

June 27, 2018

Max Slater

Administrative Hearing Officer

Allegheny County Health Department

542 Fourth Avenue

Pittsburgh, PA 15219

RE: SR#HCE-20171129-5085

Dear Mr. Slater:

I am writing again on behalf of my mother, Dr. Teng Mei Wu, in response to the request to dismiss filed by Vijjalakshmi Patel on June 18, 2018. In that motion, the County asked to dismiss Dr. Wu's appeal of fines that were levied on her house at 104 Wilmar Drive, Pittsburgh, PA 15238.

Dr. Wu is an 84-year old widow who has had a difficult year. She has lived by herself since her husband passed away in 1998. She lived at 104 Wilmar Drive until her oldest son, George, died in an accident last July. At that time, she moved to California to stay with her youngest son (me). She returned briefly last December, but has otherwise been staying with me in California.

In mid-May, we received a letter from the County identifying various complaints with the condition of Dr. Wu's property at 104 Wilmar Drive. The letter levied \$2500 in fines, as well as a daily fine of \$250 for violations such as "excessive plant growth ... higher than 10 inches," "water holding containers" outside the building, and "improper storage of building materials." We addressed the issues raised in the letter and appealed the fines. Ms. Patel's letter shows that the appeal was received in the Director's Office on June 12, although we filed the appeal by mail prior to Friday, June 8. The County now contends that Dr. Wu has no right to appeal because we did not file the appeal prior to May 30, approximately two weeks after we received first notice of the County's complaint.

The County's motion should be dismissed because the period to appeal did not properly begin on April 30. The County asserts that the 30-day period to appeal began on April 30 because the County issued a letter dated April 30 that levied a penalty on Dr. Wu. That letter, however, expressly states that "this penalty has been levied as a RESULT OF YOUR FAILURE TO TAKE ACTION specified in the letter dated 2/28/2018." Since we received no such letter dated 2/28/2018, the "penalty" was incorrectly levied. There could not have been a "failure to take action" prior to Dr. Wu's receipt on the April 30 letter, since that letter was the first notice Dr. Wu received of the County's complaint. Since the April 30 letter was the first notice of the County's complaint, the period to appeal should not have started until at least a second notice.

Even under the terms of the April 30 letter, we did file the appeal promptly and within the period to appeal. Although I have not been able to locate a full copy of Article XI, my understanding is that it

allows an appeal to be filed within thirty days of "receipt of written notice."¹ According to the postmark, the County's "April 30" letter was not mailed by the County until May. It was then forwarded by the Post Office from Pittsburgh to Redwood City, California. We received it in mid-May, and promptly called your office on May 17. The appeal was filed prior to June 8, twenty-two days after May 17, and well within the period specified by Article XI.

More substantively, we see no reason for continued action by the County. As we outlined in the appeal, the issues raised by the County have been addressed. Specifically:

- The containers holding water have been removed.
- The plant growth and vegetation has been trimmed. A landscaper has been retained to prevent excessive growth in the future.
- Debris and trash have been removed from the exterior premises.
- Building materials outside the building have been removed.
- The Honda in the driveway has been registered and DMV fees have been paid. We have obtained a copy of the title to the Pontiac in the driveway, which we will need to have it donated to charity. We expect to have the Honda inspected and the Pontiac donated on the next visit to the property in July.

We believe this addresses every issue that was raised in the "April 30" letter. We plan to maintain the property in reasonable condition going forward, and we see no reason for the matter to occupy the County's time and resources.

If you have any questions, or would like to discuss any of these issues, please feel free to contact me.

Regards,



Andrew J. Wu

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¹ <https://gasp-pgh.org/wp-content/uploads/170605-GASP-comments-Article-XI-proposed-revisions-1.pdf>