

# 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**

# February 14, 2024

### I. OPENING FORMALITIES

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

Board Chairperson Roger Timmons declared a quorum and called the meeting to order at 9:00 a.m.

Board Members Present: Roger Timmons Theresa Desfosses

Harvey Wallingford Austin Gregory
Margaret Jones Thatcher Butcher
Kimberly Nason Susan Mackay

Patricia Banks

Board Members Absent:

Others Present: Peter T. Holmes, Executive Director

Elizabeth Stivers, Assistant Attorney General

Ryan Chandler, Senior Manufactured Housing Inspector

Jessica Parlin, Manufactured Housing Inspector

# II. AGENDA MODIFICATIONS AND APPROVAL

The agenda was modified to correct the location of the Board meeting to Gardiner. Theresa Desfosses made a motion to approve the agenda modifications. Seconded by Harvey Wallingford.

Vote: 3-0-6

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	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford		$\boxtimes$	$\boxtimes$		
Austin Gregory					$\boxtimes$
Margaret Jones					$\boxtimes$
Thatcher Butcher					$\boxtimes$
Kimberly Nason					$\boxtimes$
Susan Mackay					$\boxtimes$
Patricia Banks					$\boxtimes$

# III. MINUTES REVIEW AND APPROVAL

Review and Approval of November 1, 2023, Minutes

Harvey Wallingford made a motion to approve the November 1, 2023 Minutes as written. Seconded by Roger Timmons.

Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons		$\boxtimes$	$\boxtimes$		
Theresa Desfosses			$\boxtimes$		
Harvey Wallingford	$\boxtimes$		$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks			$\boxtimes$		

# IV. ELECTION OF OFFICERS

Austin Gregory made a motion to table the election of officers until the next scheduled Board meeting. Seconded by Patricia Banks. There was discussion regarding the nomination of Board chairpersons; Board Chair, Roger Timmons, and Vice Chair, Theresa Desfosses, agreed that if nominated, they would continue serve as Board chairpersons.

Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses			$\boxtimes$		
Harvey Wallingford			$\boxtimes$		

	Motion	Second	In Favor	<b>Opposed</b>	Recused
Austin Gregory	$\boxtimes$		$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks		$\boxtimes$	$\boxtimes$		

### V. DISCUSSIONS

Theresa Desfosses made a motion to move Agenda Item VII. Discussions – CH 850 (2) Potable Water – Water Supply up to Agenda Item V. Seconded by Patricia Banks. Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks		$\boxtimes$	$\boxtimes$		

# CH 850 (2) Potable Water – Water Supply

Executive Director, Peter Holmes discussed the Manufactured Housing Community Rule stating that a community must have an adequate supply of potable water at all times; there is confusion when a community is on a Boil Water Order and is also regulated under the Drinking Water Program. Board staff suggested changes to the rule verbiage. Board Chair, Roger Timmons, allowed a member of the public, John Richards, Manager of Friendly Village, to comment on the term "immediately", not defined in the rules. Peter asked the Board to come up with suggestions for wording changes reflecting specific time frames as well as the Drinking Water Program concerns to discuss at the next board meeting.

# VI. BOARD EDUCATION PRESENTATION - AAG STIVERS

Assistant Attorney General, Elizabeth Stivers, gave a PowerPoint presentation & training of Board Duties and Responsibilities & Procedures for Adjudicatory Hearings.

# VII. COMPLAINT PRESENTATION(S) AND BOARD ACTIONS

### 1. 2023-MFG-18984

Theresa Desfosses made a motion to keep the Letter of Guidance in the case file for 5 years. Seconded by Patricia Banks.

Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks		$\boxtimes$	$\boxtimes$		

### 2. 2023-MGH-19471

Theresa Desfosses made a motion to set this matter for hearing with the offer of a consent agreement (CA), with a civil penalty of \$1000.00 to be paid within 30 days of the signed CA. Also, to allow staff to issue the expansion permission upon verification of the complete application, and final execution of the CA. Seconded by Patricia Banks.

Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks		$\boxtimes$	$\boxtimes$		

### 3. 2023-MFG-19685

Kimberly Nason made a motion to set this matter for hearing with the offer of a consent agreement (CA), with a civil penalty of \$100.00 to be paid within 30 days of the signed CA. Also, a warning about failure to make necessary notifications to the Board as required by rule. Seconded by Thatcher Butcher.

Vote: 9-0-0

		Motion	Second	In Favor	Opposed	Recused
4	Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks					
4.	2023-MFG-18831  Margaret Jones made Butcher.  Vote: 9-0-0	a motion to	o dismiss th	he complain	t. Seconded	by Thatcher
		Motion	Second	In Favor	Opposed	Recused
	Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks					
5.	2023-MFG-18865					
	Theresa Desfosses ma Banks. Vote: 9-0-0	ide a motio	on to dismis	ss the compl	aint. Second	ed by Patricia
		Motion	Second	In Favor	Opposed	Recused
	Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks					

# 6. 2023-MFG-19025

Theresa Desfosses made a motion to set this matter for hearing with the offer of a
consent agreement (CA), with a civil penalty of \$50.00 to be paid by each licensee,
within 30 days of the signed CA. Seconded by Patricia Banks.
Vote: 7-1-1

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher					$\boxtimes$
Kimberly Nason				$\boxtimes$	
Susan Mackay			$\boxtimes$		
Patricia Banks		$\boxtimes$	$\boxtimes$		

# 7. 2023-MFG-19034

Theresa Desfosses made a motion to set this matter for hearing with the offer of a consent agreement (CA), with a civil penalty of \$100.00 to be paid by each licensee, within 30 days of the signed CA. Seconded by Patricia Banks.

Vote: 6-2-1

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones			$\boxtimes$		
Thatcher Butcher					$\boxtimes$
Kimberly Nason				$\boxtimes$	
Susan Mackay				$\boxtimes$	
Patricia Banks		$\boxtimes$	$\boxtimes$		

# 8. 2023-MFG-19066

Thatcher Butcher made a motion to dismiss the complaint. Seconded by Patricia Banks. Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses			$\boxtimes$		
Harvey Wallingford			$\boxtimes$		

Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks	Motion  □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	Second	In Favor	Opposed  □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	Recused	
9. 2023-MFG-19162						
Susan Mackay made a Vote: 9-0-0	a motion to	dismiss the	e complaint.	Seconded by	y Thatcher l	Butcher.
	Motion	Second	In Favor	Opposed	Recused	
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks						
10. 2023-MFG-19318						
Thatcher Butcher mad Vote: 9-0-0	le a motion	to dismiss	the complain	nt. Seconded	d by Patricia	ı Banks.
	Motion	Second	In Favor	Opposed	Recused	
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks						
11. 2023-MFG-19538						
Theresa Desfosses made a motion to dismiss the complaint. Seconded by Thatcher Butcher. Vote: 9-0-0						

9.

	Motion	Second	In Favor	Opposed	Recused	
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks						
12. 2023-MFG-18929						
Thatcher Butcher made Vote: 9-0-0	e a motion	to dismiss	the complain	nt. Seconded	l by Susan N	Iackay.
	Motion	Second	In Favor	Opposed	Recused	
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks						
13. 2023-MFG-19245						
Thatcher Butcher made a motion to dismiss the complaint. Seconded by Margaret Jones. Vote: 9-0-0						
	Motion	Second	In Favor	Opposed	Recused	
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks						

# 14. 2023-MFG-19271

Margaret Jones made a motion to dismiss the complaint. Seconded by Kimberly Nason. Vote: 9-0-0							
	Motion	Second	In Favor	Opposed	Recused		
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks							
15. 2023-MFG-19376							
Kimberly Nason made Vote: 9-0-0	Kimberly Nason made a motion to dismiss the complaint. Seconded by Margaret Jones. Vote: 9-0-0						
	Motion	Second	In Favor	Opposed	Recused		
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher Kimberly Nason Susan Mackay Patricia Banks							
16. 2023-MFG-19560							
Susan Mackay made a motion to dismiss the complaint. Seconded by Austin Gregory. Vote: 9-0-0							
	Motion	Second	In Favor	Opposed	Recused		
Roger Timmons Theresa Desfosses Harvey Wallingford Austin Gregory Margaret Jones Thatcher Butcher							

	Motion	Second	In Favor	Opposed	Recused
Kimberly Nason			$\boxtimes$		
Susan Mackay	$\boxtimes$		$\boxtimes$		
Patricia Banks			$\boxtimes$		

# VIII. EXECUTIVE DIRECTOR'S REPORT

Executive Director, Peter Holmes, thanked all Board members and AAG Stivers for coming to the meeting and expressed his appreciation for all their hard work. He informed everyone that Heather Greenleaf is no longer the Manufactured Housing Board Clerk and hopefully the position will be filled soon.

# IX. PUBLIC OPPORTUNITY TO COMMENT

A representative of Bright Built Homes joined the meeting via Zoom and explained how her company is an advocate for modular homes and would like to explore more ways for builders to get licensed.

### X. ADJOURN

Theresa Desfosses made a motion to adjourn. Seconded by Margaret Jones. Vote: 9-0-0

	Motion	Second	In Favor	Opposed	Recused
Roger Timmons			$\boxtimes$		
Theresa Desfosses	$\boxtimes$		$\boxtimes$		
Harvey Wallingford			$\boxtimes$		
Austin Gregory			$\boxtimes$		
Margaret Jones		$\boxtimes$	$\boxtimes$		
Thatcher Butcher			$\boxtimes$		
Kimberly Nason			$\boxtimes$		
Susan Mackay			$\boxtimes$		
Patricia Banks			$\boxtimes$		

Meeting adjourned at 12:55 PM.

Respectfully submitted,

Jessica Parlin Manufactured Housing Board Inspector