



**WHEREAS**, on March 9, 2023, the ACHD issued a Penalty Assessment in the amount of \$825.00 against Appellant for violations of Article VI The penalty stems from a Penalty Assessment Warning letter sent on January 9, 2023.

**WHEREAS**, on March 15, 2023, Appellant filed a Notice of Appeal, objecting to the civil penalty levied on March 9, 2023.

**WHEREAS**, following a May 15, 2023 inspection, the Department determined that all previous violations had been abated;

## **II. AGREEMENT**

After full and complete negotiation of all matters set forth in this Consent Order, upon mutual exchange of the covenants contained herein, and with the Parties' intent to be legally bound hereby, it is hereby AGREED, ORDERED, and DECREED as follows:

- a. In consideration of Appellant's good-faith efforts to remediate the conditions cited by ACHD, ACHD will accept payment of a reduced penalty in the amount of \$412.50 as full satisfaction of the assessed penalty.
- b. The payment only resolves the civil penalties and subsequent appeal arising from the March 9, 2023 penalty assessment.
- c. By signing this Consent Decree, Appellant signals its desire and intent to withdraw its appeal docketed at Docket No. ACHD- 23-016. Upon execution of this Consent Decree, said appeal shall be marked as withdrawn.
- d. Reduced penalty payment shall be paid in the form of a cashier's check, certified check, or money order made payable to the "Environmental Health Fund."
  - i. Payment shall be sent **within 30 days of execution of this Order** and sent to:

Allegheny County Health Department  
c/o Housing Program  
542 4th Ave  
Pittsburgh, Pennsylvania 15219

### III. GENERAL TERMS

1. The provisions of this Consent Order shall apply to, be binding upon, and inure to the benefit of the ACHD and the Appellant and upon their respective officers, directors, employees, successors in interest, contractors, and assigns.

2. The undersigned representatives of Appellant certify that he or she is fully authorized to execute this Consent Order on behalf of the Appellant, and to legally bind Appellant to this Consent Order.

3. Nothing herein is intended to limit the authority of the ACHD with respect to violations that may have occurred prior to the date of this Consent Order, if any, and/or that are not subject of the March 9, 2023, Penalty Assessment, or to limit the authority of ACHD to seek further enforcement of this Consent Order in the event that the Appellant fails to comply with its terms and conditions

4. This Consent Order shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for the purposes of determining the meaning or intent of any provisions herein in any litigation or other proceeding.

5. The parties shall bear their respective attorneys' fees, expenses, and other costs with regard to the prosecution or defense of this matter or any related matters arising prior to the execution of this Consent Order.

6. E-Signatures sent via facsimile or electronic mail shall constitute original signatures for purposes of this Consent Order.

7. This Consent Order and Agreement may be modified only by written agreement of the parties hereto

8. **Severability.** The paragraphs of this Agreement shall be severable, and, should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the Parties.

9. **Effective Date of Agreement:** This Agreement shall take effect as of the last signature hereto.


10. **Counterparts:** This Agreement may be signed by the Parties in counterparts which together shall constitute one and the same agreement among the Parties.

**THE PARTIES TO THIS AGREEMENT HEREBY DECLARE THAT THE TERMS OF THIS AGREEMENT HAVE BEEN COMPLETELY READ, ALL SIGNING PARTIES HAVE HAD THE OPPORTUNITY TO FULLY DISCUSS THE TERMS OF THIS AGREEMENT WITH LEGAL COUNSEL OF THEIR CHOICE IF THEY SO CHOOSE, AND THAT THE TERMS OF THE AGREEMENT ARE FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED AND THEY AGREE TO BE LEGALLY BOUND BY ALL THE TERMS OF THIS AGREEMENT.** The undersigned representatives of the Appellant and ACHD certify under penalty of law, as provided by 18 Pa.C.S. § 4909, that they are authorized to execute this Consent Order on behalf a party; that the Appellant consents to the entry of this Consent Order as a final ORDER of the ACHD; and that, except as otherwise provided herein, the Appellant hereby knowingly waives their rights to appeal this Consent Order and to challenge its content or validity, which rights may be available under Article XI of the ACHD Rules and Regulations for Hearings and Appeals, ("Article XI"), and Pennsylvania Local Agency Law, 2 Pa.C.S. §105, or any other applicable provision of law.

By:

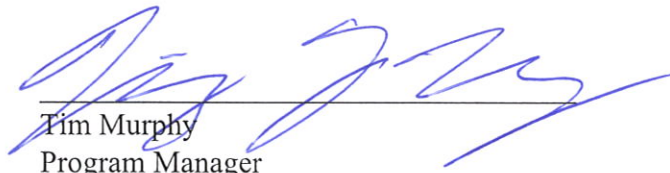
6/15/2023

Date

  
\_\_\_\_\_  
Carl Frankovitch

West End Village Properties LLC

6/16/23  
Date

  
\_\_\_\_\_  
Tim Murphy  
Program Manager  
Housing and Community Environment Program  
Allegheny County Health Department