

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

October 10, 2018

VIA INTER-OFFICE MAIL AND EMAIL

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

RE: 1408 Oranewood Avenue Appeal (Service Request # HCE-20180705-5823).

Dear Mr. Slater:

On August 24, 2018, the Allegheny County Health Department (“ACHD”) informed Anthony Tedesco that violations of ACHD Rules and Regulations Article VI, Housing and Community Environment, existed at 1408 Oranewood Avenue, Pittsburgh, PA 15216 (“Property”). The ACHD observed excessive plant growth and garbage containers without lids on the Property. However, the violations did not represent a serious health hazard and therefore, the ACHD did not order Mr. Tedesco to correct these violations. Instead, the ACHD notified him that it plans no further action at this time and merely *requested* that Mr. Tedesco address these violations. On September 24, 2018, Mr. Tedesco filed an appeal and claimed that the garbage containers belonged to his neighbors and disputed the ACHD’s findings that the grass and vegetation at the Property were higher than 10 inches. Mr. Tedesco also demanded that the violations observed by the ACHD at the Property be expunged.

The ACHD moves to dismiss Mr. Tedesco’s appeal for the following reasons. First, the ACHD Rules and Regulations Article XI, Hearings and Appeals, § 1103 states that “[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.” In this case, the ACHD did not take any action against Mr. Tedesco beyond notifying him that Article VI violations exist on his property. An order was not issued against Mr. Tedesco and warnings of further action were not included. In fact, the August 24th letter specifically states that the “Department plans no further action at this time.” Moreover, Mr. Tedesco was not aggrieved by the August 24th letter because he was not obligated to comply with the contents of that letter. Therefore, in the absence of any action by the ACHD that places a duty upon Mr. Tedesco to comply, Mr. Tedesco did not have a right to appeal the August 24th letter.



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, Esq.
Re: 1408 Oranewood Ave. Appeal
October 10, 2018
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If this tribunal finds that the August 24th letter rises to an appealable action, the ACHD moves to dismiss Mr. Tedesco's appeal for the fact that the case is moot. Upon re-inspection of the Property on September 24, 2018, the ACHD observed that all previously cited violations had been corrected. Therefore, there is no controversy for a hearing. For these reasons, the ACHD requests that the appeal be dismissed. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

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

Vijjalakshmi Patel
ACHD Assistant Solicitor

Enclosure

cc: David Namey, ACHD Housing and Community Environment Program Manager (via email)
Anthony Tedesco, Appellant (via first-class mail)

09/02/2018

Allegheny County Health Department:

I, Anthony Tedesco, am hereby responding to the report (SR#: HCE-20180705-5823, dated: 08/24/2018, a copy of which has been enclosed with this letter) that has charged me with 2 separate Health Department violations regarding our house/property at 1408 Oranewood Ave, Pittsburgh PA 15216. I am very upset with: the false statements made on that report; the lack of due process (a right which should be afforded to me as a citizen); and the charges ultimately levied on me /attached to my government record.

You've accused AND charged me with leaving garbage containers (which, by the way, would've had to have be somebody else's EMPTY garbage containers, since it was the City of Pittsburgh's scheduled garbage day earlier that day: Wednesday August 22nd 2018) outside with no lids on them, and have assessed me –without any due process- an Allegheny County Health Department violation under “Section 653” of some sort of code. First of all, those weren't even my empty garbage containers that you are citing me for... they are a neighbor's garbage cans (probably belonging to 1410 Oranewood Ave, but, maybe 1406 Oranewood Ave or some other neighbor's). I own one single garbage container, and it was inside my garage on that day (08/22/2018) as I was out of the country from August 13th – August 27th 2018. So, if you wanted to cite anybody a Health Department violation for what would've been the City of Pittsburgh garbage men throwing empty garbage containers that belong to my neighbors allegedly onto “my” sidewalk (and they would've probably thrown the garbage cans & lids all over the sidewalks -like they always do- only a few minutes or hours before you showed up), you could/should cite my neighbors... NOT ME.

I have proof that me and my entire family (who reside at 1408 Oranewood Ave) were out of the U.S.A. during that time/day that you did your inspection (on August 22nd 2018). Actually, if you would've researched the matter even just a little bit you would (and still could) learn that those empty garbage cans belong to the neighbors and not me; instead, you recklessly cited me with an Allegheny County Health Department violation, and did so without due process and -apparently- without any sort of actual investigation. I even made sure to cut my grass and vegetation very short in my front and backyards the day before I left the country, so there is no way the grass and other vegetation would've been able to reach a height of 10+ inches in that short of time. In fact, the grass & vegetation still wasn't 10+ inches high when I looked at it when I got back into the U.S., and that was several days after your observations from August 22nd.

The more I think about this, the more I realized how shameful these actions carried out under the banner of the Allegheny County Health Department truly are. I immediately want the violations charged to me by the n Allegheny County Health Department removed /completely expunged, and I feel that I am due an apology.... that's at the very least. I am so disturbed by the charges and the way that they were brought about that I am seriously on the cusp of pursuing further channels for satisfaction & justice. It is disturbing to me that freedoms & property rights that still are mine (despite any position your office may have/take) as a U.S. citizen have been disregarded and disrespected to the extent that they have been. I am willing to view this matter as simply resulting from errors &/or overzealous acts by your agent and would be willing to forgive this incident, but I want these matters & violations purged from your system and I want an apology.

Actually, I just now looked out my back window at my backyard and my neighbor's yard and I noticed that their backyard does have overgrowth of vegetation that appears to probably exceed 10+ inches in height. Perhaps your agent is really reporting on the condition of 1410 Oranewood Ave instead of my

property. This would all make a lot of sense now (e.g., maybe your agent did not ignore my Private Property / No Trespassing signs, open my gates/doors and making way onto my private property without any warrant or prior notice or invitation, and was actually in /reporting on the neighbors' yard instead), because they surely would've had garbage cans without lids on them laid out on the sidewalk from that day's garbage pick-up; and they usually have a backyard with overgrowth of vegetation like how you've described in your violations/citation letter sent to me.

Furthermore, this would be the second time that government agents confused my property with the property/premises located at neighboring 1410 Orangewood Ave. You see, maybe about 5 years ago, there was someone from the City of Pittsburgh going through everybody's garbage to make sure they were recycling. Unlike several other of my neighbors (such as the residents next door to me at 1410 Orangewood Ave) I am somebody who ALWAYS recycles. However, about 5 years back the City of Pittsburgh agent warned me (at 1408 Orangewood Ave) that my garbage bags had recyclables inside, that I didn't have any recycling trash bags put out like I should/must, and gave ME (and not my neighbor, who rarely recycles) a warning. Well, I immediately called that City of Pittsburgh agent/office and told them that they were accusing/warning the WRONG PERSON/PROPERTY OWNER. I told them that I did (and do) recycle and that was my neighbor's trash contents that didn't have the recyclables separated. The City of Pittsburgh's agent replied back: "ok, sorry about that". So, you probably meant to charge the property owner of 1410 Orangewood Ave with violations of Sections 651 & 653.

Please remember, that when you /the Allegheny County Health Department sent me a letter a little over a month ago, you warned me about overgrowth of vegetation and a mulberry tree in my FRONT yard that all needed trimmed. I quickly & significantly trimmed down the tree and other vegetation in my front yard, just like you asked me to do. So, for all these reasons I've described, your office is probably referring to 1410 Orangewood Ave. As it would be obvious to any reasonable person that there truly was no actual compelling health threat from/on my property to begin with, I find it a violation of my privacy, dignity, and property rights for a government agent to make entry onto an area of my property that is fenced and walled off from entry, (an area of my property that has a sign clearly stating it is private property and there is to be No Trespassing), under a false pretense, and without even at least asking me for permission first, and without a warrant or even with a notification that my backyard area would be entered (an area which requires the opening a gate or door, and probably some climbing, in order to enter). The notification/letter I received from your office was concerning some perceived overgrowth of a tree/vegetation in my front yard that implied a far-fetched conclusion that a single mulberry tree located in my front yard was the primary reason for all of the temporary rat infestation that occurred on Orangewood Avenue in the Beechview section of Pittsburgh.

Also, I would like to add that reason that one of my other neighbor's (the neighbor residing at 1406 Orangewood Ave) originally called the Allegheny County Health Department, which prompted this "investigation", was because he felt that at that particular time there were a few too many rats running about and that this was primarily due to the one single mulberry tree I have (and which I've promptly trimmed significantly) in my front yard. This is a fallacy. The reality is that the rats made their way up to the higher/high-ground (where we all live on Orangewood Ave) because they got flooded out of the sewers and lower-level sections where they were living due to excessive /severe rain that we had back just days before that time he complained. My other neighbor who resided on Orangewood for over 40 years says that was the worst downpour / flash flooding he'd ever seen here. There are thousands of mulberry trees in Beechview (they've always been here), it wasn't my one single mulberry tree in my front yard that brought dozens of rats to run about the street... the rats simply had to run to higher ground because they got flooded out their old /lower-level homes. It also doesn't help (rodent control wise) that our part of Orangewood Ave no longer appears to have really any stray or outdoor cats

roaming about whatsoever. A few years ago, I would sometimes hear a Great Horned owl (which would help control rodent populations), but I have not heard the hoot of an owl for a few years now. We do have a few red-tail hawks around; but, even their numbers have dwindled over the years.

Anyway, it appears the rat poison that several of the neighbors and the government laid out across the neighborhood took care of the rat infestation problem, because nobody sees the rats running across streets multiple times a day like we previously did for a period that lasted about 5 or 6 days. I repeat, neither I (nor any/ all of the neighbors on our street) have reported even seeing a single rat for the past several weeks (i.e., obviously there is no such "compelling public health threat /concern" at this time). But, go ahead and feel free to change your citation & charges/violations that you've hastily and wrongly assessed to me, Anthony Tedesco of 1408 Oranewood Ave, and assess/charge them to the owner of 1410 Oranewood Ave because, (although in mind opinion, it would still be petty, excessive, and only partial accurate for you to do so), at least the charges/violations would maybe/possibly be applicable to 1410 Oranewood Ave.

I mean come on, seriously: If (at around 11am on a garbage day) the City of Pittsburgh refuse worker picks up a plastic garbage bin, empties out all the trash into the city refuse truck, and then throws the garbage can onto one property's sidewalk and recklessly throws the lid to that garbage can onto another /neighboring property owner's sidewalk, the garbage bin and lid then lay there on the sidewalk and at that point in the day the property owner's are still at work (usually they'd get home from work around 6pm - 6:45pm), but some agent of Allegheny County shows up at a property at about 1:30pm on that day and sees an empty garbage bin & lid that was thrown onto the sidewalk by the City of Pittsburgh garbage man just 2 or 3 hours ago... would it really be keeping with the letter or spirit of your cited law or ordinance to charge anybody with a violation of Allegheny County Health Department rules/laws?

If anyone should/could be held responsible for something illegal at that point, it would seem that the City of Pittsburgh garbage man would be the entity to blame/charge. How else would my neighbor otherwise have been able to avoid the allegedly "hazardous situation" where a City of Pittsburgh refuse worker throws the empty garbage bin and lid separately down on the sidewalks, where they will sit/stay until the property owner returns home (most people work during the day) to put the empty garbage bin and lid away. This whole thing is ridiculous, and this letter has now taken up over 2 productive hours of my life that I will never get back; specifically, I was going to take my 1 year daughter and 3 year old son for a walk and to the park just now, but instead, I had to compose this letter as I was already simultaneously accused and charged by the county of Allegheny for violations and I was forced to take the time to defend myself. I wanted you to know (you really should know) what negative results of your actions have on people and on me (a person, a citizen, a taxpayer, a father, a husband, a son), and not be completely shielded from it all. I hope you don't waste anymore of the government's time and money, nor anymore of mine either. Otherwise, I promise my next calls/contacts are to State Rep. Dan Deasy (PO Box 202027, Harrisburg PA 17120-2027 and 436 S Main St, Pittsburgh PA 15220 phone# 412-928-9514); Councilman Anthony Coghill; State Senator Wayne Fontana (932 Brookline Blvd, Pittsburgh PA 15226 and phone# 412-303-3753); U.S. House Rep. Doyle; and I will also make further complaints to/within the County of Allegheny directly as well.

I expect to be treated with some respect on my own property, and you've disregarded my rights and freedoms as a citizen; especially, with these false charges... it's not right and it's not constitutional. Please just drop all charges and apologize.

With the Utmost Sincerity:



-Anthony Tedesco phone# 412-303-3753
1408 Oranewood Ave, Pittsburgh PA 15216

COPY

COPY

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

August 24, 2018

Mr. Anthony Madin Tedesco
1408 Orangewood Avenue,
Pittsburgh PA 15216

RE: SR# HCE-20180705-5823

Property 1408 ORANGEWOOD AVENUE

Address: Pittsburgh, PA 15216

Census Tract: 31916

Dear Mr. Tedesco:

You are hereby notified as owner/agent that the dwelling listed above was inspected on 08/22/2018 by Jessica Tain and found to be in violation of Article VI, "Houses and Community Environment," of the Allegheny County Health Department Rules and Regulations.

The sections of Article VI that are in violation are listed on the attached inspection report.

These violations do not represent a serious health hazard but may contribute to substandard housing. Your immediate attention to bring the subject property into compliance with Article VI is appreciated. This Department plans no further action at this time.

If you require further information, please feel free to contact this office at (412)350-4046.

Sincerely,

Jessica Tain
Environmental Health Specialist II

JT:Pp
Attachment



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

PHONE 412.350.4046 • FAX 412.350.2792 • WWW.ACHD.NET



Reliant
Public Health
Department

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Allegheny County Health Department

Inspection Report - Community Environment

SR#: HCE-20180705-5823

Owner Violations

Property Address: **1408 Oranewood Avenue, Pittsburgh 15216**

Inspection # : 1 Census Tract : 31916 Property Type : (Single-Family Units)

Inspector : Jessica Tain Inspection Date : August 22, 2018 Time : 13:50

Contacts:

Mr. ANTHONY MARTIN TEDESCO Owner
1408 Oranewood Avenue
Pittsburgh, PA 15218

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

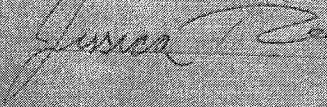
Ground Level	Premises	
Section 651 E 001 (O)(S)	Class U	
Location : Rear		Violation Status : First
Violation :	Excessive plant growth, weeds, or vegetation higher than 10 inches causing a nuisance.	
Remedy :	The owner of a multiple family/2-family dwelling OR the occupant of a single family dwelling OR the owner of a vacant premises must maintain the premises free of excessive plant growth at all times.	
Comments :	GRASS IN REAR YARD.	

Ground Level	Premises	
Section 653 004 (O)(S)	Class U	
Location : Floor		Violation Status : First
Violation :	Owner/operator-supplied garbage containers have no lids or damaged lids or lids not securely closed.	
Remedy :	Provide and use securely closing lids for all garbage containers at all times.	
Comments :	CANS IN FRONT OF HOUSE.	

Comments. GRASS IN REAR YARD IS NOT SEVERE AND DOES NOT APPEAR TO BE CONTRIBUTING TO RODENT INFESTATION. NO SIGNS OF RODENTS OBSERVED AT PROPERTY.

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

All Violations Verified by the Inspector :



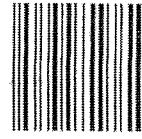
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Anthony Tedesco
1408 Orangewood Ave
Pittsburgh PA 15216

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Allegheny County Health Department
Housing & Community Environment Program

3190 Sassafras Way

Pittsburgh PA 15201-1443

attn: Karen Hacker, Director

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