

APPLICATION FOR CRIMINAL COMPLAINT

APPLICATION NO. (COURT USE ONLY)

PAGE

Trial Court of Massachusetts District Court Department



I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused **HAS NOT BEEN ARRESTED** and the charges involve:

- ONLY MISDEMEANOR(S), I request a hearing **WITHOUT NOTICE** because of an imminent threat of BODILY INJURY COMMISSION OF A CRIME FLIGHT **WITH NOTICE** to accused.
- ONE OR MORE FELONIES, I request a hearing **WITHOUT NOTICE** **WITH NOTICE** to accused.
- WARRANT is requested because prosecutor represents that accused may not appear unless arrested.

Quincy District Court
One Dennis F Ryan Parkway
Quincy Ma. 02169

ARREST STATUS OF ACCUSED
 HAS **HAS NOT** been arrested

INFORMATION ABOUT ACCUSED

NAME (FIRST MI LAST) AND ADDRESS [REDACTED] Randolph, MA 02368 [REDACTED]				BIRTH DATE		SOCIAL SECURITY NUMBER	
				PCF NO.		MARITAL STATUS	
				DRIVERS LICENSE NO.			STATE
HAIR		RACE	COMPLEXION	SCARS/MARKS/TATTOOS	INTERPRETER NEEDED (language)	BIRTH STATE OR COUNTRY	DAY PHONE
EMPLOYER/SCHOOL			MOTHER'S MAIDEN NAME (FIRST MI LAST)		FATHER'S NAME (FIRST MI LAST)		

CASE INFORMATION

COMPLAINANT NAME (FIRST MI LAST) Gerard F. Cody Public Health Commissioner		COMPLAINANT TYPE <input type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		PD
ADDRESS Town of Randolph Board of Health 41 South Main Street Randolph, MA 02368 gcody@randolph-ma.gov		PLACE OF OFFENSE		
		INCIDENT REPORT NO.	OBTN	
CITATION NO(S).				

OFFENSE CODE	DESCRIPTION	OFFENSE DATE
1 105 CMR 410.550	Cockroaches	
VARIABLES (e.g. victim name, controlled substance, type and value of property, other variable information; see Complaint Language Manual)		
[REDACTED]	- Inspection on 11/23/22 - in kitchen, living room, through walls spreading	
2 105 CMR 410.351	Chronic Dampness (mold)	
VARIABLES		
[REDACTED]	- Inspection on 11/23/22 - in bathroom on shower door and around tub. Bath tub.	
3 105 CMR 410.351	Issues with washing machine	
VARIABLES		
[REDACTED]	- Inspection on 11/23/22 - washing machine does not work properly. Does not drain water	

REMARKS	COMPLAINANT'S SIGNATURE X	DATE FILED
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COURT USE ONLY	A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON } DATE OF HEARING AT TIME OF HEARING	COURT USE ONLY
DATE	PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY)	CLERK/JUDGE
	NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:	
	NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:	
	HEARING CONTINUED TO:	
	APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT OF <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN; NO NOTICE AT CLERK'S DISCRETION	

DATE	COMPLAINT TO ISSUE	COMPLAINT DENIED	CLERK/JUDGE
	<input type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S). <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. BASED ON <input type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE SCHEDULED ARRAIGNMENT DATE:	<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER: COMMENT	

Gerard F. Cody, REHS / RS
Public Health Commissioner

Ann Martin, RN / MSN
Public Health Nurse

Carol Cronin
Principal Clerk

Peggy Montlouis, MBA
Community Health Educator



RANDOLPH PUBLIC HEALTH

41 South Main Street
Randolph, MA 02368
MAIN TEL: 781-961-0924
www.townofrandolph.com

BOARD OF HEALTH

Dr. David Kaplan, MPH / Ph.D / CHO / RS *Chair*
Barbara Mahoney, RN / MHA
Dov Yoffe, BS, BSN, RN
Patricia M. Cedeño-Zamor, Ph.D / MSW / MHA
Sharon E. George, CCHW

November 28, 2022

Christopher & Manuel Veiga

RE: [REDACTED]

Dear Property Owner:

The purpose of this letter is to notify you of your responsibility to maintain your rental property located at [REDACTED] Randolph MA, 02368 in compliance with the State Sanitary Code. Chapter II, of 105 CMR 410.000 "*Minimum Standards of Human Habitation*" is the State Sanitary Code and it mandates that tenants be provided with Safe and Sanitary housing for Randolph residents. Your tenant, [REDACTED] requested a State Sanitary Code inspection of the dwelling for the space that they occupy at [REDACTED] Selena Maldonado, Public Health Officer, for the Town of Randolph inspected the property referenced above on November 23rd, 2022 at approximately 9:30AM. The inspection revealed that there are violations of Chapter II of the State Sanitary Code 105 CMR 410.000 "*Minimum Standards of Human Habitation*" that are in need of correction. The Sanitary Code violations and the necessary corrective measures, which must be taken, are listed below.

VIOLATIONS

1.) 105 CMR 410.500 Owner's Installation and Maintenance Responsibilities of the State Sanitary Code states in part that "*every owner shall maintain the foundation, floors, walls and ceiling, roof and other structural elements of the dwelling so that the dwelling excludes rain, snow, weathertight and free from chronic dampness. Further, the owner shall maintain the dwelling free of any holes, cracks or other defects which renders the area difficult to keep clean or constitutes an accident hazard or an insect or rodent harborage.*" **105 CMR 410.550**

Extermination of Rodents (B) states in part that "*the owner of a dwelling containing two or more dwelling units shall maintain it and its premises free from all rodents and shall be responsible for exterminating them.*" **105 CMR 410.550 Extermination of Rodents (D)** states in part that "*extermination shall be accomplished by eliminating the harborage places of rodents by removing or making inaccessible materials that may serve as their food or breeding ground by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method. Pesticide applicators must give at least 48 hours pre-notification to occupants of all residential units prior to any routine commercial application of pesticide for the control of indoor household or structural indoor pests.*"

In violation of 105 CMR 410.500 and 105 CMR 410.550, the inspection revealed that there is evidence of insect activity in the house. The entrance to the kitchen from the living room frame work has a crack in it. The basement floor has nails sticking out of the floor next to the wall trim.

Order: If permitted by the tenant, provide pest control services once (1) a week for the next four (4) weeks and **continue** to provide pest control services until there is **no** evidence of pests / insects in the unit. Repair or replace the frame of the entry way to the kitchen so there are no cracks or gaps for insects to crawl in and out of. Repair the basement floor so there are no nails sticking out of the floor.

2.) **105 CMR 410.351:** Owner's Installation and Maintenance Responsibilities states in part *"The owner shall install or cause to be installed, in accordance with accepted plumbing, gas fitting and electrical wiring standards, and shall maintain free from leaks, obstructions or other defects, the following: (A) all facilities and equipment which the owner is or may be required to provide including, but not limited to, all sinks, washbasins, bathtubs, showers, toilets, water heating facilities, gas pipes, heating equipment, water pipes, owner installed stoves and ovens, catch basins, drains, vents and other similar supplied fixtures; the connections to water, sewer and gas lines; the subsurface sewage disposal system, if any; all electrical fixtures, outlets and wiring, smoke detectors and carbon monoxide alarms, and all heating and ventilating equipment and appurtenances thereto; and (B) all owner-installed optional equipment, including but not limited to, refrigerators, dishwashers, clothes washing machines and dryers, garbage grinders, and sub metering devices designed to measure the usage of electricity, gas or water."*

In violation of **105 CMR 410.351**, the inspection revealed that the ceiling fan in the bathroom is in disrepair due to accumulation of dust in the vent. There is chronic dampness (mold) around the bathtub and on the shower door due to the ceiling fan in disrepair. The railing to the staircase and the fan in the kitchen are both not secure. It appears that the washing machine is in disrepair due to the water not draining properly.

Order: Repair or replace the ceiling fan in the bathroom so there is ventilation in the bathroom. Repair or replace the railing to the staircase so it is tightly secured to the wall and the ceiling fan so it is secure to the ceiling. Repair or replace the washing machine so there are no defects.

Note: The following was observed during the inspection:

1.) According to the tenant, cockroaches are seen in the dishwasher and washing machine.

Note: The tenants or occupants have the following responsibility:

- 1.) **105 CMR 410.352 B**, states in part that *"every occupant of a dwelling until shall keep all toilets, wash basins, sinks, showers, bathtubs, stoves, refrigerators and dishwashers in a clean and sanitary condition and exercise reasonable care in the proper use and operation thereof".*
- 2.) **105 CMR 410.505**, states in part that *"the occupant shall exercise reasonable care in the use of floors, walls, doors, windows, ceilings, roof, staircases, porches, chimneys and other structural elements of the dwelling."*
- 3.) **105 CMR 410.600, (A)**, states in part that *"garbage shall be stored in durable receptacles that are made of rodent proof materials."*
- 4.) **105 CMR 410.451**, states in part that, *"the occupant shall be responsible for maintaining free from obstruction all means of exits leading from the unit."*
- 5.) **105 CMR 410.600, (D)**, states in part that *"the occupant of each dwelling or dwelling unit shall be responsible for the proper placement of garbage and rubbish in the receptacles or at the point of collection by the owner"*.
- 6.) **105 CMR 410.602, (B)**, states in part that *"the occupants of any dwelling unit shall be responsible for maintaining it a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which they exclusively occupies or controls"*.
- 7.) **105 CMR 410.810, (B)**, states in part that *"every occupant of a dwelling or dwelling unit shall give the owner, upon reasonable notice, reasonable access, if possible by appointment, to the dwelling unit for the purposes of making repairs, or alterations or pest control treatment that are necessary to effect compliance with the provisions of 105 CMR 410.000"* This includes allowing Pest Control into the dwelling unit.

Summary of Property Owner's Responsibility to make repairs in a timely manner.

105 CMR 410.830, (A)(B)(C), states in part "If an inspection or examination as provided for in 105 CMR 400.100 (State Sanitary Code I General Administrative Procedures) and/or 105 CMR 410.820 (Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)) reveals that a dwelling does not comply with the provisions of 105 CMR 410.000, the board of health or its designated agent shall: (A) within 12 hours after the inspection order the owner or occupant to make a good faith effort to correct within 24 hours any of the following violations: (1) failure to maintain a supply of water connected to a safe water supply as required in 105 CMR 410.180; or (2) failure to provide heat and to provide or maintain heating facilities in proper condition as required by 105 CMR 410.200 or 410.201; or (3) failure to provide light as required by 105 CMR 410.254; or (4) failure to provide and maintain a sanitary drainage system as required by 105 CMR 410.300; or (5) failure to maintain in safe operating condition any facilities fixtures and systems listed in 105 CMR 410.351; or (6) termination or failure to restore promptly water, hot water, heat, electricity or gas; or (7) failure to maintain exits unobstructed as required by 105 CMR 410.451; or (8) failure to maintain every entry door of a dwelling unit as required by 105 CMR 410.480(D); or (9) failure to maintain a dwelling unit free from leaks as required by 105 CMR 410.500; or (10) failure to maintain a porch, balcony, roof or exterior stairway in a safe condition as required by 105 CMR 410.500; or (11) failure to maintain a dwelling or dwelling unit free from rodents, skunks, cockroaches and insect infestation as required by 105 CMR 410.550. (B) within seven days after the inspection order the owner or occupant to begin necessary repairs or contract in writing with a third party within five days for correction of all other violations or conditions listed in 105 CMR 410.750, 410.351 and 410.550 and to make a good faith effort to substantially correct all violations within a period determined by the board of health but not exceeding 30 days. (C) within five days after the dates for compliance specified in an order issued pursuant to 105 CMR 410.830, the board of health shall make an onsite inspection to determine whether there has been compliance with said order; provided, that said inspection shall be made within 24 hours of the dates for compliance specified in an order if one or more of the violations or conditions are determined to be conditions which may endanger the health or safety, and well-being of the occupant(s) as defined in 105 CMR 410.750. An inspection under 105 CMR 410.830 shall comply with the requirements of 105 CMR 410.822.

IN CONCLUSION

This dwelling contains violations that may endanger the health and safety of the occupant. You are hereby ordered to correct all Violations within twenty one, (21) days of receipt of this letter.

Any person who shall fail to comply with any order issued pursuant to the provisions of the State Sanitary Code, Chapter II, 105 CMR 410.910 shall upon conviction be fined not less than ten nor more than five hundred dollars. Each day's failure to comply with the order shall constitute a separate violation.

Contact this office to arrange a time to re-inspect the premises on or before the deadlines noted. The owner is required to correct all violations within the time specified or provide proof of contract with a third party to have the work completed and to make a good faith effort to substantially correct all violations listed within the time periods noted.

Failure to correct the violations and to make a good faith effort within the given time period will result in the filing of an application for a criminal complaint against the property owner with the local Trial Court of Massachusetts District Court Department.

Under regulation 105 CMR 410.810 of the code cited above, every occupant of a dwelling unit shall give reasonable access to the owner for the purpose of making repairs. The Randolph Health Department deems twenty four, (24) to forty eight, (48) hours' notice as reasonable access.

Under regulation 105 CMR 410.850 of the code cited above you have a right to a hearing in this matter. At this hearing any affected party has the right to appear. You also have the right to be represented at such a hearing, and have the right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices and other documentary information in the possession of the Board of Health. This office must receive written request for such a hearing within seven, (7) days of receipt of this letter.

See Appendix A for a list of items that need to be repaired or replaced. This document is not a substitution for any of the orders listed above. It is list that is provided to you in order to better prepare your maintenance staff for the apartment site visit.

Contact this office to arrange a time and date to inspect your dwelling unit for compliance with the State Sanitary Code. If you have any questions concerning this matter or if you need a translator for any of this material, you may contact this office at (781) 961-0924 or gcody@randolph-ma.gov.

Sincerely, 

Gerard F. Cody R.E.H.S. / R.S.
Public Health Commissioner


Selena Maldonado
Public Health Officer

cc: File

Appendix A

Rosemont Square Apartments
2 Chestnut West, Randolph MA

Order Issue date: 11/28/2022
Compliance Due date: 12/19/2022

List of orders needed for correction (OTC).

1.) Kitchen:

- a.) Repair or replace the ceiling fan so it is secure to the ceiling.

2.) Bathroom:

- a.) Repair or replace the ceiling fan. It is recommended that you clean the fan so there is ventilation.
- b.) Repair or replace the shower door and bathtub that is damaged due to chronic dampness (mold).

3.) Living room:

- a.) Repair or replace the railing to the staircase so it is tightly secured to the wall.
- b.) Repair or replace the frame work to the entrance of the kitchen so there are no cracks.

4.) Basement:

- a.) Repair or replace the washing machine so it works properly.
- b.) Repair or replace the basement floor so there are no longer nails sticking out of the floor.

5.) Entire House:

- a.) Provide pest control services once (1) a week for the next four (4) weeks and continue pest control services until there is no evidence of rodents in the unit.

Questions:

- 1.) Has Pest Control Services gone to [REDACTED] already?

Before allowing Pest Control Services or any other repairs in the unit, you are required by LAW to provide at least 24-48 hour notice to the tenant before accessing the tenant's living space.

Signed by Property Owner

Send this completed Appendix A to smaldonado@randolph-ma.gov to confirm that the work has been completed in a timely manner.

Gerard F. Cody, R.E.H.S./R.S.
Public Health Commissioner

Ann Martin, R.N./M.S.N.
Public Health Nurse

Carol Cronin
Principal Clerk

Peggy Montlouis, MBA
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Board of Health

Dr. David Kaplan, M.PH/Ph.D./C.H.O./R.S. *Chair*

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Patricia M. Cedeño-Zamor, Ph.D/M.S.W/M.H.A.

Town of Randolph

Public Health Department

41 South Main Street • Randolph, MA 02368

Main Telephone: 781-961-0924

www.townofrandolph.com

Environmental Health / Community Health Inspection Form

Date: 11/23/22	Time: 9:30 AM	# Occupants:	# Children < 6 Years:
Address: [REDACTED]	Unit # [REDACTED]	Phone #: [REDACTED]	Phone #: [REDACTED]
Occupant / Tenant Name: [REDACTED]	City/Town: Randolph	Zip Code: 02368	
Owner Name: Christopher Veiga	# Dwelling / Rooming Units in Dwelling:	# Stories:	Floor Level of Unit:
Owner Address:	# Sleeping Rooms	# Habitable Rooms (.400)	
Inspector: Selena Maldonado	Title: Public Health Officer (PHO)		

State Sanitary Code 105 CMR 410.000: Chapter II, Minimum Standards of Fitness for Human Habitation

Nuisance / Complaint Inspection

Other / Notes: cockroaches, broken appliances.

Quincy Housing

Location	Observation	Action
Kitchen	exterminator came last week and 11/22/22. dishwasher full of them.	
Entire	cockroaches everywhere.	
Basement	washer in disrepair.	
Bathroom	Fan appears to be clogged.	
	rust/chronic dampness around bath tub.	
Kitchen	Fan shakes.	

Referral: Electric Fire Plumbing Building Other

This inspection report is signed and certified under the pains and penalties of perjury.

Inspection Signature: [Signature]

Occupant or Occupant's Representative Signature: [REDACTED]

Owner's Signature: _____

Reinspection Date: _____ Time: _____

"The information presented above is only a summary of the law. Before you decide to withhold your rent or take any other legal action, it is advisable that you consult an attorney. If you cannot afford to consult an attorney, you should contact the nearest Legal Services Offices. Call the Greater Boston Legal Services office at 617-371-1234 or 1-800-323-3205 for free legal advice.



[REDACTED]
11/23/2022 9:30AM
Evidence of live cockroach in the kitchen.



11/23/2022 9:30AM

Evidence of dead cockroach in the kitchen.



██████████
11/23/2022 9:30AM

Evidence of dead cockroach in the kitchen.



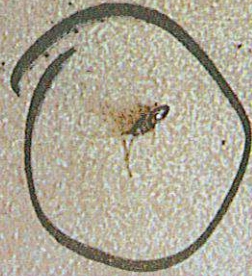
[REDACTED]

11/23/2022 9:30AM

According to the tenant, cockroaches are getting inside of the dishwasher.



11/23/2022 9:30AM
Evidence of dead cockroach on kitchen counter and trap.



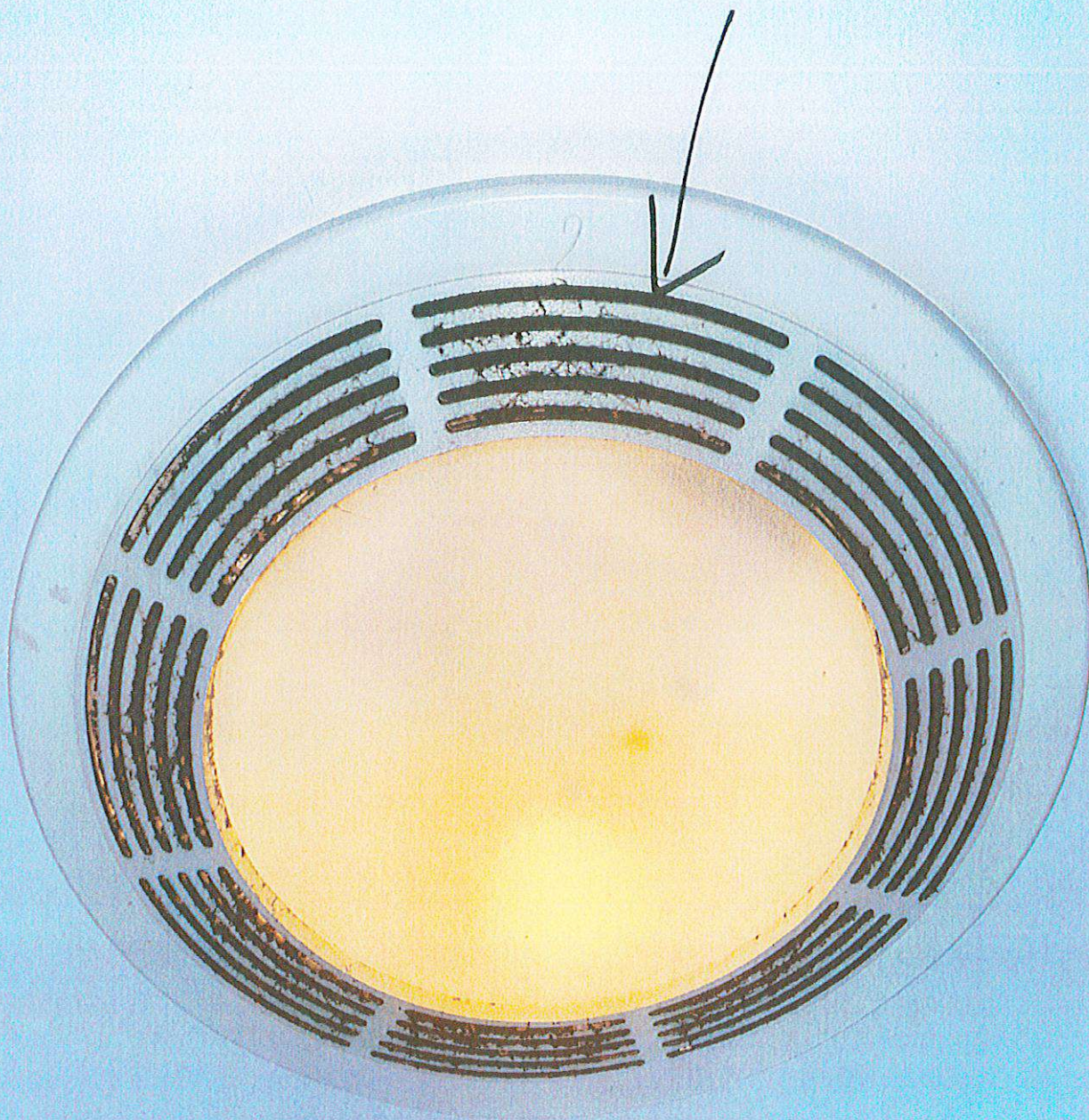
11/23/2022 9:30AM

Evidence of dead cockroach on kitchen counter.



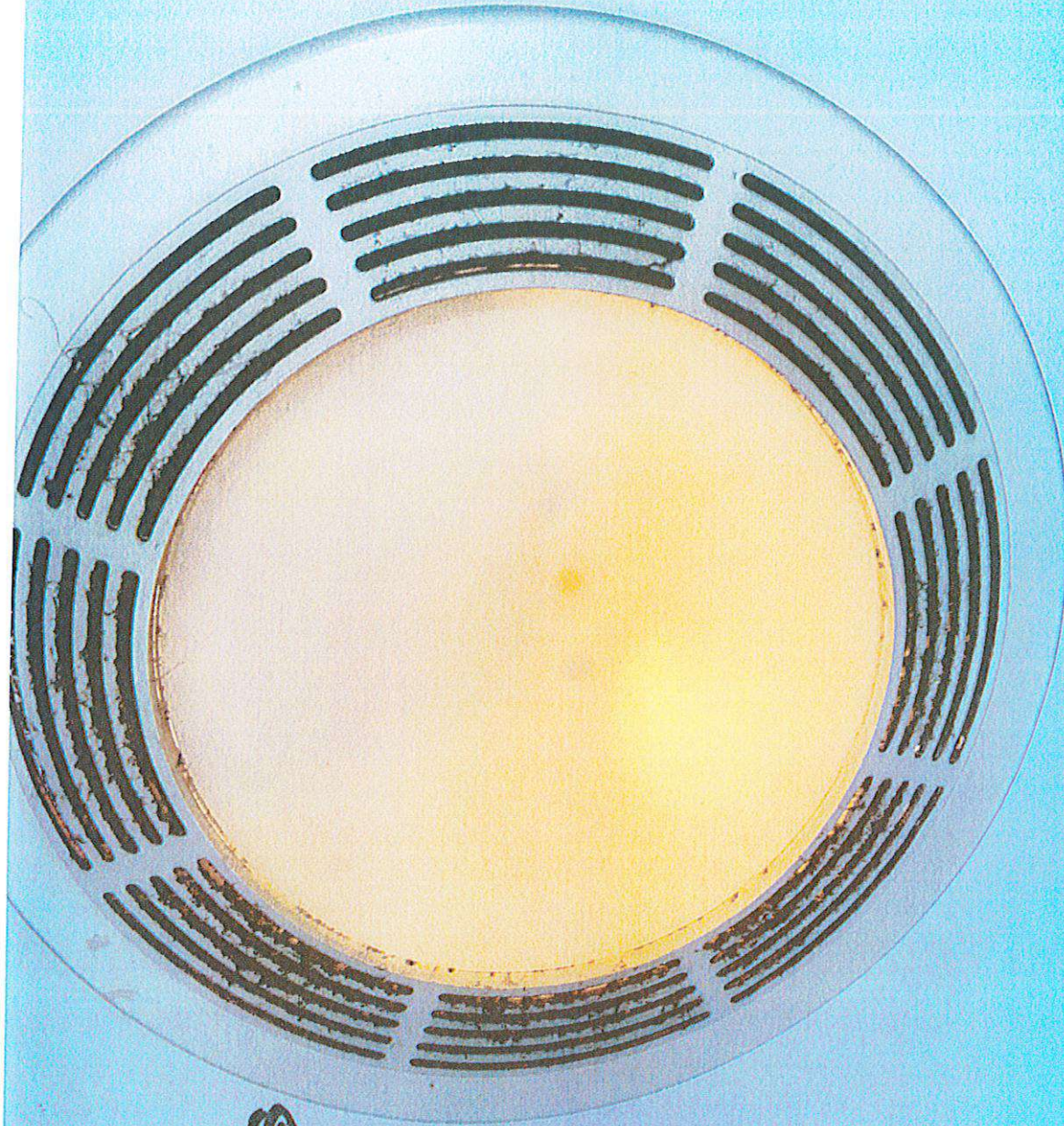
Trap #		Trap #	
10/1	10/2	10/3	10/4
10/5	10/6	10/7	10/8
10/9	10/10	10/11	10/12
10/13	10/14	10/15	10/16
10/17	10/18	10/19	10/20
10/21	10/22	10/23	10/24
10/25	10/26	10/27	10/28
10/29	10/30	10/31	10/32
10/33	10/34	10/35	10/36
10/37	10/38	10/39	10/40
10/41	10/42	10/43	10/44
10/45	10/46	10/47	10/48
10/49	10/50	10/51	10/52
10/53	10/54	10/55	10/56
10/57	10/58	10/59	10/60
10/61	10/62	10/63	10/64
10/65	10/66	10/67	10/68
10/69	10/70	10/71	10/72
10/73	10/74	10/75	10/76
10/77	10/78	10/79	10/80
10/81	10/82	10/83	10/84
10/85	10/86	10/87	10/88
10/89	10/90	10/91	10/92
10/93	10/94	10/95	10/96
10/97	10/98	10/99	10/100

[REDACTED]
 11/23/2022 9:30AM
 Evidence of dead cockroaches and trap on
 kitchen floor.



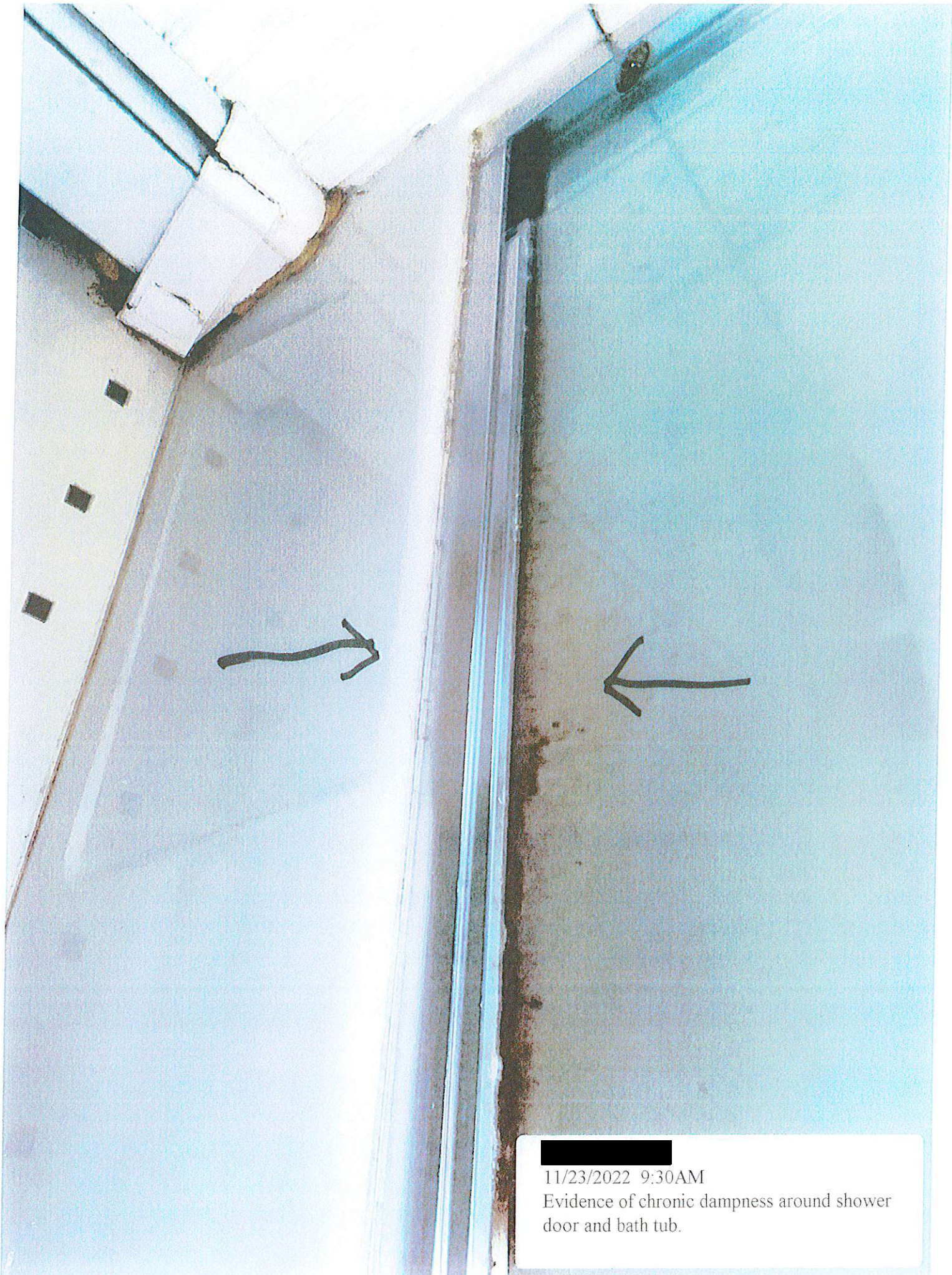
11/23/2022 9:30AM

Evidence of ceiling fan not working properly
due to accumulation of dust.



11/23/2022 9:30AM

Evidence of ceiling fan not working properly
due to accumulation of dust.



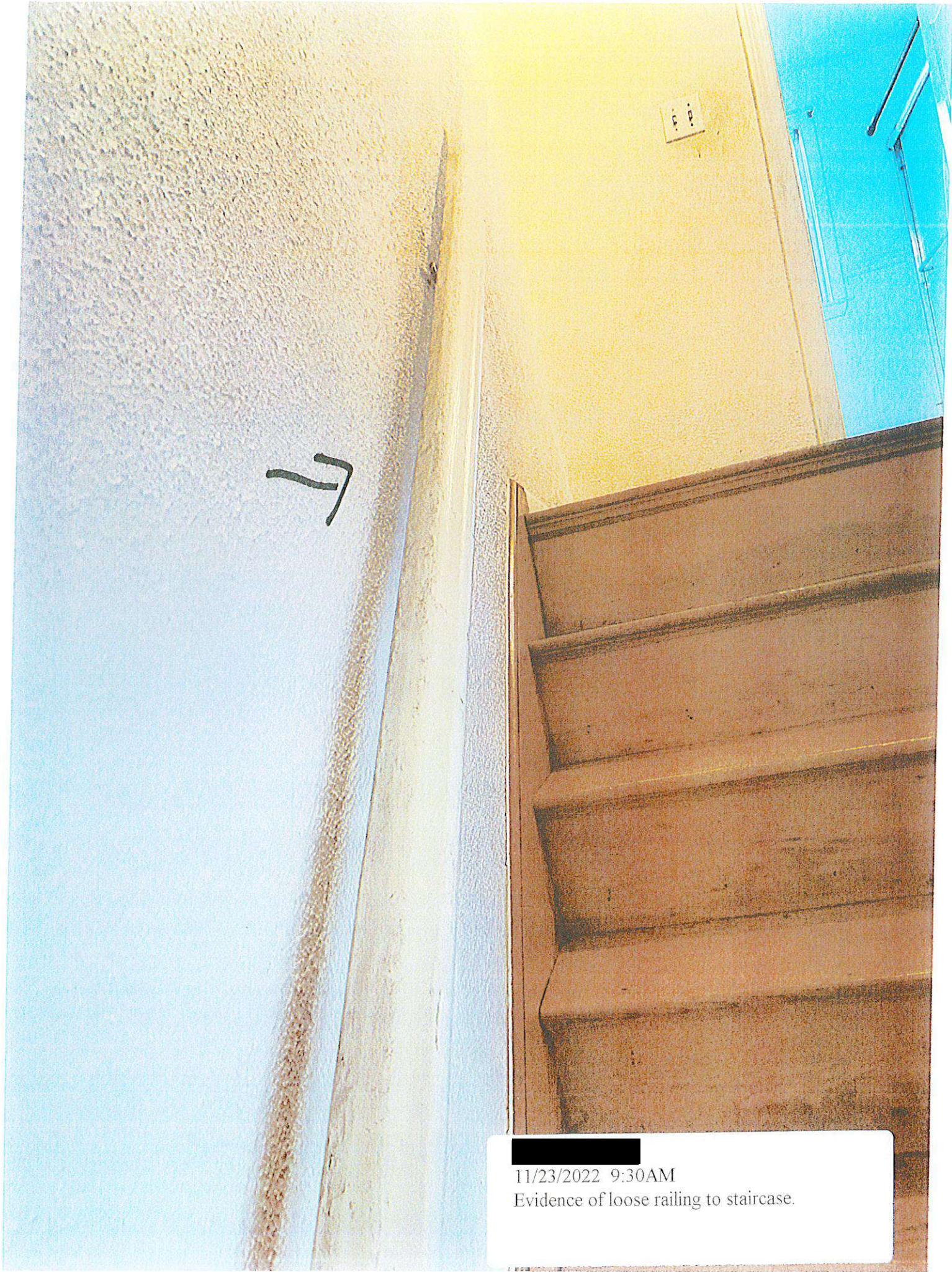
11/23/2022 9:30AM

Evidence of chronic dampness around shower door and bath tub.



11/23/2022 9:30AM

Evidence of loose railing to staircase.



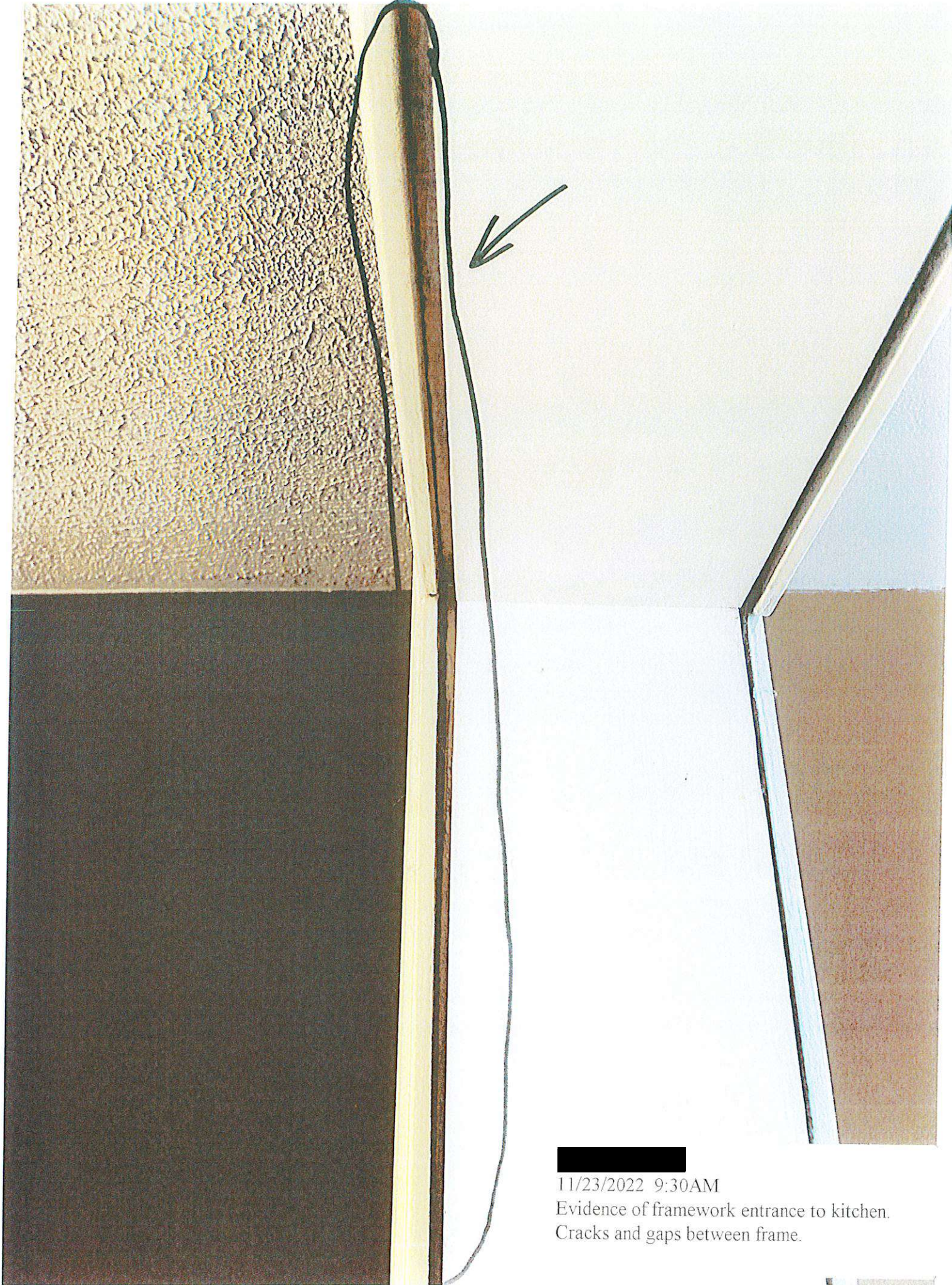
[REDACTED]

11/23/2022 9:30AM

Evidence of loose railing to staircase.



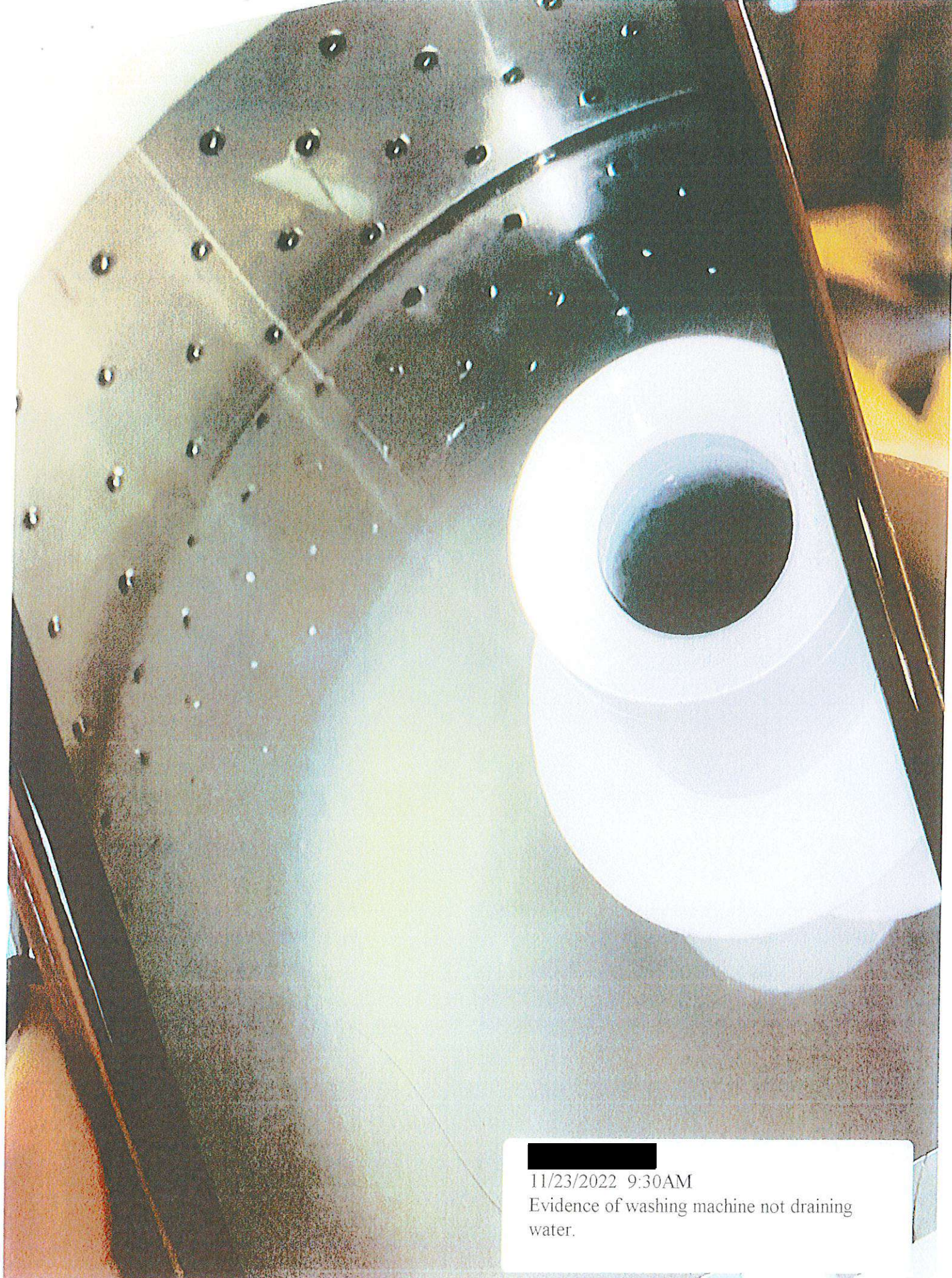
[REDACTED]
11/23/2022 9:30AM
Evidence of fan not secure to ceiling.



[REDACTED]

11/23/2022 9:30AM

Evidence of framework entrance to kitchen.
Cracks and gaps between frame.



██████████
11/23/2022 9:30AM
Evidence of washing machine not draining
water.



[REDACTED]

11/23/2022 9:30AM

Evidence of dead cockroach in washing machine.



11/23/2022 9:30AM
Evidence of washing machine.



██████████
11/23/2022 9:30AM
Evidence of nails sticking out of basement floor.



[REDACTED]

11/23/2022 9:30AM

Evidence of nails sticking out of basement floor.