

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

June 18, 2018

VIA INTER-OFFICE MAIL AND EMAIL

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

**RE: 104 Wilmar Drive Appeal (Service Request # HCE-20171129-5085).**

Dear Hearing Officer Slater:

On April 30, 2018, the Allegheny County Health Department (“ACHD”) assessed a civil penalty for continuing violations of ACHD Rules and Regulations Article VI, Housing and Community Environment, observed at 104 Wilmar Drive, Fox Chapel, PA 15238 (“Property”). Repeated violations cited by the ACHD included junked motor vehicle on premises, excessive plant growth higher than 10 inches, and trash, debris and pots by the front door which are ideal habitats for rodents and mosquitoes. On June 12, 2018, the Property owner’s son filed an appeal and listed methods he has employed to address each violation and claimed that he did not receive notices of violations sent by the ACHD prior to April 30<sup>th</sup>.

ACHD Rules and Regulations Article XI, Hearings and Appeals (“Article XI”), § 1104(A) states that a notice of appeal must be filed no later than the thirtieth day after written notice or issuance of the action. Moreover, all actions of the ACHD become final if no appeal has been perfected under Article XI § 1104. Article XI § 1104(D). In this case, the appeal period for the April 30<sup>th</sup> letter ended on May 30, 2018. All letters issued by the ACHD were mailed to the Property owner’s publicly listed mailing address. Moreover, the ACHD attempted to contact the Property owner via telephone on five separate occasions prior to April 30<sup>th</sup>. Additionally, the Property owner’s daughter-in-law, Janice Cha, contacted the ACHD on May 15, 2018. Ms. Cha spoke with an ACHD representative on May 17, 2018 and confirmed receipt of the April 30<sup>th</sup> letter. Ms. Cha and the ACHD representative discussed the conditions at the Property and at this time, Ms. Cha was reminded of the owner’s right to appeal. In this case, the appeal was filed twenty-six days after the May 17<sup>th</sup> phone conversation and thirteen days after the appeal period ended. Therefore, the ACHD requests that the appeal be dismissed because this tribunal does not have the jurisdiction to adjudicate it. If you have any questions, I can be reached at 412-578-2653.



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  
Re: 104 Wilmar Drive Appeal  
June 18, 2018  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read "Vijyalakshmi Patel". The signature is fluid and cursive, with the first name being the most prominent.

Vijyalakshmi Patel  
ACHD Assistant Solicitor

Enclosures

cc: Michael A. Parker, ACHD Solicitor (via email)  
David Namey, ACHD Housing Program Manager (via email)  
Teng Mei Wu, Appellant (via first class mail and email)

Office of the Director  
542 4<sup>th</sup> Avenue  
Pittsburgh, PA 15219  
RE: SR# HCE-20171129-5085

RECEIVED

JUN 12 2018

DIRECTOR'S  
OFFICE

May 25, 2018

Dear Office of the Director,

I am writing on behalf of my mother, Dr. Teng Mei Wu, pursuant to a power of attorney. Dr. Wu came to stay with me in California in late July 2017, shortly after my brother George (her eldest son) passed away unexpectedly. She has been staying with me since then, except for a few days. We ~~received~~ had her mail forwarded, except for a few gaps when the forwarding lapsed. We did not receive any notice from Allegheny County about the violations due to the conditions at the house dated 2/28/2018, we received the notice on April 30, 2018 and immediately contacted the offices of Lori Horowitz Housing & Community Environment Program. We also took immediate action on the issues raised. We hereby appeal any fines or late fees resulting from any such notice or violations. Moreover, we are working on the conditions at her house, e.g. hired a landscaper, removed debris, and registered her car and ordered a new title to donate / dispose of the grandam.

1. Section 650 D 002 - water-holding containers  
action completed - removed containers
2. Section 657,006 - improper storage building material  
action completed - removed material
3. Section 657 005 - junked motor vehicles on premises  
action completed - registered Honda accord  
- ordered new title to have  
Grand Am donated; once  
title is received, we will  
schedule pickup
4. Section 651 E001 - excessive plant growth, weeds,  
vegetation  
action completed - hired a landscaper & have  
scheduled weekly service on  
the property
5. 657 003 - debris & trash  
action completed - landscaper has cleaned up  
trash & Fox Chapel Borough has  
picked up trash

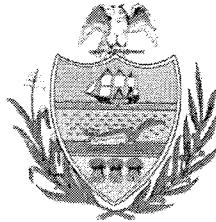
If there are any other issues or issues arise,  
please contact me.

Thank you,

Andrew Wu, 650-823-5838/  
650-417-3224

andrewjwu@yahoo.com

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

Mr/Mrs. Teng Meihu Wu  
104 Wilmar Drive  
Pittsburgh PA 15238

April 30, 2018

RE: SR# HCE-20171129-5085

Property 104 WILMAR DRIVE  
Address: Fox Chapel, PA 15238  
Census Tract: 54220

Dear Mr/Mrs. Wu:

Pursuant to our letter dated 02/28/2018 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 02/28/2018 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 within 30 days of the date of this letter 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 02/28/2018.

Pursuant to Article XI entitled "Hearings and Appeals", you are hereby notified that you have thirty (30) 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 thirty (30) days from the date of this order, the within action shall become final.

Sincerely,

Lori Horowitz  
Operations Manager  
Housing & Community Environment Program  
LH/mef  
enclosure

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



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

PHONE: 412.350.4046 • FAX: 412.350.2792 • WWW.ACHD.NET

# Allegheny County Health Department

## Inspection Report - Community Environment

SR#: HCE-20171129-5085

Owner Violations

Property Address : **104 Wilmar Drive , Fox Chapel 15238**

Inspection # 3      Census Tract : 54220      Property Type : (Single-Family      Units )

Inspector : Jessica Tain      Inspection Date : April 4, 2018      Time : 14:50

**Contacts:**

Mr/Mrs. TENG MEIHU WU      Owner  
104 Wilmar Drive  
Pittsburgh , PA 15238

*Listed below are the Article 6 violations that require corrective action :*

**Ground Level**

**Premises**

Section 657    005 (O)(S)

Class U

Location :    Side

Violation Status : **Remains**

Violation :    Junked motor vehicle(s) on premises.

Remedy :      Remove or properly store according to local ordinances.

**Ground Level**

**Premises**

Section 651 E 001 (O)(S)

Class U

Location :    Front

Violation Status : **Remains**

Violation :    Excessive plant growth, weeds, or vegetation higher than 10 inches causing a nuisance.

Remedy :      The owner of a multiple family/2-family dwelling OR the occupant of a single family dwelling OR the owner of a vacant premises must maintain the premises free of excessive plant growth at all times.

**Ground Level**

**Premises**

Section 657    003 (O)(D)

Class U

Location :    Front

Violation Status : **Remains**

Violation :    Occupant or Owner/ Occupant not maintaining exterior premises free of debris and trash.

Remedy :      Clean and maintain exterior premises.

Comments : TRASH AND DEBRIS BY FRONT DOOR.

Property Address : **104 Wilmar Drive , Fox Chapel 15238**

Inspection # 3      Census Tract : 54220      Property Type : (Single-Family      Units )

Inspector : Jessica Tain      Inspection Date : April 4, 2018      Time : 14:50

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**Ground Level**

**Premises**

Section 650 D 002 (O)(D)

Class U

Location : Front

Violation Status : **Remains**

Violation : Water-holding container(s) providing breeding area for mosquitoes or other pest vectors.

Remedy : Remove container(s) to eliminate breeding site.

Comments : POTS AT FRONT DOOR.

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**Ground Level**

**Premises**

Section 657 006 (O)(S)

Class U

Location : Front

Violation Status : **Remains**

Violation : Improper storage of building materials or cordwood.

Remedy : Remove or properly store.

Comments : ALL BUILDING MATERIALS MUST BE ELEVATED SIX INCHES ABOVE GROUND AND STACKED NEATLY OR REMOVED FROM YARD.

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

All Violations Verified by the Inspector : \_\_\_\_\_