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September 6, 2016

VIA U.S. FIRST CLASS MAIL

Karen A. Hacker, MD, MPH, Director
Allegheny County Health Department
Housing & Community Environment Program
3190 Sassafras Way (Near 32nd Street at Liberty Ave.)
Pittsburgh, PA 15201-1443

**Re: NOTICE OF APPEAL – SR # HCE-20160829-4153
Bakery Living 2.0 – Swimming Pool
6480 Living Place, Pittsburgh, PA 15206**

Dear Dr. Hacker:

Pursuant to Article XI of the Allegheny County Health Department (“Department”) Rules and Regulations, Walnut Capital Properties appeals the Department’s August 29, 2016 determination with respect to the swimming pool located in its Bakery Living 2.0 condominium development at 6480 Living Place. A copy of the determination is attached. The determination references Section 912.A of the regulations and states that no certified lifeguards were on duty at waterside.

The management, operation, maintenance and use of the pool is consistent with the requirements for condominium pools, as described in Sections 903 and 912.E of the Department’s Regulations and thus, pursuant to Section 912.E, the pool is exempt from the lifeguard requirements of Section 912.



Karen A. Hacker, MD, MPH, Director
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For this and other appropriate reasons, Walnut Capital Properties appeals the Department's determination and requests a hearing to address the material issues of fact and law.

Sincerely,

COHEN & GRIGSBY, P.C.

By: 
Alice B. Mitinger
On behalf of Walnut Capital Properties

ABM/tmb
Enclosure

cc: Todd E. Reidbord
Gregg Perelman
William R. Taxay, Esquire

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Allegheny County Health Department
INSPECTION REPORT

COMPLAINT

SR#: HCE-20160829-4153

Owner Violations

Property Address : **6480 Living Place , Pittsburgh 15206**

Inspection # 1

Census Tract :

Property Type : (N/A 0 Units)

Inspector : Colleen Murphy

Inspection Date : August 26, 2016

Time : 02:30

Contacts:

Mr. BRIAN HICKS Property Manager
BAKERY LIVING 2.0 POOL
6480 Living Place
Pittsburgh , Pa 15206

Listed below are the violations that require corrective action :

Section 912 A (001 O)

Class: Critical

Location :

Violation Status : **First**

Violation : No certified lifeguard(s) on duty at waterside.

Remedy : Cease operation and provide certified lifeguard(s).

Comments: Operator closed the pool "under protest". He said that they were unable to find any lifeguards for hire. He said that he would try to find lifeguards to work for the next few weekends.

----- END OF REPORT -----

All Violations Verified by the Inspector :

