

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

October 24, 2018

VIA INTER-OFFICE MAIL AND EMAIL

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

RE: 1928 Dartmore Street Appeal (SR#: HCE-20180814-6397).

Dear Hearing Officer Slater:

In Edward Barnaba's reply to the Allegheny County Health Department's ("ACHD") motion to dismiss his appeal, Mr. Barnaba admits that Zion Barnaba, LLC ("Zion") manages the property located at 1928 Dartmore Street, Pittsburgh, PA 15210 ("Property"). According to the ACHD's investigation into Zion, the point of contact for Zion is Edward Barnaba¹. Moreover, Mr. Barnaba filed his appeal on Zion's letterhead which states Zion's mailing address as P.O. Box 62, Pitcairn, PA 15140. The notice of violation, dated August 28, 2018 ("Aug. 28th NOV"), was properly mailed to Zion because it was addressed to Mr. Barnaba in his capacity as an officer of Zion and it was mailed to Zion's mailing address. The Aug. 28th NOV was not mailed to Mr. Barnaba's personal mailing address. Moreover, by using Zion's letterhead for his appeal, Mr. Barnaba is appealing as a representative for Zion, he is not appealing on his own personal behalf. Therefore, since Mr. Barnaba acknowledged that Zion manages the Property, the ACHD properly mailed the Aug. 28th NOV to Mr. Barnaba as its representative.

Furthermore, Mr. Barnaba, either acting alone or as a representative of Zion, has communicated with the ACHD regarding the violations of ACHD Rules and Regulation Article VI, Housing and Community Environment, observed at the Property. Mr. Barnaba contacted Ross Hirschfeld, ACHD Environmental Health Specialist I, after the first inspection of the Property was conducted. He also scheduled an appointment with Mr. Hirschfeld to inspect the Property on October 26, 2018 and he informed Mr. Hirschfeld that many of the violations have been corrected. Regardless of whether Mr. Barnaba is acting on behalf of Zion, his actions demonstrate that he is managing the Property and overseeing the repairs of the violations. Therefore, the ACHD correctly addressed the Aug. 28th NOV to Mr. Barnaba as the responsible individual.

¹ <https://www.manta.com/c/mhbmkjz/zion-barnaba-llc>



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: 1928 Dartmore St.
October 24, 2018
Page 2 of 2

The Department reiterates that there is no controversy ripe for a hearing and 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 cursive and somewhat stylized, with the first name being the most prominent.

Vijjalakshmi Patel, Esq.
ACHD Assistant Solicitor

Enclosure

cc: David Namey, ACHD HCE Program Manager (via email)
Edward Barnaba, Appellant (via email)

Patel, Vijyalakshmi

From: Slater, Max
Sent: Wednesday, October 24, 2018 9:54 AM
To: Edward Lee Barnaba
Cc: Patel, Vijyalakshmi; Parker, Michael; Namey, Dave; Horowitz, Lori
Subject: RE: 1928 Dartmore St. Motion to Dismiss

Received. Thank you, Mr. Barnaba.

Ms. Patel, would you like to reply to Mr. Barnaba's response?

Max Slater, Esq.
Administrative Hearing Officer
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219
Max.slater@alleghenycounty.us
(412)-578-8074

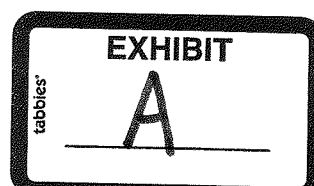
From: Edward Lee Barnaba <edward.lee.barnaba@hotmail.com>
Sent: Wednesday, October 24, 2018 2:23 AM
To: Slater, Max <Max.Slater@AlleghenyCounty.US>
Subject: Re: 1928 Dartmore St. Motion to Dismiss

On August 28, 2018 a notice of violation was issued to Edward Barnaba for alleged violation of ACHD. These violation were issued to the wrong defendant. The property located at 1928 Dartmore Street is not owned or managed by Mr. Edward Barnaba. Moreover the appeal was addressed to the wrong defended. This location is managed by Zion Barnaba LLC.

From: Slater, Max <Max.Slater@AlleghenyCounty.US>
Sent: Tuesday, October 23, 2018 1:32 PM
To: edward.lee.barnaba@hotmail.com; Patel, Vijyalakshmi; Parker, Michael; Namey, Dave; Horowitz, Lori
Subject: 1928 Dartmore St. Motion to Dismiss

Dear Mr. Barnaba,

Attached is the Allegheny County Health Department's motion to dismiss your appeal. Please email me your response no later than noon on Monday, October 29th, at max.slater@alleghenycounty.us. Also, please cc Ms. Patel, who's also cc'd on this email.



-Max Slater

Max Slater, Esq.
Administrative Hearing Officer
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219
Max.slater@alleghenycounty.us
(412)-578-8074

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ZION BARNABA LLC
P.O. BOX 62
PITCAIRN, PA 15140

Allegheny County Health Department
Ross Hirschfeld
Environmental Health Specialist

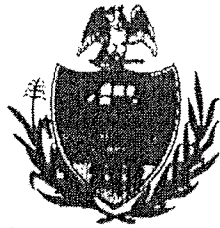
RE: HCE-20180814-6397

The company want to appeal these complainants and or violations. We are formally requesting an appeal hearing.

Zion Barnaba, LLC
Edward Barnaba



COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

Mr. Edward Barnaba
P.O. Box 62
Pltcaim PA 15140

August 28, 2018

RE: SR# HCE-20180814-6397

Property 1928 DARTMORE STREET

Address : Pittsburgh, PA 15210

Census Tract : 33204

Dear Mr. Barnaba:

An inspection of the property listed above was conducted on 08/23/2018 by Ross Hirschfeld. The following violations of Article VI, "Housing and Community Environment," were verified at that time. Attached is an inspection report listing these violations.

9 Class 3 violation(s) exist(s). A Class 3 violation is defined as a condition which represents an actual or potential health hazard or nuisance. These violations are to be corrected by 10/02/2018.

10 Class 4 violation(s) exist(s). A Class 4 violation can contribute to substandard housing, but is not used to determine fitness for human habitation. These violations are to be corrected by 10/02/2018.

3 Unclassed violation(s) exist(s). An Unclassed violation designates occupant, community environment, or vacancy violations. These violations are to be corrected by 10/02/2018.

The above conditions qualify the property as "Unfit for Human Habitation" in accordance with Section 615(A).

Failure to comply will result in a complaint filed before the Magistrate and/or civil penalties. Under Section 660, should the dwelling become vacant prior to correction of these violations, the dwelling must be inspected and corrections verified by this Department prior to reoccupancy.

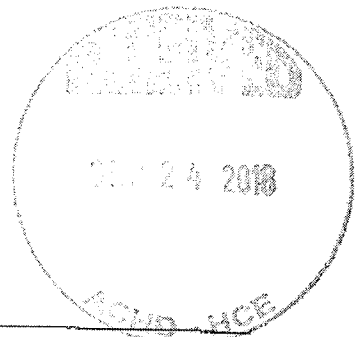
Pursuant to Article XI entitled "Hearings and Appeals" you are hereby notified that you have thirty (30) days after receipt of written notice to file an appeal. The appeal shall be made in writing and must set forth with particularity, all issues to be raised. The notice of appeal shall be filed in the Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after receipt of written notice, the within action shall become final.

If you have any questions, you may contact this office at (412)350-4046.

Sincerely,

Ross Hirschfeld
Environmental Health Specialist I
RH:Pp

cc: Complainant
Attachment



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



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