

STATE OF MAINE  
CUMBERLAND, ss

DISTRICT COURT  
Location: Portland  
Docket No. CV-17-490

CITY OF PORTLAND, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 SULAN CHAU, )  
 )  
 Defendant. )

**JUDGMENT AND ORDER  
PURSUANT TO  
M.R. Civ. P. 80K**

This matter came before this Court with respect to various violations present at the property known as 112 Woodford Street in Portland, Maine (the "Property"), which is owned and managed by Defendant, Sulan Chau. On January 8, 2018 at 1:00, this Court held a hearing in the above-captioned matter.

After considering the testimony presented, and the exhibits offered and accepted into evidence, this Court hereby FINDS:

1. Defendant was notified by the clerk of the hearing in writing at the same address as Defendant had previously received notices to appear.
2. Additionally, on January 5, 2017, Defendant's agent was notified verbally of the need to attend the hearing by City representatives.
3. Defendant failed to appear at the hearing without good cause.
4. This Court took testimony and exhibits presented by the City in this matter.
5. The evidence showed that Defendant violated the City of Portland Code of Ordinances ("City Code") § 10-1, NFPA 101 (2009) 4.5.3.2 by having obstructed exits ("Violation A").

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6. Violation A was first observed on May 11, 2015 and was not corrected until September 21, 2017.

7. The evidence also showed that Defendant violated City Code § 10, NFPA 101 (2009) 4.5.3.2 by having excessive and disorderly storage (“Violation B”).

8. Violation B was first observed on September 3, 2015, which was not corrected until September 21, 2017.

9. Violation B was again observed on September 21, 2017 and not finally corrected until December 6, 2017.

10. Defendant also violated City Code § 10-1, NFPA 101 (2009) 31.2.1.1 by failing to install appropriate fire-rated doors (“Violation C”).

11. Violation C was first observed on September 3, 2015, and some fire doors were installed on September 21, 2017, but Violation C was not fully corrected until December 6, 2017.

12. Defendant also violated City Code § 6-109(e) by having numerous instances of bedbugs in the apartments (“Violation D”).

13. Violation D was first observed on May 5, 2016 and was not resolved until May 23, 2016.

14. Violation D was again observed on August 23, 2017 and was not resolved until January 5, 2018.

15. Violation D is a significant code violation pursuant to City Code § 6-1.1.

16. Defendant also violated City Code § 10-1, NFPA 101 (2009) 31.3.4.5, and § 10-3(i) by failing to provide appropriate smoke alarms (“Violation E”).

17. Violation E was first observed on December 21, 2016, which was resolved on September 21, 2017.

18. Violation E was again observed on December 27, 2016, which was not resolved until December 6, 2017.

19. Violation E was again observed on December 6, 2017 and was not finally corrected until January 5, 2018.

20. Violation E is a significant code violation pursuant to City Code § 6-1.1.

21. Defendant also violated 25 M.R.S. § 2468 by failing to provide required carbon monoxide alarms ("Violation F").

22. Violation F was first observed on December 21, 2016 and was not resolved until January 5, 2018.

23. Defendant also violated City Code § 6-108(b) by having holes in the ceiling at the Property ("Violation G").

24. Violation G was first observed on September 21, 2017 and was not resolved until January 5, 2018.

25. Defendant violated City Code § 10, NFPA 101 (2009) 8.3 by failing to maintain the required fire rating at the Property ("Violation H").

26. Violation H was first observed on September 21, 2017 and was not corrected until December 6, 2017.

27. Defendant also violated City Code § 10-1, NFPA 101 (2009) 7.2.2.4 by failing to provide continuous handrails on stairs ("Violation I").

28. Violation I was first observed on September 21, 2017 and had not been resolved as of the date of the hearing in this matter.

29. Defendant also violated City Code § 6-98(a)(2), NEC (2014) by having numerous electrical violations at the Property ("Violation J").

30. Violation J was first observed on September 21, 2017 and was not resolved until January 5, 2018.

31. Violation J is a significant code violation pursuant to City Code § 6-1.1.

32. Defendant violated City Code § 6-113 by failing to provide minimum lighting standards (“Violation K”).

33. Violation K was first observed on September 27, 2017 and was not corrected until January 5, 2018.

34. Violation K is a significant code violation pursuant to City Code § 6-1.1.

35. Defendant violated City Code § 6-111 by having leaking sewage and other pipes (“Violation L”).

36. Violation L was first observed on September 27, 2017 and remains outstanding.

37. Violation L is a significant code violation pursuant to City Code § 6-1.1.

38. Defendant violated City Code § 6-98(a)(2), NEC (2014) 400.8 and § 10-16, NFPA 1 (2009) 11.1.7.6 by using extension cords in place of permanent wiring (“Violation M”).

39. Violation M was first observed on September 27, 2017 and was not corrected until January 5, 2018.

NOW, THEREFORE, it is hereby ORDERED:

A. Pursuant to 30-A M.R.S. § 4452(3)(C) and City Code §§ 6-1(a)(4), 6-130, Defendant is hereby ordered to remedy the outstanding handrail, bedbug, and leaking pipe violations within 30 days.

B. Pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5), Defendant is hereby ordered to reimburse the City its costs in the amount of \$150 within 30 days.

C. Pursuant to 30-A M.R.S. § 4452(3)(D) and City Code § 6-1(a)(5), Defendant is hereby ordered to reimburse the City its attorneys' fees in the amount of \$2,820 within 30 days, which this Court determines are fair and reasonable.

D. Defendant is hereby ordered to pay to the City civil penalties in the amount of \$510,300 within 30 days.

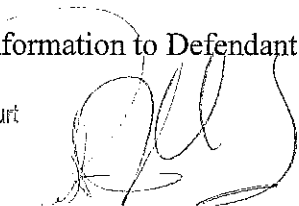
E. In calculating this penalty, this Court has imposed the minimum penalty of \$100 per violation per day, as set forth in 30-A M.R.S. § 4452(3)(B) and City Code § 6-1(a)(1) for the non-significant code violations; and the minimum penalty of \$200 per violation per day, as set forth in City Code § 6-1(a)(3) for the significant code violations.

F. In determining whether this civil penalty is appropriate, this Court has taken into consideration the factors in 30-A M.R.S. § 4452(3)(E), including the lengthy history of violations at the Property; the significant amount of effort put in by the City to obtain compliance; the fact that this is not the first dispute that the Defendant has been involved in with the City; and the fact that City has not provided incorrect or inaccurate information to Defendant.

Dated:

11/10/18

The Clerk is specifically directed pursuant to District Court Rule 79 (a) to enter this Order/Judgment in the Civil Docket by a notation incorporating it by reference.



Hon. Peter J. Goranites  
District Court