Fees



Michelle Portnoff, President  
Portnoff Law Associates

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