

IN THE MAGISTERIAL DISTRICT COURT
38TH DISTRICT, MONTGOMERY COUNTY, 38-1-11/12

MAR 13 2017
9:04 a.m.

IN RE ADMINISTRATIVE
WARRANT TO SEARCH:

Docket No. _____

326 JEFFERSON AVENUE
POTTSTOWN, PENNSYLVANIA 19464

**DOROTHY RIVERA, EDDY OMAR RIVERA AND STEVEN CAMBURN'S
MOTION TO QUASH THE WARRANT ISSUED
TO SEARCH THEIR PROPERTY**

Pursuant to Rule 208.3 of the Pennsylvania Rules of Civil Procedure, Dorothy Rivera, Eddy Omar Rivera and Steven Camburn, by and through their undersigned counsel, hereby move to quash the administrative warrant issued on March 13, 2017 to search their property. The grounds for this motion, as more fully set forth in the accompanying memorandum of law, are as follows:

1. Steven Camburn owns the property located at 326 Jefferson Avenue, Pottstown, Pennsylvania 19464 and rents the property to Dorothy and Eddy Omar Rivera, who reside in the property with their children.
2. The Borough of Pottstown enforces rental housing ordinances that require biennial inspections of all rental homes. *See* Borough of Pottstown, Pa., Code of Ordinances ("Code") §§ 5-801, 11-206(1), § 11-206(2)(A)–(D).
3. If a landlord or tenant does not consent to the inspection, Borough inspectors may seek an administrative warrant to enter and search the property—such warrants do not require evidence of a violation of the law in the home to be searched. Code § 11-203(I)(3).

4. In January 2017, the Borough scheduled the Riveras' home and Camburn's property for a rental-housing inspection.

5. The Riveras and Camburn do not want the inspection.

6. On March 8, 2017, Camburn and the Riveras sent a letter to Keith Place, the Borough's Director of Licensing and Inspections, invoking their rights under Article I, Section 8 of the Pennsylvania Constitution. They notified Mr. Place that they would not allow an inspection without a warrant supported by individualized probable cause.

7. On March 13, 2017, the Borough applied for an administrative warrant to inspect the Riveras' home and Camburn's property. The Borough's application for the warrant was not supported by individualized probable cause.

8. On the same date, this Court issued an administrative warrant authorizing the Borough to search the property.

9. The administrative warrant violates Article I, Section 8 of the Pennsylvania Constitution, which requires the government to obtain a warrant based upon individualized probable cause of a violation of the law before it can conduct a rental inspection without consent.

10. The Riveras and Camburn respectfully request that this Court issue an order quashing the administrative warrant authorizing the Borough to enter and search their property, or in the alternative, staying the execution of the challenged warrant while this motion is pending.

11. Camburn and the Riveras set forth their arguments in support of this motion in their attached memorandum.

DATED: March 13, 2017

Respectfully submitted,



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**Motion to Appear Pro Hac Vice Pending.*