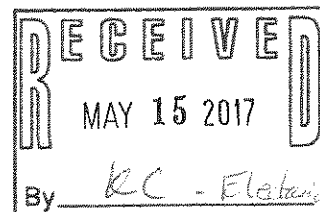


CITY OF PORTLAND
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207) 874-8400



NOTICE OF VIOLATION AND ORDER TO CORRECT

May 5, 2017

Responsible Party 1: WARD CAPITAL LLC 139 ASHMONT ST PORTLAND, ME 04103		Responsible Party 2: Payne Edward 25 Kellogg Street, Unit A Portland, ME 04101
Location 251 Cumberland	CBL 026 K008001	Inspection Date 4/26/2017
Inspector John Brennan	Inspection Type FP Re-Inspection	Status Follow up Required

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must propose a date of completion to remedy each violation, a final date of completion, and a date of re-inspection.

You must send this form to the Fire Prevention Bureau no later than 5/30/2017.

Your failure to submit a plan of action by the date provided, or to correct any violation within the applicable time frame, may result in legal action against you, the imposition of civil penalties, and the pursuit of other legal remedies.

Violation	Proposed Date of Completion
NFPA 101- 7.2.1.9.2 FIRE DOOR DOES NOT CLOSE PROPERLY; Where door leaves are required to be self-closing or self-latching and are operated by power upon the approach of a person, or are provided with power-assisted manual operation, they shall be permitted in the means of egress where they meet the following criteria: (1) The door leaves can be opened manually in accordance with 7.2.1.9.1 (2) New door leaves remain in the closed position, unless actuated or opened manually (3) When actuated, new door leaves remain open for not more than 30 seconds (4) Door leaves held open for any period of time close-and the power-assist mechanism ceases to function- upon operation of approved smoke detectors installed in such a way as to detect smoke on either side of the door opening in accordance with the provisions of NFPA 72, National Fire Alarm Code (5) Door leaves required to be self-latching are either self-latching or become self-latching upon operation of approved smoke detectors per 7.2.1.9.2 (4) (6) New power-assisted swinging door assemblies comply with BHMA/ANSI A156.19, American National Standard for Power Assist and Lower Energy Power Operated Adjust self-closing hinges on existing fire doors to all ow for self closing and latching.	8/26/2017
1-14-3.2 EMERGENCY LIGHTING AND EXIT SIGNS SHALL BE TESTED; EMERGENCY LIGHTING FACILITIES AND EXIT SIGNS SHALL BE TESTED MONTHLY FOR 30 SECONDS AND ANNUALLY FOR 90 MINUTES, AND WRITTEN RECORDS SHALL BE MAINTAINED. Laundry Rom E-Light not working.	8/26/2017
FINAL DATE OF COMPLETED VIOLATION(S)	08 / 26 / 2017
FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S)	/ /

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

5/14/2017

Date

Edward Kelly

Responsible Party

Date

Responsible Party

SEEN AND AGREED

5/15/2017

Date

Capt. Petrucci #6

Fire Prevention Bureau

251 Cumberland

8 messages

Anne Torregrossa <atorregrossa@portlandmaine.gov>

Wed, Apr 26, 2017 at 7:13 PM

To: nedpayne <nedpayne@gmail.com>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Ned,

Attached is a draft consent for your review. Please let me know if you can agree to this by **Monday, May 3**.

Thanks much,
Anne

--

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8426

 **2017-04-26 251 Cumberland Consent.docx**
17K

Anne Torregrossa <atorregrossa@portlandmaine.gov>

Fri, Apr 28, 2017 at 1:55 PM


To: nedpayne <nedpayne@gmail.com>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Ned,

Revised agreement attached, as we discussed.

Thanks much,
Anne
[Quoted text hidden]

 **2017-04-26 251 Cumberland Consent.docx**
17K

Ned Payne <nedpayne@gmail.com>

Mon, May 1, 2017 at 1:06 PM

To: Anne Torregrossa <atorregrossa@portlandmaine.gov>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Hi Anne - I will print, sign, and scan this back to you today. It won't be before COB, but will be by end of day. Thanks.

Ned

On Apr 28, 2017, at 1:55 PM, Anne Torregrossa <atorregrossa@portlandmaine.gov> wrote:

Ned,

Revised agreement attached, as we discussed.

Thanks much,
Anne

On Wed, Apr 26, 2017 at 7:13 PM, Anne Torregrossa <atorregrossa@portlandmaine.gov> wrote:

Ned,

Attached is a draft consent for your review. Please let me know if you can agree to this by **Monday, May 3**.

Thanks much,
Anne

--

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8426

--

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

<2017-04-26 251 Cumberland Consent.docx>

Anne Torregrossa <atorregrossa@portlandmaine.gov>

Mon, May 1, 2017 at 1:08 PM

To: Ned Payne <nedpayne@gmail.com>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

That's fine. Thanks, Ned.

Anne

[Quoted text hidden]

Ned Payne <nedpayne@gmail.com>

Mon, May 1, 2017 at 8:36 PM

To: Anne Torregrossa <atorregrossa@portlandmaine.gov>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Hi Anne - Signed version is attached.

Thanks!

Ned

[Quoted text hidden]

 **Consent Agreement - City of Portland 5.1.2017.pdf**

Anne Torregrossa <atorregrossa@portlandmaine.gov>

Tue, May 2, 2017 at 11:59 AM

To: Ned Payne <nedpayne@gmail.com>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Hi Ned,

Thanks for getting that to us. Attached is the final signed consent. Please remember that you have to schedule your final reinspection prior to August 26.

Thanks much,

Anne

[Quoted text hidden]

 **2017-05-02 251 Cumberland Consent.pdf**
123K

Anne Torregrossa <atorregrossa@portlandmaine.gov>

Mon, May 8, 2017 at 8:47 AM

To: Ned Payne <nedpayne@gmail.com>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>


Hi Ned,

Attached is the paperwork for the violations that Captain Brennan found while he was out there. We've given you the same completion date of August 26. Will you please sign and send this back to me when you have a moment?

Thanks much,

Anne

[Quoted text hidden]

 **251 cumberland ave NOV 5.05.2017.pdf**
98K

Ned Payne <nedpayne@gmail.com>

Sun, May 14, 2017 at 10:56 PM

To: Anne Torregrossa <atorregrossa@portlandmaine.gov>

Cc: John Brennan <brennanj@portlandmaine.gov>, David Petruccelli <petruccellid@portlandmaine.gov>, Katharine Cahoon <kcahoon@portlandmaine.gov>

Hi Anne - Attached is the requested signed paperwork.

Take Care,

Ned

 **Notice of Violation and Intent to Correct - Signed 5.14.2017.pdf**
1568K

