

Jeanie Bourke - Fwd: RE: Clark Stephens

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Bourke, Jeanie; Munson, Tammy
Date: 6/24/2011 9:08 AM
Subject: Fwd: RE: Clark Stephens
Attachments: Consent Agreement.CBS-Stephens-CityofPortland.6.23.11.pdf

Here is the signed consent agreement re: 34 Oxford Street. Once I get the original in the mail, I will have to sign and then you can issue the certificate of occupancy. I am going to try to see if we can get a plan of action in place re: 31 Oxford asap too - John Branson said he would send me something soon.

Thanks,

Danielle

>>> "Kelly Ryan" <kryan@bransonlawoffice.com> 6/23/2011 2:48 PM >>>

Dear Danielle:

Attached please find the Consent Agreement signed by Mr. Stephens, the original of which is going out to you in today's mail.

Thank you!

Kelly G. Ryan | Paralegal

for John H. Branson, Esquire

BRANSON LAW OFFICE, P.A.

482 Congress Street, Suite 304

P.O. Box 7526

Portland, ME 04112-7526

(207) 780-8611

(207) 221-2203 *fax*

kryan@bransonlawoffice.com

www.bransonlawoffice.com

From: Danielle West-Chuhta [mailto:DWCHUHTA@portlandmaine.gov]
Sent: Thursday, June 23, 2011 1:56 PM
To: John H. Branson
Subject: RE: Clark Stephens

Given the fact that we could ask for a lot more in terms of sanctions, I think that \$200 a day is appropriate in this case. Please have your client execute the agreement if he is ok with the terms.

Thanks,

Danielle

>>> "John H. Branson" <jbranson@bransonlawoffice.com> 6/23/2011 1:40 PM >>>

Danielle:

I've talked with Clark about this matter. He is willing to enter a consent decree because he understands it is a condition of getting the certificates of occupancy for the two units approved earlier this year. That said, in view of the fact that he has been in full compliance with regard to the rooming house issue, with my help, since last fall, he is wondering whether the City would consider a sanction of \$100 per day instead of \$200 per day in the event of a violation. He is also still concerned that Ms. Williamson will make complaints to the city regardless of whether he is in compliance or not.

Thanks for your consideration.

John

John H. Branson, Esq.
 Branson Law Office, P.A.
 482 Congress Street, Suite 304
 P.O. Box 7526
 Portland, Maine 04112-7526
 Tel.: (207) 780-8611
 Fax: (207) 221-2203
jbranson@bransonlawoffice.com
www.branonlawoffice.com

From: Danielle West-Chuhta [mailto:DWCHUHTA@portlandmaine.gov]
Sent: Thursday, June 23, 2011 10:54 AM
To: John H. Branson
Subject: RE: Clark Stephens

I think that if you had the lease indicate that it is a certain amount for the whole apartment (and not just a room) then you would be ok - I do not want to have a document out there that indicates that he is reducing the rent and she believes she is only renting the room - that would be a problem.

>>> "John H. Branson" <jbranson@bransonlawoffice.com> 6/23/2011 10:34 AM >>>

Danielle:

Does this mean, for example, that Mr. Stephens could not charge Ms. Williamson a reduced rental for the entire apartment (unit 1), because that might be construed as a room rental? Ms. Williamson has use of the entire apartment but no roommates. Mr. Stephens' fear about charging her a reduced amount until she gets roommates is that she may turn around and again complain to the city that he is "renting rooms."

I'm sorry to be so concerned about this, but I need to make sure my client is not setting up for failure. We have faith in the City's intent but very little when it comes to Ms. Williamson's.

Thanks,

John

John H. Branson, Esq.
Branson Law Office, P.A.
482 Congress Street, Suite 304
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Portland, Maine 04112-7526
Tel.: (207) 780-8611
Fax: (207) 221-2203
jbranson@bransonlawoffice.com
www.bransonlawoffice.com

From: Danielle West-Chuhta [mailto:DWCHUHTA@portlandmaine.gov]
Sent: Thursday, June 23, 2011 9:53 AM
To: John H. Branson
Subject: RE: Clark Stephens

John:

Mr. Stephens is required to only use the four units (once he receives the certificate of occupancy) and not rent out the individual units. If he is having trouble with one tenant (as you describe below), he needs to ensure that he and the tenant do not rent out individual rooms. This is because, rental of the individual rooms would be considered a boarding/lodging house, which is not the approved use of Mr. Stephens property.

If Mr. Stephens agrees to the terms of the consent agreement, signs the agreement and continues to only rent the four units (and not individual rooms) on his property, then he will be issued his certificate of occupancy.

Thank you for your time,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

>>> "John H. Branson" <jbranson@bransonlawoffice.com> 6/22/2011 12:15 PM >>>

Danielle:

Thanks for sending this. I have a couple of concerns. First, the person who made the complaint to the City about the rental of rooms (Mary Williamson) is the tenant who has been refusing since last fall to be a tenant of the approved apartment unit, despite many efforts by both me and Clark. At this point she is the only tenant in Unit #1, refuses to leave or get roommates, and insists she has the right to pay

only for a room (in fact, she's paying nothing at all). Bottom line is that she wants something to hold over Clark's head so that she can continue to live there without paying any rent.

The question is thus whether the City considers Clark to be in violation based on these circumstances? Will Clark be required to evict Ms. Williamson in order to get into compliance, if she continues to refuse to be the tenant of a legal apartment?

Second, Clark needs some assurance from the city that, if he signs the consent agreement, he will get a certificate of occupancy for the additional units approved earlier this year for this building. My understanding is that the certificates have been withheld pending resolution of the rooming house issue.

Thanks. I look forward to hearing from you.

John

John H. Branson, Esq.
Branson Law Office, P.A.
482 Congress Street, Suite 304
P.O. Box 7526
Portland, Maine 04112-7526
Tel.: (207) 780-8611
Fax: (207) 221-2203
jbranson@bransonlawoffice.com
www.bransonlawoffice.com

From: Danielle West-Chuhta [mailto:DWCHUHTA@portlandmaine.gov]
Sent: Wednesday, June 22, 2011 11:35 AM
To: jbranson@bransonlawoffice.com
Subject: Clark Stephens

John:
Attached is a consent agreement for your review regarding 34 Oxford Street.

Thanks,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480