

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 Harvey Wallingford Margaret Jones Kimberly Nason Patricia Banks	Theresa Desfosses Austin Gregory Thatcher Butcher Susan Mackay
Board Members Absent:		
Others Present:	Peter T. Holmes, Exe	cutive 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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PHYSICAL LOCATION: 76 NORTHERN AVENUE GARDINER, MAINE 04345

	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	Opposed	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

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
Roger Timmons			\boxtimes		
Theresa Desfosses			\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory			\boxtimes		
Margaret Jones			\boxtimes		
Thatcher Butcher		\boxtimes	\boxtimes		
Kimberly Nason	\boxtimes		\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks			\boxtimes		

Margaret Jones made a motion to dismiss the complaint. Seconded by Thatcher Butcher.

Vote: 9-0-0

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

5. 2023-MFG-18865

Theresa Desfosses 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		\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory			\boxtimes		
Margaret Jones			\boxtimes		
Thatcher Butcher			\boxtimes		
Kimberly Nason			\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks		\boxtimes	\boxtimes		

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		

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

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

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

10. 2023-MFG-19318

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			\boxtimes		
Margaret Jones			\boxtimes		
Thatcher Butcher	\boxtimes		\boxtimes		
Kimberly Nason			\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks		\boxtimes	\boxtimes		

11. 2023-MFG-19538

Theresa Desfosses made a motion to dismiss the complaint. Seconded by Thatcher Butcher. 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	\boxtimes		
Kimberly Nason			\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks			\boxtimes		

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

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

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			\boxtimes		
Theresa Desfosses			\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory			\boxtimes		
Margaret Jones		\boxtimes	\boxtimes		
Thatcher Butcher	\boxtimes		\boxtimes		
Kimberly Nason			\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks			\boxtimes		

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			\boxtimes		
Theresa Desfosses			\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory			\boxtimes		
Margaret Jones	\boxtimes		\boxtimes		
Thatcher Butcher			\boxtimes		
Kimberly Nason		\boxtimes	\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks			\boxtimes		

15. 2023-MFG-19376

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			\boxtimes		
Theresa Desfosses			\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory			\boxtimes		
Margaret Jones		\boxtimes	\boxtimes		
Thatcher Butcher			\boxtimes		
Kimberly Nason	\boxtimes		\boxtimes		
Susan Mackay			\boxtimes		
Patricia Banks			\boxtimes		

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			\boxtimes		
Theresa Desfosses			\boxtimes		
Harvey Wallingford			\boxtimes		
Austin Gregory		\boxtimes	\boxtimes		
Margaret Jones			\boxtimes		
Thatcher Butcher			\boxtimes		

	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