

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Monday, October 1, 2018 1:00 PM

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

The following members were present: Chair Mark Tay, Esq. (arrived at approximately 1:20), Secretary Robert Hunt, Esq., Kenneth Dame, Lois Parris, Judy Williams, Anna Mae Twigg, Adam Gidley and Rep. Thomas Laware

The following members were not present: Rep. Franklin Sterling

Others in attendance included: Rick Wisler, Joseph Shoemaker and Hallie Pentheny – OPLC. Also in attendance were Steve Bonnette, Esq., Sheri Green, Karen Crowe and Bonnie Bassett.

The meeting was called to order at 1:08 p.m. by Secretary Robert Hunt.

- 1. Approval of Minutes:** The minutes of August 17, 2018 were reviewed. Board member Lois Parris moved to approve the minutes, seconded by Ken Dame. The Board unanimously voted to approve the minutes. Adam Gidley and Rep. Thomas Laware abstained as they were not present at that meeting.
- 2. Approval of Decision Docket 18-05:** Lois Parris moved to approve the decision as written, seconded by Anna Mae Twigg. The Board voted unanimously to approve the decision. Adam Gidley and Rep. Thomas Laware abstained.
- 3. Threshold Review and possible Complaint Hearing docket 19-01:** Karen Crowe v. Thicket Hill MHC. The complainant, Karen Crowe, was present and not represented by counsel. The respondent, Thicket Hill MHC was represented by attorney Steve Bonnette. Also attending as witnesses were Bonnie Bassett (for the complainant) and Sheri Green (manager of Thicket Hill MHC).

Chair Mark Tay was not yet present. Secretary Robert Hunt presided.

Secretary Robert Hunt informed the attendees of the threshold review process. Following Board review and discussion, Judy Williams moved that the complaint was within the Board's jurisdiction. Lois Parris seconded the motion. The Board voted unanimously that the complaint was within the Board's jurisdiction and to immediately proceed to hearing.

Secretary Hunt explained the hearing process and then asked the complainant and respondent's representatives to identify themselves. The oath was administered and the matter then proceeded to hearing.

Chair Tay arrived at 1:20 and presided.

The Complainant identified her witness Bonnie Bonnette who was administered the oath. The Complainant then wished to enter documents as Exhibits. Attorney Bonnette had no objections of the documents and they were submitted as exhibits. Complainant Karen Crowe presented testimony regarding the complaint alleging the park violated

RSA 205-A:2, II(f), RSA 205-A:2, II(f)(1), RSA 205-A:2, II(f)(2), IV, RSA 205-A:2, VIII(d), RSA 205-A:2, IX, RSA 205-A:2, XI and RSA 205-A:7 by:

- a. Failing to timely provide a written notification of all repairs and improvements required to approve the sale of the tenant's home;
- b. Requiring the repair of aesthetic standards related to a fence, oil tank and roof;
- c. Without prior notification installing individual water meters and requiring the tenant to pay associated cost including administrative fees;
- d. Charging the tenant for underground utility repairs;
- e. Not posting the full version of park rules;
- f. Not providing sufficient notice of rule changes;
- g. Not including in the park rules the required state notice in its entirety nor in the required font size;
- h. Requiring the tenant to purchase items from a specified vendor;
- i. Requiring the tenant to remove an existing fence and tarps which have been in place for more than five years; and
- j. Retaining all interest on security deposit.

During the hearing the Complainant withdrew her allegation for "h" requiring the tenant to purchase items from a specified vendor. Following testimonies and Board member questions of both parties, Chair Mark Tay closed the hearing.

The meeting was recessed for a break at 3:10 pm.

The meeting reconvened at 3:20 pm.

Chair Tay explained the deliberation process to members of the audience and then opened Board deliberation. After thoroughly discussing all the issues, the Board voted on each of the allegations (each lettered allegation listed below corresponds to the lettered allegation listed above:

1. For allegations "a", "b", "d", "e", "f" and "i". Mark Tay moved the Complainant did not meet the burden of proof, seconded by Adam Gidley. The motion unanimously passed.
2. For allegation "c" Mark Tay moved the Board did not have jurisdiction over water meters and costs associated, and the use of a third party billing service. Robert Hunt seconded the motion. The motion unanimously passed.
3. For allegation "g" Mark Tay moved to find in favor of the Complainant and request the park submit their final revised rules to the Board when completed. The motion was seconded by Adam Gidley and passed unanimously by the Board.
4. Allegation "h" was withdrawn by the Complainant and no further Board action necessary.
5. For allegation "j" Mark Tay moved to dismiss without prejudice and was seconded by Robert Hunt. The motion unanimously passed.

Board member Adam Gidley will write the decision

4. **Update of Board position:** Board members Anna Mae Twigg and Judy Williams have submitted all paperwork for reappointment. Division Director Joe Shoemaker has written letters of support for reappointment. The OPLC is waiting to hear back from the Governor's office.

5. **Next Board Meeting:** The Board scheduled the next meeting for Friday November 9, 2018 at 1:00 p.m. only if a complaint is filed that requires a meeting to be held by that time, otherwise, the next scheduled meeting date will be Friday December 14, 2018 at 1:00 p.m.
6. **Adjournment:** Board member Robert Hunt moved to adjourn, seconded by Board member Lois Parris. The motion was unanimously approved at 4:20 pm.

Respectfully submitted

Rick Wisler
Administrator III