

STATE OF MAINE
CUMBERLAND, ss.

DISTRICT COURT
Location: Portland
Docket No. CV-10-___

CITY OF PORTLAND a body politic and)
Corporate, located in the County of)
Cumberland and State of Maine,)

Plaintiff,)

v.)

ACE HOLDINGS, LLC,)

and)

OREN ALQUIST,)

Defendants.)

COPY

**LAND USE CITATION
AND COMPLAINT**

To: **Ace Holdings, LLC
and
Mr. Oren Alquist
P.O. Box 10096
Portland, ME 04104**

CITATION

You are hereby summoned to appear in district court at the location and date indicated below to answer to the enclosed complaint. IN THE EVENT YOU FAIL TO APPEAR AND STATE YOUR DEFENSE ON THE COURT DATE SPECIFIED, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU. You are advised to call the district court to verify the date and time of your appearance.

Time and Place of Appearance:

Court: **Ninth District Court**
Address: **Cumberland County Courthouse
205 Newbury Street
Portland, Maine**
Date: **July 21, 2010**
Time: **8:30 a.m.**

Signature of Complainants:

I have reasonable grounds to believe that the violations described herein were committed because I personally observed and/or recorded these violations.

Date: June____, 2010

Code Enforcement Officer
City of Portland

Date: June____, 2010

Police Officer
City of Portland

COMPLAINT

YOU ARE CHARGED WITH THE FOLLOWING:

Location of Violations: 255/259 Oxford Street, Portland, Maine (the "Premises").

(See Deed and Property Description, attached and incorporated herein collectively as Exhibit A.)

Disorderly House Violation

<u>Violations</u>	<u>Statute/Ordinance</u>
Allowing occupancy of a Disorderly House	Portland Code of Ordinances Ch. 6, § 6-116.1(a)

(See April 29, 2010 Notice of Violation, attached and incorporated herein as Exhibit B).

Date of Violations:

Violation first observed on March 30, 2010, continued thereafter, and remains unabated.

Building Code Violations

<u>Violations</u>	<u>Statute/Ordinance</u>
Unsafe chimneys, flues and vents	Portland Code of Ordinances Ch. 6, § 6-108(e)
Improper maintenance of shared areas	Portland Code of Ordinances Ch. 6, § 6-109(b)
Improper maintenance of assigned areas	Portland Code of Ordinances Ch. 6, § 6-109(a)
Failure to dispose of rubbish, ashes, garbage and waste	Portland Code of Ordinances Ch. 6, § 6-109(d)
Improper maintenance of lighting fixtures	Portland Code of Ordinances Ch. 6, § 6-113(e)
Failure to maintain/repair/replace fire protection	Portland Code of Ordinances

equipment

Ch. 6, § 6-116(e)

(See May 19, 2020 Notice of Violation, attached and incorporated herein as Exhibit C.

See also Attestation of Copies of Official Records Certification, attached and incorporated herein as Exhibit D)

Date of Violations:

Violations first observed on May 17, 2010 continued thereafter, and remain unabated.

Relief Requested:

- Temporary restraining order:
- Preliminary Injunction
- Permanent Injunction:
- Civil Penalties: \$100 - \$2500 per violation, per day
pursuant to 30-A M.R.S. § 4452(3)(A);
Portland City Code § 6-1(a)
- Removal of Violations 30-A M.R.S. § 4452 (3)(C);
Portland City Code § 6-1(a)(4)
- Attorneys' fees and costs 30-A M.R.S. § 4452(3)(D);
Portland City Code § 6-1(a)(5)
- Response Costs Portland City Code §6-131(a)
- Other: Order Defendants to hire a City-
approved security company to
monitor the Property.
Portland City Code § 1-15(c);

Order Defendants to implement a City-
approved tenant screening process.
Portland City Code § 1-15(c).

WHEREFORE, the City of Portland respectfully requests that the Court grant it judgment against the Defendants, together with the relief referenced above and such other and further relief as the Court deems just and proper.

Date: June ____, 2010

Patricia A. McAllister, Bar No. 9826
Neighborhood Prosecutor
Portland Police Department
109 Middle Street
Portland, ME 04101
(207) 756-8350

*Attorney for the Plaintiff
City of Portland*



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

Portland Police Department
Timothy E. Burton
Chief of Police

April 29, 2010

Oren Alquist
ACE Holdings LLC
PO Box 10096
Portland, Maine 04104

Dear Sir :

This notice is being provided to you pursuant to Portland City Code 6-116.2. *Notice of Disorderly House*. (Please see attached)

Please be advised that the property you manage at **259/255 Oxford Street** has been designated as a **Disorderly House** by the Portland Police Department because it has been visited by the Portland Police Department at least eight (8) times within the previous thirty (30) day period, and /or one of more times for a drug or prostitution related instances. Below/ attached you will find a brief description of the nature of each said visit:

3/01/10	Persons Bothering	B1
3/16/10	Intoxicated Person	B1
3/16/10	Suspicious Activity	B1
3/17/10	Layout in hall	B1
3/18/10	Arrest x 3	
3/25/10	Drug Arrest x 2	
3/28/10	Assault	B1
3/30/10	Persons Bothering	

As a result of this designation, you are required to meet with representatives of the City within 5 business days. **A meeting has been arranged on Friday May 7, 2010 at 10 am** at the Portland Police Department, 109 Middle Street, Portland at which time you shall agree upon ways in which you will rectify the disorderly problems being created at

259/255 Oxford Street. A failure to enter into this agreement constitutes a violation of the Ordinance and the City is required to commence legal action.

You are required to bring with you to the meeting the following documentation:

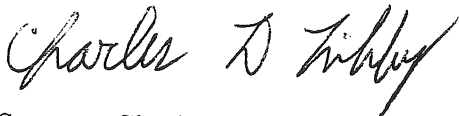
1. A copy of all tenants or other persons authorized to reside or residing presently in the building and they units they occupy;
2. Copies of all leases with tenants residing in the building;
3. Contracts with any property manager or other person responsible for the orderly operation of this building;
4. An accurate and up to date disclosure of building ownership form as required in 6-150 et seq.

You are encouraged to bring legal representation with you to this meeting.

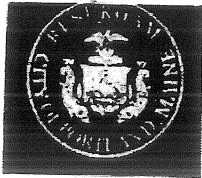
If you are unable to attend this meeting you must contact Mary-Ellen Welch , Midtown Community Policing Coordinator at 207-772-1371 prior to that date and time.

Attached you will find a complete copy of the Disorderly House Ordinance. You should read it carefully and become familiar with its terms prior to our meeting.

Sincerely,

A handwritten signature in cursive script that reads "Charles D. Libby".

Sergeant Charles Libby
Community Services Sergeant



PORTLAND MAINE

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Director of Planning and Urban Development
Penny St. Louis Littell

May 19, 2010

ACE HOLDINGS LLC
PO BOX 10096
PORTLAND, ME 04104

CBL: 033 D020001
Located at 255 OXFORD ST

Certified Mail 70090820000141892324

Notice of Violation

Dear Ace Holding LLC:

An evaluation of the above-referenced property on 05/17/2010 shows that the structure fails to comply with Chapter 6, Article V. of the Code of Ordinances of the City of Portland, The Housing Code. This inspection was specific to common areas: 255 Oxford St. Units C-1, B-1 and 259 Oxford St. Unit One (1); however the minimal housing standard applies to all dwelling units within the City.

Attached is a list of the violations, they require immediate correction.

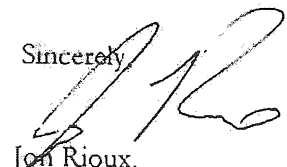
This is a notice of violation pursuant to § 6-118 of the Code. A re-inspection will occur within seven (7) days of the date of this notice. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in § 1-15 of the Code.

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

Please feel free to contact me @ 207.874.8702 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,



Jon Rioux,
Code Enforcement Officer

CC: Ben Wallace, Fire Prevention Officer

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8715 - Fax: 8748716 - TTY: 874-8936

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager ACE HOLDINGS LLC		Inspector Jon Rioux	Inspection Date 5/17/2010
Location 255 OXFORD ST	CBL 033 D020001	Status Re-Inspect 7 Days	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 6-108.(e)	Interior			Basement	
Violation: Chimneys, flues and vent					
Notes: Replace, and or repair the oil furnace chimney so that the flue is in a safe operation condition.					
2) 6-109.(b)	Interior			Various locations	
Violation: Maintenance of shared areas.					
Notes: Clear all egresses and common areas (at all times) so that they are safe to travel in the event of an emergency; this shall include all common areas, stairways, exit passageways and basement storage, see attached photos.					
3) 6-109.(a)	Interior			Various locations	
Violation: Maintenance of assigned areas					
Notes: Every occupant of a dwelling unit shall maintain in a clean and sanitary manner that part of the dwelling unit which he or she occupies and controls. This shall include removing all accumulation of trash and debris on the floors, hallways, etc., see attached photos.					
4) 6-109.(d)	Exterior			Various locations	
Violation: Disposal of rubbish, ashes, garbage and waste					
Notes: Remove all trash, debris, mattresses, and misc. trash storage in the front and backyard.					
5) 6-113.(e)	Interior		1	Entry Way	
Violation: Maintenance of lighting fixtures					
Notes: Replace and or repair the hallway lighting fixtures in all required means of egress, see attached photos					
6) 6-116.(e)	Interior			Various locations	
Violation: Fire Protection					
Notes: Maintain, repair, and or replace all smoke and CO detectors/ alarms in compliance with the applicable City regulations as identified by the Fire Prevention Officer.					

Comments: Below, are violations noted by the Fire Prevention Officer and require immediate correction, they are as follows:
 One (1) hour fire door assemblies are required- specifically the back stair of 259 Oxford St.
 Smoke and CO alarms must be installed and maintained in each dwelling unit.
 The fire alarm system requires maintenance by a certified fire alarm company. The fire alarm panel must be secured and monitored by two telephone lines to a central station.
 Rate of Rise heat detectors are required in the dwelling units.
 Buildings with a fire alarm system require a Knox Box.