

Councillor Vellucci questioned why a security deposit would not be returned to a tenant after tenancy is terminated. City Solicitor Russell Higley stated that he did not know why this happened but only that litigation concerning this unit was pending in court.

At that time the committee heard from Jeanine Breton who had been an occupant of apartment #14 (where the fire occurred) who gave much of the same testimony. She further stated that the landlord had attempted on two separate occasions to evict the tenants of the unit, but each time had been denied by the Rent Control Board. Ms. Breton stated she too had gone away for the holiday and upon returning to her apartment discovered the fire damage. When she went to her apartment Mr. Kapsalis came up to her, stated and explained that while he was doing some repairs in the kitchen, which had been mutually agreed upon, he was smoking a cigarette in the bathroom and stepped away from the apartment momentarily and upon returning discovered the propane tank he had been using had been ignited by the cigarette causing the fire. At this time Ms. Breton requested that Mr. Kapsalis secure the apartment to prevent theft of her personal belongings until she was able to relocate. Upon her return the next day, she found this had not been done. Furthermore, she stated Mr. Kapsalis has refused to provide the tenants with the name of his insurance company. She further stated that Mr. Herman DeMelo of the Inspectional Services Department declared the unit unfit for human habitation on November 23, 1984 at 5:30 PM.

The following day too, she and her friends, were asked to leave, she stated by the police, who were called by the owner. Finally, she stated that the tenants had been under the belief that an arson investigation had been initiated at the actual time of the fire. However, she continued, Deputy Chief William Murray, determined that upon talking with the owner and his own investigation, no such investigation was necessary. Ms. Breton stated that none of the smoke detectors in the building were working, that a city inspection had determined this in November 1983, but that they were never repaired.

Upon questioning from Councillor David Sullivan, Ms. Breton stated at the time Mr. Kapsalis acquired the property there were sixteen units in total, and at this time only four units remain occupied, with one scheduled to be vacated by December 31, 1984.

At this time Councillor Vellucci expressed concern over the lack of information provided to the tenants by any city department or agency in terms of alternative housing sites and relocation assistance.

At this time the committee heard from Ms. Jeanetta Baciуска, also a former resident of apartment #14, who stated that when she returned home after the holiday, she too was confronted by police and told to leave the building. She further stated that on November 23, 1984 she had requested information relative to the fire from Deputy Chief Murray but he would not provide any and told her to meet with Deputy Chief Fitzgerald who is the head of the arson squad. She further stated that the tenants did meet with Deputy Fitzgerald and Chief Scott and they concurred with Deputy Murray that there was no need for an arson investigation. She stated that Deputy Murray told her that he informed Deputy Fitzgerald that he did not need to remain at the scene of the fire, because no investigation was necessary.

Ms. Baciуска further stated that because her personal belongings were still in the apartment she purchased a new lock for the door. While installing the lock on November 24 at about 5:30 PM, Ms. Baciуска stated that Mr. Kapsalis approached her with a gun in his hand and said he thought she was a burglar. At this point she stated the police came and said she was trespassing and she had to leave. (In response to

the Chairman's request that the Police Department report on this incident, the Committee received only a report of an earlier call to the same building, at 12:26 AM on November 23.)

The committee next heard from Fire Chief Thomas Scott who stated he reviewed the report of Deputy Chief Murray (see attached fire report) and did in fact meet with the tenants and remained with his initial statement that the cause of the fire was accidental and therefore no arson investigation was necessary. Councillor David Sullivan questioned if he had ever heard of a property owner setting fire to his own property and later denying it. The Chief responded by stating he certainly had but in this case he did not believe that is what happened. Upon further questioning, he stated that the Fire Department's inquiry was limited to interviewing Mr. Kapsalis.

Councillor Vellucci requested the procedure for notifying the State Fire Marshall regarding an arson case, and if the Fire Marshall is not involved what a citizen can do. Deputy Chief Murray responded by stating that the Deputy in charge has preliminary responsibility for requesting an arson investigation at a fire and if it is found to be of suspicious origin, the Fire Marshall is subsequently notified. A citizen who may feel such an investigation is required when the Fire Department does not, can file a request directly to the Fire Marshall or to the District Attorney. The Deputy continued by saying it was his firm opinion that the fire was caused by careless use of a propane torch in the bathroom in apartment #14.

At this time Councillor David Sullivan and Deputy Murray discussed the report submitted after the fire to the Chief. The Deputy further stated that although the building has been inspected twice by the department, the smoke-detectors had not been repaired nor the rubbish in the basement removed.

At this time the committee heard from Martha Howard, a former tenant of Apartment #9 now living at 23 Bristol Street, who stated that although she paid rent on October 27, 1984, for the month of November (see attached copy of money order), she too was locked out after the fire by the nailing of a "two-by-four" across her apartment door. Furthermore she stated her bathroom was dismantled and some of her personal possessions were broken and everything was removed from her apartment. She believed that Marcia Jason had a written lease. She further stated that another of her roommates, Linda Tracy, told her that when she tried to enter the apartment, Mr. Kapsalis pointed a gun at her, stating that he believed her to be a burglar.

At this time Inspectional Services Commissioner Joseph Cellucci stated that unit #14 in the building was deemed unfit for human habitation. He and Plumbing Inspector Leo Malloy stated permits had been issued on November 23 and December 6 to work on all the plumbing in the building. Furthermore, they said that no permits had been issued prior to November 21, 1984. Permits were issued to repair code violations on January 31, 1984 but Mr. Kapsalis apparently had exceeded what authority was granted on the permits. A permit was necessary to do the plumbing work on apartment #14, but none was issued. In addition, only a licensed plumber could do so, but Mr. Kapsalis had no plumbing license. No apartment besides #14 was declared uninhabitable after the fire.

At this time the committee heard from Roger Mervis, Executive Director of the Rent Control Board, who stated the Rent Control Board is suing Mr. Kapsalis for the three commercial conversions at 991 Massachusetts Avenue, and has also applied for criminal complaints regarding apartment #9 and #17. The Board has also denied certificates of eviction for units #14 and #17. The owner appealed both; the

court dismissed the appeal for #17 and a court appearance is scheduled for January 11, 1985 for #14. On November 20, 1984, the Board issued a decision allowing Mr. Kapsalis to combine eight vacant studio apartments at 991 Massachusetts Avenue with larger apartments, because the studios lacked a second means of egress, but the decision was conditioned on the tenants' voluntary departure from the larger apartments.

The committee also heard from Kate Faulkner, who resided in apartment #17 (across the hall from #14) prior to the fire. She stated her locks had been changed although she had been told by Mr. Kapsalis she could remain. Mr. Kapsalis told her that his key had broken in the lock, on November 21. Furthermore, she stated that when she returned on November 23 her possessions had been removed, the apartment stripped, and her three cats lost. Her rent was paid in full to Mr. Kapsalis.

Also appearing before the committee was Nicola Stemmer of apartment #12 who stated no repairs have been made in his apartment in a year even though an inspection found various code violations. He also stated the apartment is without water two and three times a week and there is seldom any heat. On November 25, after the fire, Mr. Kapsalis told him he would be evicted, but has not made any recent attempts to do so. He has observed quantities of fire damaged plaster being removed from the building.

At this time the committee heard from Mark Breton who stated he feels impeded by city officials in attempts to address the problems in the building. He further stated that rather than calling the Fire Department on the telephone, Mr. Kapsalis pulled the firebox one block away. He also stated he believed the owner had an incentive to set the fire.

Finally Robert LaTremouille of Franklin Street stated these serious problems should be addressed immediately.

The hearing was adjourned at 8:30 PM.

#### Chairman's findings and recommendations

Based on the evidence presented at Committee's December 11 hearing, I as chairman make the following findings:

1. Mr. Kapsalis is currently substantially renovating most residential apartments at 991 Massachusetts Avenue. The Rent Control Board's November 20, 1984 decision, allowing Mr. Kapsalis to combine units only if the tenants vacated certain apartments, created an incentive for him to cause those apartments to become vacant.
2. Two days later, on November 22, a fire occurred in apartment #14 while Mr. Kapsalis was working along there, on Thanksgiving Day, claiming to be using a propane torch on the bathroom plumbing. A plumbing permit was necessary to do the alleged work, but none had been issued. Mr. Kapsalis also needed a plumbing license to do this work, but he had none. The fire occurred while most residential tenants in the building were away for the holiday. Mr. Kapsalis used a call box one block away, not his own telephone in the building, to report the fire. According to the fire report, Mr. Kapsalis "after interrogation admitted ... using a propane torch ... This information not obtained until arrival of arson inspector." About 11:00 P.M. on the night of the fire, Mr. Kapsalis told Jeanine Breton, a

- tenant of the apartment who had just returned home, that he was repairing the kitchen, but that his cigarette smoking in the bathroom had caused the fire. Mr. Kapsalis had earlier tried to evict these tenants at the Rent Control Board on two occasions, but was denied both times.
3. Despite the above circumstantial evidence, Deputy Fire Chief Murray, who was in charge of fighting this fire, determined on the basis of interviewing Mr. Kapsalis that the fire was accidental. He informed Deputy Chief Fitzgerald of the arson squad that there was no need for the latter's presence at the fire. Fire Chief Scott later supported his determination. Because most relevant evidence, including the fire-damaged building material, was soon removed from the scene, it is now difficult to determine whether the fire was set deliberately.
  4. On November 24, at about 5:30 PM, Jeanetta Baciuska and Jeanine Breton, tenants in apartment #14, were prevented by Cambridge police, summoned by Mr. Kapsalis from retrieving their possessions, even though no notice had been posted at the apartment. Before this, Mr. Kapsalis had pointed a gun at Ms. Baciuska.
  5. Kate Faulker was a tenant in apartment #17 at the time of the fire, and had paid rent to Mr. Kapsalis. When she returned home on the evening of Friday, November 23, she found the lock changed on her apartment door. Mr. Kapsalis, told her his key had broken in the lock. She thinks the lock may have been changed on November 21, before the fire, even though Mr. Kapsalis blamed the fire for not letting her back in. She discovered that her possessions had been removed, the apartment stripped (even though no fire damage had occurred), and her three cats lost. She never could resume living there. The Rent Control Board has applied for criminal complaints for illegal eviction and illegal removal of this apartment.
  6. Marcia Jason, Martha Howard, and Lisa Tracy were tenants in apartment #9. Lisa Tracy paid the three's rent to Mr. Kapsalis, although for November, Martha Howard paid her rent directly using a money order. Ms. Howard returned after the fire to find a two-by-four nailed across her door, even though the Inspectional Services Department had not found the unit unfit. The bathroom had been dismantled, she later learned when she eventually gained access. Mr. Kapsalis pointed a gun at Ms. Tracy when she tried the lock, claiming he thought she was a burglar. Ms. Jason was unable to retrieve her possessions, and her valuable power tools are missing. The Rent Control Board has also applied for the same criminal complaints concerning this apartment.
  7. None of the above tenants has been offered relocation assistance by Mr. Kapsalis or any city department. Most are still living with friends.
  8. Of sixteen original residential units at 991 Massachusetts Avenue, only four are currently occupied. Mr. Kapsalis and his girlfriend occupy two of these, and another will be vacated at the end of December. Nicola and Tina Stemmer, who occupy the remaining apartment, have been threatened with eviction, but no recent action has been taken against them.
  9. Plumbing Inspector Malloy issued comprehensive plumbing permits after the fire, on November 23 and December 6, allowing removal of all plumbing fixtures in the building. These permits directly contradict Inspectional Services Department policy, which prohibits issuance of permits for work making a rent controlled apartment uninhabitable without Rent Control Board approval, and requires specific indication of what work is allowed when a permit is issued.

10. Although a November 1983 inspection determined that smoke detectors in the building were not operable, they were never repaired, and they did not operate during the November 22, 1984 fire.
11. Although probably unintentional, many of the above actions, or lack of action, taken by certain personnel of the Inspectional Services, Police, and Fire Departments had the effect of furtherizing the landlord's apparent scheme to vacate the building in order to proceed with his plans for it.

On the basis on the above findings, I make the following recommendations:

- A. That the District Attorney conduct a full criminal investigation to ascertain whether any of the following crimes or any others have been committed: arson; assault with a dangerous weapon (a handgun); larceny; trespassing, recover of possession without judicial process, and breach of quiet enjoyment (G.L. ch. 184, § 18; ch. 186, § 14); failure to provide functioning smoke detectors; performing construction work without necessary permits and licenses; eviction without a certificate of eviction; and removal without a removal permit. (As noted above, the Rent Control Board has applied for criminal complaints with respect to the last two alleged crimes.) For this purpose, a copy of this report will be forwarded to the District Attorney.
- B. That the City Manager, after further investigation, consider whether disciplinary action is warranted with respect to any personnel of the Inspectional Services, Police, and Fire Departments.
- C. That the Police Department instruct its officers not to interfere with tenants' access to their own apartments.
- D. That the Fire Department re-examine the circumstances under which it conducts arson investigations, so as to include examination of any relevant rent control history of a building, interviews with appropriate tenants, and sensitivity to landlords' economic incentives.
- E. That the Inspectional Services Department strictly enforce the laws of this city as embodied in its own existing policy concerning rent-controlled buildings (described above), ensure that all inspectors understand and carry out this policy, and require that the Commissioner personally approve all rent controlled building permits. The problems which occurred at 991 Massachusetts Avenue have occurred before, for example at 30 Norfolk Street and 88 Hancock Street; they must not recur.
- F. That the Rent Control Board re-examine the wisdom of conditioning removal permits on tenants' "voluntarily" vacating their apartments.
- G. That the Department of Human Service Programs devise procedures for furnishing emergency shelter to persons displaced by fire or eviction, as suggested by Councillor Vellucci.
- H. That the City Council and the City Manager firmly commit themselves to, and take whatever action is necessary for, enforcing strictly the existing laws of the Commonwealth and the city, so as to prevent this horrifying situation from ever recurring.

For the Committee,

Councillor David E. Sullivan  
Chairman

# Cambridge Savings Bank

Cambridge, Massachusetts

For November 1984 rent

713998

Oct. 27 19 87

5-2  
110

CUSTOMER'S COPY

Pay to the order of Kapsalis

~~2060200~~

**Savings Bank  
Money Order**  
To State Street Bank  
and Trust Company  
Boston, Massachusetts

**COPY NOT NEGOTIABLE**  
*Martha A. Howard*

Signature

Address

ADDRESS: 991 Mass. Ave

INCIDENT NO., IF ANY 5415 #

CAMBRIDGE FIRE DEPARTMENT

COMPANY FIRE REPORT

Date Nov. 22 1984

Company Engine No. 1

Alarm Box 465 at 1412 M.

Reported to D.C. Murray

Returned to quarters at 1624 M.

Dismissed by D.C. Murray

Out of quarters - 2 hours 12 minutes

Response of company (include names of off duty members). Total number of men - 3

Pump Operator

Wagon Operator F.F. Stephen W. Burke

Operator

Tiller Man  
Lt. Robert E. Rosen  
F.F. Frank J. Walsh

Members failed to respond and reason

Total number of men - 2

F.F. Lawrence A. Sub-variant  
F.F. Richard C. Cally

Members injured. Extent of injury and treatment.

Total number of men - 0

## EQUIPMENT USED

HYDRANT - Location *1004 Mass. Ave* TYPE OF SUCTION *side*

HYDRANT - Pressure. Static - *60* Residual - *50*

PUMPER used - *1* hours *0* minutes Pressure used - *200 psi*

H P FOG used hours minutes Pressure used -

Hose used 3" *200* ft. 2½" ft. *174* 200 ft. 3,4" ft.

Ladders used Aerial Ft. Ground ft. Roof ft.

Salvage covers used

Masks used Type amount Time  
*M. S. G.'s* *2* *20 mins each*

Other equipment used

## SUMMARY OF FIRE

Include - conditions noted upon arrival - actions taken - point of entry - forcible entry made - where hose lines were put into operation - where ladders were raised - where salvage covers were used - any other services rendered.

*Report of smoke showing. Dropped 3" pumper from hydrant to front of building. Owner stated fire on fifth floor. Laid 200' of 1 3/4" hose to 5th floor into fire room. Door was closed but unlocked. Located fire in bathroom. Knocked down with 1 3/4". Power vented smoke from fire room thru window. Helped overhaul. Checked 4th floor for fire.*

Officer in charge.

*St. Robert E. Rossi*



DEPARTMENT OF PUBLIC SAFETY—DIVISION OF FIRE PREVENTION  
1010 COMMONWEALTH AVENUE, BOSTON 02215

FP32

DIV 2

Fill In This Report  
In Your Own Words

CAMBRIDGE

Fire Department

MASSACHUSETTS INCIDENT REPORT

LAYOUT 2

1  Delete  
2  Change

COMPLETE ON ALL INCIDENTS

COMPLETE IF CASUALTY OR FIRE

ALL IGNITIONS

FOR STRUCTURE FIRE ONLY

ALL FIRES

COMPLETE ON ALL FIRES INCIDENTS

A	FDID 17049	Incident No. 54154	Exp. No.	Mo. 11	Day 22	Year 84	Day of the Week THURS	5	Time Alarm 1912	"On Scene" 1915	"In Service" 1619
B	CORRECT ADDRESS		No. 911	Dir.	Name MASS AVE			Type	Zip Code 02138	Census Tract 353800	
C	Occupant Name LESLIE ASHLEY							Telephone 661 4024		Room or Apt. 14-5TH FL	
D	Owner Name STEVEN KAPSALIS			Address 991 MASS AVE				Telephone 497-5000			
E	Method of Alarm from Public Box 465						Type of Situation Found 12 BUILDING FIRE 111				
F	Type of Action Taken EXTINGUISHED			Co. Inspection District 11 E1		Shift 1		No. Alarms 1		Mutual Aid 1 <input type="checkbox"/> Rec'd 2 <input type="checkbox"/> Given	
G	No. Fire Service Personnel Used at Scene 120		No. Engines Used at Scene 1003		No. Aerial Apparatus Used at Scene 1002		No. Other Vehicles Used at Scene 1002				

H	No. Incident-related Injuries <sup>a</sup> Fire Service 1100		Others 100		No. Incident-related Fatalities <sup>a</sup> Fire Service 100		Others 100		Complex BUSINESS REVENUE 40		
I	Fixed Property Use APARTMENTS				Mobile Property Type <sup>b</sup> 1423 NOT APPLICABLE		OF				

J	Area of Fire Origin BATHROOM		Level of Fire Origin 25 5TH FLOOR		Termination Stage 5 AFTER FLAME		3				
K	Equipment Involved in Ignition (if any) PROPANE TORCH				Form of Heat of Ignition 87 PROPANE TORCH		143				
L	Type of Material Ignited WOOD PANEL		Form of Material Ignited 163 WOOD PANEL		Ignition Factor 15 WELDING CLOSE		35				

M	Structure Type STONE WITH APARTMENTS		Construction Type 12 PROTECTED ORDINARY		Construction Method 5 SITE BUILT		1				
N	Extent of Flame Damage 5 FLOOR OF ORIGIN		Extent of Smoke Damage 5 FLOOR OF ORIGIN		Extent of Water Damage 5 STRUCTURE OF ORIGIN		16				
O	Extent of Fire Control Damage 16 STRUCTURE		Detector Performance 6 DID NOT OPERATE		Sprinkler Performance 6 NONE		8				
P	IF FLAME SPREAD BEYOND ROOM OF ORIGIN		Type of Material Generating Most Flame WOOD PANELS		163		Avenue of Flame Travel WALL PANELS		112		
Q	IF SMOKE SPREAD BEYOND ROOM OF ORIGIN		Type of Material Generating Most Smoke WOOD		163		Avenue of Smoke Travel CORRIDOR		2		

R	Method of Extinguishment PRECONNECTED 1 3/4 + 1 1/2 FROM HYDRANT TO TANKS 16											
S	Estimated Total Dollar Loss		3000		Property Damage Classification 3000		3		Time from Alarm to Agent Application 5 MINUTES			3
S1	Total Insurance on Building-Vehicle EST 300,000				Damage to Building-Vehicle 2000							
S2	Damage to contents-Vehicle 1000				Insurance Paid							
S3	Public Adjuster			Insurance Agency				Insurance Company				

Entries contained in this report are intended for the sole use of the State Fire Marshal. Estimations and evaluations made herein represent "most likely" and "most probable" cause and effect. Any representation as to the validity or accuracy of reported conditions outside the State Fire Marshal's office, is neither intended nor implied.							Officer in Charge (Name, Position, Assignment) DC WILLIAM F. MURPHY 11/22/84		Date	
							Member Making Report (If Different from Above)		Date	

FIRE MARSHAL  
F.M.  1  2  No

Complete Below:  Check box if remarks are made on reverse side:

U	3	If Mobile Property	Year	Make	Model	Serial No.	License No. (if any)
V	4	If Equipment Involved In Ignition	Year	Make	Model	Serial No.	Voltage (if any)

All Information Above Must Be Reported Within 48 Hours After Fire.

List name, age, sex, and description of injury for each casualty on form FP33

CANARY COPY - FIRE DEPARTMENT RECORD

WHITE COPY - FIRE MARSHAL'S OFFICE

Box 465 E1, E2, E6, L1, L3, R1, C3.

Fire in partitions in bathroom on 5th floor of 5 story brick apartment spread to adjoining bedroom and hallway. Fire up front stairs (E1) line up rear stairs E6 and line over L3 aerial to 5th floor porch and into fire apartment. L1 + L3 ventilated from roof and inside apartment. Fire entering from roof and inside apartment. Fire entering from 4th floor bathroom + front door, and 5th floor front door and 1st floor rear door. Windows broken out on fire floor for ventilation. Smoke showing from Dana St side of building at 5th floor. I called F.S. (De Fitzgerald to scene) because of apparent undetermined nature of fire in partitions.

⇒ The owner of the building after interrogation admitted that he had been using a propane torch in bathroom pipe, on 4th floor apartment. Torch was found under debris. This information not obtained until arrival of Union Inspector. Electric inside man John Murray at scene to shut down apartment on 5th floor + 4th floor. Owner Steven Kapsalis lives on 4th floor.

⇒ Smoke detectors did not operate. St. Rossi Engine one will inspect building for all violations of smoke detectors, electrically, rubbish in cellar and in hallways. Access to utilities in cellar was locked up.

# City of Cambridge

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In City Council December 17, 1984

**The** Committee on Rent Control conducted a public hearing on Tuesday, December 11, 1984 beginning at 5:30 PM in the Ackermann Room, City Hall. The purpose of this hearing was to discuss recent events at the premises numbered 991 Massachusetts Avenue, Cambridge.

Councillor David Sullivan, Chairman of the above Committee, opened the meeting by stating he had called for this hearing at the request of certain tenants of the premises numbered 991 Massachusetts Avenue who had informed him that they had recently experienced a fire in the building and subsequently been locked out of their individual apartments.

Councillor David Sullivan further stated the order of testimony would be the tenants would speak first, the owner of the property, Mr. Stephen Kapsalis, second, and appropriate municipal department heads would speak third.

It should be noted that, although Mr. Kapsalis had been invited in writing to attend the hearing, he was not present nor was he represented.

At this time the committee heard from Marcia Jason, a former occupant of apartment #9 at 991 Massachusetts Avenue. She stated she had resided at this address since 1979. She further stated that upon returning to her apartment after spending Thanksgiving away, she discovered that a fire had taken place in the apartment above her at #14. She stated she attempted to retrieve her possessions on November 24, 1984 and at that time was denied access to her apartment and that once she did manage to get inside to remove her belongings, since she was relocating to another building anyway, she noticed her apartment was a mess with her things tossed around the room and several of her power tools worth approximately \$300 were missing. She also observed that an ax handle she had over the years had white paint on it; the same type which was on her bathroom door which had been "cut" open.

Upon questioning from Councillor David Sullivan, Ms. Jason stated she found no sign of forced entry into her apartment. She stated she could not understand why her bathroom was so damaged. She further stated that some repairs, including plumbing and heating, have gone undone for three years and in fact she had expended \$1,000 of her own money to do some work herself; even though Mr. Kapsalis had been granted a substantial rent increase by the Rent Control Board.

Ms. Jason stated that on December 3, 1984 she and other tenants of the building sought a court order to regain access to their apartments, but the court refused to issue such an order.

Finally she stated that she not only has been refused access, she has not received her security deposit. She stated she has repeatedly discussed with the owner the repairs, problems and the use of an apartment in the building being utilized by a computer software company, but to no avail.

S-785

# REPORT

**Committee on Rent Control**  
Re: the meeting of said Committee held  
on Tuesday, December 11, 1984.

In City Council,

December 17, 1984

12/17/84

- Placed on file -

RECEIVED BY THE CLERK OF THE CITY OF LOS ANGELES