

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, December 15, 2017

1:00 PM

Legislative Office Building, Room 307
33 North State Street, Concord, NH 03301

The following members were present: Chair Mark Tay, Esq., Secretary Rob Hunt Esq., Rep. Thomas Laware, Rep. Franklin Sterling, Kenneth Dame, Lois Parris, Judy Williams and Adam Gidley.

Others in attendance included: Rick Wisler - clerk of the Board of Manufactured Housing. Also in attendance were: Bob Petrillo, Peter Parrino, David Estes, Judy Estes, Michael Bennett, Joseph Dupont, Matt Burrows, Thomas Morgan, Chris Monroe, and Glenn Gidley

The meeting was called to order by Chair Mark Tay at 1:15 p.m.

1. Approval of Minutes: The November 3, 2017 minutes were reviewed. Board member Franklin Sterling moved to approve the minutes. Board member Adam Gidley seconded and the Board voted unanimously to accept the minutes of the November 3, 2017 meeting.

2. Complaint Hearing docket 18-02 David and Judy Estes v. Pine Gardens Manufactured Homes, Inc. Board members Lois Parris and Robert Hunt recused themselves from the hearing and departed the room. Judy Estes and Michael Bennett were introduced as witnesses and Chair Tay administered the oath to both. Representing the Estes was David Estes, husband of Judy Estes and one of the two complainants. Representing Pine Gardens Manufactured Homes, Inc. was Attorney Matthew Burrows and he was joined by Joseph Dupont. Chair Tay explained the hearing process. Attorney Burrows informed the Board that both parties agreed to jointly submit their exhibits (Complainant's Exhibit List A through O, and Respondent's Exhibit List 1 through 15). Chair Tay accepted the exhibits and they were distributed to the Board members. The matter proceeded to hearing.

The complainant Judy Estes responded to questions from David Estes, the Board, and Attorney Burrows. Attorney Burrows submitted Respondent Exhibit 16 of a letter and Motion to Vacate to 4th Circuit – District Division - Laconia dated August 4, 2017.

Michael Bennett was called as a witness by Attorney Burrows. Mr. Bennett responded to questions from Attorney Burrows, the Board, and David Estes.

Chair Mark Tay noted for the record that the complainant Judy Estes and the respondent Joseph Dupont were brother and sister and have joint ownership of the park. Attorney Burrows submitted a request for findings of fact and rulings of law. Chair Mark Tay closed the hearing and announced deliberation would be conducted later in the meeting following the next hearing, and advised the parties to again attempt to resolve the dispute prior to a Board decision.

The meeting was recessed at 2:45 for a short break.

The meeting reconvened at 2:50. Board members Rob Hunt and Lois Parris returned to the meeting. Board members Adam Gidley and Mark Tay recused themselves from the next hearing and departed the room. Secretary Rob Hunt presided.

3. Complaint Hearing docket 17-14: Peter Parrino v. Mobile Courts, Inc. This matter was continued from the Board's November 3, 2017 meeting. Complainant Peter Parrino was not represented by counsel

and introduced his witness Bob Petrillo. Mobile Courts, Inc. was represented by Attorney Thomas Morgan who introduced Glenn Gidley.

Attorney Morgan stated he believed the issue was moot because the complainant's unit sold and the buyer was approved by the park. Attorney Morgan made an oral Motion to Dismiss. The complainant objected to the motion as he was seeking a judgement that the first unsuccessful buyer denied by the park was more than qualified. Following discussion Board Member Franklin Sterling moved to accept the motion to dismiss and was seconded by Board member Judy Williams. The motion unanimously passed.

The meeting was recessed at 3:05 for a short break.

The meeting reconvened at 3:10. Board members Mark Tay and Adam Gidley returned to the meeting. Chair Mark Tay presided.

4. Approval of Board Decision: Docket 17-17: Raymond Tunstall v. Jensen's Inc. of Nashua. Board member Franklin Sterling moved to approve the decision, seconded by Board member Lois Parris. The motion unanimously passed.

5. Approval of Board Decision: Docket 18-01: Devorss v. Granite Post Green MHC, LLC. Chair Mark Tay recused himself from discussion and action on this item, Secretary Rob Hunt presided. Board member Lois Parris moved to approve the decision, second by Board member Franklin Sterling. The motion unanimously passed.

Chair Mark Tay presided.

6. Complaint docket 17-15: Fox v. Oriental Gardens MHP. Chair Mark Tay informed the Board the complainant's request for rehearing at a later date will be scheduled at a meeting date in late April 2018 or thereafter.

7. Update on Board positions: Chair Mark Tay informed the Board that Kenneth Dame was recently re-appointed to a three year term that will expire December 6, 2020. Additionally, Anna Mae Twigg was also recently appointed to complete Glenn Ritter's term as a Public Member. Her term will expire October 7, 2018.

8. Deliberation of docket 18-02: Estes v. Pine Gardens Manufactured Homes, Inc. Board members Rob Hunt and Lois Parris recused themselves and left the room. David Estes and Attorney Burrows informed the Chair that no agreement was reached. The Board deliberated the testimony and evidence presented at the hearing. Following a thorough discussion, Board member Sterling moved to find in favor of the complainant, that the rule(s) the respondent seeks to apply is unreasonable as applied to the facts of this case. Board member Dame seconded. The motion unanimously passed. Board member Judy Williams then moved there was a violation of RSA 205-A:2, VIII(d) by requiring the complainant to remove a personal property or fixture, seconded by Board member Ken Dame. The motion unanimously passed. The Board further discussed that as a result of the Board's decision there may be consumer protection violations that could be subsequently handled by the appropriate courts citing RSA 205-A:27, I-b. Chair Mark Tay to write the decision.

9. Next Meeting: The Board scheduled the next meeting for Friday March 9, 2018, 1:00 at the LOB. An earlier contingent date, if needed to conduct a new threshold review/hearing, will be February 2, 2018.

Adjournment: By consensus the Board adjourned the meeting at 3:45 p.m.