

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

July 17, 2019

VIA INTER-OFFICE MAIL AND EMAIL

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

**RE: 685 Washington Road Appeal (Service Request #: HCE-20190315-2300).**

Dear Hearing Officer Slater:

On May 29, 2019, Alex Parrish filed an appeal on behalf of the Denis Theatre Foundation against a notice of violation issued by the Allegheny County Health Department ("ACHD") for a violation of ACHD Rules and Regulations Article VI, Housing and Community Environment, observed at 685 Washington Road, Mount Lebanon, PA 15228 ("Property"). The ACHD observed a vacant structure that was attracting pest vectors. Mr. Parrish claimed that the pest vectors were attracted to overfilled dumpsters owned by nearby restaurants but that nonetheless, the theatre company took steps to comply with the ACHD's order, including sealing openings in their structure created by rodents and placing baits and traps inside and outside the theatre.

Upon re-inspection of the property, the ACHD observed that the violation had been corrected. Therefore, as the appeal is moot, the ACHD requests that the appeal be dismissed. If you have any questions, I can be reached at 412-578-2653.

Sincerely,

Vijyalakshmi Patel  
ACHD Assistant Solicitor

Enclosure

cc: David Namey, Housing Program Manager (via email)  
Alex Parrish (via email)



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



# 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 Denise Theatre Foundation  
Mailing Address 685 Washington Road  
City Pittsburgh State PA Zip 15228 Email \_\_\_\_\_  
Phone \_\_\_\_\_ Fax (optional) \_\_\_\_\_

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

Name Alex Parrish  
Mailing Address P.O. Box 14863  
City Pittsburgh State PA Zip 15234 Email alex@parrishlawoffices.com  
Phone (412) 576-3809 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.)

PLEASE SEE ATTACHED

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 [Signature] Date 5/29/19

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

## Statement

The Denis Theatre Foundation owns an inactive theatre building on Washington Road in Mt. Lebanon. Parse Way, effectively an alley, runs parallel to Washington Road behind the building. The municipality of Mt. Lebanon owns and controls the space behind the building on Parse Way. The municipality has long permitted several restaurants to keep dumpsters for garbage on a sidewalk directly abutting the theatre on Parse Way. The Foundation has no knowledge of the details of the agreements between the municipalities and the restaurants, or in fact which restaurants use which of the many dumpsters.

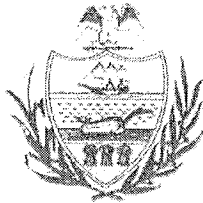
The dumpsters are frequently overfilled so that they are not fully closed. Often there is trash, garbage, and food waste on the ground around the dumpsters. Apparently, this source of food has attracted rodents. Further, the rodents have apparently gnawed their way into the theatre space.

The Foundation received the attached inspection report and notice of violation, dated April 25, 2019 and delivered in an envelope postmarked April 29, 2019. In accordance with the citation's requirements, the Foundation promptly hired Orkin to eradicate the rodents, and in doing so Orkin has placed bait and traps both inside the theatre and outside near the dumpsters. Further, the Foundation promptly hired a contractor to seal off the openings created by the rodents.

To summarize, so far the Foundation has had to expend significant resources in time and money to fix a problem that was caused by someone else. The Foundation has no knowledge of whether or not the ACHD inspection that resulted in this inspection report and notice of violation included any research into the relevant facts, or whether any other notices of violation were issued. In any event, the Foundation has corrected the problem.

On behalf of the Foundation, I request that the violation be dismissed with no costs assessed to the Foundation.

COUNTY OF



ALLEGHENY

RICH FITZGERALD  
COUNTY EXECUTIVE

Denis Theatre Foundation  
685 Washington Road  
Pittsburgh PA 15228

April 25, 2019

RE : SR# HCE-20190315-2300

Property 685 WASHINGTON ROAD  
Address : Mount Lebanon, PA 15228

Census Tract : 55632

Dear Sir/Madam:

An inspection of the property listed above was conducted on 04/25/2019 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.

1 Unclassed violation(s) exist(s). An Unclassed violation designates occupant, community environment, or vacancy violations. These violations are to be corrected by 05/30/2019 .

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 issuance of this 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 submitted to the Allegheny County Health Department, Office of the Director, 542 4th Ave, Pittsburgh, Pennsylvania 15219. In the event that an appeal is not filed within thirty (30) days after issuance of this written notice, the within action shall become final.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'RH' followed by a stylized flourish.

Ross Hirschfeld  
Environmental Health Specialist II  
RH:Pp  
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

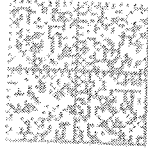


ALLEGHENY COUNTY HEALTH DEPARTMENT  
HOUSING AND COMMUNITY ENVIRONMENT  
3190 SASSAFRAS WAY  
PITTSBURGH, PENNSYLVANIA 15201-1443

DENIS THEATRE FOUNDATION  
685 WASHINGTON ROAD  
PITTSBURGH, PA 15228

27R

RESORTED  
FIRST CLASS



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