

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE COMPLEX
1511 PONTIAC AVENUE
CRANSTON, RI 02920

IN THE MATTER OF:	:	
	:	
Armand Desnoyers d/b/a	:	
McCambridge Mobile Home Park,	:	DBR No.: 17MH001
	:	
Respondent.	:	

COMPLIANCE ORDER

I. Introduction

The above-entitled matter came for a pre-hearing conference on September 8, 2018¹ pursuant to an Order to Show Cause why Cease and Desist and/or Other Administrative Penalties Should not Issue, Notice of Hearing and Appointment of Hearing Officer ("Notice") issued by the Department of Business Regulation ("Department") on August 28, 2018 to Armand Desnoyers d/b/a McCambridge Mobile Home Park ("Respondent"). The Respondent is a mobile home park that is currently not licensed. This matter was continued to allow the Respondent to come into compliance with the mobile home park licensing requirements. A status conference was held on May 22, 2019 at which time the Respondent did not appear. Pursuant to § 2.9 of 230-RICR-100-00-2 *Rules of Procedure for Administrative Hearing* ("Rules"), service may be made by hand-delivery or first-class mail and service is complete upon mailing when sent to the last known address of the party.

¹ This pre-hearing conference was not recorded, but the Respondent appeared and was informed of the information needed to complete a renewal application for a mobile home park license. A further status conference was held on October 18, 2019 at which time the Respondent appeared. The matter was then continued to allow time for the Respondent to submit a completed application. The Department then requested a status conference as the matter had not been resolved.

The notice of the scheduling of the status conference was sent to the Respondent's last known business and home address by first class and certified mail.² Since the Respondent was adequately notified of hearing, a hearing was held on May 22, 2019. Additionally, § 2.21 of the Rules provides that a default judgment may be entered based on pleadings and/or evidence submitted at hearing by a non-defaulting party. The Department was represented by counsel who rested on the record.

II. Jurisdiction

The administrative hearing was held pursuant to R.I. Gen. Laws § 42-14-1 *et seq.*, R.I. Gen. Laws § 31-44-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, and the Rules.

III. Issue

Whether the Respondent is in compliance with the statutory mobile home park licensing requirements and if not, what should be the sanction.

IV. Material Facts and Testimony

John Mancone, Chief Public Protection Inspector, testified on behalf of the Department. He testified that on May 21, 2019 he conducted an inspection at the Respondent's location. He testified he spoke to a resident and ascertained that all five (5) lots are occupied. He testified that the Respondent is currently not licensed as a mobile home park and had been previously licensed a mobile home park but that license expired on December 31, 2015. He testified that he made a report to the Department. See Department's Exhibit Five (5) (his report, photographs of the homes, Google map showing park location).

² The notice scheduling the status conference was sent by first class and certified mail. It was delivered by certified mail to the Respondent's business address. The certified mail sent to the Respondent's home address was available for the Respondent to pick-up. Department's Exhibit One (1) (copies of mailing envelopes, green card showing delivery of certified mail to Respondent's business address, print-outs of the United States Post Office on-line tracking showing certified delivery to Respondent's business address and that the certified mail with the scheduling notice was available for pick-up for Respondent's home address).

V. Relevant Statute and Regulation

R.I. Gen. Laws § 31-44-1(9) defines a mobile home park to mean “a plot of ground upon which four (4) or more mobile and manufactured homes, occupied for residential purposes are located.” R.I. Gen. Laws § 31-44-1.7 and 230-RICR-30-15-1, *Mobile and Manufactured Homes* regulation (“Mobile Home Park Regulation”), provide the requirements to be licensed as a mobile home park.

VI. Discussion

R.I. Gen. Laws § 31-44-1 *et seq.* requires that a mobile home park with four (4) or more units must be licensed. It was undisputed that the Respondent has five (5) occupied units. It was undisputed that the Respondent is not licensed as a mobile home park. It was undisputed that the Respondent has not completed a renewal application for its expired mobile home park license.

When a party fails to appear at hearing or otherwise fails to defend an action, the Rules provide that a default judgment may be entered against the defaulting party on the basis of the pleadings, the exhibits, and the testimony.

Based on the foregoing, the undersigned makes the following findings of fact:

1. Pursuant to § 2.21 of the Rules, the Respondent is declared to be in default for failing to appear at the hearing.
2. Pursuant to § 2.21 of the Rules, the allegations in the Notice are found to be true.
3. The Respondent is required to be licensed as a mobile home park pursuant to R.I. Gen. Laws § 31-44-1 *et seq.*
4. The Respondent is not licensed as a mobile home park pursuant to R.I. Gen. Laws § 31-44-1 *et seq.*

Based on the foregoing, the undersigned makes the following conclusions of law:

1. The Respondent is required to be licensed as a mobile home park pursuant to R.I. Gen. Laws § 31-44-1 *et seq.*

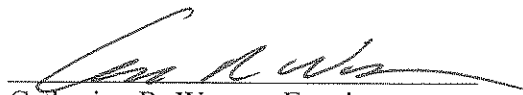
On the basis of the foregoing, the undersigned makes the following recommendation:

1. The Respondent is ordered to comply within 30 days³ with the mobile home park home licensing requirements set forth in R.I. Gen. Laws § 31-44-1 *et seq.* and the Mobile Home Park Regulation. Therefore, the Respondent has 30 days to become licensed as a mobile home park by the Department.

2. If the Respondent fails to comply with the statutory licensing requirements in R.I. Gen. Laws § 31-44-1 *et seq.* within 30 days as required by this order, a hearing shall be scheduled in order to determine the next steps to be taken. Such steps could include but are not limited to the imposition of administrative penalties for failure to comply with statutory requirements for licensing and failure to comply with this order.⁴

As recommended by:

Date: MAY 31, 2019


Catherine R. Warren, Esquire
Hearing Officer

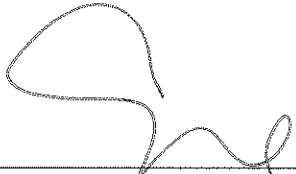
³ The 30 days is from the date of the execution of this decision.

⁴ In addition to any other relevant statutory provisions regarding unlicensed mobile home parks, R.I. Gen. Laws § 31-44-10 provides as follows:

Penalty. Any person who violates the licensing provisions of this chapter may be fined by the department an amount not in excess of five thousand dollars (\$5,000), lose their license according to prescribed procedure, after a hearing. Provided, further, any person violating any of the provisions of this chapter may also be fined by the appropriate court according to existing court procedure.

I have read the Hearing Officer's recommendation and I hereby ADOPT/REJECT the recommendation of the Hearing Officer in the above-entitled Compliance Order.

Dated: 6/5/19



Elizabeth M. Tanner, Esquire
Director

NOTICE OF APPELLATE RIGHTS

THIS ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-12. PURSUANT TO R.I. GEN. LAWS § 42-35-15, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE MAILING DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MUST BE COMPLETED BY FILING A PETITION FOR REVIEW IN SUPERIOR COURT. THE FILING OF THE COMPLAINT DOES NOT ITSELF STAY ENFORCEMENT OF THIS ORDER. THE AGENCY MAY GRANT, OR THE REVIEWING COURT MAY ORDER, A STAY UPON THE APPROPRIATE TERMS.

CERTIFICATION

I hereby certify that on this 5th day of June, 2019, that a copy of the within compliance order was sent by first class mail, postage prepaid and certified mail, return receipt to Mr. Armand Desnoyers, 1160 Mount Pleasant Drive, Harrisville, R.I. 02830 and 29 Randolph Street, South Attleboro, MA 02703 and by electronic delivery to Amy Stewart, Esquire, and Donna Costantino, Associate Director, Department of Business Regulation, Pastore Complex, 1511 Pontiac Avenue. Cranston, R.I.