

ELVIN COPP et al.

v.

TOWN OF CUMBERLAND

Submitted on Briefs October 24, 2017
Decided November 16, 2017

Panel: SAUFLEY, C.J., and MEAD, GORMAN, JABAR, and HJELM, JJ.

MEMORANDUM OF DECISION

Elvin and Randall Copp appeal from the judgment of the Superior Court (Cumberland County, *Mills, J.*) dismissing as moot their M.R. Civ. P. Rule 80B appeal from a decision of the Town of Cumberland Board of Adjustment and Appeals (the Board) that partially upheld the corrected notice of violations (NOV) issued to them by the Town's Code Enforcement Officer (CEO).¹ Contrary to the Copps' contention, their claims that the Board erred were rendered moot when they complied with the NOV. Upon the Copps' compliance with the NOV, the CEO lifted the stop work order, and the Copps were free to continue building their home. There remains no practical effect resulting from the resolution of their claims to justify our review. *See Anthem Health Plans of Me., Inc. v. Superintendent of Ins.*, 2011 ME 48, ¶ 5, 18 A.3d 824. Furthermore, we decline to provide the Copps relief in the form of an advisory opinion because their claims fit none of the exceptions to the mootness doctrine. *See Clark v. Hancock Cty. Comm'rs*, 2014 ME 33, ¶¶ 13-17, 87 A.3d 712.

¹ Although the Superior Court characterized its action as having "sustained" the decision of the Town's Board of Adjustment and Appeals, the context of its decision makes clear that the court dismissed the Rule 80B appeal as moot.

The entry is:

Judgment of dismissal affirmed.

Jeffrey Bennett, Esq., and Joan Egdall, Esq., Legal-Ease, LLC, South Portland, for appellants Elvin and Randall Copp

Natalie L. Burns, Esq., and Alyssa C. Tibbetts, Esq., Jensen Baird Gardner & Henry, Portland, for appellee Town of Cumberland

Cumberland County Superior Court docket number AP-16-12
FOR CLERK REFERENCE ONLY