

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

May 23, 2018

**VIA INTER-OFFICE MAIL AND EMAIL**

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

**RE: Lillen's Restaurant Appeal (Client # 57868).**

Dear Mr. Slater:

On December 5, 2017, the Allegheny County Health Department ("ACHD") issued an inspection report which documented alleged violations of ACHD Rules and Regulations Article III, Food Safety ("Article III"), committed at Lillen's Restaurant, 535 E. Ohio Street, Pittsburgh, PA 15212 ("Lillen's Restaurant"). The ACHD observed violations including foods not labeled with a discard date, no certified manager, and customer seats available but no customer restrooms provided. On December 13, 2017, Mohammad Munir appealed and requested a hearing for the violation of not having a public restroom and requested a variance to provide seats without having to install public restrooms.

On May 18, 2018, the ACHD granted Mr. Munir's variance request and determined that Lillen's Restaurant was grandfathered in, pursuant to Article III § 316.1(C), and thus, it is allowed to provide customer seating without installing public restrooms. Therefore, Mr. Munir's appeal is moot and must be dismissed. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

Vijyalakshmi Patel  
ACHD Assistant Solicitor

Enclosure

cc: Michael Parker, Esq., ACHD Solicitor (via email)  
Donna Scharding, Food Safety Program Manager (via email)  
Mohammad Munir, Appellant (via first class mail)



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



# Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name MOHAMMAD MUNIL LILLENS PIZZA

Mailing Address 535 E. OHIO ST

City PITTSBURGH State PA Zip 15212 Email \_\_\_\_\_

Phone 412 944 5823 Fax (optional) \_\_\_\_\_  
412 478 5425

If you are represented by an attorney, please provide contact information for your attorney:

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Phone \_\_\_\_\_ Fax (optional) \_\_\_\_\_

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. *(The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)*

SEE ATTACHED

**By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.**

Signature \_\_\_\_\_ Date \_\_\_\_\_

Appeals should be submitted in person or by mail to:  
**Allegheny County Health Department**  
**Attention: Hearing Officer**  
**542 4th Avenue**  
**Pittsburgh, PA 15219**

Received 12/13/17

12-12-17

To the Allegheny County Health Department:

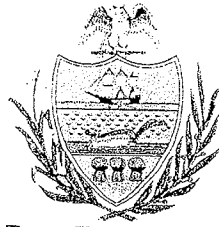
I am requesting a hearing for the violation of not having a public restroom on a recent inspection.

We would like to apply for a variance. We have been in business here for over 30 years.

In order for customers to use the employee restroom, they would have to walk thru the kitchen which is not allowed. There really is not any where to put a public restroom as this is a small facility and would place a hardship on the business.

Sincerely  
M. Min

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

May 18, 2018

Mohammad Munir  
c/o Lillen's Restaurant  
535 E. Ohio Street  
Pittsburgh, PA 15212

RE: Article III – 1976 Grandfather Clause  
Lillen's Restaurant  
535 E. Ohio Street  
- Ward 23

Dear Mohammad Munir:

This is to confirm this Department's receipt of evidence that the current food facility, Client #57868, known as Lillen's Restaurant, has been in existence in its current or similar capacity, without changes in structure, equipment or nature of business, since prior to October 04, 1976.

Such facilities already in existence prior to the aforementioned date are exempt from public toilet room requirements stated in Section 316.1C of the Allegheny County Health Department's "Article III," rules and regulations governing "Food Safety."

Be advised, should this facility undergo remodeling, construction, expansion or change in nature of business, it will no longer be exempt from toilet room requirements.

**PLEASE RETAIN THIS DOCUMENT AS PERMANENT RECORD. THIS DOCUMENT MUST BE MADE AVAILABLE TO A REPRESENTATIVE OF THIS DEPARTMENT AT ANY TIME UPON REQUEST.**

Thank you for your assistance in resolving this matter. Please feel free to contact me if you have further questions.

Respectfully,

Donna L. Scharding  
Program Manager  
Food Safety Program



KAREN HACKER, MD, MPH, DIRECTOR  
ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

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