

MINUTES

BOARD OF MANUFACTURED HOUSING MEETING

Friday, October 4, 2019 1:00 PM

Office of Professional Licensure & Certification, Philbrook Building, Room B202
121 South Fruit Street, Concord, NH 03301

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

The following members were not present: Anna Mae Twigg

Others in attendance included: OPLC staff Rick Wisler & Diana Craigie. Also in attendance were: Jerrilynn King, John Kelley, Kayleigh Ham, T. Ham, Chris Monroe, Greg Hoover, Richard Lambert, and three unidentified attendees.

Chair Tay convened the meeting at 1:10.

- 1) **Approval of Minutes** of August 2, 2019 Board Meeting. Rob Hunt moved to approve, seconded by Adam Gidley. The motion was unanimously approved.

New Business:

The Board first conducted a threshold review of each complaint and unanimously determined the Board has jurisdiction. The matter immediately proceeded to hearing. Chair Tay informed the Board that because the complaints were all from the same park, he had previously consolidated the four complaints to expedite the hearing of similar matters. The unique matters of 20-01 would be heard separately.

- 1) **Complaint Hearing: Docket 20-01** Kayleigh Ham v. Woodstock Co-Op. The complainant alleges the park is violating:
 - a. RSA 205-A:2, VIII(d) by notifying the tenant that a pet may be removed pursuant to park rule; and
 - b. RSA 205-A:2, XI by unreasonably charging prospective tenants a fee for a copy of the park rules
- 2) **Complaint Hearing: Docket 20-02** Jerrilynn King vs. Woodstock Co-Op. The complainant alleges the park is violating:
 - a. RSA 205-A:2, II(e) by imposing a non-refundable fee for processing an application and providing park rules in excess of \$125;
 - b. RSA 205-A:XI by unreasonably exceeding 14 calendar days to provide written notice of approval/denial of membership;
 - c. RSA 205-A:XI by unreasonably exceeding 14 calendar days to conduct and provide notification of deficiencies prior to a sale closing;
 - d. RSA 205-A:XI by unreasonably withholding consent on deeds;
 - e. RSA 205-A:XI by unreasonably requiring tenant to sign a "Declaration of Understanding and Agreement"; and
 - f. RSA 205-A:XI by unreasonably applying a park rule to remove a tenant's pet.
- 3) **Complaint Hearing: Docket 20-03** Mary-Jane Anthony vs. Woodstock Co-Op. The complainant alleges the park is violating:

- a. RSA 205-A:2, II(e) by imposing a non-refundable fee for processing an application and providing park rules in excess of \$125;
- b. RSA 205-A:XI by unreasonably exceeding 14 calendar days to provide written notice of approval/denial of membership;
- c. RSA 205-A:XI by unreasonably exceeding 14 calendar days to conduct and provide notification of deficiencies prior to a sale closing;
- d. RSA 205-A:XI by unreasonably withholding consent on deeds;
- e. RSA 205-A:XI by unreasonably requiring tenant to sign a “Declaration of Understanding and Agreement”; and
- f. RSA 205-A:XI by unreasonably applying a park rule to remove a tenant’s pet.

4) Complaint Hearing: Docket 20-04 John Kelly vs. Woodstock Co-Op. The complainant alleges the park is violating:

- a. RSA 205-A:2, II(e) by imposing a non-refundable fee for processing an application and providing park rules in excess of \$125;
- b. RSA 205-A:XI by unreasonably exceeding 14 calendar days to provide written notice of approval/denial of membership;
- c. RSA 205-A:XI by unreasonably exceeding 14 calendar days to conduct and provide notification of deficiencies prior to a sale closing;
- d. RSA 205-A:XI by unreasonably withholding consent on deeds;
- e. RSA 205-A:XI by unreasonably requiring tenant to sign a “Declaration of Understanding and Agreement”; and
- f. RSA 205-A:XI by unreasonably applying a park rule to remove a tenant’s pet.

The Chair gave the oath to all who would testify and then described the hearing process. Jerrilyn King and John Kelly, two of the complainants, testified first with a summary of their complaints. The Complainants presented exhibits to the Board and their postal receipt that showed the exhibits were received by the Respondent on the previous Saturday. The Respondent did not object to the exhibits and they were then distributed to Board members.

The co-op’s president, Richard Lambert, cross examined the Complainants followed by questions from the Board.

A short recess was called at 2:15 and the meeting reconvened at 2:22

Mr. Lambert concluded his cross-examination of the Complainants. After considering the testimony and questions provided thus far, Chair Tay suggested the Respondent consider obtaining the services of the Community Loan Fund or similar for technical assistance with governance issues. The Respondent agreed to present the suggestion to the co-op board.

Chair Tay moved to continue the hearing until the next meeting to allow consideration by the co-op of technical assistance from the Loan Fund, or similar, and report back to the Board at its next meeting. The motion was seconded by Rob Hunt and unanimously approved.

The Board recessed at 2:56 for a short break and reconvened at 2:58.

Chair Tay announced that complainant Kayleigh Ham would present her case regarding the pet issue. The other issue regarding a fee for bylaws is part of the other complaints and was continued to the next meeting.

Following the Complainant's testimony, cross examination by the Respondent, and questions from the Board, the Respondent informed the Board he did not have any further comments.

Rob Hunt moved to continue the matter to the next meeting and was seconded by Adam Gidley. The motion was unanimously approved.

Approval of Board Decision:

- 5) **Complaint Hearing: Docket 19-03 and 19-04:** Kirk and Renee Palladino vs. SVMH Co-Op. Decision for 19-03. After reviewing the draft decision for 19-03, Adam Gidley moved to approve the decision subject to review and approval by the Board's counsel, seconded by Ken Dame. The motion passed unanimously.

After reviewing the draft decision for 19-04 Judy Williams moved to approve the decision subject to review and approval by the Board's counsel, seconded by Adam Gidley. The motion passed unanimously.

Term status of Board member

- 6) Vice-Chair Robert Hunt was re-appointed by the N.H. Bar Association for another three-year term expiring July 16, 2022.
- 7) Secretary Adam Gidley was re-nominated by the Manufactured Housing Association and appointed by the Governor for another three-year term expiring November 22, 2022.

Other Business:

- 8) **Review and Approval of new Complaint Form.** Following a review by the Board, Adam Gidley moved to approve the new complaint form, seconded by Judy Williams. The motion passed unanimously.

NEXT BOARD MEETING:

The next meeting will be scheduled for December 6, 2019 if needed to meet the hearing date requirements for new complaints, otherwise the meeting will be scheduled for December 20, 2019.

Adam Gidley moved to adjourn at 3:50, seconded by Rob Hunt. The motion passed unanimously.

Respectfully submitted:

Rick Wisler
Administrator III