

STATE OF MAINE DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION **MANUFACTURED HOUSING BOARD** 35 STATE HOUSE STATION AUGUSTA, MAINE 04333-0035 TTY/HEARING IMPAIRED (888) 577-6690

Janet T. Mills GOVERNOR Anne L. Head DIRECTOR Peter T. Holmes EXECUTIVE DIRECTOR

### **MEETING MINUTES**

June 17, 2024

### I. OPENING FORMALITIES

#### A. Call to Order and Introduction of Board Members

Assistant Attorney General, Elizabeth Stivers advised the Board of the need to appoint an acting chair, absent the chair and vice chair. Based on his experience as a public official (CEO Boothbay Harbor), AAG Stivers proposed that the Board appoint Goeffrey Smith as acting chair until the election of officers to be held at a future meeting.

**Board Members Present:** 

Patricia Banks Thatcher Butcher /(ZOOM) Austin Gregory Margaret Jones Kimberly Nason Geoffrey Smith

Board Members Absent:

Theresa Desfosses Susan MacKay Harvey Wallingford

AAG: Elizabeth Stivers

## STAFF:

Peter T. Holmes, Executive Director Ryan Chandler, Senior Inspector

OFFICE PHONE: (207)624-8612



EXECUTIVE DIRECTOR (207) 624-8678 PETER.T.HOLMES@MAINE.GOV

PHYSICAL LOCATION: 76 NORTHERN AVENUE GARDINER, MAINE 04345 FAX: (207)624-8637

Jess Parlin, Inspector Helen Tutwiler, Secretary Specialist

<u>PUBLIC MEMBERS</u>: Rep. Dick Bradstreet Nick Beers/Public (ZOOM)

### II. Appointment of Acting Chair

Margaret Jones made a motion to appoint Geoffrey Smith as acting Chair Seconded by Patricia Banks Vote: 6-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

### III. AGENDA MODIFICATIONS AND APPROVAL

Peter Holmes presented the agenda to the board. No modifications needed. Vote: No vote taken

#### IV. MINUTES REVIEW AND APPROVAL

Review and Approval of February 14, 2024, Minutes

Kimberly Nason made a motion to accept meeting minutes as written. Seconded by Thatcher Butcher Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$

Austin Gregory	$\boxtimes$		
Margaret Jones	$\boxtimes$		
Susan MacKay			$\boxtimes$
Kimberly Nason	$\boxtimes$		
Geoffrey Smith	$\boxtimes$		
Harvey Wallingford			$\boxtimes$

#### V. COMPLAINT PRESENTATION(S) AND BOARD ACTIONS

#### 1. 2023-MFG-19193

At the November 1, 2023 meeting the Board reviewed this complaint and voted to dismiss it and place a letter of guidance in the licensee's file, but did not specify how long the Board wanted the L.O.G. to remain in the licensee's file. Therefore, the case was brought back to the Board for a decision on the length of time for the LOG to remain in the file. Austin Gregory made a motion to keep the letter of guidance in licensee's file for 3 years from June 17,2024 Seconded by Patricia Banks. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

2. 2023-MFG-18991

Austin Gregory made a motion to schedule for hearing and offer a consent agreement to resolve the matter. Terms of the consent agreement to include a penalty of \$1000.00 payable within 30 days of execution of the agreement and certification by a licensed Master electrician that all electrical violations had been corrected, also due within 30 days of execution of CA. Seconded by Margaret Jones. Vote: 5-0-1

	In Favor	Opposed	Abstain	Absent
Patricia Banks				$\boxtimes$
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$

Austin Gregory	$\boxtimes$		
Margaret Jones	$\boxtimes$		
Susan MacKay			$\boxtimes$
Kimberly Nason	$\boxtimes$		
Geoffrey Smith	$\boxtimes$		
Harvey Wallingford			$\boxtimes$

#### 3. 2023-MFG-19370

Patricia Banks made a motion seconded by Thatcher Butcher schedule for hearing and offer a consent agreement to resolve the matter. The terms of the CA to include a penalty of \$1000.00 payable within 30 days of final execution of the consent agreement, and certification that all violations have been corrected, due within 30 days of final Execution of the CA. Seconded by Thatcher Butcher. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

#### 4. 2023-MFG-19559

Kimberly Nason made a motion to Set for hearing and offer a consent agreement to settle the matter. Terms of the consent agreement to include a penalty of a total of 3,000.00 (1500 / year operating with expired license) due within 30 days of final execution of the CA. Seconded by Patricia Banks.

Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$

Kimberly Nason	$\boxtimes$		
Geoffrey Smith	$\boxtimes$		
Harvey Wallingford			$\boxtimes$

#### 5. 2023-MFG-19501

Patricia Banks made a motion to set for hearing, and offer a consent agreement to settle the matter. The terms of the consent agreement to include a penalty of \$2,000 (\$1000 each for 2 violations) payable within 30 days of final execution of the consent agreement. Seconded by Austin Gregory.

Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

#### 6. 2023-MFG-19027

Geoffrey Smith made a motion to dismiss the complaint without prejudice based on the following: A). The licensee had addressed and corrected violations # 1-7 of the order of correction in a timely manner. B). Upon request by the Board staff, the licensee hired an engineer at the licensee's expense to evaluate the condition of the slab (violation #8). C). Upon receipt of the engineer's report that the slab needed to be replaced, the licensee attempted numerous times to negotiate with the tenant on a plan to move the tenant's home in order to replace the affected slab. D). The licensee has been unable to come to an agreement with the tenant on a plan to move the slab. E). The inability to come to an agreement with the tenant over moving the home so the pad can be replaced, has prevented the licensee from making the correction to violation #8. Seconded by Austin Gregory.

Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			

Margaret Jones	$\boxtimes$		
Susan MacKay			$\boxtimes$
Kimberly Nason	$\boxtimes$		
Geoffrey Smith	$\boxtimes$		
Harvey Wallingford			$\boxtimes$

### 7. 2024-MFG-19748

Austin Gregory made a motion to dismiss the complaint in accordance with the provisions in Chapter 870 Section 5(C) of the Board 's rules. Seconded by Patricia Banks. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

## 8. 2023-MFG-19628

Margaret Jones made a motion to dismiss the complaint in accordance with the provisions in Chapter 870 Section 5(C) of the Board 's rules. Seconded by Austin Gregory. Vote: 5-0-1

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason			$\boxtimes$	
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

### 9. 2024-MFG-19897

Margaret Jones made a motion to dismiss the complaint in accordance with the provisions in Chapter 870 Section 5(C) of the Board 's rules.. Seconded by Austin Gregory. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

### 10. 2023-MFG-19259

Austin Gregory made a motion to dismiss the complaint in accordance with the provisions in Chapter 870 Section 5(C) of the Board 's rules. Seconded by Patricia Banks. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

#### 11. 2023-MFG-18826

Margaret Jones made a motion to dismiss the complaint in accordance with the provisions in Chapter 870 Section 5(C) of the Board 's rules. Seconded by Austin Gregory. Vote: 5-0-1

	In Favor	Opposed	Abstain	Absent
Patricia Banks			$\boxtimes$	
Thatcher Butcher	$\boxtimes$			

Theresa Desfosses			$\boxtimes$
Austin Gregory	$\boxtimes$		
Margaret Jones	$\boxtimes$		
Susan MacKay			$\boxtimes$
Kimberly Nason	$\boxtimes$		
Geoffrey Smith	$\boxtimes$		
Harvey Wallingford			$\boxtimes$

# VI. Board Actions – Delegation of Authority regarding Pre-Occupancy Inspections (renewal)

The Board was asked to consider renewing the current Delegation of Authority allowing the Executive Director to offer consent agreements for first and second violations of the preoccupancy inspection requirements within Board rules.

Margaret Jones made a motion to adopt the limited delegation as written. Seconded by Patricia Banks.

Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			
Harvey Wallingford				$\boxtimes$

# VII. Discussion – Chapter 850: Community Licensing-Standards

The Board considered the wording in Chapter 850 Section 2 and discussed different language in order to make the requirement clearer. After much discussion the Board asked Staff to draft replacement language reflecting the following changes:

- Eliminate the word "immediately" and re-word to require emergency water supplied as soon as practicable, but not to exceed 72 hrs. from the event.
- Specify that a BWO does not require an emergency supply of potable water be provided, but a DND, DNU or a system outage does.
- Specify that when an emergency supply of potable water is provided in accordance with these rules, the licensee must provide 1 gallon per person per day (CDC Recommendation) for all occupants of the community.

# VIII. Sr. Inspector's Report

Ryan Chandler reported he has been doing Manufactured Housing Community Inspections, Pre-Occupancy Inspections and following up on Complaint Inspections.

# IX. Executive Director's Report

Peter Holmes thanked everyone for attending and explained why the April meeting did not take place due to limited staff. He thanked Ryan and Jess for filling in and taking over some of the administrative duties. Introduced Helen Tutwiler as the Secretary Specialist. Scheduled board meetings are in place with next one August 13<sup>th</sup>. Peter Holmes reported complaints continue to come in. Getting Tie Down calls regarding purchases of older homes. Prior to 2008 required by law. Developer Dealer License coming in. Seems to be a lot of interest in this lately. Hud meeting took place last month. Not much to report.

# X. PUBLIC OPPORTUNITY TO COMMENT

Nick Beers joined via Zoom made as a park owner item VII on the agenda Chapter 850 Community Licensing Standards/#2. Potable Water is holding park owners to a higher standard and unreasonable. Should consider having a licensed water inspector as board member to have adequate presentation on board.

Rep. Dick Bradstreet spoke about the Chapter 850 and made recommendation to look at what other states are doing. (Hud people moving in and be more flexible) (Developer Dealer License why need 2 years experience when can hire installers) (Governor's budget 5 million to provide tenant associations purchase mobile home and we need to be on the look out due to increase in volume of homes purchased coming down the pike)

## XI. ADJOURN

Patricia Banks made a motion to adjourn. Seconded by Margaret Jones. Vote: 6-0-0

	In Favor	Opposed	Abstain	Absent
Patricia Banks	$\boxtimes$			
Thatcher Butcher	$\boxtimes$			
Theresa Desfosses				$\boxtimes$
Austin Gregory	$\boxtimes$			
Margaret Jones	$\boxtimes$			
Susan MacKay				$\boxtimes$
Kimberly Nason	$\boxtimes$			
Geoffrey Smith	$\boxtimes$			

Harvey Wallingford				$\boxtimes$
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# Meeting adjourned at 11:10

Respectfully submitted,

Helen M. Tutwiler Secretary Specialist