



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Bull Feeney Irish Pub
375 Fore Street
Portland, Maine 04101

November 21, 2007

CBL: 032 F007001
Located at 375 FORE ST

Hand Delivery

Dear Mr. Fuss,

SECOND NOTICE OF VIOLATION

An evaluation of the above-referenced property on 11.21.2007 revealed that the structure remains non-compliant with the Maine State Plumbing Code. The following Maine State Plumbing Code violations have not been corrected.

303.0 Disposal of Liquid Waste:

It shall be unlawful for any person to cause, suffer, or permit the disposal of sewage, human excrement, or other liquid wastes, in any place or manner, except through and by means of an approved drainage system, installed and maintained in accordance with the provisions of this Code.

1.16 Health and Safety: Whenever compliance with all the provisions of the Code fails to eliminate or alleviate a nuisance or any dangerous or insanitary conditions that may involve health or safety hazards, the owner or licensed plumber shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the Department, Board or LPI.

This is a SECOND notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected by December 4, 2007. A re-inspection will occur on December 4, 2007 at which time compliance will be required.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A ss 4452

Please contact me if you wish to discuss this matter further or have any questions

Sincerely,

A handwritten signature in cursive script that reads 'Suzanne Hunt'.

Suzanne Hunt @ (207) 874-8707
Code Enforcement Officer

A handwritten signature in cursive script that reads 'Mary Costigan'.

cc. Eleven Exchange LLC, certified mail # 7007 0710 0002 4976 1405
Mary Costigan, City of Portland, Associate, City Corporate Council



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life www.portlandmaine.gov

Bull Feeney Irish Pub
375 Fore Street
Portland, Maine 04101

FOR DOUGLAS
FUSS @ BULL FEENEY ?
November 24, 2007



CBL: 032 F007001
Located at 375 FORE ST

Hand Delivery ??????

Dear Mr. Fuss, ???

THIS IS OUR FIRST & ONLY
NOTIFICATION RECEIVED MONDAY DEC 3RD

~~SECOND~~ NOTICE OF VIOLATION

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FIRST & ONLY (DECEMBER 3RD, 2007 - MONDAY)

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Sincerely,

Suzanne Hunt

Suzanne Hunt @ (207) 874-8707
Code Enforcement Officer

cc. Eleven Exchange LLC, certified mail # 7007 0710 0002 4976 1405 ✓
Mary Costigan, City of Portland, Associate, City Corporate Council

ATTN: SUZANNE HUNT & MARY COSTIGAN
PORTLAND CITY HALL
CC: LCL#03462-01 b & c
RECORDED - BCL - ESC - DRS - 070 ✓

SCANNED

02/23/11
Closed out

ANY KIND
OF A
VIOLATION!
PLEEEEEZ
BE KIND
ENOUGH
TO IDENTIFY
ANY
SPECIFIC
PROBLEM
SO THAT
WE MAY
EXPEDITE
CORRECTION
IMMEDIATELY.
ELEVEN
EXCHANGE LLC



CITY OF PORTLAND, MAINE
CLERK'S REPORT

TO: Mayor Kane and Members of the Portland City Council

FR: Nadeen M. Daniels, City Clerk

RE: Seamen's Club Restaurant
1 Exchange Street
Class XI FSE Restaurant, Entertainment No Dance, Amusements, (Renewal)

ISSUES IDENTIFIED:

A) HEALTH/INSPECTIONS:

It was determined by the Inspections Office that this establishment complies with City and State Health and Public Safety code regulations.

B) FIRE:

It was determined through the inspection process that this establishment complies with City and State Fire code regulations.

C) LICENSING:

Food Sales: \$ n/a Liquor Sales: \$ n/a
Type of License Applying For: Class XI FSE Restaurant
State Requirement of Food Sales: \$ 50,000/yr. minimum Adequate: n/a
Food Prep Area Adequate yes Menu is Adequate: yes
Is there Entertainment? yes What type? Entertainment No Dance
Amusement Devices: yes (including juke box, video poker, pool table, etc.)
1 coin-op pool table.

Licenses are displayed and current: yes

D) POLICE: APPROVAL.

RECOMMENDATION:

Based on the recommendation of the Police Department and the conclusions of the health/safety inspection and fire inspection, I would recommend approval of this license application.

Code Reference:
City of Portland Food & Food Handlers Code

4. Food Service

Personnel Responsible:
Code Enforcement Officers/Inspections/Follow-up/Maintenance of Inspection Records
Support Staff// Preparation of Documents for Service/Delivery

Our licensed food service establishments must be inspected at least annually. Some establishments will require more frequent inspections due to poor sanitation, inadequate equipment or maintenance issues.

- Establishments with a score of 85 or more and no repeat "major" violations or equipment deficiencies may be inspected annually.
- Establishments with repeat "major" violations or a score between 84 and 79 must be inspected monthly until the establishment can be upgraded.
- Establishments with a score of 78 or less must be reinspected within 10 days after the original unsatisfactory score. If the establishment fails to comply, the Legal Dept. must be notified to commence License suspension or revocation proceedings with the City Clerk.
- If there are hot water or other potentially dangerous health or safety violations, the inspector must make the licensee immediately aware of the problem and require immediate correction. A reinspection must occur within 10 days. Interim corrections such as temporary chemical sanitizers, temporary refrigeration etc. are acceptable **temporarily ONLY**. Adequate repairs must occur as soon as physically possible. If electrical or fire hazards exist, the appropriate inspectors must be notified.

The inspector must be equipped with a "spike" thermometer, alcohol swabs, flash light, thermo-labels and a clipboard. If the inspector feel that a serious potential hazard exists, the Inspection Services Manager must be notified as well as the Public Health Director and the State of Maine Eating and Lodging program or Dept. of Agriculture, depending on regulatory jurisdiction.

After the inspection is complete, a copy of the report is left with a responsible party. There is a place for the signature indicating receipt of the report. The name and

Field Investigation

A team of two or three inspectors (depending on the number of people, possibly more) must conduct the field

work necessary to determine if the complaint has foundation.

- Part of the team is to meet with the affected persons, obtain 72 hour food histories and any relevant information. Particular attention should be given to those not affected as there may be some commonly ingested foods that can be ruled out. An immediate date, time and location to meet with the dining party must be arranged, if possible. All results must be documented in a formal report.
- The field inspector charged with reviewing the establishment will review the files prior to inspection to determine chronic historic problems. That person must arrive at the suspect location as soon as possible and perform a complete inspection of the premises paying particular attention to:
 - a. Proper holding temperatures of suspected potentially hazardous foods during transportation, preparation and storage.
 - b. Proper sanitization facilities and their operation and water temperatures or proper concentration of chemical sanitizer.
 - c. Evidence of any infestation.
 - d. Proper hygiene and practices of employees.
 - e. Presence of plumbing cross connections at ice supplies food prep sinks or at the any other locations.
 - f. Presence of hazardous chemicals in areas where adulteration of food could occur.
- The inspector must obtain small samples of the suspect food product(s) to be transported to an appropriate agency for testing. The sample must be obtained with absolute care as to not cross contaminate or adulterate the product. The sample container must be sterile. The sample must be refrigerated at all times.
- Upon receipt of Medical test results, food product test results and inspection and interview reports, The State Dept. of Health Engineering and local Health Dept. will be provided the necessary information and a final report will be generated.

The final report should draw obvious conclusions without speculation. The Medical professionals, State Epidemiology/Heath Engineering and the Health Dept. and staff should work together to formulate the final report. Media inquiries must be handled by the Division Director ONLY!

contaminated by airborne bacteria or adulteration. All surfaces in the area of contamination must be treated with an approved chemical sanitizer. Operations within the establishment cannot resume until the Inspector has performed an inspection and Electrical Inspector is satisfied that all potential hazards are abated.

- **Loss of Electricity:** When refrigeration is down for a period of time , this office requires that the following safety precautions take place with perishable or potentially hazardous foods:
 - 1) If there is any doubt that the product may have reached temperatures in excess of 40 degrees (F), the product should be disposed of. **"When in Doubt, Throw it Out"**. The Inspector must condemn and oversee the disposal of all potentially adulterated foods. The management must inventory the products and provide a list for this office. If there is a challenge or question over what is adulterated, the owner or management can have products tested for safety and if the results are satisfactory, they may use the product.
 - 2) If the management can establish that the product has maintained "safe" holding temperature (less than 40 Degrees F) the product can be used.
 - 3) If the product thawed but maintained a safe temperature, the product should not be rethawed, but can be used.

compliance with all Department requirements, making it suitable for consumption and use by humans or animals.

- J. "Department" means the Maine Department of Agriculture, Food and Rural Resources.
- K. "Perishable" means there exists a significant risk of spoilage or deterioration when a product has not been properly refrigerated or handled.
- L. "Potentially hazardous food" means any food which consists in whole or in part of milk or milk products, eggs, shell eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean foods which have a PH level of 4.6 or below or a water activity value of 0.85 or less.
- M. "Person" means an individual, firm, partnership, company, corporation, trustee, association, agent, or any public or private entity.
- N. "Vehicles" means any truck, car, bus or other means by which distressed, salvageable or salvaged food is transported from one location to another.
- O. "Sanitize" means effective bactericidal treatment of clean surfaces of equipment, utensils or food containers by a process which has been approved by the Department as being effective in destroying microorganisms, including pathogens. Such treatment shall not adversely affect the product and shall be safe to the consumer.
- P. "Commissioner" means the Commissioner of Agriculture or his agents in the Department.

2. General Requirements:

Any food salvage processing establishment, food salvage retail establishment or salvage broker that acquires, sells, distributes or otherwise trafficks in distressed, salvageable or salvaged food is subject to these regulations.

Distressed food or salvageable food shall be sold or otherwise distributed only to a licensed food salvage processing establishment.

Salvaged food shall be sold only by a food salvage processing establishment or a food salvage retail establishment or food salvage broker. Salvaged food may be donated with good faith in its integrity in accordance with Maine Statutes, Title 14, Section 166.2.

4. All embargoed foods, prior to reconditioning and release from embargo shall be transported only in vehicles provided with devices to render them capable of being locked and sealed. Where highly perishable foods are transported, this is to be done in vehicles provided with adequate refrigeration for product maintenance.

C. Records. A record or receipt of damaged merchandise, merchandise found to be unfit, and salvaged merchandise shall be kept by food salvage establishments and food salvage brokers and shall be kept open for inspection by the Commissioner during business hours. These records shall be kept on the premises of the food salvage establishment or broker for a period of three years following the completion of transaction involving a lot of merchandise. Records indicating the source of distressed, salvageable or salvaged foods and sales or distribution accounts shall be maintained by food salvage establishments and salvage brokers and shall be open to the inspection of the Commissioner.

D. Storage and removal of waste material and unfit foods.

(a) Waste material shall be stored in such a manner as not to become a nuisance, preferably in a separate building. Leakproof, non-absorbent, covered containers shall be used and frequent removal from the premises shall be the rule as determined by the Commissioner.

(b) All unfit foods shall be removed from food salvage processing establishments often enough as to not become a nuisance. This removal shall be done only by a method approved by the Commissioner and all disposal costs shall be borne by the establishment.

E. Required rooms. Where the operation requires, the following rooms or areas shall be provided to carry on the business of food salvage processing establishment. 1. Receiving room or area; 2. Sorting and culling room or area; 3. Reconditioning room or area; 4. Storage room or area for reconditioned food; and, 5. Waste room or area. Every salvage processing establishment shall be provided with a suitable room or rooms for changing and hanging of wearing apparel of the workers or employees, which shall be separate and apart from the work; storage and sales rooms, and shall be kept in a clean and sanitary condition. If retail sales are made on the premises, a separate room shall be provided for this purpose. Where frozen or refrigerated foods are handled, refrigerators, freezer rooms and/or freezer cabinets shall be provided.

F. Sanitation requirements.

objectionable odors, and shall be rodent and vermin proof.

- (i) Doors, windows and other outer openings shall be screened with screens of not coarser than 12 mesh wire screening, or other effective means of insect elimination shall be adopted, subject to approval by the Commissioner.
- (j) Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of rodents, insects, and other vermin. Extermination, when practiced, shall be done in a safe manner so as not to contaminate foods and shall not make use of highly poisonous substances. Where rodent poisons are used, they shall be color coded and shall be placed in properly located and constructed bait boxes.
- (k) The water supply shall be ample, clean and potable with adequate facilities for its distribution in the establishment. Private water supplies shall meet State standards for non-community water systems and shall be tested once yearly.
- (l) All apparatus, utensils and appurtenances used in the handling of salvage goods shall be so constructed and placed that they can be thoroughly cleaned. Such equipment shall be kept clean and sanitary and in good repair.
- (m) No person shall live or sleep in any building used as a food salvage establishment, unless living and sleeping quarters are separated by impervious walls without windows or doors.
- (n) Vats, 3 bay non-corrosive sinks and other washing equipment, provided with hot and cold water under pressure and proper drains, shall be available in the salvage food processing establishment for the cleaning, rinsing, and bactericidal treatment of food containers to be reconditioned. Necessary equipment for drying, buffing, relabeling and repacking shall, where required, be provided. A utility sink shall be provided for the washing of cleaning and maintenance equipment, and disposal of waste water from such operations. Food salvage retail establishments shall have at minimum an adequately sized two bay sink with drainboards, and a utility sink.
- (o) Employees shall be clean in person at all times and shall wear clean, washable clothing and caps, where

the operation requires. They shall not smoke or use tobacco except in approved employee break rooms.

- (p) No person suffering from or afflicted with a contagious or infectious disease shall be employed in or about any part of a food salvage establishment.
 - (q) All products shall be stored on skids or pallets of sufficient height to facilitate cleaning and inspection, and shall not be placed closer than 12" to the walls. There shall be an aisle at least 18" wide between each double row of merchandise.
 - (r) All rooms in which salvageable or salvaged merchandise is processed or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish disposal areas shall be well ventilated, and comply with applicable Federal, State and local fire prevention and air-pollution requirements.
 - (s) No birds or animals shall be allowed in a food salvage establishment.
 - (t) Lights in areas where food is handled or exposed shall be properly shielded.
- G. Protection of Damaged and Salvaged Merchandise.
- (a) All distressed, salvageable and salvaged foods shall be protected from contamination while being stored, transported or processed. Poisonous and toxic materials shall be identified and handled under such conditions so as not to contaminate food. Poisonous or toxic materials shall be stored, transported and processed separate from foods at all times.
 - (b) All salvageable articles shall be promptly sorted and segregated from non-salvageable materials to prevent further contamination of foods to be salvaged or offered for sale or distribution.
 - (c) Vehicles used to transport damaged or salvaged merchandise shall be maintained in a clean and sanitary condition to protect food products from contamination.

4. Sorting, reconditioning and labeling.

- (a) All metal cans of food offered for sale or

distribution shall be reasonably free from rust and free from rim and/or seam dents that may have compromised the seam integrity. Springers, flippers, and swells shall be deemed unsalvageable.

- (b) Where there are signs of dirt or contamination under opening devices of cans and other containers (pop-top, tape-top, pull-top, key-top) or under the lip of jar top or screw top closures, these products shall be deemed unsalvageable.
- (c) Dry food products. Single containers of any dry food product that has been exposed to any foreign substance that may cause adulteration is unsalvageable. Products in containers with an inner wrap - if the inner wrap is broken and there are signs of adulteration, then the product is unsalvageable. If outer container shows signs of cross contamination, product is unsalvageable.
- (d) All metal containers whose integrity has not been compromised and whose integrity would not be compromised by the reconditioning, and which have been partially or totally submerged in water, liquid foam or other contaminant shall, after thorough cleaning, be subjected to a sanitizing rinse of a concentration of 200 ppm available chlorine for a minimum period of 1 minute, or shall be sanitized by another method approved by the Department. They shall be subsequently treated properly to inhibit rust formation. All other types of containers so damaged shall be deemed unsalvageable.
- (e) Any cans showing surface rust shall have labels removed, the outer surface cleaned by buffing, an approved protective coating applied where necessary, and shall be relabeled. Reconditioning of other types of containers may be required where circumstances are justified.
- (f) All salvaged food and food products are to be provided with complete labels. Where original labels are removed from containers which are to be resold or distributed, salvager replacement labels must show the name of the salvager as the distributor.
- (g) Foods contaminated and/or adulterated by pesticides, chemicals, or other toxic substances; potentially hazardous foods which have been exposed to a temperature above 45 degrees F. for a period exceeding 4 hours, out of date infant foods, and foods packaged in paper or other pervious materials

which have been subject to contamination shall be unsalvageable.

- (h) Unsalvageable merchandise shall not be sold or distributed, but shall be disposed of in a manner approved by the Department.

5. Licensing.

- A. Application and fee. Each application for, or renewal of, a license to operate a food salvage processing establishment, a food salvage retail establishment or to act as a salvage broker within the meaning of this chapter shall be accompanied by a fee, appropriate to the size of the establishment. (0-5 employees or volunteers - a \$15.00 fee applies; 6 or more employees or volunteers - a \$30.00 fee applies.)
- B. Issuance and inspection will conform with 22 M.R.S.A., Section 2169.
- C. Charitable Community Programs that utilized foods donated or purchased from a food salvage processing establishment or a food salvage retail establishment or a salvage broker for the good of the needy is exempt from licensing.

6. Penalties.

Any person, firm or corporation who violates any of the provisions of 22 M.R.S.A., Section 2167 shall be punished by a fine of not more than \$100.00 for the first offense and a fine of not more than \$200.00 for each subsequent offense.

Basis statement:

Authority: 22 M.R.S.A.-Sec. 2169, 2153

Effective Date: February 1, 1991



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 8/5/98
 Sanitarian AR

SUPPLEMENTAL SHEET NO. _____

Owner's Name <u>Monopoly Inc</u>	Establishment Name <u>Spawms Club</u>
Establishment Address <u>375 Fox St.</u>	Zip

- 47 Insulated man pass
- 56 Two bay sink leaks; Drain pipe in cello leaks; drain pipe from dishwasher leaks
- 57 Cross-connecting at ice sink, ice machines.
- 60 Cracked mens room sink.
- 45 Cello door open; door to Pantry's not secured.
- ~~45~~


City Of Portland
Inspection Services
RETURN OF SERVICE

On the 17th day of Sept, 1998, I made service of the Food Service Report
upon the owner Joe Foley, at 375 Fore St. Seaman's Club

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is PS Lewis at 375 Fore St.
- By (describe other manner of service) _____.

DATED: 9/17/98

32-F-7
375 Fore St
Seaman's Club



Signature of Person Making Service
Code Enforcement Officer
Title

City Of Portland
Inspection Services
RETURN OF SERVICE

On the 4th day of August, 1998, I made service of the Health Inspection Report
upon the owner Joe Selby, at 325 Fore St. Seaman's Club

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is P. J. Lewis at 325 Fore St.
- By (describe other manner of service) _____.

DATED: August 4, 1998


Signature of Person Making Service
Code Enforcement Officer
Title

Re: Seaman's Club Health Inspection
Electrical Inspection as per M. Collins

32-F-7



CITY OF PORTLAND

July 31, 1998

Seamen's Club
375 Fore St
Portland ME 04101

re: 375 Fore St (032-F-007)

Dear Mr. Soley:

A health inspection of your establishment was made on July 30, 1998.

Attached is a copy of the inspection report which indicates that the sanitary condition of your establishment at the time of inspection was found to be unsatisfactory.

The next inspection of your establishment will be carried out on 8/5/98, at which time all operations must comply with the standards set forth in Chapter 11 of the City's Ordinance.

If, upon reinspection your establishment is graded unsatisfactory, our office will refer the matter to the City's Corporation Council to seek the appropriate relief pursuant to Chapter 15 of the City Code.

This constitutes an appealable decision pursuant to Section 15-9 of the City Code. Please feel free to contact me at 874-8697, if you wish to discuss the matter or if you have any questions regarding this report.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur Rowe".

Arthur Rowe
Code Enforcement Officer



CITY OF PORTLAND

November 16, 1998

Mr. Joseph Soley
P.O. Box 367 DTS
Portland ME 04101

RE: 032-F-010

Hand Deliver

Dear Mr. Soley:

On Friday, November 13, 1998, I stopped by the Seamen's Club to meet with P.J. Lewis to inspect Apt 4 at 11 Exchange St.

When I got there, you requested that I take a look at the work you'd done to the restaurant to remedy previously noted violations. As I stated, to you at the time, this walk-thru was not a full, detailed inspection and no report was generated.

New carpeting was noted in the dining room. Repairs were noted to the kitchen floor, walls had been painted.

As I stated, while these things appear to address several inspection items, you should contact the city when your establishment is ready for a formal inspection.

Sincerely,

A handwritten signature in cursive script that reads "Arthur Rowe".

Arthur Rowe
Code Enforcement Officer

32-F-7

City Of Portland
Inspection Services
RETURN OF SERVICE

On the 20th day of Nov, 1998, I made service of the Notice of Violations upon,
Joe Jolley, at 375 Fox St.

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is P.J. Lewis.
- By (describe other manner of service) _____.

DATED: 11/20/98

[Signature]
Signature of Person Making Service
Code Enforcement Officer
Title

Re: 32-F-10
Seaman's Club

position of the person signing for the report must be printed on the report as well. When an establishment earns a score of 78 or less a notice of unsatisfactory conditions must be hand delivered to the establishment and a service return filed. The sample notice is found in Appendix A.

Notice

When any applicant or aggrieved party is in disagreement with any order, decision, determination, interpretation or denial of a permit, said party can file an 80B appeal with The Superior Court. For Housing Code appeals, the appeal must be filed within 30 days of the order, decision, determination, or interpretation.

Appeal

Upon receipt of a complaint, The State Epidemiologist and Dept. of Health Engineering must be notified. After obtaining their input and direction, the following procedure will occur if warranted:

Food Service Related Illness Investigation Procedure

This procedure will break down into two phases;

- 1) The initial interview Questions and Answers; and
- 2) Field investigation and final report.

- Name, address and accessible telephone number of complainant
- Name and location of the establishment (s)
- Name, address and accessible telephone number of all members of the dining party, whether they are ill or not.

Interview Questions

The complainant must be made aware that in order to complete a thorough evaluation, they must see their physician or health clinic for testing of stool or vomit if available. An appropriate diagnosis from a Health Professional will give the field personnel the tools necessary to better determine if the complaint has foundation. Our staff will begin the field investigation prior to the testing results.

Fire/Disaster/Other Potentially Hazardous Conditions

When events occur that create potential contamination of food products that may be vended or distributed, it is our responsibility to insure proper food protection. The following are procedures to be followed during these special events:

- **Fire:** Upon receipt of a fire call the inspector (with assistance, if necessary) must get to the scene and only enter when the Fire Department has indicated that the scene is safe to enter. Make absolutely sure that the structure is not in danger of failure or that no hazards exist that may cause injury to the staff prior to entry. When safe to enter, the Inspector must ascertain the extent of potential adulteration of food products, contamination of food and non-food contact surface and equipment. The Inspector must condemn and oversee the disposal of all potentially adulterated foods. The management must inventory the products and provide a list for this office. If there is a challenge or question over what is adulterated, the owner or management can have products tested for safety and if the results are satisfactory, they may use the product. As a rule of thumb "*When in doubt, Throw it out*". Operations within the establishment cannot resume until the Inspector has performed an inspection and the Fire and Electrical Inspectors are satisfied that all potential hazards are abated.
- **Flood/Sewerage Adulteration:** Food products potentially adulterated by stormwater or sewerage provide a challenge for the Field Inspector as the damage may not be as evident as other disasters. The Inspector must make sure that the property is safe to enter. When safe to enter, the Inspector must ascertain the extent of potential adulteration of food products, contamination of food and non-food contact surface and equipment. The Inspector must condemn and oversee the disposal of all potentially adulterated foods. The management must inventory the products and provide a list for this office. If there is a challenge or question over what is adulterated, the owner or management can have products tested for safety and if the results are satisfactory, they may use the product. As a rule of thumb "*When in doubt, Throw it out*". Particular attention must be paid to open foods that may be

Summary: The purpose of this rule is to protect the public safety and health by controlling the salvaging of distressed foods.

1. Definitions:

- A. "Food Salvage Processing Establishment" means an establishment that engages in reconditioning or by other means salvaging distressed foods and distributing such food either for charitable purposes or retailing on a non-profit basis.
- B. "Food Salvage Retail Establishment" means any food establishment that buys and sells or warehouses salvaged food.
- C. "Salvage broker" means a person, firm or corporation engaged in buying, selling, distributing or warehousing distressed, salvageable or salvaged foods and that does not operate a food salvage establishment.
- D. "Sale" means the act of selling (whether for profit or not), and shall also include delivery, holding, offering for sale, transfer, auction, storage, or other means of handling or trafficking. "Distribute" means to hold, deliver or transfer.
- E. "Distressed food" means any food without label, mislabeled, that has been subjected to prolonged or improper storage, or that has been subjected to possible damage due to accident, fire, flood, adverse weather, physical trauma, mishandling, or to any other cause, and which may have been rendered unsafe or unsuitable for human or animal consumption.
- F. "Non-salvageable food" means distressed food that cannot be safely or practically reconditioned.
- G. "Salvageable food" means distressed food that can be reconditioned to the satisfaction of the Department.
- H. "Salvaged food" means previously distressed food which has been reconditioned to the satisfaction of the Department.
- I. "Reconditioning" means any appropriate process or procedure by which distressed food can be brought into

No interstate movement of distressed or salvageable food shall be made without prior approval of the Department and the responsible agency in the jurisdiction to receive the food. Concurrence shall also be obtained from the FDA or USDA prior to such anticipated movement. Food salvage processing establishments outside the State may sell or distribute salvaged foods within the State, if such plants conform to the provisions of this regulation or to substantially equivalent provisions and have a valid permit from the Department. To determine the extent of compliance with such provisions, the Department may accept reports from responsible authorities in other jurisdictions where such plants are located.

Food approved for animal consumption shall not be sold or otherwise distributed unless an affidavit is obtained from the receiver, stating that the food will be used only for animals. Such affidavit shall remain on file at the food salvage establishment. Containers of such product must be indelibly marked "for animal consumption only" and shall be denatured. The Department reserves the right to require denaturing of food designated for animal consumption.

3. Rules and regulations for food salvage establishments:

A. Examination and condemnation of unwholesome food. Samples of food may be taken by the Commissioner as often as may be necessary for the detection of unwholesomeness, damage or contamination.

B. Notice to Commissioner. It shall be the duty of food salvage processing establishments and salvage brokers to keep records for the Commissioner whenever distressed foods subject to the provisions of this section are obtained. (May be satisfied by Section C.)

(a) Movement of embargoed foods.

1. It shall be unlawful for foods under embargo by the Commissioner to be moved to a different location without prior permission granted by the Commissioner.
2. All movements of embargoed foods are to be made only under the supervision of the Commissioner.
3. Food and food products shall be moved from the localized site of a fire, flood, wreck or other cause as expeditiously as possible supervised by the Commissioner or an agent so as not to become putrid, unwholesome, rodent or insect harborage, or otherwise a menace to public health.

- (a) Any building or portion of any building regularly used in food salvaging shall at all times be clean, free of foul atmosphere and contamination, and shall be properly lighted, drained, and ventilated.
- (b) The side walls and ceilings of all work rooms shall be smooth and easily cleanable, and shall be kept reasonably free from dirt and foreign matter and clean at all times.
- (c) The floors of all work rooms shall be impermeable and shall be constructed of non-absorbent material which can be flushed and washed clean with water. Floor drains shall be provided in all rooms where floors are subjected to flooding type cleaning or where normal operations release or discharge water or other liquid waste on the floor. Floor/wall joints shall be sealed with coved molding.
- (d) All salvage processing establishments shall have an adequate number of conveniently located toilet rooms separate and apart from work rooms. The doors of toilet rooms shall be provided with self-closing devices. The floor of the toilet room shall be of non-absorbent material and shall be clean at all times. Toilet rooms shall be vented to the outdoors by means of ventilation. Easily cleanable waste receptacles shall be provided. A covered waste receptacle shall be provided in toilet rooms used by women. A handwash sign shall be posted.
- (e) Hand wash sinks shall be located in the toilet rooms, and at other locations in the establishment where required, and shall be supplied with soap, hot and cold or warm running water and single service towels, and shall be maintained in a sanitary condition. Before beginning work, after visiting toilet rooms, and at other times as required, employees shall wash their hands thoroughly with soap and water.
- (f) Sewage disposal. All sewage and other liquid waste shall be disposed of in a public sewerage system, or in the absence thereof, in a manner complying with State Plumbing Code subsurface wastewater disposal rules.
- (g) All plumbing and facilities shall meet State Plumbing Code requirements.
- (h) Storage rooms shall be kept clean and free from



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 7/30/98
 Sanitarian A. Rowe

SUPPLEMENTAL SHEET NO. 1 32-F-7

Owner's Name Joe Soley Establishment Name _____
 Establishment Address Seaman's Club Zip _____
375 Fore St.

- 22 Cooker area grill 55°, must be 45° or less
- 30 Missing hinge on walk-in door.
 Canopies to be cleaned of metal filings
 Gaskets on all coolers damaged.
 Shelves damaged, worn.
 Counter tops damaged, worn
- 47 Cleaning chemicals stand near ice at bar.
- 56 No extension on pressure relief valve.
 Missing faucet handle at women's toilet
 hand sink
- 51 No hot water at women's hand sink in
 bar
- 76. No extension cords, missing outlet plate,
 blocked exit from second floor exit
 exit.

MM

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

January 5, 1999

via fax and U.S. mail

Karen F. Wolf, Esq.
Friedman, Babcock & Gaythwaite
6 City Center
P.O. Box 4726
Portland, ME 04112-4726

RE: Baker's Table, Inc. d/b/a Seamen's Club - Inspection prior to Re-opening

Dear Karen:

This is to reflect our conversation on January 4th. At that time you advised me that Mr. Soley had declined to have the restaurant re-inspected on January 6th in anticipation of a January 9th reopening, because he presently has no definite plans about when reopening may occur. As a result, at present the Seamen's Club's license has not been "reinstated" as required by the order of the City Clerk, dated September 29, 1998, and it may not reopen.

The City's inspection staff will be available upon reasonable notice to conduct a reinstatement inspection prior to the restaurant's reopening.

Very truly yours,

A handwritten signature in cursive script that reads "Charles A. Lane".

Charles A. Lane
Associate Corporation Counsel

cc: Nadeen Daniels, City Clerk
Gary C. Wood, Corporation Counsel
Penny Littell, Associate Corporation Counsel
Michael J. Nugent, Inspection Services Manager
Mark Adelson, Housing and Neighborhood Services Director
bc: Robert B. Ganley, City Manager

CAL:meg
Enclosures
O:\WPCHARLES\SCREOPEN.LTR



CITY OF PORTLAND

Joseph Soley
Monopoly Inc.
P. O. Box 367 DTS
Portland, Maine 04226-0367

November 24, 1998

RE: The Seaman's Club; 375 Fore Street
CBL: 032-F-007

Dear Mr. Soley,

Upon yet another recent inspection conducted at the above referenced address, on 11/23/98, revealed the following violations and unsafe conditions, which present a clear and present danger to the occupants of the building, shall be corrected, pursuant to NEC 1996 and all applicable codes.

BASEMENT:

1. Open ROMEX cable located at outside wall, near the stairway. **Possible electrocution hazard exists. ART: 110-3(a)1-8, ART: 110-13(b) & ART: 300-15(b)**
2. Open junction box above the two water heaters. **Possible electrocution hazard exists. ART: 110-12(a) & ART: 370-18**
3. Remove all low-voltage cables, which are attached to the sprinkler pipes. Support all cables properly. **ART: 300-11(a)**
4. The walk-in cooler is improperly wired, and shall have a disconnect switch installed for the fan(s). **ART: 110-2 & 8**
5. Label the 200 AMP disconnect, to the left, as to what it serves. **ART: 110-22**

FIRST FLOOR:

1. Opening in the handy box, with outlet serving the two BUD LIGHT signs. **ART: 110-12(a)**
2. EXIT sign is not working at the rear exit, leading to the alley. **NFPA-101**
3. Track light fixture has opening at end feed kit. **ART: 110-12(a)**
4. Cord and plug connected track light' cord is attached to the sprinkler pipe. **ART: 110-2 & 8**

SECOND FLOOR:

1. Install disconnect switches for walk-in cooler fan(s). **ART: 90-4**
2. Complete steamer power installation. **ART: 90-1 & ART: 110-2 & 8**
3. Remove low-voltage cables from sprinkler piping and provide proper support. **ART: 300-11(c)**
4. Install tube guards on the 4' florescent fixture in the kitchen. **ART: 110-2 & 8**
5. Remove or repair the ceiling fixture in the kitchen alcove. **ART: 110-3(a)4,6,8**

THIRD FLOOR:

1. ROMEX type cable is subject to physical damage in the stairs from the second to third floors. **ART: 336-6(b)(1) & 110-11**
2. MC type cable is illegally attached to the sprinkler piping. **ART: 300-11(a)**
3. EXIT and emergency lights not working in the stairway. **NFPA-101**

BAR AREA:

1. A new Bell Atlantic phone line was installed improperly. Properly install and secure all low-voltage cables. **ART: 110-2 & 300-11(a)**

DINNING ROOM:

1. Install a new light fixture or properly blank off the open octagon ceiling box. **ART: 110-12(a)**

All previous and current violations and unsafe conditions shall meet full compliance, prior to the reinstatement of your food service license. The Seaman's Club shall not reopen until that time.

Sincerely,



Michael A. Collins
Chief Electrical Inspector
City of Portland

cc: Mike Nugent., ISM
A. Rowe, CEO
Charlie Lane, Corp Counsel
Penny Littell, Corp Counsel
Nadeen Daniels, City Clerk

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaticas
Penny Littell

December 4, 1998

Karen Wolf, Esq.
Friedman and Babcock
Post Office Box 4726
Portland, ME 04112-4726

Re: The Seamen's Club

Dear Karen:

At the request of your client, the City again visited the Seamen's Club on December 3, 1998, this time for the narrow purpose of re-inspecting the third floor bathroom, only. On December 3rd that bathroom was in compliance with the City Code. As I indicated to you previously, for purposes of your 80B appeal, I will stipulate that had the bathroom been in this condition during the full inspection of the Seamen's Club on November 24, 1998, then the Seamen's Club would have received a passing score on that inspection.

Finally, I am unsure at this point as to which attorney at Friedman and Babcock I should address future correspondence in this matter. Would you please advise?

Sincerely,

A handwritten signature in cursive script that reads "Penny Littell".

Penny Littell
Associate Corporation Counsel

Cc: Joseph Gray, Director of Planning and Urban Development
Mark Adelson, Director of Housing and Neighborhood Development
Michael Nugent, Inspections Manager
Arthur Rowe, Inspector
Harold Friedman, Esq.
George Guzzi, Esq.

O:\WP\PENNY\LTRS\wolf.doc

389 Congress Street • Portland, Maine 04101-3509 • (207) 874-8480 • FAX 874-8497 • TTY 874-8936

Corporation Counsel
Gary C. Wood



CITY OF PORTLAND

Associate Counsel
Charles A. Lane
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

December 2, 1998

Attorney Harold Friedman
Friedman and Babcock
Six City Center
Portland, Maine
04112-4726

Attorney Karen Wolf
Friedman and Babcock
Six City Center
Portland, Maine
04112-4726

Attorney George Guzzi
Friedman and Babcock
Six City Center
Portland, Maine
04112-4726

Re: The Seaman's Club Via FAX: 761-0186 and U.S. Postal Service

Dear Attorneys Friedman, Guzzi and Wolf:

Following my message to Attorney Guzzi this morning that the City's inspectors were unable to conduct an inspection of the Seaman's Club today, I have received two FAXES from your office insisting that an inspection nonetheless be conducted today. I also received two voice mail messages in the same vein.

First, I take exception to your allegation that the City is not acting in good faith or that something is not on the "up and up." In fact, as I believe your client, and Attorneys Friedman and Guzzi must concede, the City has been nothing but accommodating with regard to inspecting and reinspecting your client's premises. Unfortunately, despite its repeated inspections, the restaurant continues to be deficient in numerous health code areas.

In addition, Arthur Rowe did speak with your client today regarding an inspection of a Fore Street property. However, the scheduled inspection date was for tomorrow (December 3, 1998), not today (December 2, 1998). It is unfortunate that a miscommunication with your client has led you to make unwarranted accusations against the City. Moreover, on the topic of communication, please advise your client that if he is unable to speak with the City's inspectors in a professional manner, he should refrain from speaking with them directly and should communicate through you. Our inspectors will not be bullied while performing their jobs.

As for your request that another inspection of the Seaman's Club be conducted less than a week from the last inspection, the City is willing to reinspect the bathroom on the third floor for purposes of determining its conformance with City Code. Should this area now comply with Code requirements, for purposes of your appeal to Superior Court, the City would then stipulate that had that room been in such condition on November 23, 1998, the Seaman's Club would have received a passing score.

389 Congress Street • Portland, Maine 04101-3509 • (207) 874-8480 • FAX 874-8497 • TTY 874-8936

Attorney Harold Friedman
Attorney Karen Wolf
Attorney George Guzzi
December 2, 1998
Page 2

However, I want to avoid any misunderstanding about the procedural posture of this matter. As I clearly indicated to Attorney Guzzi in my office yesterday, even if the Seaman's Club had received a passing inspection last week pursuant to the City Clerk's Order of September 29, 1998, the Seaman's Club continues to be suspended until January 9, 1999 or until such earlier time as the Superior Court may order. The City Clerk's decision was not stayed. The Seaman's Club's administrative remedies have been exhausted. It is clear that a Superior Court is the only forum with jurisdiction to authorize the Seaman's Club to open any earlier than the January 9, 1999 date set by the City Clerk. In light of my discussion with Attorney Guzzi, I must admit that I was more than surprised to receive Attorney Friedman's FAXED inquiry as to whether or not the Seaman's Club would be authorized to open if it passes inspection in the near future.

This brings me to another point you raised in your second FAX. As you are aware, the Superior Court has issued a Temporary Restraining Order which precludes your client from opening his establishment known as the Seaman's Club pending restoration of the food service license. Again, this office was quite surprised by your inquiry as to why we did not notify you of the filing of the Complaint and Motion for TRO when, in fact, these documents were hand-delivered to your office (on November 24, 1998) by Charlie Lane, the attorney who filed the documents in the Superior Court. Moreover, the Order entered by the Court was FAXED to Attorney Guzzi on (November 25, 1998). You have not responded to the Court on behalf of your client.

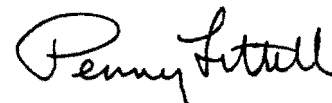
The City's function in inspecting restaurants is to conduct these inspections in an expeditious manner so that business establishments which conform to code requirements may open and be profitable. This benefits everyone, including the residents of the City of Portland. As I have previously indicated, your records will reflect that we have inspected your client's property as promptly as the inspector's schedules permit. However, there does come a point when continuous inspections of the same property serve no benefit, as, for instance, when there is a TRO issued by the Court precluding the reopening of a restaurant, or when the Court has not determined the appropriateness of restoring a license which has been suspended. These are the circumstances facing your client and the City.

The City will agree to reinspect the third floor bathroom at the Seaman's Club premises on Thursday, December 3, 1998 at 1:30 p.m. or immediately following its inspection of the Fore Street building provided that the City receives from you, in writing before noon on December 3, 1998, your understanding that the Seaman's Club's food service license will not be restored until January 9, 1999 unless the Superior Court enters an order to the contrary. This comports with the procedural posture of this case at the present time.

Attorney Harold Friedman
Attorney Karen Wolf
Attorney George Guzzi
December 2, 1998
Page 3

Be further advised that there shall be no further inspections at the Seaman's Club until January 7, 1999.

Sincerely,



Penny Littell
Associate Corporation Counsel

Enclosure

Cc: Robert B. Ganley, City Manager
Gary Wood, Corporation Counsel
Joseph Gray, Director of Planning and Urban Development
Mark Adelson, Director of Housing and Neighborhood Services
Michael Nugent, Inspections Manager
Arthur Rowe, Inspector

O:\WPENNY\LTRSFRIED123.DOC

Permit No: 10101
Establishment Name: Seawing Club
Address: 375 Fore St
City: Portland
Date: 08/10/19
Inspector: [Signature]
Purpose: [] REGULAR [] FOLLOW-UP [] COMPLAINT [] INVESTIGATION [] NEW/OTHER

FOOD SUPPLY AND SOURCE
1. Spoiled and/or adulterated foods are being used and/or served. Rule 2.1.A.1. 5 DEMERITS.
2. Unpasteurized milk, milk products, cracked eggs, unpasteurized egg products being used and/or served on premises, being used and/or served. Rule 2.1.A.3. 5 DEMERITS.
3. Canned foods from an unapproved source are being used and/or served. Rule 2.1.A.3. 5 DEMERITS.
4. Unlabeled, improperly labeled containers of food are being used and/or served. Rule 2.1.A.2. 1 DEMERIT.
5. Canned goods found leaking, with severe dents, in rusty condition, and/or swollen. Rule 2.1.A.1. 5 DEMERITS.
6. Shellfish not being kept in original container; seafood products misrepresented. Rules 2.1.B.2 and 2.1.B.3. 1 DEMERIT.
7. Meat and/or meat products not USDA approved. Rule 2.1.A.2. 5 DEMERITS.

FOOD PREPARATION AND PROTECTION
8. Cooked and/or prepared foods are subjected to cross contamination, from raw foods or other sources of contamination. Rules 2.2.A.1. and 2.3.B.5. 2 DEMERITS.
9. Employees handle raw and cooked or prepared food products without thorough hand-washing in between. Rules 2.2.A.1. and 2.3.B.5. 5 DEMERITS.
10. Raw fruits and/or vegetables are not washed before being used and/or served. Rule 2.4.B.1. 2 DEMERITS.
11. Food contact surfaces not washed, rinsed, and/or sanitized after each use and following any kind of cleaning when contamination may have occurred. Rule 5.1.A.3. 2 DEMERITS.
12. Food (non) contact surfaces are improperly designed, constructed, installed, maintained and/or located. Rules 4.2.A., 4.2.B., 4.3.A., 4.3.B. 2 DEMERITS.
13. Food not protected during storage/display. Food left uncovered, food improperly stored on floor, food containers in cold storage double stacked or nested, sneeze guards absent. Rules 2.2.A.1., 2.4.F.7. 2 DEMERITS.
14. Institutions: Ghost trays not kept, not dated, Rule 10.2. 1/2 pint milk not returned, schools, milk not kept at 40 F or below. Rule 2.1.B.1. 2 DEMERITS.
15. Storage of food and/or beverages in ice or water is prohibited. Rule 2.4.1.2. 2 DEMERITS.
16. Unwrapped and/or potentially hazardous food products previously served to the public were being reused. Rule 2.4.J.1. 5 DEMERITS.
17. Open cans were being used improperly to store food. Rule 2.3.B.7. 1 DEMERIT.

FOOD TEMPERATURES
18. Potentially hazardous food(s) not being: reheated, cooked long enough to be adequately heated to all parts. Rule 2.4.G.3. 5 DEMERITS.
19. Prepared potentially hazardous foods requiring refrigeration are not being properly cooled to 45° or below. The measured temperature was [] F. Rule 2.3.C.3. 5 DEMERITS.
20. Frozen food not being kept at 0° F or below; improper thawing. The measured temperature was [] F. Rule 2.3.C.4. 5 DEMERITS.
21. Potentially hazardous hot food(s) not being stored at 140° F or above. The measured temperature was [] F. Rules 2.4.G.1., 2.4.H.1.a. 5 DEMERITS.
22. Potentially hazardous cold food(s) not being stored at 45° F or below. The measured temperature was [] F. Rules 2.4.G.1., and 2.4.H.1.b. 5 DEMERITS.
23. Crowded refrigeration. There is less than 1/4 cubic foot of refrigeration per meat. Rule 10.1. 2 DEMERITS.
24. The containers used transporting food are inadequate. Rules 2.4.I.1. and 9.1.A. 1 DEMERIT.

PERSONNEL
26. No certified food handler/manager. Rules 3.5.
27. Personnel with communicable diseases, boils, infected wounds, respiratory or gastrointestinal infection, are preparing and serving food. Rule 3.1.A. 5 DEMERITS.
28. Personnel with dirty hands and/or smoking when preparing and serving food, with poor hygienic practice, eating, drinking, in food preparation and/or dish-washing areas. Rules 3.2.A., 3.2.B., and 3.4.A. 5 DEMERITS.
29. Hair restraints not worn by food handlers. Rule 3.3.B. 1 DEMERITS.

FOOD EQUIPMENT AND UTENSILS
30. Food/non food contact surfaces of equipment in disrepair (cracks, chips, pits, open sores), not easily cleanable. Rules 4.1.A., 4.2.A., and 4.2.B. 2 DEMERITS.
31. Single service articles improperly stored, dispensed, handled, reused. Rules 4.4.A. and 5.2.C. 2 DEMERITS.
32. Wiping cloths dirty, not stored properly in sanitizing solutions. Rule 5.1.B. 1 DEMERIT.

DISHWASHING
MANUAL DISHWASHING
33. Dishes/utensils not being scraped, soaked, preflushed. Rule 5.1.C.4. 1 DEMERIT.
34. Dishes/utensils are not being washed in a detergent solution having a temperature of at least 120° F. The measured temperature was [] F. Rule 5.1.C.5. 2 DEMERITS.
35. Dishes/utensils are not being sanitized by immersion for 30 seconds in clean hot water with a temperature of at least 170° F. The measured temperature was [] F. Rule 5.1.C.5.a. 4 DEMERITS.
36. Dishes/utensils are not being sanitized by immersion for one minute in a clean chlorine solution containing 50 ppm chlorine minimum and at a temperature of at least 130° F. The measured residual was [] ppm and the measured temperature was [] F. Rule 5.1.C.5.b. 4 DEMERITS.
37. No chemical test kit provided. Rule 5.1.D.4.b. 1 DEMERIT.
MECHANICAL DISHWASHING
38. Hot water sanitization: The wash-water temperature was not at least 140° F. The measured temperature was [] F. Rule 5.1.D.3.b. 2 DEMERITS.
39. The final sanitization rinse water temperature was not at least 180° F. The measured temperature was [] F. Rule 5.1.D.3.b. 4 DEMERITS.
40. Sustained 165° F hot water dishwashing machine. Rule 5.1.D.3.a. 4 DEMERITS.
41. Chemical sanitizer: The wash water temperature was not at least 120° F. The measured temperature was [] F. Rule 5.1.D.4.c.(1). 2 DEMERITS.
42. Sanitizing chemicals not automatically dispensed. Rule 5.1.D.1.c.(2). 2 DEMERITS.
43. The chemical sanitizing rinse water temperature was not at least 130° F. The measured temperature was [] F. Rule 5.1.D.4.c.(3). 2 DEMERITS.
44. No chemical test kit provided. Rule 5.1.D.4.b. 1 DEMERIT.
45. Dish racks not stored in a sanitary manner. Rule 5.1.D.6. 1 DEMERIT.
46. Gmups not produced. Temperature. Rules 5.1.D.1. and 5.1.D.2. 1 DEMERIT.

TOXIC MATERIALS
47. Toxic materials, personal medications and/or first-aid supplies were improperly stored, labeled, used in food. Rule 7.12. 5 DEMERITS.

WATER SUPPLY
48. A copy of the current water analysis was not available at the facility. Further testing may be required. Rule 6.1.E.3. 2 DEMERITS.
49. Water tested and found to be unsatisfactory. Rule 6.1.A.1. 5 DEMERITS.
50. The free chlorine was less than 0.25 ppm. The measured chlorine residual was [] ppm. Rule 6.1.A.2. 5 DEMERITS.
51. Hot and cold water (under pressure) not provided to the sinks, dishwashers, or lavatories. Rule 6.1.D.1. 5 DEMERITS.
52. Mobile food units: The water storage tank does not have adequate storage. It is not being properly cleaned and sanitized after each day's use. Rule 8.1.C.1. 2 DEMERITS.

WASTEWATER DISPOSAL
53. The subsurface disposal system was found to be surfacing. Rule 6.2.A. 4 DEMERITS.
54. Wastewater was being improperly discharged onto the ground. Rule 6.2.A. 4 DEMERITS.
55. Mobile food units: Waste water storage tank does not have adequate storage. Rule 8.1.C.2. 4 DEMERITS.

PLUMBING
56. Kitchen sink, utility sink, grease trap, drain, plumbing is improperly sized, installed and/or maintained. Rules 6.4.F. and 7.B. 2 DEMERITS.
57. A cross-connection, without backflow device, exists between the drinking and the waste-water systems at the faucet hose, hot water heater, water closets, etc. Rule 6.4.C. 5 DEMERITS.

TOILET AND HANDWASH FACILITIES
58. Toilet rooms: Completely enclosed, equipped with self-closing, light fitting doors, properly ventilated, issue provided, covered waste receptacle (indies). Rules 6.5, 6.6, and 6.7. 2 DEMERITS.
59. Inadequate number of male and/or female toilets. The number of toilets are: male and female. Rule 6.5. 1 DEMERIT.
60. Handwash facilities: Clean, adequate number, accessible, fixtures maintained, hand cleansing area, sanitizer towel/drying devices not provided, common towel. Rules 6.3. and 6.8. 4 DEMERITS.

RUBBISH
61. Inadequate, uncovered containers were being used. Rule 6.9. 2 DEMERITS.
62. Storage areas were not clean, free of litter. Rule 6.9.B.4. 2 DEMERITS.
63. Storage areas are not constructed in an inaccessible to vermin, easily cleaned, refuse bin of questionable safety. Rules 6.9 and 6.10. 2 DEMERITS.

INSECT, RODENT & ANIMAL CONTROL
64. Flies, rodents, fleas, lice, and live animals (other than security or guide dogs) were found on the premises. Rule 6.10. and 7.12. 4 DEMERITS.
65. Food service facilities: The outer doors, windows, skylights, transoms were not adequately screened. Rule 6.10.D. 1 DEMERIT.

CONSTRUCTION OR MAINTENANCE OF PHYSICAL FACILITIES
66. Floors, walls, ceilings, trim smooth, properly constructed, in disrepair, peeling surfaces. Rules 7.1.7.6. 1 DEMERIT.
67. Lighting: Ventilation inadequate, fixtures not shielded, dirty ventilation hoods, ductwork, filters, exhaust fans. Rules 7.6, 7.9, 7.10. 1 DEMERIT.
68. Premises altered, unnecessary equipment and articles present. Rule 7.11.A. 1 DEMERIT.
69. Improper storage of cleaning equipment, linens. Rule 7.11.B. 1 DEMERIT.

LOGGING
70. The sleeping room(s) are: inadequately ventilated, unclean, in disrepair, undersized, improper bed spacing. Rules 12.9 and 12.11. 1 DEMERIT.
71. The toilet, lavatories, showers, were not clean, in good repair. Rules 12.3 and 12.9.D. 2 DEMERITS.
72. Hand cleansers, towels, were not found, inadequate. Rule 12.4. 2 DEMERITS.
73. The carpeting is not clean, in good repair. Rule 12.9.C. 1 DEMERIT.
74. Drinking glasses not suitably sanitized and packaged. Rule 12.8. 2 DEMERITS.
75. Gas Appliances: Not water heaters, refrigerators, clothes dryers, floor furnaces found in sleeping rooms were not adequately vented, equipped with automatic pilot, equipped with an automatic control valve. Rule 12.10. 4 DEMERITS.
76. Lila safety code violations: Explain: Rule 11.1. 5 DEMERITS.

ITEMS IN GRAY SHADDED AREAS ARE 4 AND 5 DEMERITS ITEMS - CORRECT AS SOON AS POSSIBLE, NOTIFY DEPARTMENT WHEN CORRECTED - 874-8300 X 8703

11. Clean equipment brought
12. Ice scoop must not be stored w/ handle in ice
13. Food measured in cooler
Food wrapper sewer pipe
Part of [unclear] in ceiling
[unclear]

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Owner Name: Marcelly Inc Establishment Name: Seaman's Club
 Address: 395 Elm St Zip Code: 04101 Location: Portland
 MCD #: 0511710 ESTAB #: 0815219 CAMP #: 511000 CHUMAS: 16898 DEATS: 080 DATE: 15
 LICENSE ISSUED: YES NO J: 5 PURPOSE: REGULAR
 LICENSE FOR: YES NO J: 5 FOLLOW UP: 0 ESTAB TYPE: 01 Inspectors to be conducted: 1 5 PT 2
 LICENSE FOR: YES NO J: 5 INVESTIGATION: 0 4 5 follow up: 8 2 PT 5
 15 DEMERITS

- FOOD SUPPLY AND SOURCE**
- Spoiled and/or adulterated foods are being used and/or served. Rule 2.1.A.1. 5 DEMERITS.
 - Unpasteurized milk, milk products, cracked eggs, unpasteurized egg products being used and/or served. Rules 2.1.B.4. 5 DEMERITS.
 - Canned foods from an unapproved source on premises, being used and/or served. Rule 2.1.A.3. 5 DEMERITS.
 - Unlabeled, improperly labeled containers of food are being used and/or served. Rule 2.1.A.2. 1 DEMERIT.
 - Canned goods found: leaking, with severe dents, in rusty condition, and/or swollen. Rule 2.1.A.1. 5 DEMERITS.
 - Shellfish not being kept in original container; seafood products misrepresented. Rules 2.1.B.2 and 2.1.B.3. 1 DEMERIT.
 - Meat and/or meat products not USDA approved. Rule 2.1.A.2. 5 DEMERITS.

- TOXIC MATERIALS**
- Toxic materials, personal medications and/or first aid supplies were: improperly stored, labeled, used in food. Rule 7.12. 5 DEMERITS.
- WATER SUPPLY**
- A copy of the current water analysis was not available at the facility. Further testing may be required. Rule 6.1.E.3. 2 DEMERITS.
 - Water tested and found to be unsatisfactory. Rule 6.1.A.1. 5 DEMERITS.
 - The free chlorine was less than 0.25 ppm. The measured chlorine residual was 0.2 ppm. Rule 6.1.A.2. 5 DEMERITS.
 - Hot and cold water (under pressure) was not provided to the: sinks, dishwashers, or lavatories. Rule 6.1.D.1. 5 DEMERITS.
 - Mobile food units: the water storage tank does not have adequate storage. is not being properly cleaned and sanitized after each day's use. Rule 8.1.C.1. 2 DEMERITS.

- FOOD PREPARATION AND PROTECTION**
- Cooked and/or prepared foods are subjected to cross contamination, from: raw foods or other sources of contamination. Rules 2.2.A.1. and 2.3.B.5. 2 DEMERITS.
 - Employees handle raw and cooked or prepared food products without thorough hand-washing in between. Rules 2.2.A.1. and 2.3.B.5. 5 DEMERITS.
 - Raw fruits and/or vegetables are not washed before being used and/or served. Rule 2.4.B.1. 2 DEMERITS.
 - Food contact surfaces not: washed, rinsed, and/or sanitized after each use and following any kind of operation when contamination may have occurred. Rule 5.1.A.3. 2 DEMERITS.
 - Food (ice) contact surfaces are improperly: designed, constructed, installed, maintained and/or located. Rules 4.2.A., 4.2.B., 4.3.A., 4.3.B. 2 DEMERITS.
 - Food not protected during storage/display: food left uncovered, food improperly stored on floor, food containers in cold storage double stacked or nested, sneeze guards absent. Rules 2.2.A.1., 2.4.F.7. 2 DEMERITS.
 - Institutional: (hot trays) not kept, not dated. Rule 10.2.1. 1/2 pint milk not returned, whole milk not kept at 40 F. or below. Rule 2.1.B.1. 2 DEMERITS.
 - Storage of food and/or beverages in ice or water is prohibited. Rule 2.4.1.2. 2 DEMERITS.
 - Unwrapped and/or potentially hazardous food products previously served to the public were being reused. Rule 2.4.1.1. 5 DEMERITS.
 - Open cans being used improperly to store food. Rule 2.3.B.7. 1 DEMERIT.

- WASTEWATER DISPOSAL**
- The subsurface disposal system was found to be surfacing. Rule 6.2.A. 4 DEMERITS.
 - Wastewater was being improperly discharged onto the ground. Rule 6.2.A. 4 DEMERITS.
 - Mobile food units: waste water storage tank does not have adequate storage. Rule 8.1.C.2. 4 DEMERITS.
- TOILET AND HANDWASH FACILITIES**
- Toilets rooms: completely enclosed, equipped with self-closing, light fitting doors, properly vented, tissue provided, lowered waste receptacle (indies). Rules 6.5, 6.6, and 6.7. 2 DEMERITS.
 - Inadequate number of male, and/or female toilets. The number of toilets are: male and female. Rule 6.5. 1 DEMERIT.
 - Handwash lavatories: clean, adequate number, accessible, fixtures maintained, hand cleansing soap, sanitary towel/drying devices not provided, common towel. Rules 6.3. and 6.8. 4 DEMERITS.

- FOOD TEMPERATURES**
- Potentially hazardous foods not being: reheated, cooked long enough to be adequately heated to all parts. Rule 2.4.G.3. 5 DEMERITS.
 - Prepared potentially hazardous foods requiring refrigeration are not being rapidly cooled to 45 F. or below. The measured temperature was 50 F. Rule 2.3.C.3. 5 DEMERITS.
 - Frozen food not being kept at 0 F. or below: improper thawing. The measured temperature was 10 F. Rule 2.3.C.4. 5 DEMERITS.
 - Potentially hazardous hot foods not being stored at 140 F. or above. The measured temperature was 130 F. Rules 2.4.G.1., 2.4.H.1.a. 5 DEMERITS.
 - Potentially hazardous cold foods not being stored at 45 F. or below. The measured temperature was 40 F. Rules 2.4.G.1., and 2.4.H.1.b. 5 DEMERITS.
 - Crowded refrigeration: there is less than 1/4 cubic foot of refrigeration per meal. Rule 10.1. 2 DEMERITS.
 - The containers used transporting food are inadequate. Rules 2.4.L.1. and 9.1.A. 1 DEMERIT.
 - Accurate thermometers not available or used to evaluate hot holding, cooking, reheating, and refrigeration temperatures. Rules 2.3.C.1. and 2.3.D.2. 1 DEMERIT.

- RUBBISH**
- Inadequate, uncovered containers were being used. Rule 6.9. 2 DEMERITS.
 - Storage areas were not clean. free of litter. Rule 6.9.B.4. 2 DEMERITS.
 - Storage areas are not constructed to be: inaccessible to vermin, easily cleaned, refuse bin of questionable safety. Rules 6.9 and 6.10. 2 DEMERITS.
- INSECT, RODENT & ANIMAL CONTROL**
- Files, rodents, larvae, live animals (other than security or guide dogs) were found on the premises. Rule 6.10. and 7.12.C. 4 DEMERITS.
 - Food service facilities: The outer doors, windows, skylights, transoms were not adequately screened. Rule 6.10.D. 4 DEMERITS.

- PERSONNEL**
- Not certified food handler/manager. Rules 3.5.
 - Personnel with communicable disease(s), boils, infected wounds, respiratory or gastrointestinal infection, are preparing and serving food. Rule 3.1.A. 5 DEMERITS.
 - Personnel: with dirty hands and/or smoking when preparing and serving food, with poor hygiene practice, eating, drinking, in food preparation and/or dish-washing areas. Rules 3.2.A., 3.2.B., and 3.4.A. 5 DEMERITS.
 - Hair restraints not worn by food handlers. Rule 3.3.B. 1 DEMERIT.

- CONSTRUCTION OR MAINTENANCE OF PHYSICAL FACILITIES**
- Floors, walls, ceilings, not smooth, properly constructed, in repair, dirty surfaces. Rules 7.1.7.5. 1 DEMERIT.
 - Lighting, ventilation inadequate, (lighting) not shielded, dirty ventilation hood/fan ductwork, signs, not shielded. Rules 7.6, 7.9, 7.10. 1 DEMERIT.
 - Premises littered, unnecessary equipment and articles present. Rule 7.11.A.1. 1 DEMERIT.
 - Improper storage of cleaning equipment, linens. Rule 7.11.B. 1 DEMERIT.

- FOOD EQUIPMENT AND UTENSILS**
- Food contact surfaces of equipment: in disrepair (cracks, chips, pits, open seams), not easily cleanable. Rules 4.1.A., 4.2.A., and 4.2.B. 2 DEMERITS.
 - Single service articles improperly: stored, dispensed, handled, reused. Rules 4.4.A. and 5.2.C. 2 DEMERITS.
 - Wiping cloths: dirty, not stored properly in sanitizing solutions. Rule 5.1.B. 1 DEMERIT.

- LOGGING**
- The sleeping rooms are: inadequately ventilated, unclean, in disrepair, undersized, improper bed spacing. Rules 12.9 and 12.11. 1 DEMERIT.
 - The toilets, lavatories, showers, were not clean, in good repair. Rules 12.9. and 12.9.D. 2 DEMERITS.
 - Hand clossers, towels, were not found, inadequate. Rule 12.4. 2 DEMERITS.
 - The carpeting is not: clean, in good repair. Rule 12.9.C. 1 DEMERIT.
 - Drinking glasses not suitably sanitized and packaged. Rule 12.8. 2 DEMERITS.
 - Gas Appliances: hot water heaters, refrigerators, clothes dryers, floor furnaces found in sleeping rooms were not: adequately vented, equipped with automatic pilots, equipped with an automatic control valve. Rule 12.10. 2 DEMERITS.
 - Life safety code violations:
Explain: extinguishers
Rule 11.1. 5 DEMERITS.

- MANUAL DISHWASHING**
- Dishes/utensils not being: scraped, soaked, rinsed. Rule 5.1.C.4. 1 DEMERIT.
 - Dishes/utensils are not being washed in a detergent solution having a temperature of at least 120 F. The measured temperature was 110 F. Rule 5.1.C.5. 2 DEMERITS.
 - Dishes/utensils are not being sanitized by immersion for 30 seconds in clean hot water with at temperature of at least 170 F. The measured temperature was 160 F. Rule 5.1.C.5.a. 4 DEMERITS.
 - Dishes/utensils are not being sanitized by immersion for one minute in a clean chlorine solution containing 50 ppm chlorine minimum and at a temperature of at least 130 F. The measured residual was 10 ppm and the measured temperature was 120 F. Rule 5.1.C.5.b. 4 DEMERITS.
 - No chemical test kit provided. Rule 5.1.D.4.b. 1 DEMERIT.
- MECHANICAL DISHWASHING**
- Hot water sanitization: The wash water temperature was not at least 140 F. The measured temperature was 130 F. Rule 5.1.D.3.b. 2 DEMERITS.
 - The final sanitization rinse water temperature was not at least 180 F. The measured temperature was 170 F. Rule 5.1.D.3.b. 4 DEMERITS.
 - Sustained 165 F hot water dishwashing machine. 160 F. Rule 5.1.D.3.a. 4 DEMERITS.
 - Chemical sanitizers: The wash water temperature was not at least 120 F. The measured temperature was 110 F. Rule 5.1.D.4.c.(1). 2 DEMERITS.
 - Sanitizing chemicals not automatically dispensed. Rule 5.1.D.4.c.(2). 2 DEMERITS.
 - The chemicals sanitizing rinse water temperature was not at least 130 F. The measured temperature was 120 F. Rule 5.1.D.4.c.(3). 2 DEMERITS.
 - No chemical test kit provided. Rule 5.1.D.4.b. 1 DEMERIT.
 - Dishes/utensils not stored in a sanitary manner. Rule 5.1.D.6. 1 DEMERIT.
 - Gasket not provided, operative. Rules 5.1.D.1. and 5.1.D.2. 1 DEMERIT.

- ITEMS IN GRAY SHADED AREAS ARE 4 AND 5 DEMERIT ITEMS - CORRECT AS SOON AS POSSIBLE, NOTIFY DEPARTMENT WHEN CORRECTED - 874 8300 X 8703**
11. Clean everything
30. Damaged shelves, can opener to be cleaned w/ metal brushes. Gaskets damaged. Counter tops damaged/peel
- Arthur



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

Date 7/30/98
 Sanitarian D. Lowe

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

SUPPLEMENTAL SHEET NO. 1 32-F-7

Owner's Name Joe Soley Establishment Name _____

Establishment Address Seamus Club Zip 97205
375 Fox St.

- 22 Cooks wear grill 50; must be 45 unless
- 30 Missing hinge on walk-in door.
 Canopener to be cleaned of metal filings;
 Grabs on all cookies damaged.
 Shelves damaged, worn.
 Counter tops damaged, worn
- 47 Cleaning chemicals stored near ice at bar.
- 50 No extension on pressure relief valve.
 missing faucet handle at women's toilet
 hand sink
- 51 No hot water at women's hand sink in
 bar
- 76. No extension cords, missing outlet plate,
 blocked exit from second floor East
 exit.

M/M



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 8/5/48
 Sanitarian OR

SUPPLEMENTAL SHEET NO. _____

Owner's Name Monopoly Inc Establishment Name Seaman's Club

Establishment Address 375 Fox St. Zip _____

- 47 Insulated new pans
- 56 Two bay sink leaks; Drain pipe in cellar leaks; drain pipe from dishwasher leaks
- 57 Cross-connecting at ice sink, ice machines.
- 60 Cracked mens room sink.
- ~~62~~ 65 ~~65~~ Cellar drain open; door to Pantry not secured.
- ~~66~~ ~~66~~


CITY OF PORTLAND, MAINE
M E M O R A N D U M

TO: Michael J. Nugent, Manager of Inspection Services
FROM: Charles A. Lane, Associate Corporation Counsel
Ext. 8480
DATE: December 28, 1998
RE: Baker's Table, Inc. v. City of Portland

The City's answer to the above lawsuit is due on January 11th. Penny and I have been drafting a response which is now fairly developed.

I have a concern about the allegations of Paragraph 29, however. I have attached hereto a copy of that paragraph of the complaint as well as a draft response which, as you will observe, is incomplete.

Would you please review the documents and then meet with me, so that I can put the City's response to that paragraph in final form.



Charles A. Lane
Associate Corporation Counsel

CAL:meg
Enclosures
Paragraph 29 of complaint and proposed response

U

Solcy's Complaint

Notice of Appeal, attached hereto as Exhibit D and the Portland Municipal Code § 15-9(a).

29. On November 23, 1998, the City of Portland inspected The Seamen's Club Restaurant and they failed it by one point. The City Inspection Services which has always given The Seamen's Club Restaurant the resulting inspection score sheet immediately upon completing the inspection, did not deliver a copy of the inspection report until one week later on November 30, 1998, and only then at the repeated insistence of The Seamen's Club and its counsel.

Unforgiving

30. It was noted that a five-point deduction on the inspection report was for a hot water heater that had been unplugged during the current suspension. This fact was immediately reported to the City of Portland and a reinspection on that item was requested.

31. On December 3, 1998, the City reinspected The Seamen's Club and stipulated that had the water heater been in its working condition on the November 23, 1998 inspection, The Seamen's Club would have passed that inspection.

32. The City of Portland has stated that based on The Seamen's Club passing the December 3, 1998 reinspection, The Seamen's Club is now in a position to seek relief in Superior Court.

Could have sought relief prior

33. On November 23, 1998, the City of Portland sought a Temporary Restraining Order seeking to enjoin The Seamen's Club from opening until it received a passing score on an inspection and until the Clerk's 90-day suspension had either expired on January 9, 1999 or until appropriate relief was granted by the Superior Court.

City's Answer

states that one of its inspectors visited the Seamen's Club in connection with the repairs, which have been discussed above. Discussions with representatives of the Seamen's Club ^{included} including replacing a dirt floor in the basement.

25. The City does not have sufficient knowledge or information to enable it to form a belief as to the truth of the allegations of Paragraph 25 and, being without such knowledge or information, it denies them.

26. The City denies the allegations of Paragraph 26. By way of further answer, the City states that, contrary to the allegations of the plaintiffs, the suspension of the Seamen's Club's FSE licenses, was not voluntary. One of its attorneys had orally requested an extension, but declined to submit that request in writing, despite a suggestion that he do so, so that the clerk could rule on the request.

27. The City denies the allegations of Paragraph 27. By way of further answer, the City repeats its answer to Paragraph 26 above. In addition, as the Clerk's Order made clear, the 90 day suspension was "automatic."

28. Paragraph 28 contains Conclusions of Law and does not require a response by the City. To the extent that the allegations of Paragraph 28 may require a response, the City denies them. By way of further answer, the City admits that the Seamen's Club filed a Notice of Appeal.

29. The City denies the allegations of Paragraph 29. By way of further answer, the City states that the Seamen's Club did fail the inspection by one point. The Inspection Report was delivered to its attorneys ___ business days after the inspection, following the long Thanksgiving Day weekend. (City Hall was closed on November 26 and 27).

30. The City admits the allegations of Paragraph 30.

Cullen Baus

Name | occupation | ^{July 30th} how long as employed / ^{certified} license

Do you conduct ^{service} food inspection for city / or
do report notes on a particular for / or
they issued / what is passing else

^{July 30th}
July 30th contact with Deenan's Club /
what time ^{by 21:00} of day / how did you gain
admission / how long did inspection last /
what did you do

What did you observe in regard to food service
requirements / what was the issue

did you record your observations

did you take any other action at that time
[closed restaurant]

was there a particular violation which
caused you to close the restaurant
[imminent infestation]

032-F-007

0.1

October 30, 2000

Evan Smith, Esquire
Friedman, Babcock & Gaythwaite
Six City Center
PO Box 4726
Portland, ME 04112-4726

RE: City of Portland v. Joseph L. Soley

Dear Evan:

This is in response to your letter dated October 26th.

I have enclosed for your review and signature a proposed Rule 80K Complaint along with a Consent Decree which comports with the language set forth in my letter to you, dated October 5, 2000.

Would you please accept service on behalf of the Defendant (on page four of the Complaint), sign the Consent Decree in the place indicated and return both documents to me, together with a check in the amount of \$765.58.

Upon receipt of the document, I will promptly file them in Court.

I have asked Michael Nugent separately to advise you when the inspections of the property scheduled for early November will take place.

Very truly yours,

Charles A. Lane
Associate Corporation Counsel

CAL:ses
Enclosure
Cc: Michael J. Nugent, Manager of Inspection Services
O:\OFFICE\CHARLIE\LTR\ESmith.Soley.ltr.2.doc

STATE OF MAINE
CUMBERLAND, ss.

MAINE DISTRICT COURT
DISTRICT NINE
DIVISION OF SO. CUMBERLAND
DOCKET NO.

CITY OF PORTLAND, a body politic)
and corporate, located in the)
County of Cumberland and State of)
Maine,)
Plaintiff)
v.)
JOSEPH L. SOLEY,)
Defendant)

LAND USE CITATION
AND COMPLAINT

To Alleged Violator:

Name Soley Joseph L.
(Last) (First) (Middle)

Mailing Address:
Street P.O. Box 367
City/Town Portland Zip Code 04112

COMPLAINT

You are charged with the following:

VIOLATION

Date of Violation, or When First Observed by Complaining
Official

Month March Day 30 Year 2000 Time _____

Location of Violation 436 and 446 Fore Street, Portland
Street City/Town

Description of Violation: Violation of Portland Housing
Code _____

Legal Basis of Complaint:*

X Violation of State Law, Title 30-A Section 4452
or State Agency Rule No. _____ Adopted by Department of _____

X Violation of Municipal Ordinance or Regulation

Title Housing Code

Section(s) 6-106, et seq.

Page(s) 457-478

Summary of law, ordinance or regulation allegedly violated

The conditions of interior floors, walls, ceilings, doors
counter tops and cabinet doors do not meet code standards. The
condition of exterior windows, doors and skylights do not meet
code standards

Penalty Provision Section 30-A M.R.S.A. §4452 (3) Page(s) 90-91

Penalty Amount \$100 to \$2,500 per day

*If violation is of State agency rule, or municipal ordinance or regulation, attach certified copy to original of this form for service and filing.

Relief Sought from Court

_____ Temporary Restraining Order (complete Affidavit and Certificate below)

_____ Preliminary Injunction

X Permanent Injunction

X Civil Penalty

X Removal of Violation

X Other attorney's fees

CERTIFICATE

I certify that I have made the following efforts to give notice to the alleged violator and that notice is not required for the following reasons: _____

CITATION

You are hereby summoned to appear in District Court at the location and date indicated below to answer to the above Complaint. In the event of your failure to appear and state your defense on the court date specified, a judgment by default may be rendered against you. You are advised to call the District Court to verify the date and time of your appearance.

District Court 9th Date Nov. 17 Time 8:30 Tel. 822-4200

I (have) (find) reasonable grounds to believe that the above-complained of violation was committed because the said premises were inspected by Code Enforcement Officers acting under my direction and control.

Signature of Complainant/Clerk

*Signature _____
Michael J. Nugent
Manager of Inspection Services

Name of complainant if signed by clerk: _____
State Agency: _____ Title: _____
City/Town: _____ Title: _____ Date: _____

*If applicable, attach copy of certification from Department of Human Services.

NOTICE TO PROPERTY OWNER
(if not alleged violator)

To Property Owner:
Name Soley Joseph L.
(Last) (First) (Middle)
Mailing Address: P.O. Box 367, Portland, Maine 04112
Street City/Town State Zip

You are hereby notified that the original of this Citation and Complaint has been or will be served on the (above-named) (clerk of the corporation) and that if you wish to defend your own interest you should appear in District Court at the above indicated time and place. You are advised to call the District Court to verify date and time of the appearance. If you should fail to appear, judgment by default may be entered against you.

Signature of person making service on alleged violator:

Date: _____

ACKNOWLEDGEMENT OF RECEIPT

I, Evan Smith, Esquire, attorney for the Defendant, acknowledge receipt of this Citation and Complaint.

Evan Smith, Esquire
Bar No. 8749

Signing this Complaint does not constitute an admission of guilt.

RETURN

On the _____ day of _____, 2000, I served this Citation and Complaint upon _____ (alleged violator) (property owner) by:

delivering it to (him) (her) personally at _____ within this state;

delivering it to _____ (name and title) personally within this state; and or

(other method) _____

The alleged violator, if served personally has been advised of this violation and (has signed above to acknowledge receipt of this Citation and Complaint) (has refused to sign) (was unable to sign).

Date: _____ Signature of person serving process

Plaintiff's Attorney:
Office of Corporation Counsel
Portland City Hall
389 Congress Street
Portland, ME 04101 (207) 87408480

STATE OF MAINE
CUMBERLAND, ss.

NINTH DISTRICT COURT
DIVISION OF SO. CUMBERLAND
DOCKET NO.

CITY OF PORTLAND, a body politic)
and corporate, located in the)
county of Cumberland and the)
State of Maine,)
Plaintiff)
v.) CONSENT DECREE
Joseph L. Soley,)
Defendant)

Description of Property.

This Consent Decree relates to the properties owned by the Defendant and situated at 436 Fore Street and 446 Fore Street in Portland.

Code Violations.

The City of Portland charged the Defendant with violations of its Housing Code and Electrical Code which are more fully described in the Rule 80K complaint which forms the basis for this action.

Admission of Violations.

Although the Defendant has corrected some of the violations, he admits that the other continue to exist. Accordingly, pursuant to 30-A M.R.S.A. §4452, the Defendant agrees to pay to the City Seven Hundred Sixty Five Dollars and Fifty Eight Cents (\$765.58) as follows:

Filing Fees	\$120.00
Sheriff	\$20.58
Attorney's Fees	\$625.00

Cure of Violations by Deadline.

- (i) All violations relating to the condition of interior floors, walls, ceilings, doors, countertops, and cabinet doors will be made code compliant on or before December 31, 2000;
- (ii) All exterior windows, doors and skylights will be made code compliant on or before April 30, 2001.

Violations Existing after Deadline.

- (i) Mr. Soley will pay \$100.00 per day for each day after December 31, 2000 that some or all of the violations addressed in subparagraph i above remain uncorrected;
- (ii) Mr. Soley will pay \$200.00 per day (in addition to the \$100.00 per day penalty above) for each day after April 30, 2001 that some or all of the violations addressed in subparagraph ii above remain uncorrected.

Contempt.

In addition to the imposition of civil penalties referred to above, the Defendant may be found in contempt for any violation of this Order.

Attorney's Fees and Costs.

The Defendant will also be liable to pay attorney's fees and costs, pursuant to 30-A M.R.S.A. §4452(3)(D), related to any action taken by the City of Portland to enforce this Order.

Access to Building.

The Defendant will provide City Inspectors with reasonable access to the two properties which are the subject of this Order, so that they may verify compliance with its terms and conditions, until May 31, 2001.

Submission to Court.

This Consent Decree is submitted to the Court by counsel for the parties jointly so that the Court may adopt it as its own Order.

Dated: November ____, 2000

Evan Smith, Esquire
Bar No. 8749
Attorney for the Defendant

Charles A. Lane, Esquire
Bar No. 1040
Attorney for the
Plaintiff

Corporation Counsel
Portland City Hall
389 Congress Street
Portland, ME 04101
(207) 874-8480

The foregoing Consent Decree is hereby adopted as the Order of the Court this _____ day of November, 2000.

Judge,
Ninth District Court

SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket sheet and attaching the appropriate party to the appropriate count or counts. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: Ninth District Court			
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) Pro se plaintiffs: If unsure, leave blank. Rule 80 K Complaint			
III. NATURE OF FILING			
<input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim		<input type="checkbox"/> Family Matter Post-Judgment Motion <input type="checkbox"/> Motion to Modify <input type="checkbox"/> Motion to Enforce Judgment <input type="checkbox"/> Motion for Contempt	
<input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)			
IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED			
V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) Pro se plaintiffs: If unsure, leave blank.			
<u>GENERAL CIVIL (CV)</u>			
<input type="checkbox"/> Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Prelitigation Screening <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort <input type="checkbox"/> Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence	<input type="checkbox"/> Other Non-Personal Injury Tort <input type="checkbox"/> Contract <input type="checkbox"/> Contract <input type="checkbox"/> Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights <input type="checkbox"/> Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions <input type="checkbox"/> Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Liens <input checked="" type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil	
<u>FAMILY MATTERS (FM)</u>			
<input type="checkbox"/> Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Judicial Separation <input type="checkbox"/> Register Foreign Judgment <input type="checkbox"/> Support <input type="checkbox"/> Parental Rights/Responsibilities <input type="checkbox"/> Grandparents Rights <input type="checkbox"/> Other Marriage Dissolution <input type="checkbox"/> Other Domestic Relations	<input type="checkbox"/> Paternity <input type="checkbox"/> Paternity <input type="checkbox"/> DHS Administrative Paternity <input type="checkbox"/> URESA/UIFSA <input type="checkbox"/> URESA/UIFSA Petition <input type="checkbox"/> Register Foreign Judgment <input type="checkbox"/> Miscellaneous Family Matters <input type="checkbox"/> Other Family Matters	<input type="checkbox"/> Mental Health Actions <input type="checkbox"/> Emergency Commitment <input type="checkbox"/> Involuntary Hospitalization <input type="checkbox"/> Judicial Certification <input type="checkbox"/> Petition for Modified Release <input type="checkbox"/> Petition for Release <input type="checkbox"/> Sterilization	
<u>CHILD PROTECTIVE CUSTODY (PC)</u>			
<input type="checkbox"/> DHS Protective Custody		<input type="checkbox"/> Non-DHS Protective Custody	
<u>SPECIAL ACTIONS (SA)</u>			
Money Judgments			
<input type="checkbox"/> Money Judgment Request for Disclosure			
<u>REAL ESTATE (RE)</u>			
<input type="checkbox"/> Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	<input type="checkbox"/> Foreclosure <input type="checkbox"/> Foreclosure <input type="checkbox"/> Trespass <input type="checkbox"/> Trespass	<input type="checkbox"/> Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Liens <input type="checkbox"/> Partition	<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court)</u>			
<input type="checkbox"/> Governmental Body (80B)		<input type="checkbox"/> Administrative Agency (80C)	
		<input type="checkbox"/> Other Appeals	

Date Filed: _____

NOTICE OF APPEAL

NOW COMES the Seamen's Club, by and through counsel, and pursuant to § 15-9 of the Portland Code of City Ordinances, Notice is hereby given that the Seamen's Club appeals to the Portland City Manager, the Portland City Clerk's Order entered on September 29, 1998.

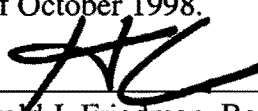
The bases for the Appeal are:

1. The City Clerk's automatic 90 day suspension of the Seamen's Club Food Service Establishment License, in addition to the voluntary ten (10) day suspension was excessive and punitive in nature, and unnecessary to ensure the health and safety of the public; and
2. The City Clerk's refusal to allow the Seamen's Club to voluntarily extend the ten (10) day suspension and remain closed until it could complete significant upgrades and renovations, was punitive, arbitrary and unfair as the Seamen's Club was and is attempting to make improvements beyond the repairs required of it.

The Seamen's Club respectfully requests a stay of the suspension of its current Food Service Establishment License pursuant to the Clerk's Order of September 29, 1998, upon a passing score on any inspection because such passing score would be determinative of a finding that "the public is not likely to suffer any harm during the pendency of the Appeal."

WHEREFORE, the Seamen's Club respectfully requests that the City Manager modifies the City Clerk's Order to allow the Seamen's Club Food Service Establishment License to be reinstated upon its receiving a passing score on an inspection.

Dated at Portland, Maine this 29th day of October 1998.


Harold J. Friedman, Bar #1252
Attorney for the Seamen's Club

FRIEDMAN BABCOCK & GAYTHWAITE
Six City Center
P.O. Box 4726
Portland, ME 04112-4726
(207) 761-0900



CITY OF PORTLAND
PLANNING AND URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

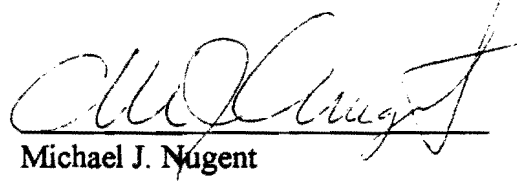
FOOD SERVICE ESTABLISHMENT
INSPECTION REPORT

Date 11/23/48
Sanitarian Ch. Howe

SUPPLEMENTAL SHEET NO. 1

Owner's Name J. Foley Establishment Name Seamans Club
Establishment Address 375 Pine St Zip _____

- 12. Shelves in walk-in cooler. Shelves 2nd floor hall
- 30 Ice machine at bar has duct tape on interior of door.
Interior of cellar walk-in cooler damaged.
- 51. No hot water at 3rd floor ^{Bath} hand sink.
- 52. Third floor bath - toilet doesn't work.
Cellar - drain pipe leaking.
Kitchen - hot water feed to hand sink leaks
- 62, 63 Outside trash storage inadequate. Rubble present.
- 64 Mice droppings noted 2nd floor shelves.
Live German cockroach noted. Many cockroach egg cases on kitchen floor.
- 66. Floors, walls, ~~ceiling~~ dirty, in disrepair.
- 67. Missing light shields kitchen.
- 68 Dirty hood, exhaust filters 2nd + 3rd floor kitchens.
- Unnecessary items, clutter present.


Michael J. Nugent
Inspection Services Manager

NOTICE OF HEARING

To: Baker's Table, Inc.
d/b/a The Seamen's Club

Pursuant to Portland Municipal Code §15-10(b), the foregoing Petition to Revoke the said License is scheduled for hearing before the City Clerk on Tuesday, September 29, 1998, at 9:00 a.m. in Room 209 at Portland City Hall.

Dated: September 17, 1998


City Clerk/Assistant City Clerk

SERVICE OF PETITION

On September 18, 1998, I served a copy of the foregoing Petition to Revoke License upon _____, of _____, of The Baker's Table, Inc. d/b/a The Seamen's Club.

Code Enforcement Officer

CAJ:de
C:\WPCHARLIESEAMENS.PET



The Seamen's Club
Hearty meals and classic fare

To whom it may concern,

Certain floor, wall and counter top
surface that are in need of repair
shall be completed by Sept 1, 1998.

A detailed completion list
will be sent at that time.

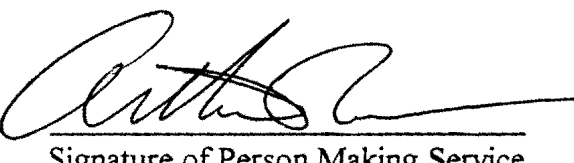
Thank you
Sincerely,

City Of Portland
Inspection Services
RETURN OF SERVICE

On the 17th day of Sept, 1998, I made service of the Food Service Report
upon the owner Joe Soley, at 375 Fore St. Seaman's Club

- ____ By delivering a copy in hand.
- ____ By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is PS Lewis at 375 Fore St.
- ____ By (describe other manner of service) _____.

DATED: 9/17/98
32-F-7
375 Fore St
Seaman's Club


Signature of Person Making Service
Code Enforcement Officer
Title



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

September 17, 1998

Monopoly Inc.
C/O Joseph Soley
375 Fore St.
Portland ME 04101

re: The Seaman's Club, 375 Fore St. (032-F-007)

Dear Sir :

A health inspection of your establishment was made on September 16, 1998.

Attached is a copy of the inspection report which indicated the sanitary condition of your establishment at the time of inspection was found to be unsatisfactory.

The matter is being referred to the City's Corporation Counsel for action pursuant to Section 15.8 of the License Ordinance.
Action may include license suspension or revocation and possible civil penalties pursuant to Section 1-15.

If you have any questions regarding this report, please do not hesitate to contact this office.

Sincerely,

Arthur Rowe
Code Enforcement Officer

SECOND FLOOR:

BACK AREA:

1. Lights not working in hallway. **ART: 90-1(b)**
2. E-lights not working. **NFPA ART: 101**
3. Open wiring at compressor controls. **ART: 300-15(b) & 110-3(a)6-8**
4. Open splices. **ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8**
5. Open junction boxes. **ART: 370-18 & 110-12(a)**

DINNING ROOM(S):

1. Low voltage wiring attached to sprinkler pipes. **ART: 720-11**
2. Low voltage cables exposed to damage, running along baseboard. **ART: 720-11**

GALLERY:

1. Extension cords serving equipment. **ART: 400-8**
2. Low voltage transformer hanging. **ART: 90-1**
3. Globe missing in ladies bathroom. **ART: 90-1**
4. Covers missing on electric baseboard heat. **ART: 300-11**

BAR AREA:

1. Open junction boxes. **ART: 370-18 & 110-12(a)**
2. Label panel. **ART: 384-13**
3. Open splices. **ART: 300-15(b) & 110-3(a)1-8**
4. Loose wires and cables. **ART: 300-11**

THIRD FLOOR:

SMALL KITCHEN:

1. Equipment cords are brittle due to excessive grease exposure. **FIRE HAZARD EXISTS. ART: 400-3, 4, 9**
2. Open splices. **ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8**

STORAGE ROOM:

1. Open splices. **ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8**
2. Unsupported cables and wires. **ART: 300-11**
3. Open junction boxes. **ART: 370-18 & 110-12(a)**

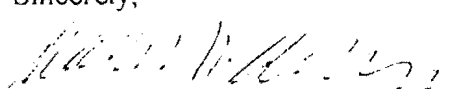
BASEMENT AREA:

LIQUOR ROOM:

1. Storage items blocking service equipment. ART: 110-16
2. Open wiring for compressor controls. Improperly wired. ART: 90-1 & 300-15(a)
3. Extension cord passing through wooden floor. FIRE HAZARD EXISTS. ART: 400-8
4. ROMEX with cord cap servicing equipment. ART: 90-1 & 336-5

These violations and unsafe conditions shall be corrected within (5) days upon receipt of this letter. Failure to comply shall result in the termination of electric service to the building.

Sincerely,


Michael A. Collins
Chief Electrical Inspector
City of Portland
cc: Mike Nugent, ISM
Mark Adelson, NSD
A. Rowe, CEO
Charlie Lane, Corp Counsel
Linda Mattison, CMP
Everything Electric, Lightning Electric



CITY OF PORTLAND

September 17, 1998

Monopoly Inc.
C/O Joseph Soley
375 Fore St.
Portland ME 04101

re: The Seaman's Club, 375 Fore St. (032-F-007)

Dear Sir :

A health inspection of your establishment was made on September 16, 1998.

Attached is a copy of the inspection report which indicated the sanitary condition of your establishment at the time of inspection was found to be unsatisfactory.

The matter is being referred to the City's Corporation Counsel for action pursuant to Section 15.8 of the License Ordinance.
Action may include license suspension or revocation and possible civil penalties pursuant to Section 1-15.

If you have any questions regarding this report, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Arthur Rowe".

Arthur Rowe
Code Enforcement Officer



CITY OF PORTLAND

Joseph Soley
Monopoly Inc.
Jobar Corporation
P. O. Box 367 D.T.S
Portland, Maine 04112-0367

August 5, 1998

RE: Seaman's Club; 375 Fore Street
CBL: 032-F-007
Dear Mr. Soley,

Upon a recent inspection conducted at the above referenced address, on 7/30/98 and again on 8/5/98, revealed the following violations and unsafe conditions, **which present a clear and present danger to the occupants of the building, shall be corrected, pursuant to NEC 1996 and all applicable City codes.**

FIRST FLOOR :

BAR AREA:

1. Extension cords throughout area, servicing electrical equipment. Add outlets to eliminate extension cords. **FIRE HAZARD EXISTS. ART: 400-8**
2. Loose and unsecured cables and boxes. **ART: 300-11**
3. Add GFCI protection at all counter locations within 6' of all sinks. **SHOCK HAZARD EXISTS. ART: 90-1**
4. Open splices. **ART: 300-15(b) & 110-3(a)1-8**
5. Illegal floor outlets. **ART: 110-2 & 370-27(b)**
6. Equipment improperly wired. **ART: 110-2 & 90-1**

SECOND FLOOR:

MAIN KITCHEN:

1. E-lights not working. **NFPA ART: 101**
2. Breaker panels blocked by kitchen equipment. **ART: 110-16**
3. Add outlets to eliminate extension cords. **FIRE HAZARD EXISTS. ART: 400-8**
4. Florescent fixture has open cover. **ELECTROCUTION HAZARD EXISTS. ART: 90-1 & 110-3(a)1-8**
5. Open splices. **ART: 300-15(b) & 110-3(a)1-8**
6. Open spaces in breaker panel cover. **ELECTROCUTION HAZARD EXISTS. ART: 110-12(a) & 90-1**
7. Label disconnect for kitchen equipment. **ART: 110-22**
8. Loose receptacle box, under dishwasher. **ART: 300-11**



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 8/5/48
 Sanitarian GR

SUPPLEMENTAL SHEET NO. _____

Owner's Name Monopoly Inc Establishment Name Seaman's Club
 Establishment Address 375 Fox St. Zip _____

- 47 Invented new pans
- 56 Two bay sink leaks; Drain pipe in cellar leaks; drain pipe from dishwasher leaks; missing traps in cellar.
- 57 Cross-connecting at ice sink, ice machines.
- 60 Cracked mens room sink.
- 65 Cellar drain open; door to Pantry not secured.



CITY OF PORTLAND

Joseph Soley
Monopoly Inc.
Jobar Corporation
P. O. Box 367 D.T.S
Portland, Maine 04112-0367

August 5, 1998

RE: Seaman's Club; 375 Fore Street
CBL: 032-F-007
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FRIEDMAN BABCOCK & GAYTHWAITE
ATTORNEYS AT LAW
SIX CITY CENTER
P.O. BOX 4726
PORTLAND, MAINE
04112-4726

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Karen Frink Wolf*** L. John Topchik
Jennifer S. Riggall** Sally A. Morris**
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Elizabeth A. Germani*** Kieran N. Shields**
Michelle Allott

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info@fbg-law.com

* Also admitted in Connecticut & New York
** Also admitted in Massachusetts
*** Also admitted in New Hampshire

32-F-7

October 29, 1998

VIA HAND DELIVERY

Robert Ganley, City Manager
CITY OF PORTLAND
389 Congress St.
Portland, ME 04101-3509

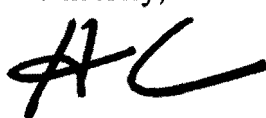
RE: Seamen's Club Food Service Establishment License

Dear Mr. Ganley:

Enclosed please find a copy of the Seamen's Club Notice of Appeal from the Portland City Clerk's Order dated September 29, 1998, along with a request for a stay of that decision and a check in the amount of \$25.00 for the required filing fee.

Thank you for your attention to this matter.

Sincerely,



Harold J. Friedman

HJF/bjc

Enclosures

cc: Charles Lane, Corporate Counsel Office
Penny Littell, Associate Corporation Counsel Office
Michael Nugent, Manager, Inspection Services
Mark Adelson, Director of Housing and Neighborhood Development

FRIEDMAN BABCOCK & GAYTHWAITE
ATTORNEYS AT LAW
500 CITY CENTER
P.O. BOX 4726
PORTLAND, MAINE
04112-4726

Seaman's Club

*Rec'd
10/9/98
242*

Harold J. Friedman* Tracy D. Hill**
Ernest I. Babcock Susan J. Colette**
Martha C. Gaythwaite** George D. Guzzi**
Kara; Frank Weis*** L. John Topchik**
Jennifer S. Riggle** Sally A. Morris**
Laurence H. Ravitt Catherine C. Miller***
Elizabeth A. Ferranti*** Kieran N. Shields**
Michelle Allott

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E-mail:
info@fbg-law.com

* Also admitted in Connecticut & New York
** Also admitted in Massachusetts
*** Also admitted in New Hampshire

October 9, 1998

VIA FACSIMILE - 874-8716

Michael J. Nugent, Manager
INSPECTION SERVICES
CITY OF PORTLAND

Post-It Fax Note	7671	Date	10/9	Page	1
To	MIKE NUGENT	From	GEORGE GUZZI		
Co./Dept.		Co.			
Phone #		Phone #	761-0900		
Fax #	874-8716	Fax #	761-0186		

RE: Bakers Table, Inc. d/b/a Seaman's Club

Dear Mike:

This letter is to confirm that the Seaman's Club is not prepared for an inspection today. The Seaman's Club is in the middle of substantial renovations, repairs, maintenance and cleaning to both comply with the Order of the City Clerk with respect to the September 29, 1998 hearing, as well as to complete additional improvements to the restaurant beyond the scope of that Order. I will contact you when the work is completed to schedule a time for an appropriate inspection.

Sincerely,

George D. Guzzi

GDG/bjc

ORDER

On September 29, 1998 a hearing was held before the City Clerk on charges brought by the City of Portland against The Seaman's Club alleging violations of the City's Food Service Establishment Code. The claim presented encompassed Food Service Establishment violations noted as of September 16, 1998, as well as a pattern of conduct since August 5, 1998 calling into question the ability of The Seaman's Club to operate a food service establishment in compliance with the City's Code of Ordinances.

Testimony was received from Code Enforcement Officer, Arthur Rowe, and the City's Manager of Inspection Services, Michael Nugent. In addition, the testimony of The Seaman's Club's Director of Operations, P.J. Lewis, was received.

I have considered all of the testimony presented and have reviewed the written exhibits made part of the record. I find the violations as alleged by the City, and as noted in written Inspection Report of September 16, 1998, to exist. Further, I find a disturbing course of conduct demonstrated by The Seaman Club's repeated failure to operate its restaurant according to City health standards. Based on these determinations, a suspension of The Seaman's Club's Food Service Establishment License is not only warranted but necessary. As a result, I impose the following suspension and conditions for License reinstatement:

- A ten day suspension of The Seaman's Club Food Service Inspection is imposed. The ten (10) day suspension shall take effect on September 30, 1998. During this time, The Seaman's Club shall:
 - a. replace all floors, walls, ceilings, shelves, and food equipment whose surface is not smooth and easily cleanable so as to comply with the requirements of Article 11 of the City Code; and
 - b. remove all unnecessary articles from the basement, including unused furniture, advertisement material, concrete debris and the like; and
 - c. repair and/or replace all coolers on the premises which do not have: smooth and easily cleanable surfaces, appropriate and working gaskets, and the like, so as to comply with the requirements of Article 11 of the City Code; and
 - d. eliminate all means of ingress for vermin into the premises, including but not limited to, sealing the basement floor; and

O:\WPENNY\CONTRACT\order-sc.doc

• A contractor shall be hired to perform all necessary work to fulfill the conditions noted above and to address the remaining violations detailed on Exhibits A,B, and C; and

• In addition, prior to the reinstatement of The Seaman's Club Food Service Establishment license, The Seaman's Club shall submit to the City Clerk the following documentation:

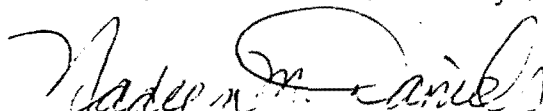
- a. the names, addresses, telephone numbers and date of performance of work by all contractors hired to bring The Seaman's Club into compliance with City Code; and
- b. a copy of the written policy of the measures adopted and implemented by The Seaman's Club on September 5, 1998 which will require it to strictly adhere to the Food Service Establishment provisions of the City Code; and
- c. written verification from the restaurant owner, or other reliable source, of the check-writing authority granted to P.J.Lewis and the expenditure limit for The Seaman's Club to which this authority is subject; and
- d. an executed contract for hire with a reputable consultant in the Food Service consulting industry, which provides, at minimum, that the consultant shall:
 1. conduct a full inspection of The Seaman's Club; and
 2. produce a written report, with a written plan of action to correct any problems or concerns noted; and
 3. production of an employee training manual for Food Service Preparation and Service which includes a copy of the City's Food Service Establishment Regulations and which shall be distributed to all existing and new employees and which shall be regularly enforced by The Seaman's Club; and
- e. The Seaman's Club's service contract with Orkin Exterminating Company, Inc., identifying the frequency of past visits to The Seaman's Club and the schedule of future visits, as well as a copy of the most recent receipt of the payment of funds to Orkin for services performed; and

• The Seaman's Club's Food Service Establishment License shall not be reinstated until the City Clerk receives written verification from the City's Inspection Department that upon its reinspection of The Seaman's Club all of the conditions set forth in this Order have been fully achieved.

The Seaman's Club is hereby placed on notice that should The Seaman's Club fail to obtain a passing score on any inspection between now and the expiration date of its current Food Service Establishment License, including the inspection to occur on October 9, 1998, The Seaman's Club's Food Service Establishment License shall automatically be suspended for a period of 90 days without hearing. Any license reinstated thereafter shall be reinstated only after proof that The Seaman's Club complies with City Code.

You have the right to appeal this decision to the City Manager, within thirty (30 days) from September 29, 1998, pursuant to section 15-9 of the Portland Code of City Ordinances.

Dated this 29th day of September, 1998.


Nadeen M. Daniels
Portland City Clerk

FRIEDMAN BABCOCK & GAYTHWAITE
ATTORNEYS AT LAW
SIX CITY CENTER
P.O. BOX 4726
PORTLAND, MAINE
04112-4726

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*Also admitted in Connecticut & New York
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***Also admitted in New Hampshire

September 24, 1998

VIA HAND DELIVERY

Penny Littell, Associate Corporation Counsel
CITY OF PORTLAND
389 Congress St.
Portland, ME 04101-3509

SEP 24 1998

RE: Bakers Table, Inc. d/b/a Seamen's Club

Dear Penny:

This letter is in response to the City of Portland's Petition to Revoke FSE License of the Seamen's Club Restaurant. By way of this letter, I want to inform you that the Seamen's Club has corrected all of the violations listed on the attached inspection report, including:

1. The can opener, saw and coolers have been cleaned;
2. The countertop has been repaired and the cooler gaskets replaced;
3. Plastic utensils have been stored with handles up;
4. Wiping cloths are stored in a sanitizing solution;
5. The temperature problem with the bar dishwasher has been corrected;
6. Insect repellent and bleach are not stored near the pot sink;

In re: Baker's Table, Inc.)
d/b/a The Seamen's Club) Petition to Revoke FSE License
)
)

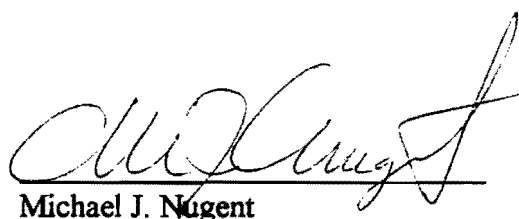
1. This petition is filed, pursuant to Portland Municipal Code §15-8(a)(5).
2. On three separate occasions from July 30, 1998 to September 16, 1998, the Seamen's Club failed to obtain a passing score during the conduct of food service inspections.
3. The inspections in question were conducted on July 30, 1998, August 5, 1998, and September 16, 1998.
4. The passing score is 76. On the days in question, the Seamen's Club scored as follows:

<u>DATE</u>	<u>SCORE</u>
7/30/98	48
8/5/98	60
9/16/98	63.

5. Copies of the Food Service Health Inspection Reports for each of the days in question, including Supplemental Sheets, are attached hereto as Exhibits A, B and C.
6. The condition of the Seamen's Club constitutes a serious threat to public health and safety.

WHEREFORE, your petitioner prays that, after notice and hearing, the City Clerk will revoke the LL Class XI FSE RST/LNGE License (hereinafter "License") of the Seamen's Club, and grant such other and further relief as to her seems just.

Dated: September 17, 1998



Michael J. Nugent
Inspection Services Manager

NOTICE OF HEARING

To: Baker's Table, Inc.
d/b/a The Seamen's Club

Pursuant to Portland Municipal Code §15-10(b), the foregoing Petition to Revoke the said License is scheduled for hearing before the City Clerk on Tuesday, September 29, 1998, at 9:00 a.m. in Room 209 at Portland City Hall.

Dated: September 17, 1998


Anne O. Savona
City Clerk/Assistant City Clerk

SERVICE OF PETITION

On September 18, 1998, I served a copy of the foregoing Petition to Revoke License upon _____, of _____, of The Baker's Table, Inc. d/b/a The Seamen's Club.

Code Enforcement Officer

CAI:dlb
O:\WP\CHARLIESEAMENS.PET

Permit Name: Minneapolis Inn Establishment Name: Seamans Club
 Address: 375 Folsom St. Location: Portland
 MCD #: 051170101815019 SALES TAX: 0100 DATE: 01/10/11
 LICENSE ISSUED: YES NO EXPIRES: 01/10/11 YR: 01 MO: 10 DAY: 31
 PURPOSE: REGULAR ESTAB. TYPE: 01 Inspection to be conducted: 25 PT, 3 PT, 3 PT, 5 PT
 FOLLOW-UP: 0 COMPLAINT: 3 days city letter of 5 PT
 INVESTIGATION: 4 NEW/OTHER: 5

Exhibit
A

- FOOD SUPPLY AND SOURCE**
1. Spoiled and/or adulterated foods are being used and/or served. Rule 2.1.A.1. 5 DEMERITS.
 2. Unpasteurized milk, milk products, cracked eggs, unpasteurized egg products being used and/or served. Rules 2.1.B.4. 5 DEMERITS.
 3. Canned foods from an unapproved source on premises, being used and/or served. Rule 2.1.A.3. 5 DEMERITS.
 4. Unlabeled, improperly labeled containers of food are being used and/or served. Rule 2.1.A.2. 1 DEMERIT.
 5. Canned goods found: leaking, with severe dents, in rusty condition, and/or swollen. Rule 2.1.A.1. 5 DEMERITS.
 6. Shellfish not being kept in original container, seafood products misrepresented. Rules 2.1.D.2 and 2.1.D.3. 5 DEMERITS.
 7. Meat and/or meat products not USDA approved. Rule 2.1.A.2. 5 DEMERITS.
- FOOD PREPARATION AND PROTECTION**
8. Cooked and/or prepared foods are subjected to cross contamination, from raw foods or other sources of contamination. Rules 2.2.A.1. and 2.3.B.5. 2 DEMERITS.
 9. Employees handle raw and cooked or prepared food products without thorough hand-washing in between. Rules 2.2.A.1. and 2.3.B.5. 5 DEMERITS.
 10. Raw fruits and/or vegetables are not washed before being used and/or served. Rule 2.4.D.1. 2 DEMERITS.
 11. Food contact surfaces not: washed, rinsed, and/or sanitized after each use and following any kind of operation when contamination may have occurred. Rule 5.1.A.3. 2 DEMERITS. *TOP MACHINE HOSE*
 12. Food (on) contact surfaces are improperly: designed, constructed, installed, maintained and/or located. Rules 4.2.A., 4.2.B., 4.3.A., 4.3.B. 2 DEMERITS.
 13. Food not protected during storage/display, food left uncovered, food improperly stored on floor, food containers in cold storage double stacked or nested, sneeze guards absent. Rules 2.2.A.1., 2.4.F.7. 2 DEMERITS.
 14. Institutions: Grist tray(s) not kept, not dated, Rule 10.2.1. 1/2 pint milk not returned, schools, milk not kept at 40° F. or below, Rule 2.1.B.1. 2 DEMERITS.
 15. Storage of food and/or beverages in ice or water is prohibited. Rule 2.4.1.2. 2 DEMERITS.
 16. Unwrapped and/or potentially hazardous food products previously served to the public were being reused. Rule 2.4.1.1. 5 DEMERITS.
 17. Open cans were being used improperly to store food. Rule 2.3.B.7. 1 DEMERIT.
- FOOD TEMPERATURES**
18. Potentially hazardous food(s) not being: reheated, cooked long enough to be adequately heated to all parts. Rule 2.4.G.3. 5 DEMERITS.
 19. Prepared potentially hazardous foods requiring refrigeration are not being rapidly cooled to 45° or below. The measured temperature was °F. Rule 2.3.C.3. 5 DEMERITS.
 20. Frozen food not being kept at 0° F. or below; improper thawing. The measured temperature was °F. Rule 2.3.C.4. 5 DEMERITS.
 21. Potentially hazardous hot food(s) not being stored at 140° F. or above. The measured temperature was °F. Rules 2.4.G.1., 2.4.H.1.a. 5 DEMERITS.
 22. Potentially hazardous cold food(s) not being stored at 45° F. or below. The measured temperature was °F. Rules 2.4.G.1., and 2.4.H.1.b. 5 DEMERITS.
 23. Crowded refrigeration: there is less than 1/4 cubic foot of refrigeration per meal. Rule 10.1. 2 DEMERITS.
 24. The containers used transporting food are inadequate. Rules 2.4.L.1., and 9.1.A. 1 DEMERIT.
 25. Accurate thermometers not available or used to evaluate hot holding, cooking, reheating, and refrigerated storage temperatures. Rules 2.3.C.1. and 2.3.D.2. 1 DEMERIT.
- PERSONNEL**
- TOXIC MATERIALS**
47. Toxic materials, personal medications and/or first-aid supplies were: improperly stored, labeled, used in food. Rule 7.12. 5 DEMERITS.
- WATER SUPPLY**
48. A copy of the current water analysis was not available at this facility. Further testing may be required. Rule 6.1.E.3. 2 DEMERITS.
 49. Water tested and found to be unsatisfactory. Rule 6.1.A.1. 5 DEMERITS.
 50. The free chlorine was less than 0.25 ppm. The measured chlorine residual was ppm. Rule 6.1.A.2. 5 DEMERITS.
 51. Hot and cold water (under pressure) was not provided to the: sinks, dishwashers, or lavatories. Rule 6.1.D.1. 5 DEMERITS.
 52. Mobile food units: The water storage tank: does not have adequate storage, is not being properly cleaned and sanitized after each day's use. Rule 8.1.C.1. 2 DEMERITS.
- WASTEWATER DISPOSAL**
53. The subsurface disposal system was found to be surfacing. Rule 6.2.A. 4 DEMERITS.
 54. Wastewater was being improperly discharged onto the ground. Rule 6.2.A. 4 DEMERITS.
 55. Mobile food units: waste water storage tank does not have adequate storage. Rule 8.1.C.2. 4 DEMERITS.
- PLUMBING**
56. Kitchen sink, utility sink, grass trap, drain, plumbing is improperly sized, installed and/or maintained. Rules 6.4.F. and 7.8. 2 DEMERITS.
 57. A cross-connection, without backflow device, exists between the drinking and the waste-water systems at the: faucet hose, hot water heater, water closets. Rule 6.4.C. 5 DEMERITS. *TOP SINK AT BAR, TOP MACHINE*
- TOILET AND HANDWASH FACILITIES**
58. Toilets rooms: Completely enclosed, Equipped with self-closing, light fitting doors, properly vented, tissue provided, covered waste receptacle (padies) Rules 6.5, 6.6, and 6.7. 2 DEMERITS.
 59. Inadequate number of male and/or female toilets. The number of toilets are: male and female. Rule 6.5. 1 DEMERIT.
 60. Handwash facilities: clean, adequate number, accessible, fixtures maintained, hand cleansing soap, sanitary towel/hand drying devices not provided common towel. Rules 6.3. and 6.8. 4 DEMERITS. *WOMEN ROOM*
- RUBBISH**
61. Inadequate, uncovered containers were being used. Rule 6.9. 2 DEMERITS.
 62. Storage areas were not clean, free of litter. Rule 6.9.B.4. 2 DEMERITS.
 63. Storage areas are not constructed in ha: inaccessible to vermin, nastily cleaned, return bin of questionable safety. Rules 6.9 and 6.10. 2 DEMERITS.
- INSECT, RODENT & ANIMAL CONTROL**
64. Flies, rodents, moths, live animals (other than security or guide dogs) were found on the premises. Rule 6.10. and 7.12.3. 4 DEMERITS.
 65. Food service facilities: The outer doors, windows, skylights, transoms were not adequately screened. Rule 6.10.D. 4 DEMERITS.



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

Date 7/30/98
 Sanitarian A. Rowe

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

SUPPLEMENTAL SHEET NO. 1 32-F-7

Owner's Name Joe Soley Establishment Name _____

Establishment Address Seamus Club Zip _____

275 Fox St.

- 22 Cooks wear grill 50; must be 45 unless
- 30 Missing hinge on walk-in door.
- Canopense to be cleaned of metal filings
- Coasters on all tables damaged
- Shelvs damaged, wavy
- Combs tops damaged, wavy
- 47 Cleaning chemicals stand near ice at bar.
- 50 No extension on pressure relief valve.
- Missing faucet handle at women's toilet
- hand sink
- 51 No hot water at women's hand sink in
- bar
- 76. No extension cords, missing outlet plate,
- blocked exit from second floor Ex. St
- exit.

MAM

Owner Name: Monopoly Inc Establishment Name: Seamus' Club
 Address: 395 Fore St. Zip Code: 04101 Location: Portland
 MCD #: 051710 ESTAB #: 081209 SANIT #: 151000 FEATS: 16898 DATE: 08/08/05
 LICENSE ISSUED: YES NO: YES NO: NO REGULAR FOLLOW-UP COMPLAINT INVESTIGATION NEW OTHER: ESTAR TYPE: 101
 REINSPECTION TO BE CONDUCTED WITHIN: 15 DAYS: 5 FOLLOW-UP: 8 DAYS: 4

- FOOD SUPPLY AND SOURCE**
- Spoiled and/or adulterated foods are being used and/or served. Rule 2.1.A.1. 5 DEMERITS
 - Unpasteurized milk, milk products, cracked eggs, unpasteurized egg products being used and/or served. Rules 2.1.B.4. 5 DEMERITS
 - Canned foods from an unapproved source on premises, being used and/or served. Rule 2.1.A.3. 5 DEMERITS
 - Unlabeled, improperly labeled containers of food are being used and/or served. Rule 2.1.A.2. 1 DEMERIT
 - Canned goods found, leaking, with severe dents, in rusty condition, and/or swollen. Rule 2.1.A.1. 5 DEMERITS
 - Shellfish not being kept in original container; seafood products misrepresented. Rules 2.1.B.2 and 2.1.B.3. 1 DEMERIT
 - Meat and/or meat products not USDA approved. Rule 2.1.A.2. 5 DEMERITS

- FOOD PREPARATION AND PROTECTION**
- Cooked and/or prepared foods are subjected to cross contamination, from raw foods or other sources of contamination. Rules 2.2.A.1. and 2.3.B.5. 2 DEMERITS
 - Employees handle raw and cooked or prepared food products without thorough hand-washing in between. Rules 2.2.A.1. and 2.3.B.5. 5 DEMERITS
 - Raw fruits and/or vegetables are not washed before being used and/or served. Rule 2.4.B.1. 2 DEMERITS
 - Food contact surfaces not cleaned, rinsed, and/or sanitized after each use and following any kind of operation when contamination may have occurred. Rule 5.1.A.3. 2 DEMERITS
 - Food (on contact surfaces are improperly designed, constructed, installed, maintained and/or located. Rules 4.2.A., 4.2.B., 4.3.A., 4.3.B. 2 DEMERITS
 - Food not protected during storage/display; food left uncovered, food improperly stored on floor, food containers in cold storage double stacked or nested, sneeze guards absent. Rules 2.2.A.1., 2.4.F.7. 2 DEMERITS
 - Institutions: Churn trays not kept, not dated. Rule 10.2 1/2 pint milk not retained, 1/2 gallon milk not kept at 40 F. or below. Rule 2.1.B.1. 2 DEMERITS
 - Storage of food and/or beverages in ice or water is prohibited. Rule 2.4.1.2. 2 DEMERITS
 - Damaged and/or potentially hazardous food products previously served to the public were being reused. Rule 2.4.1.1. 5 DEMERITS
 - Open cans were being used improperly to store food. Rule 2.3.B.7. 1 DEMERIT

- FOOD TEMPERATURES**
- Potentially hazardous food(s) not being reheated, cooked long enough to be adequately heated to all parts. Rule 2.4.G.3. 5 DEMERITS
 - Prepared potentially hazardous foods requiring refrigeration are not being rapidly cooled to 45° or below. The measured temperature was °F. Rule 2.3.C.3. 5 DEMERITS
 - Frozen food not being kept at 0° F. or below, improper thawing. The measured temperature was °F. Rule 2.3.C.4. 5 DEMERITS
 - Potentially hazardous food (s) not being stored at 140° F. or above. The measured temperature was °F. Rules 2.4.G.1., 2.4.H.1.a. 5 DEMERITS
 - Potentially hazardous cold food(s) not being stored at 45° F. or below. The measured temperature was °F. Rules 2.4.G.1., and 2.4.H.1.b. 5 DEMERITS
 - Crowded refrigeration: There is less than 1/4 cubic foot of refrigeration per meal. Rule 10.1. 2 DEMERITS
 - The containers used transporting food are inadequate. Rules 2.4.L.1., and 9.1.A. 1 DEMERIT
 - Accurate thermometers not available or used to evaluate hot holding, cooking, reheating, and refrigerated storage temperatures. Rules 2.3.C.1. and 2.3.D.2. 1 DEMERIT

PERSONNEL

- TOXIC MATERIALS**
- Toxic materials, personal medications and/or first-aid supplies were: improperly stored, labeled, used in food. Rule 7.12. 5 DEMERITS

- WATER SUPPLY**
- A copy of the current water analysis was not available at the facility. Further testing may be required. Rule 6.1.E.3. 2 DEMERITS
 - Water tested and found to be unsatisfactory. Rule 6.1.A.1. 5 DEMERITS
 - The free chlorine was less than 0.25 ppm. The measured chlorine residual was ppm. Rule 6.1.A.2. 5 DEMERITS
 - Hot and cold water (under pressure) was not provided to the: sinks, dishwashers, or lavatories. Rule 6.1.D.1. 5 DEMERITS
 - (Mobile food units) The water storage tank: does not have adequate storage, is not being properly cleaned and sanitized after each day's use. Rule 8.1.C.1. 2 DEMERITS

- WASTEWATER DISPOSAL**
- The subsurface disposal system was found to be surfacing. Rule 6.2.A. 4 DEMERITS
 - Wastewater was being improperly discharged onto the ground. Rule 6.2.A. 4 DEMERITS
 - (Mobile food units): waste water storage tank does not have adequate storage. Rule 8.1.C.2. 4 DEMERITS

- PLUMBING**
- Kitchen sink, utility sink, grease trap, drain, plumbing: is improperly sized, installed and/or maintained. Rules 6.4.F. and 7.8. 2 DEMERITS
 - A cross-connection, without backflow device, exists between the drinking and the waste-water systems at the: faucet hose, hot water heater, water closets, other. Rule 6.4.C. 5 DEMERITS

- TOILET AND HANDWASH FACILITIES**
- Toilets rooms: Completely enclosed, Equipped with self-closing, light fitting doors, properly vented, tissue provided, covered waste receptacle (rubbish). Rules 6.5, 6.6, and 6.7. 2 DEMERITS
 - Inadequate number of male, and/or female toilets. The number of toilets are: male and female. Rule 6.5. 1 DEMERIT
 - Handwash lavatories: clean, adequate number, accessible, fixtures maintained, hand cleansing soap, sanitary towel/hand drying devices not provided common towel. Rules 6.3. and 6.8. 4 DEMERITS

- RUBBISH**
- Inadequate, uncovered containers were being used. Rule 6.9. 2 DEMERITS
 - Storage areas were not clean, free of litter. Rule 6.9.B.4. 2 DEMERITS
 - Storage areas are not constructed to be: inaccessible to vermin, easily cleaned, refuse bin of questionable safety. Rules 6.9 and 6.10. 2 DEMERITS

- INSECT, RODENT & ANIMAL CONTROL**
- Flies, cockroaches, lice, rodents, live animals (other than security or guide dogs) were found on the premises. Rule 6.10. and 7.12.G. 4 DEMERITS
 - Food service facilities: The outer doors, windows, skylights, transoms were not adequately screened. Rule 6.10.D. 4 DEMERITS

15 DEMERITS
 5 PT
 4 PT
 2 PT
 4 PT

2

5

2

5

4

Seamus' Club

Basin sink

Rubbish

Screen



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 8/5/48
 Sanitarian G.R.

SUPPLEMENTAL SHEET NO. _____

Owner's Name Monopoly Inc Establishment Name Seaman's Club
 Establishment Address 375 Fair St. Zip _____

- 47 Insufficient waste pans
- 56 Two bay sink leaks; Drain pipe in collar leaks; drain pipe from dishwasher leaks
- 57 Cross-connection at ice sink, ice machines.
- 60 Cracked mens room sink.
- ~~65~~ ~~65~~ Cellar door open; door to Punky's not secured.
- ~~66~~ ~~66~~

CITY OF PORTLAND, MAINE
FOOD SERVICE HEALTH
INSPECTION REPORT

3-2-16 (63)

Exhibit
C

Owner Name: Monopoly Inc
Address: 375 Fore St

Establishment Name: Seamus Club Restaurant
Location: Portland

Permit No: 05170 Date: 08509 License No: 51000168980916

Demerits: 15 (5 PT), 2 (2 PT), 2 (2 PT), 2 (2 PT), 2 (2 PT)

FOOD SUPPLY AND SOURCE

- 1. Sterilized and/or aseptically packaged foods are being used and/or served. Rule 2.1.A.1. 5 DEMERITS
- 2. Unpasteurized milk milk products; cracked eggs; unpasteurized egg products being used and/or served. Rules 2.1.B.3. 5 DEMERITS.
- 3. Canned foods from an unapproved source on premises, being used and/or served. Rule 2.1.A.3. 5 DEMERITS.
- 4. Fish and shellfish improperly date labeled and/or food are being stored and/or served. Rule 2.1.A.2. 1 DEMERIT.
- 5. Canned goods being broken with sewage debris in ready condition and/or swollen. Rule 2.1.A.1. 5 DEMERITS.
- 6. Shellfish not being kept in original container; seafood products misrepresented. Rules 2.1.B.2 and 2.1.B.3. 1 DEMERITS.
- 7. Meat and/or meat products not USDA approved. Rule 2.1.A.2. 5 DEMERITS.

FOOD PREPARATION AND PROTECTION

- 8. Cooked and/or prepared foods are subjected to cross contamination, from raw foods or other sources of contamination. Rules 2.2.A.1. and 2.3.B.5. 2 DEMERITS
- 9. Employees handle raw and cooked or prepared food products without thorough hand-washing in between. Rules 2.2.A.1. and 2.3.B.5. 5 DEMERITS.
- 10. Raw fruits and/or vegetables are not washed before being used and/or served. Rule 2.4.B.1. 2 DEMERITS.
- 11. Food contact surfaces not washed sanitized after each use and following any kind of operation when contamination may have occurred. Rule 5.1.A.3. 2 DEMERITS.
- 12. Food (ice) contact surfaces are improperly designed constructed installed, maintained and/or located. Rules 4.2.A., 4.2.B., 4.3.A., 4.3.B. 2 DEMERITS.
- 13. Food not protected during storage/display; food left uncovered; food improperly stored on floor; food containers in cold storage double stacked or nested; sneeze guards absent. Rules 2.2.A.1., 2.4.F.7. 2 DEMERITS.
- 14. Institutions; Ghost trays not kept not dated. Rule 10.2. 1/2 pint milk not retained; schools; milk not kept at 40 F. or below. Rule 2.1.B.1. 2 DEMERITS.
- 15. Storage of food and/or beverages in ice or water is prohibited. Rule 2.4.1.2. 2 DEMERITS.
- 16. Unwrapped and/or potentially hazardous food products previously served to the public were being reused. Rule 2.4.1.1. 5 DEMERITS.
- 17. Open cans were being used improperly to store food. Rule 2.3.B.7. 1 DEMERIT.

FOOD TEMPERATURES

- 18. Potentially hazardous food(s) not being reheated cooked long enough to be adequately heated to all parts. Rule 2.4.G.3. 5 DEMERITS.
- 19. Prepared potentially hazardous foods requiring refrigeration are not being rapidly cooled to 45° or below. The measured temperature was F. Rule 2.3.C.3. 5 DEMERITS.
- 20. Frozen food not being kept at 0°F. or below; improper thawing. The measured temperature was F. Rule 2.3.C.4. 5 DEMERITS.
- 21. Potentially hazardous hot food(s) not being stored at 140°F or above. The measured temperature was F. Rules 2.4.G.1., 2.4.H.1.a. 5 DEMERITS.
- 22. Potentially hazardous cold food(s) not being stored at 45°F or below. The measured temperature was F. Rules 2.4.G.1., and 2.4.H.1.b. 5 DEMERITS. *22*
- 23. Crowded refrigeration: There is less than 1/4 cubic foot of refrigeration per meal. Rule 10.3. 2 DEMERITS.
- 24. The containers used transporting food are inadequate. Rules 2.4.L.1., and 9.1.A. 1 DEMERIT.
- 25. Accurate thermometers not available or used to evaluate hot holding, cooking, reheating, and refrigerated storage temperatures. Rules 2.3.C.1. and 2.3.D.2. 1 DEMERIT.

PERSONNEL

TOXIC MATERIALS

- 47. Toxic materials, personal medications and/or first-aid supplies were stored used in food. Rule 7.12. 5 DEMERITS.

WATER SUPPLY

- 48. A copy of the water supply report is not available at the facility.
- 49. Water tested and not to be re-treated by. Rule 6.1.A.1. 5 DEMERITS
- 50. The free chlorine was not less than 0.5 ppm. The measured chlorine residual was ppm. Rule 6.1.A.2. 5 DEMERITS.
- 51. Hot and cold water (under pressure) was not provided to the tanks; dishwashers; or lavatories. Rule 6.1.D.1. 5 DEMERITS.
- 52. Mobile food units: The water storage tank does not have adequate storage; is not being properly cleaned and sanitized after each day's use. Rule 8.1.C.1. 2 DEMERITS.

WASTEWATER DISPOSAL

- 53. The subsurface disposal system was found to be surfacing. Rule 6.2.A. 4 DEMERITS.
- 54. Wastewater was being improperly discharged onto the ground. Rule 6.2.A. 4 DEMERITS.
- 55. Mobile food units: waste water storage tank does not have adequate storage. Rule 8.1.C.2. 4 DEMERITS.

PLUMBING

- 56. Kitchen sink; utility sink; grease trap; drain; plumbing is improperly sized; installed and/or maintained. Rules 6.4.F. and 7.8. 2 DEMERITS.
- 57. A cross-connection, without backflow device, exists between the drinking and the waste-water systems at the: faucet hose; hot water heater; water closets; other: *the water kitchen*. Rule 6.4.C. 5 DEMERITS.

TOILET AND HANDWASH FACILITIES

- 58. Toilets rooms: Completely enclosed; Equipped with self-closing, tight fitting doors; properly vented; Issue provided; covered waste receptacle (ladies). Rules 6.5., 6.6. and 6.7. 2 DEMERITS
- 59. Inadequate number of male, and/or female toilets. The number of toilets are: male and female. Rule 6.5. 1 DEMERIT.
- 60. Handwash lavatories: clean; adequate number; accessible; fixtures maintained; hand cleansing soap; sanitary towel/hand drying devices not provided; common towel. Rules 6.3. and 6.8. 4 DEMERITS.

RUBBISH

- 61. Inadequate; uncleaned containers were being used. Rule 6.9. 2 DEMERITS.
- 62. Storage areas were not clean; free of litter. Rule 6.9.B.4. 2 DEMERITS.
- 63. Storage areas are not constructed to be: inaccessible to vermin; easily cleaned; refuse bin of questionable safety. Rules 6.9 and 6.10. 2 DEMERITS.

INSECT, RODENT & ANIMAL CONTROL

- 64. flies; rodents; roaches; live animals (other than security or guide dogs) were found on the premises. Rule 6.10 and 7.12.G. 4 DEMERITS.
- 65. Food service facilities: The outer doors; windows; skylights; transoms were not adequately screened. Rule 6.10.D. 4 DEMERITS.



CITY OF PORTLAND
 PLANNING AND URBAN DEVELOPMENT
 INSPECTION SERVICES DIVISION

FOOD SERVICE ESTABLISHMENT
 INSPECTION REPORT

Date 9/16/85
 Sanitarian A. Lowe

SUPPLEMENTAL SHEET NO. _____

Owner's Name Memorabilia Inc. J. Solby Establishment Name Season's Club
 Establishment Address 375 Fox St. Zip _____

- 11. Clean can opener, meat saw, 2 coolers.
- 22. Lobster plucking at room
- 30. Repair counter tops, replace cooler gaskets.
- 31. Store plastic ware w/ handles up.
- 32. Store wiping clothes in a sanitizing solution.
- 34. Hotwater at bar dishwasher 162°; must be 180°.
- 47. Don't store ~~acid~~ acid or bleach near pot sink.
- 51. Provide trap ~~at~~ at drain in cellar.
- 57. Eliminate crown corrosion at ice machine in kitchen.
- 64/65 Close doors and windows to eliminate flies.
- 66 Repair walls, floors, ceilings where needed.

CITY OF PORTLAND, MAINE
M E M O R A N D U M

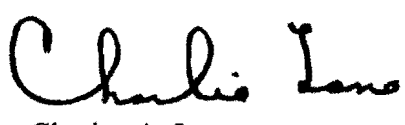
TO: Via Fax 761-0186
Evan Smith, Esquire

FROM: Charles A. Lane, Associate Corporation Counsel
Ext. 8480

DATE: May 16, 2000

RE: Soley-Reinspection of Properties

My clients are dismayed that the reinspection requested by them has not yet been scheduled. I have promised them that if a date is not soon set (within which inspection all three properties can take place in a reasonable time), then, as I did a year ago, I will seek an administrative search warrant.



Charles A. Lane
Associate Corporation Counsel

CAL:mep
Enclosures
Copies to:
✓ Michael J. Nugent, Manager, Inspection Services
Gary C. Wood, Corporation Counsel
Arthur Rowe, CEO

FRIEDMAN BABCOCK & GAYTHWAITE
ATTORNEYS AT LAW
SIX CITY CENTER
P.O. BOX 4726
PORTLAND, MAINE
04112-4726

MAR 23 2000

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* Also admitted in Connecticut
** Also admitted in Massachusetts
*** Also admitted in New Hampshire
* Also admitted in New York
* Also admitted in New Jersey

March 22, 2000

032-F-007

Richard Templeton, Assistant Clerk
Maine District Court - Ninth District
205 Newbury Street
P.O. Box 412
Portland, Maine 04112-0412

RE: City of Portland v. Joseph Soley
CV-99-1036 & CV-99-1039

Dear Richard:

Pursuant to our conversation, this will confirm that the parties to the above referenced matters have agreed to continue the hearing date for both cases from March 29, 2000 to the first available date in May.

As a condition for the City's consent to continue, we have agreed to provide the City access to inspect 8-10 & 9-11 Exchange Street as well as Mr. Soley's "Fore Street" property, on a date to be agreed to by both parties.

Sincerely



Evan Smith

cc: Charles A. Lane, Corporation Counsel

City Of Portland
Inspection Services
RETURN OF SERVICE

On the 14 day of July, 1999, I made service of the Notice of Violations upon,
Joe Soley, at 375 Fore St.

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is PS Lewis.
- By (describe other manner of service) _____.

DATED: 7/14/99

[Signature]
Signature of Person Making Service
CEO
Title

I have received the above referenced documents _____
Person Receiving Service



*J. Soley
refused to accept
10²⁰ 11/18/98.
A Rowe*

CITY OF PORTLAND

November 16, 1998

Mr. Joseph Soley
P.O. Box 367 DTS
Portland ME 04101

RE: 032-F-010

Hand Deliver

Dear Mr. Soley:

On Friday, November 13, 1998, I stopped by the Seamen's Club to meet with P.J. Lewis to inspect Apt 4 at 11 Exchange St.

When I got there, you requested that I take a look at the work you'd done to the restaurant to remedy previously noted violations. As I stated, to you at the time, this walk-thru was not a full, detailed inspection and no report was generated.

New carpeting was noted in the dining room. Repairs were noted to the kitchen floor, walls had been painted.

As I stated, while these things appear to address several inspection items, you should contact the city when your establishment is ready for a formal inspection.

Sincerely,

A handwritten signature in cursive script that reads "Arthur Rowe".

Arthur Rowe
Code Enforcement Officer



CITY OF PORTLAND

Joseph Soley
Monopoly Inc.
P. O. Box 367 DTS
Portland, Maine 04226-0367

November 24, 1998

RE: The Seaman's Club; 375 Fore Street
CBL: 032-F-007

Dear Mr. Soley,

Upon yet another recent inspection conducted at the above referenced address, on 11/23/98, revealed the following violations and unsafe conditions, which present a clear and present danger to the occupants of the building, shall be corrected, pursuant to NEC 1996 and all applicable codes.

BASEMENT:

1. Open ROMEX cable located at outside wall, near the stairway. Possible electrocution hazard exists. ART: 110-3(a)1-8, ART: 110-13(b) & ART: 300-15(b)
2. Open junction box above the two water heaters. Possible electrocution hazard exists. ART: 110-12(a) & ART: 370-18
3. Remove all low-voltage cables, which are attached to the sprinkler pipes. Support all cables properly. ART: 300-11(a)
4. The walk-in cooler is improperly wired, and shall have a disconnect switch installed for the fan(s). ART: 110-2 & 8
5. Label the 200 AMP disconnect, to the left, as to what it serves. ART: 110-22

FIRST FLOOR:

1. Opening in the handy box, with outlet serving the two BUD LIGHT signs. ART: 110-12(a)
2. EXIT sign is not working at the rear exit, leading to the alley. NFPA-101
3. Track light fixture has opening at end feed kit. ART: 110-12(a)
4. Cord and plug connected track light' cord is attached to the sprinkler pipe. ART: 110-2 & 8

SECOND FLOOR:

1. Install disconnect switches for walk-in cooler fan(s). ART: 90-4
2. Complete steamer power installation. ART: 90-1 & ART: 110-2 & 8
3. Remove low-voltage cables from sprinkler piping and provide proper support. ART: 300-11(c)
4. Install tube guards on the 4' florescent fixture in the kitchen. ART: 110-2 & 8
5. Remove or repair the ceiling fixture in the kitchen alcove. ART: 110-3(a)4,6,8

THIRD FLOOR:

1. ROMEX type cable is subject to physical damage in the stairs from the second to third floors. ART: 336-6(b)(1) & 110-11
2. MC type cable is illegally attached to the sprinkler piping. ART: 300-11(a)
3. EXIT and emergency lights not working in the stairway. NFPA-101

BAR AREA:

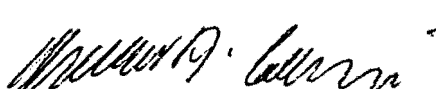
1. A new Bell Atlantic phone line was installed improperly. Properly install and secure all low-voltage cables. ART: 110-2 & 300-11(a)

DINNING ROOM:

1. Install a new light fixture or properly blank off the open octagon ceiling box. ART: 110-12(a)

All previous and current violations and unsafe conditions shall meet full compliance, prior to the reinstatement of your food service license. The Seaman's Club shall not reopen until that time.

Sincerely,



Michael A. Collins
Chief Electrical Inspector
City of Portland

cc: Mike Nugent., ISM
A. Rowe, CEO
Charlie Lane, Corp Counsel
Penny Littell, Corp Counsel
Nadeen Daniels, City Clerk

SECOND FLOOR:

BACK AREA:

1. Lights not working in hallway. ART: 90-1(b)
2. E-lights not working. NFPA ART: 101
3. Open wiring at compressor controls. ART: 300-15(b) & 110-3(a)6-8
4. Open splices. ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8
5. Open junction boxes. ART: 370-18 & 110-12(a)

DINNING ROOM(S):

1. Low voltage wiring attached to sprinkler pipes. ART: 720-11
2. Low voltage cables exposed to damage, running along baseboard. ART: 720-11

GALLERY:

1. Extension cords serving equipment. ART: 400-8
2. Low voltage transformer hanging. ART: 90-1
3. Globe missing in ladies bathroom. ART: 90-1
4. Covers missing on electric baseboard heat. ART: 300-11

BAR AREA:

1. Open junction boxes. ART: 370-18 & 110-12(a)
2. Label panel. ART: 384-13
3. Open splices. ART: 300-15(b) & 110-3(a)1-8
4. Loose wires and cables. ART: 300-11

THIRD FLOOR:

SMALL KITCHEN:

1. Equipment cords are brittle due to excessive grease exposure. FIRE HAZARD EXISTS. ART: 400-3, 4, 9
2. Open splices. ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8

STORAGE ROOM:

1. Open splices. ELECTROCUTION HAZARD EXISTS. ART: 300-15(b) & 110-3(a)1-8
2. Unsupported cables and wires. ART: 300-11
3. Open junction boxes. ART: 370-18 & 110-12(a)

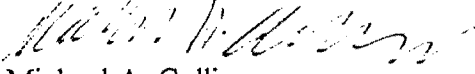
BASEMENT AREA:

LIQUOR ROOM:

1. Storage items blocking service equipment. **ART: 110-16**
2. Open wiring for compressor controls. Improperly wired. **ART: 90-1 & 300-15(a)**
3. Extension cord passing through wooden floor. **FIRE HAZARD EXISTS. ART: 400-8**
4. ROMEX with cord cap servicing equipment. **ART: 90-1 & 336-5**

These violations and unsafe conditions shall be corrected within (5) days upon receipt of this letter. Failure to comply shall result in the termination of electric service to the building.

Sincerely,



Michael A. Collins
Chief Electrical Inspector
City of Portland

cc: Mike Nugent, ISM
Mark Adelson, NSD
A. Rowe, CEO
Charlie Lane, Corp Counsel
Linda Mattison, CMP
Everything Electric, Lightning Electric

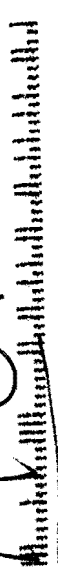
USA FIRST-CLASS PERMIT
S.O. MAINE PBDC DIV
03 DEC 2007 PM 3 L

ELEVEN EXCHANGE LLC
P.O. BOX 4894
PORTLAND MAINE
04112-4894



SUZANNE HUNT, INSP DEPT
MARY COSTIGAN
PORTLAND CITY HALL
389 CONGRESS STREET
PORTLAND, MAINE
04101

041013566



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Bull Feeney Irish Pub
375 Fore Street
Portland, Maine 04101

November 21, 2007

CBL: 032 F007001
Located at 375 FORE ST

Hand Delivery

Dear Mr. Fuss,

SECOND NOTICE OF VIOLATION

An evaluation of the above-referenced property on 11,21,2007 revealed that the structure remains non-compliant with the Maine State Plumbing Code. The following Maine State Plumbing Code violations have not been corrected.

303.0 Disposal of Liquid Waste:
It shall be unlawful for any person to cause, suffer, or permit the disposal of sewage, human excrement, or other liquid wastes, in any place or manner, except through and by means of an approved drainage system, installed and maintained in accordance with the provisions of this Code.

1.16 Health and Safety: Whenever compliance with all the provisions of the Code fails to eliminate or alleviate a nuisance or any dangerous or insanitary conditions that may involve health or safety hazards, the owner or licensed plumber shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the Department, Board or LPI.

This is a SECOND notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected by December 4, 2007. A re-inspection will occur on December 4, 2007 at which time compliance will be required.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Council for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A ss 4452

Please contact me if you wish to discuss this matter further or have any questions

Sincerely,
Suzanne Hunt
Suzanne Hunt @ (207) 874-8707
Code Enforcement Officer

SCANNED

02/23/14

Closed out

cc. Eleven Exchange LLC, certified mail # 7007 0710 0002 4976 1405
Mary Costigan, City of Portland, Associate, City Corporate Council

City of Portland
Inspection Services
RETURN OF SERVICE

On the 21 day of November, 2007, I made service of the
2nd notice of violation upon Bill Feeney's
at 375 FORE ST Portland ME 04101

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____
- By delivering a copy to an agent authorized to receive service of process, and whose name is _____
- By (describe other manner of service) _____

DATED: 11-21-07 Suz Hunt
Signature of Person Making Service

SCANNED

02/23/11

I have received the above-referenced documents _____
Signature of Person Receiving Service

Noted out

- Refused to Sign
- Unable to Sign



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

BULL FEENEY'S IRISH PUB
375 FORE ST
PORTLAND, ME 04101

10/05/2007

CBL: 032 F007001
Located at 375 FORE ST

Hand Deliver

Dear Mr. Fuss:

An evaluation of the above-referenced property on 08/01/2007 shows that the structure fails to comply with Maine State Plumbing Code. This is a notice of violation pursuant to Sec 303.0 and Chapter 1.16 of the Maine State Plumbing Code.

303.0 Disposal of Liquid Waste:

It shall be unlawful for any person to cause, suffer, or permit the disposal of sewage, human excrement, or other liquid wastes, in any place or manner, except through and by means of an approved drainage system, installed and maintained in accordance with the provisions of this Code.

1.16 Health and Safety: Whenever compliance with all the provisions of the Code fails to eliminate or alleviate a nuisance or any dangerous or insanitary conditions that may involve health or safety hazards, the owner or licensed plumber shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the Department, Board or LPI.

All referenced violations shall be corrected within 30 days of the date of this notice. A re-inspection of the premises will occur on 11/8/2007 at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 6-127 of the Code.

Please feel free to contact me if you wish to discuss the matter or have any questions.

Please be advised that the Portland City Council has amended the Building regulations to include a \$75.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections, however, the \$75.00 fee will be assessed for each inspection.

Sincerely,

Suzanne Hunt,
Code Enforcement Officer City of Portland

SCANNED

02/23/11

Closed 05

COPY



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

BULL FEENEY'S IRISH PUB
375 FORE ST
PORTLAND, ME 04101

10/05/2007

CBL: 032 F007001
Located at 375 FORE ST

Hand Deliver

Dear Mr. Fuss:

An evaluation of the above-referenced property on 08/01/2007 shows that the structure fails to comply with Maine State Plumbing Code. This is a notice of violation pursuant to Sec 303.0 and Chapter 1.16 of the Maine State Plumbing Code.

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All referenced violations shall be corrected within 30 days of the date of this notice. A re-inspection of the premises will occur on 11/8/2007 at which time compliance will be required. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 6-127 of the Code.

Please feel free to contact me if you wish to discuss the matter or have any questions.

Please be advised that the Portland City Council by amendment to the building regulations includes a \$75.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections however, the \$75.00 fee will be assessed for each inspection.

Sincerely,

Suzanne Hunt
Suzanne Hunt,
Code Enforcement Officer City of Portland

SCANNED

02/23/11

Closed out

COPY

Remarkable City
Community for Life
LAND
NE
ices Division
reet, RM 315
: 04101-3509

SCANNED

02/23/11

Closed out

Eleven Exchange LLC
P.O. Box 4894
Portland, Maine 04112

City of Portland
Inspection Services
RETURN OF SERVICE

On the _____ day of October, 2007, I made service of the

upon _____

at Bill Feeney's Irish Pub

By delivering a copy in hand.

_____ By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____

_____ By delivering a copy to an agent authorized to receive service of process, and whose name is _____

_____ By (describe other manner of service) _____

SCANNED

DATED: _____

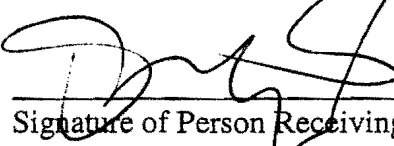
Signature of Person Making Service

08/23/11

Title

Closed out

I have received the above-referenced documents



Signature of Person Receiving Service

_____ Refused to Sign

_____ Unable to Sign

7/30 - 48 } BY APPOINTMENT,
 8/5 - 60 }
 9/16 - 63 }
~~9/25 - 68~~

- #
 DESIR
- 30 - DAMAGED EQUIPMENT/WORN
 - 66 - FLOORS WALLS & CEILINGS.
 - ⊙ #47 TOXIC CHEMICALS STORAGE.
 - #57 CROSS CONNECTIONS-
 - ⊙ #60 HAND WASH FACILITIES INOPERATIVE OR ^{OR} INACCESSIBLE
 - #64 ROACHES / FLIES / RODENTS (EITHER)
 - #65 OPEN DOORS w/o SCREENS.
 - ⊙ 32 WIDING CLOTHS IMPROPERLY STORED
 - 56 LEAKY PLUMBING IN BASEMENT.

SCANNED

08/23/14
 Closed out
 P. G. [unclear]
 [unclear] [unclear]
 [unclear] [unclear]
 [unclear] [unclear]
 [unclear] [unclear]
 [unclear] [unclear]
 [unclear] [unclear]

375 FORT
PORTLAND, ME
04101



The Seamen's Club
Hearty meals and classic fare

MAIL:
04112-0367
8/12/98

WORK TO BE COMMENCED & COMPLETED
WITHIN 7 WORKING ~~7~~ DAYS, STARTING IMMEDIATELY
ALL EXPOSED WOOD AROUND TILEWORK -
ADJACENT TO KITCHEN DISHWASHER - SHALL
BE SANDED, SMOOTHED, UROTHANE
APPLICATIONS APPLIED, SANDED, &
POLISHED SMOOTH & SOLID TIGHT,
WALL & CEILING & FLOOR, KITCHEN
AREAS SHALL BE FILLED, FINISHED, & SMOOTH.

APPLY NEW CLEAN TILE FORMICA
SURFACE (REPAIR OLD CHIPPED
& CRACKED SURFACES) & FLOOR PREP.

SCANNED

08/23/98
closed
out

REFINISH & APPLY SUCCESSIVE
COATS OF UROTHANE TO BAR
WOODWORK RECEIVING EXPRESSO
MACHINE WHERE SCORING & DAMAGED
- BROUGHT TO HIGH GLOSS, POLISHED
SMOOTH FINISH TIGHT & DURABLE COMPLETE.

Mailing Address: P.O. Box 367, Portland, Maine 04112-0367 Business Address: 1 Exchange Street, Portland, Maine 04101 773-3283

City Of Portland
Inspection Services
RETURN OF SERVICE

On the 9 day of July, 1998, I made service of the ~~Notice of Violation~~ ^{attached letter} upon,
Joe Eber, at 375 Fore St.
Business Licensee

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is Kenny Newton.
- By (describe other manner of service) _____.

DATED: 7/16/98

[Signature]
Signature of Person Making Service
CEO
Title

I have received the above referenced documents

Person Receiving Service

City Of Portland
Inspection Services
RETURN OF SERVICE

attached letter

On the 9 day of July, 1998, I made service of the Notice of Violations upon,
Joe Soley, at 375 Fore St.
Property Owner

- By delivering a copy in hand.
- By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is _____.
- By delivering a copy to an agent authorized to receive service of process, and whose name is P.J. Lewis.
- By (describe other manner of service) _____.

DATED: 7/9/99

[Signature]
Signature of Person Making Service
CEO
Title

I have received the above referenced documents _____
Person Receiving Service