



November 3, 2015

Mulkern Michael

241 Elm St

South Portland, ME 04106

CBL: 343 B024001

Located at 164 ALLEN AVE

NOTICE OF INTENT TO PROSECUTE

Dear Owner/Manager/Occupant,

An inspection of the property located at the address referenced above revealed that the structure and premises fail to comply with NFPA 2009 Fire Code and/or NFPA Life Safety Codes. Attached is a list of those violations.

The above-referenced property is in violation of the Chapter 10, Fire Prevention and Protection, Article 1 of the Portland City Code (the "Code") and National Fire Protection Association (NFPA) 101 Life Safety Code. Please note that the Code is available online at [www.portlandmaine.gov](http://www.portlandmaine.gov).

This is a notice of intent to prosecute. As such, the matter is being referred to the City of Portland Corporation Council for legal action and possible civil penalties as provided for in Chapter 10, Fire Prevention and Protection, 10-25 of the Code and in Title 30- A.M.R.S.A. 4452.

Please be advised that you will need to contact the Fire Prevention Bureau at 207-874-8400 before the court date on the attached Reference to Court letter to either schedule a re-inspection or to submit a plan of action to correct these violations.

Sincerely,

A handwritten signature in black ink, appearing to read "David P. R. Mulkern". The signature is stylized and cursive.

Portland Fire Department

Fire Prevention Bureau

**CITY OF PORTLAND  
PORTLAND FIRE DEPARTMENT**

380 Congress Street  
Portland, Maine 04101

**Inspection Violations**

<b>Owner/Manager</b> Mulkern Michael		<b>Inspector</b> David Petrucci	<b>Inspection Date</b> 10/16/2015
<b>Location</b> 164 ALLEN AVE	<b>CBL</b> 343 B024001	<b>Status</b> Failed	<b>Inspection Type</b> Fire Prevention-FP Correspondence

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 56.175

**Violation:** NFPA 101- 26.3.1.2 INTERIOR & EXTERIOR EGRESS SEPERATED; EXTERIOR STAIRS SHALL BE PROTECTED AGAINST BLOCKAGE CAUSED BY FIRE WITHIN THE BUILDING.

**Notes:** SECOND FLOOR HALLWAY OPEN TO LIVING ROOM BELOW.

2) 56.190

10/16/2015

**Violation:** NFPA 101-26.3.4.1.1 FIRE ALARM SYSTEM IN ACCORDANCE WITH 9.6; LODGING AND ROOMING HOUSES, OTHER THAN THOSE MEETING 26.3.4.1.2, SHALL BE PROVIDED WITH A FIRE ALARM SYSTEM IN ACCORDANCE WITH SECTION 9.6.

**Notes:** NOTIFICATION BY MANUAL MEANS NECESSARY.

CR340-THIS VIOLATION WAS INACCURATE, SHOULD HAVE BEEN FOR RESIDENTIAL BOARD & CARE...ALARM REQUIREMENT CH. 9.6

3) 58.430

Interior

**Violation:** NFPA 101- 33.3.3.4.1 FIRE ALARM SYSTEM SHALL BE PROVIDED; A fire alarm system in accordance with Section 9.6 shall be provided, unless each sleeping room has exterior exit access in accordance with 7.5.3, and the building is three or fewer stories in height.

**Notes:** NFPA 101 LIFE SAFETY CODE (2009) CHAPTER 33 RESIDENTIAL BOARD AND CARE

**Comments:** Manager of property stated to CEO Fagone and myself that he takes in people recovering from substance and rents rooms to them.  
Manager also had a list of names and rooms that he provided information from to the responding companies when they were on scene, displaying to them that he oversees the residents here for accountability.

STATE OF MAINE

DISTRICT COURT

Location: Portland

Docket No.

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

Plaintiff,

**FIRE PREVENTION AND PROTECTION  
CODE VIOLATION**

**(M.R. CIV. P. 80H AND 80k)**

v.

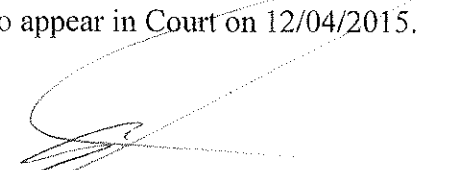
Michael Mulkern  
Defendant

SUMMONS NUMBER: 353653

This matter has been referred to the Corporation Counsel's Office for immediate legal action with respect to the code violations detailed in the attached letter. It has been assigned the above summons number and will be filed with the Portland District Court and will be assigned for an initial appearance at the Portland District Court 205 Newbury Street Portland, Maine 04101 at 8:30 A.M. on 12/04/2015. Please contact Victoria Meserve at Fire Prevention at (207)-874-8400 or via e-mail at [meservev@portlandmaine.gov](mailto:meservev@portlandmaine.gov) to set up an in-person meeting to meet with somebody in the Fire Prevention Bureau to resolve these issues or make alternative arrangements to relieve you of the requirement to appear in Court on 12/04/2015.

Dated:

11/3/15



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Adam R. Lee, Esq. Bar No. 4143  
Associate Corporation Council  
City of Portland  
389 Congress St  
Portland, ME 04101  
207-874-8480