

APPLICATION FOR ADMINISTRATIVE INSPECTION WARRANT

I, Captain David Petruccelli, being duly sworn, state the following:

1. I am the captain in charge of the City of Portland Fire Prevention Bureau ("FPB").
2. In connection with that position, I am responsible for enforcing various state and local fire prevention laws and ordinances.
3. Also in connection with that position, I carry out and oversee probable cause and general area inspections within the City.
4. I am authorized to carry out such inspections pursuant to the City of Portland Code of Ordinances § 10-3(n) and 25 M.R.S. § 2392.
5. The City of Portland conducts routine, general area inspections of all rental properties in the City.
6. The City of Portland has probable cause to believe that violations of state and local fire prevention laws and ordinances exist in rental properties in Portland, due to the high incidence of violations found in such inspections.
7. Specifically, the City of Portland has probable cause to believe that violations of state and local fire prevention laws and ordinances exist at 71 Lawn Avenue (the "Premises") because the Premises has a history of failed inspections, including, most recently, a failed partial inspection on July 31, 2015
8. The City also has probable cause to believe that violations of state and local fire prevention laws and ordinances exist at the Premises because it has received tenant complaints regarding such violations.
9. The City of Portland has made numerous requests of the owner to inspect the Premises, with no response. In January of 2017, I called the owner and left a voicemail asking to schedule an inspection. As of today, the owner still has not returned that call. On February 3, 2017, I sent a letter also requesting an inspection, with no response. Finally, on March 3, 2017, my assistant also called the owner and left a voicemail, which has not been returned.
10. I have given the owners, Glenn Belanger and Tamatha Belanger, written notice at least 24 hours in advance of presenting this application by delivering a copy by certified and regular mail.
11. For all of these reasons, I request that this Court issue an administrative inspection warrant pursuant to M.R. Civ. P. 80E.

Dated: 7 March 2017




Captain David Petruccelli

City of Portland Fire Prevention Bureau

STATE OF MAINE
COUNTY OF CUMBERLAND

Personally appeared the above-named Captain David Petruccelli, and made oath that the foregoing statements are true to the best of his knowledge and belief.



Notary Public/Attorney at Law
#4374