

COUNTY OF



ALLEGHENY

December 28, 2021

VIA E-MAIL

Max Slater, Esquire  
Administrative Hearing Officer  
Allegheny Co. Health Dept.  
542 Fourth Avenue  
Pittsburgh, PA 15219  
Email: [Max.Slater@AlleghenyCounty.US](mailto:Max.Slater@AlleghenyCounty.US)

**RE: *Recovery United Property Acquisition, LLC and John Miller v. Allegheny County Health Department***  
**Docket No. ACHD-19-025.**

Dear Hearing Officer Slater:

The above-captioned matter is a consolidation of two appeals, filed on December 3, 2018 and May 30, 2019, and it is scheduled to be heard by this tribunal on January 20, 2022. In the May 30, 2019 appeal, Appellants Recovery United Property Acquisition, LLC and John Miller requested reconsideration of determinations made by the Allegheny County Health Department ("Department") of variance requests filed by Appellants for the continued operation of three recovery homes. The May 30, 2019 appeal is attached hereto as Exhibit "A". Since the filing of both appeals, much has changed such that the Department, with the agreement of Recovery United Property Acquisition, LLC and John Miller, hereby files this motion to dismiss the May 30, 2019 appeal on the grounds that it is moot.

Appellants no longer operate the recovery homes that were the subject matter of the appeals. Thus, the issues raised in the May 30, 2019 appeal are moot. Any reasonable accommodation requests and variance requests from Article VI for the operation of those properties are now irrelevant and should be dismissed because pursuant to ACHD Rules and Regulations Article XI, Hearings and Appeals ("Article XI"), Appellants are no longer aggrieved by denials of reasonable accommodation and variance requests since granting them would not have any impact because the properties are not being operated. Article XI § 1104.B and 1108.1.



DEBRA BOGEN, MD, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT**  
**LEGAL SECTION**  
301 39<sup>TH</sup> STREET • CLACK HEALTH CENTER • BUILDING 7  
PITTSBURGH, PA 15201-1811  
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[WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT](http://WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT)



To: Max Slater, Esq.  
Re: Docket No. ACHD-19-025  
Date: December 28, 2021  
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All that remains to be heard by this tribunal is the appeal filed on December 3, 2018, concerning the penalties issued by the Department. As such, the Department, with the consent of Appellants, requests that this tribunal issue an order dismissing the May 30, 2019 appeal. If you have any questions, I can be reached by telephone at 412-578-2653 or via email at [vijya.patel@allegHENYcounty.us](mailto:vijya.patel@allegHENYcounty.us).

Sincerely,



Vijyalakshmi Patel, Esq.  
ACHD Assistant Solicitor

Enclosure

cc: Daniel Vitek, Counsel for Appellants (via email)  
Brendan Turley, ACHD Assistant Solicitor (via email)  
Lori Horowitz, ACHD Housing & Community Envr. Program Manager (via email)



# 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 Recovery United Pittsburgh

Mailing Address c/o Mr. John Miller, 133 Stevens Ridge Drive

City Jefferson Hills State PA Zip 15025 Email dvitek@cjplaw.org (email for attorney)

Phone 412-652-9765 (phone number for attorney) Fax (optional) \_\_\_\_\_

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

Name Daniel G. Vitek, Esq.

Mailing Address 100 Fifth Avenue, Suite 900

City Pittsburgh State PA Zip 15222 Email dvitek@cjplaw.org

Phone 412-652-9765 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 statement)

**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 5/30/19

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

# EXHIBIT A



# COMMUNITY JUSTICE PROJECT

May 30, 2019

Karen Hacker, MD, MPH  
Director  
Office of the Director  
542 4<sup>th</sup> Avenue  
Pittsburgh, PA 15219

**RE: Notice of Appeal**  
**SR# HCE-20180329-4393**  
**SR# HCE-20180329-4389**  
**SR# HCE-20180329-4395**

Dear Dr. Hacker,

Please allow this letter to serve as Recovery United Pittsburgh's appeal of the Allegheny County Health Department's decision, dated May 1, 2019, to deny the variance requests and/or reasonable accommodation requests made for the properties at 623 Brookline Boulevard, Pittsburgh, PA 15226, at 2254 Brownsville Road, Pittsburgh, PA 15210, and at 2044 Brownsville Road, Pittsburgh, PA 15210.

Variance requests and/or reasonable accommodation requests were made for each property regarding Section 611.A and Section 614.B for reasons set forth in the requests and incorporated herein. I request the reconsideration of those requests for the reasons set forth in the original requests.

Variance requests and/or reasonable accommodation requests were made for rooms 2, 3, and 4 at the 623 Brookline Boulevard property regarding Section 643.A, 647, 468, and 646.B for reasons set forth in the requests and incorporated herein. I request the reconsideration of those requests for the reasons set forth in the original requests.

Additionally, a reasonable accommodation of the Health Department's rules and regulates under the federal Fair Housing Act is requested in order to allow the use of rooms 2, 3, and 4 at the 623 Brookline Boulevard property

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May 30, 2019  
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as sleeping rooms for the number of occupants set forth in the plans submitted for review. The property is operated as recovery housing for individuals with a disability, who cannot access housing otherwise. There is a significant need for this type of service in the community and a shortage of this service. Without the requested accommodation, the entire property cannot be operated for this purpose. Thus, an accommodation of the Health Department's rules and regulations is necessary to provide the disabled individuals served by Recovery United Pittsburgh with housing within the community.

A variance request and/or reasonable accommodation request was made for room 5 at the 2254 Brownsville Road properties related to Section 646.B for reasons set forth in the request and incorporated herein. I request reconsideration of that request for the reason set forth in the original request. Furthermore, the measurements related to the room's square footage with a ceiling height above 5 feet is incorrect, and reconsideration is requested on that basis as well.

If you have any questions related to this appeal, please contact me. I look forward to the opportunity to resolve this matter.

Sincerely,

Daniel G. Vitek  
Staff Attorney  
Phone: 412-652-9765  
Fax: 412-434-5706  
Email: [dvitek@cjplaw.org](mailto:dvitek@cjplaw.org)

CC: Vijyalakshmi Patel via email  
Dave Namey via email