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Corporation Counsel
Gary C. Wood

April 6, 2012

Associate Counsel
Danielle P. West-Chuhta
Ann M. Freeman
Lawrence C. Walden

VIA REGULAR AND CERTIFIED MAIL

Mr. Frederick J. Sullivan
19 Fickett Street
South Portland, Maine 04106

Re: 223 Brighton Avenue


Dear Mr. Sullivan:

It has been brought to my attention by the City's Inspections Department that your property at 223 Brighton Avenue (the "Property") is still in violation of the City of Portland Code of Ordinances (the "Code") and Maine law. More specifically, your property is in violation of the Code and Maine law as a result of the failure to maintain shared areas. More specifically, as the enclosed violation notices make clear, under the Code "[e]very owner or operator of a multiple dwelling or rooming house [is required to] maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises." See City Code § 6-109(b).

This letter is to inform you of your final opportunity to remedy all of the violations listed above and in the enclosed letters by cleaning/removing the junk from the shared areas on the Property. If you fail to remedy the violations on or before **April 27, 2012**, the City will be forced to file a Land Use Citation and Complaint against you in order to address these outstanding violations.

Please note that 30-A M.R.S.A section 4452 provides that the minimum penalty for a specific violation is \$100 per day and the maximum penalty is \$2,500 per day. Furthermore, the law provides that the violator must pay for the City's attorney's fees and costs of bringing an enforcement action in all successfully prosecuted cases.

Thank you in advance for your prompt attention to this matter.

Sincerely,

Danielle P. West-Chuhta
Associate Corporation Counsel

cc: Tammy Munson, Inspections Division Director

Acting Director of Planning and Urban Development
Greg Mitchell

Inspections Division Director
Tammy Munson

January 4, 2012

Frederick J Sullivan
19 Fickett St
South Portland, ME
04106

CERTIFIED NUMBER: 7010 1870 0002 8136 5472

RE: 223 Brighton Ave

CBL: 082 E017

Case Number: 2011-10-2502

Dear Frederick J Sullivan,

NOTICE OF INTENT TO PROSECUTE

An evaluation of the above-referenced property on 1/3/2012 revealed that the structure and premises fail to comply with previous violation notices sent to you. Attached is a list of those violations.

More specifically, the property continues to be in violation of Article V of the Housing Code of the City of Portland. See attached notices. All violations referenced in the attached notices shall be corrected on or before **January 9, 2012**, when a re-inspection of the premises will occur.

Please be aware that this is also a notice of intent to prosecute. This matter has been referred 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. section 4452.

Please also be advised that pursuant to section 6.2 of the Code you are required to pay a \$450.00 re-inspection fee on or before **February 2, 2012**. Failure to pay this fee on or before the aforementioned deadline will result in a lien being placed against the property pursuant to section 1-16 of the Code.

Please feel free to contact me if you have any questions or would like to discuss this matter further.

Sincerely,

George Froehlich
Code Enforcement Officer

389 Congress St. Portland, ME 04101 .

(207) 874-8707

**CITY OF PORTLAND
PLANNING AND URBAN DEVELOPMENT DEPARTMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101**

INSPECTION VIOLATIONS

Owner Frederick J Sullivan		Code Enforcement Officer George Froehlich	Inspection Date 1/3/12
Location 223 Brighton Ave	CBL 082 E017	Status Open	Case Number 2011-10-2502

1. **Sanitation and maintenance of equipment; division of responsibility therefor.-City Ord. § 6-109.(b)**

Clean up and dispose of trash and debris scattered around premises and piled up in driveway.

Maintenance of shared areas. Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.

Acting Director of Planning and Urban Development
Greg Mitchell

Inspections Division Director
Tammy Munson

December 22, 2011

Frederick J Sullivan
19 Fickett St
South Portland, ME
04106

CERTIFIED NUMBER: 70101870000281365373

RE: 223 Brighton Ave

CBL: 082 E017

Case Number: 2011-10-2502

Dear Sir or Madam,

An evaluation of the above-referenced property on 12/22/11 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. Attached is a list of the violations.

This is a **SECOND** notice of violation pursuant to Section 6-118 of the Code. All referenced violations shall be corrected within 7 days of the date of this notice. A re-inspection of the premises will occur on 12/29/2011 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,

George Froehlich
Code Enforcement Officer
389 Congress St. Portland, ME 04101

(207)874-8707

**CITY OF PORTLAND
PLANNING AND URBAN DEVELOPMENT DEPARTMENT
389 CONGRESS STREET
PORTLAND, MAINE 04101**

INSPECTION VIOLATIONS

Owner Frederick J Sullivan		Code Enforcement Officer George Froehlich	Inspection Date 12/22/11
Location 223 Brighton Ave	CBL 082 E017	Status Open	Case Number 2011-10-2502

1. **Sanitation and maintenance of equipment; division of responsibility therefor.-City Ord. § 6-109.(b)**

Clean up and dispose of trash and debris scattered around premises and piled up in driveway.

Maintenance of shared areas. Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.