


## APPLICATION FOR ADMINISTRATIVE INSPECTION WARRANT

I, Captain John Brennan, being duly sworn, state the following:

1. I am the captain in charge of inspections in 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. During these inspections, the City is inspecting for violations of state and local fire prevention laws and ordinances, such as missing smoke and carbon monoxide detectors; means of egress violations; missing fire doors; and other conditions that may jeopardize life or property in the event of an emergency.
7. The City of Portland has probable cause to believe that violations of these 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.
8. Such violations are found in close to 100% of all inspections.
9. The City has requested to inspect the property at 132 Ocean Avenue in Portland, which is a three-family unit. However, the owner has not allowed an inspection.
10. Specifically, on July 14, 2017, the Fire Prevention Bureau sent a letter requesting that the owner of the property arrange a full inspection. There was no response to that letter, and no inspection has been scheduled. On August 17, 2017, my assistant sent an email to the owner of record with the same request, again with no response.
11. I have given the owner, Ernest Roleau, written notice at least 24 hours in advance of presenting this application by delivering a copy by certified and regular mail.
12. For all of these reasons, I request that this Court issue an administrative inspection warrant pursuant to M.R. Civ. P. 80E.

Dated: 11/06/17

  
\_\_\_\_\_  
Captain John Brennan  
City of Portland Fire Prevention Bureau

STATE OF MAINE  
COUNTY OF CUMBERLAND

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


  
\_\_\_\_\_  
Notary Public/Attorney at Law #4374

**NOTICE OF APPLICATION FOR ADMINISTRATIVE INSPECTION WARRANT**

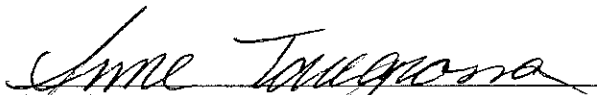
TO: Ernest Roleau  
132 Ocean Avenue  
Portland, Maine 04103

This is to notify you as the owner of the structure at 132 Ocean Avenue in Portland, Maine (the "Structure"), that on November 13, 2017 at 8:30 am, the City of Portland Fire Department intends to present an application for an Administrative Inspection Warrant to inspect the Structure. This application shall be made before the Maine District Court at 205 Newbury Street in Portland, Maine. You have the right to be present to state your opposition, if any, to the issuance of the warrant.

Dated: 9/14/17

  
Captain John Brennan  
City of Portland Fire Department

This notice was sent by certified and regular mail to Ernest Roleau, 132 Ocean Avenue, Portland, Maine 04103 on September 14, 2017

  
Anne Torregrossa  
City of Portland

**ADMINISTRATIVE INSPECTION WARRANT**

STATE OF MAINE  
CUMBERLAND, ss

DISTRICT COURT  
PORTLAND, MAINE

TO: Ernest Roleau  
132 Ocean Avenue  
Portland, Maine 04103

Captain John Brennan of the City of Portland Fire Prevention Bureau, has submitted an Application for Administrative Inspection Warrant swearing that he has authority to enter the structure located at 132 Ocean Avenue, Portland, Maine (the "Structure") for purposes of inspecting the premises for hazards pursuant to the City of Portland Code of Ordinances ("Portland Code") § 10-3(n) and 25 M.R.S. § 2392; that the inspection is being conducted as part of a general area inspection of rental properties in the City of Portland; and that probable cause exists that there are violations of state and local fire safety laws and ordinances in rental properties in the area due to the high incidence of violations found in such inspections. Captain Brennan has also sworn that a representative of the owner of the Structure has refused to allow the City of Portland to inspect, despite requests. Having considered the Application, and the property owner having been given an opportunity to state his opposition, I find probable cause exists to believe that there are violations of the Portland Code at the Structure.

YOU ARE HEREBY COMMANDED to allow inspection of all areas of the Structure by Captain Brennan and/or his designee, when he serves this warrant and makes inspection during the daytime for the purpose of inspecting violations at the Structure and to ensure compliance with Portland Code.

Dated:

\_\_\_\_\_  
Judge, District Court