

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

September 26, 2018

VIA INTER-OFFICE MAIL AND EMAIL

Max Slater, Esquire
Administrative Hearing Officer
Allegheny Co. Health Dept.
542 Fourth Avenue
Pittsburgh, PA 15219

RE: 2650 S. 18th Street Appeal (SR#: HCE-20170711-3642).

Dear Hearing Officer Slater:

On October 30, 2017, the Allegheny County Health Department (“ACHD”) assessed a civil penalty against Zhitong Zhang for continuing violations of ACHD Rules and Regulations Article VI, Housing and Community Environment, observed at 2650 S. 18th Street, Pittsburgh, PA 15210 (“Property”). The ACHD determined that lead hazards were present at the Property and ordered the owner to correct the violations. Failure to correct the violations in a timely manner led to the issuance of the civil penalty. On November 6, 2017, Three Rivers Property Management, LLC filed an appeal of the civil penalty against Mr. Zhang and stated that a considerable amount of work had been done at the Property and that they will be able to address the remaining violations when the tenants vacate.

The Department hereby files a motion to dismiss the November 6th appeal because the penalty was assessed against Mr. Zhang, not the property management company. Pursuant to ACHD Rules and Regulations Article XI, Hearings and Appeals, (“Article XI”) § 1103, “[a]ny person aggrieved by an action of the Department and who has a direct interest in such action may file a Notice of Appeal.” Since the ACHD did not issue the civil penalty against the property management company, it was not aggrieved by the action, it has no direct interest in the action, and therefore, it has no grounds for appeal. Article XI §§ 1103 & 1104.B. Article XI § 1104.G does permit individuals to be represented by a representative as long as the representative provides written verification of personal knowledge of the subject matter of the litigation and written authorization from the aggrieved individual to appear as the individual’s representative. In this case, the property management company did not explicitly state that it has personal knowledge of the events in this matter and importantly, failed to provide written authorization from Mr. Zhang stating that it may represent his interests in this matter. Moreover, the property management company no longer manages the Property.



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE • PITTSBURGH, PA 15219
PHONE (412) 687-ACHD (2243) • FAX (412) 578-8325 • WWW.ACHD.NET

Letter to Max Slater, Esquire
Re: 2650 S. 18th Street Appeal
September 26, 2018
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Thus, the ACHD moves for the November 6th appeal to be dismissed because it was not filed by the aggrieved party and written proof of representation as required by Article XI was not provided. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

A handwritten signature in black ink, appearing to read "Vijyalakshmi Patel". The signature is written in a cursive, flowing style.

Vijyalakshmi Patel
ACHD Assistant Solicitor

Enclosures

cc: David Namey, ACHD Housing and Community Environment Program Manager (via email)
Diane Wheeler, Three Rivers Property Management, LLC (via email)
Zhitong Zhang, Owner of Property (via email)



THREE RIVERS
PROPERTY MANAGEMENT, LLC

6 Market Square
Pittsburgh, PA 15222
412-531-1500 (Phone) 412-471-3175 (Fax)
www.3RiversProperty.com

November 6, 2017

To Whom it May Concern:

This serves as our appeal to letter dated 10/30/17 (attached) as it pertains to 2650 S 18th Street Pittsburgh 15210.

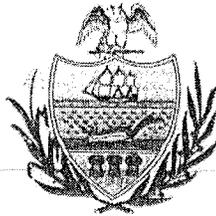
There has been a considerable amount of work done at the Property since the initial inspection; a few minor items did not pass upon re-inspection.

The tenant and her 4 children are in the process of moving out. It will be much easier to complete any final cleaning and paint touch up once the Property is vacant. We ask that you please allow the time for tenant to move, and then last remaining items will immediately be addressed.

Thank you

Diane Wheeler
Three Rivers Property Management
diane@3riversproperty.com

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Zhitong Zhang
460 Roelofs Road
Morrisville, PA 19067 - 4513

October 30, 2017

RE : Service Request # **HCE-20170711-3642**

Property Address : 2650 S EIGHTEENTH STREET I
Pittsburgh, PA 15210

Census Tract: --

Pursuant to our letter dated 08/31/2017 this shall serve as notice that a civil penalty in the amount of \$2500.00 was levied against you by virtue of the authority vested in the Director of the Allegheny County Health Department conferred by the Law of the Commonwealth of Pennsylvania. Furthermore, this civil penalty levy shall continue to a daily basis in the amount of \$250.00 until the condition(s) cited in the letter dated 08/31/2017 is(are) abated. Said penalty shall be paid in the form of a cashier's check, certified check, or money order made payable to the "Environmental Health Fund."

This sum is to be paid immediately to:
Allegheny County Health Department
c/o David Namey, HCE Program Manager
3190 Sassafras Way
Pittsburgh, Pennsylvania 15201

This penalty has been levied as a RESULT OF YOUR FAILURE TO TAKE ACTION specified in the letter dated 08/31/2017.

Pursuant to Article XI entitled "Hearings and Appeals", you are hereby notified that you have ten (10) days in which to file an appeal from the date of this notice. The appeal shall be made in writing and must set forth with particularity, all issues to be raised. The notice of appeal shall be filed in the Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within ten (10) days from the date of this order, the within action shall become final.

Sincerely,

Brian Kelly
Environmental Health Administrator I
Housing & Community Environment Program
BPK:sb

cc: Michael Parker, Esquire
Jim Kelly, Deputy Director, Environmental Health
Ronald Sugar, Deputy Director, Administration
Three Rivers Management



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
HOUSING & COMMUNITY ENVIRONMENT PROGRAM
3190 SASSAFRAS WAY (NEAR 32ND ST. AT LIBERTY AVE.)
PITTSBURGH, PA 15201-1443
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