

**STATE OF NEW HAMPSHIRE
BOARD OF MANUFACTURED HOUSING**

Robert M. Connor)	Docket No. 005-10
“Complainant”)	
)	
v.)	
)	
South Parrish Road Cooperative)	
“Respondent”)	

Meeting held on October 22, 2010 at Concord, New Hampshire.

ORDER TO DISMISS

This matter came before the Board of Manufactured Housing (hereinafter referred to as the Board) for a threshold inquiry pursuant to RSA 205-A:27 IV (a) as to whether the complaint of Robert M. Connor against South Parrish Road Cooperative, Inc. has merit. This complaint is virtually identical to the complaint of Russell J. Ryder against the Respondent—case number 004-10. It is the practice of this Board to make a threshold inquiry with respect to every complaint it receives as to whether the Board has jurisdiction over the issues raised in the complaint, and whether the a claim has been set out upon which the Board can act. (Man 203.03) In so doing, the Board will carefully consider the allegations of each complaint, and for purposes of this inquiry, accepts each statement of fact alleged in the petition as true. Here the Complainant has essentially set forth numerous alleged deficiencies in park rules and by-laws as well as the Respondent’s alleged deficient implementation of rules and rule changes. Additionally he alleges that the Cooperative fee charged upon entry into the community, (presumably pursuant to RSA 301-A:13), is a violation of RSA 205-A:2 I. While it is apparent to the Board that the Petitioner has expended great effort and taken much time to document perceived violations, he does not describe in his petition how any of the alleged violations of RSA 205-A:2 rise to an actual dispute between the parties. His petition does not provide a factual context for the board to determine whether the Respondent’s rules are reasonable as applied to the facts of his specific case. (RSA 205-A: 27, I-a, I-b) He does not allege actual damages or harm which this Board could effectively redress within the statutory framework set forth in RSA 205-A: 27. It is notable that the complaint fails to specifically identify an unreasonable or illegal park rule as applied to *him*.

Based upon the foregoing, the Board concludes that the claim is without merit, and is DISMISSED. The Board issues this ruling in accordance with RSA 205-A: 27 IV (a), subject to Man 203.03 (c) which provides that in the event the Board issues an Order to Dismiss, the Petitioner shall have the opportunity to amend.

Man 211.01 Motions for rehearing, reconsideration or clarification or other such post hearing motions shall be filed within 30 days of the date of the Board's order or decision. Filing a rehearing motion shall be a prerequisite to appealing to the Superior Court in accordance with RSA 205-A:28 II.

SO ORDERED

BOARD OF MANUFACTURED HOUSING

Dated: _____

By: _____
Mark H. Tay, Esquire, Chairman

Members participating in this action:

Rep. Larry Brown
Peter J. Graves
Juanita J. Martin
Ken Nielsen, Esq.
Rep. David H. Russell
George Twigg, III
Mark H. Tay, Esq.
Judy Williams

Members not participating in this action:

Lois Parris

Also Present

Constance N. Stratton, Esq., Senior Assistant Attorney General

CLERK'S NOTICE

I hereby certify that a copy of the forgoing Decision and Order has been mailed this date, postage prepaid, to Robert M. Connor, 1 Connor Court, Winchester, NH 03470 and South Parrish Road Cooperative c/o Maria P. Gavin, Esq., Bradley and Faulkner, P.C., PO Box 666, Keene, NH 03431

Dated: _____

Anna Mae Twigg, Clerk
Board of Manufactured
Housing

BOARD MEMBERS' CONCURRENCE

Robert M. Connor v. South Parrish Road Cooperative; Docket No. 005-10

REP. LARRY BROWN

PETER J. GRAVES

JUANITA J. MARTIN

KEN NIELSEN, ESQ.

REP. DAVID H. RUSSELL

MARK H. TAY, ESQ.

GEORGE TWIGG, III

JUDY WILLIAMS