

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BUILDING 69-1
CRANSTON, RI 02920

RECEIVED

AUG 30 2019

Division of Legal Services

<p>IN THE MATTER OF:</p> <p>ARMAND DESNOYERS, D/B/A, McCAMBRIDGE MOBILE HOME PARK, RESPONDENT.</p>	<p>DBR No. 17MH001</p>
---	-------------------------------

INTERIM CONSENT ORDER

It is hereby agreed by and between the Division of Commercial Licensing of the Rhode Island Department of Business Regulation (“Department”) and Armand Desnoyers, d/b/a McCambridge Mobile Home Park (“Respondent”) as follows:

1. Respondent operates a mobile and manufactured home park (the “Park”) located at 40-48 Lowell Ave, Pawtucket.
2. The Department first issued the Park a license in 1988, License No. MHP.0000042.
3. Respondent’s license most recently expired on December 31, 2015.
4. Inspections by the Department’s Chief Public Protection Inspector (“Inspector”) in 2018 and 2019 revealed that the Park has five occupied units.
5. The Department issued an Order to Show Cause on August 28, 2018, for Respondent’s failure to renew his Park license.
6. Thereafter, Respondent appeared at the pre-hearing conference and submitted a partial renewal application.
7. On May 31, 2019, the Department issued a Compliance Order, which gave Respondent thirty days to become licensed as a mobile home park in accordance with R.I. Gen. Laws Chapter 31-44.

8. On June 6, 2019, upon information and belief, the lots comprising the Park property were sold at a tax sale to another person in accordance with R.I. Gen. Laws Chapter 44-9.

9. Prior to the expiration of the Compliance Order, Respondent's legal counsel contacted the Department and submitted additional documentation necessary to obtain a License.

10. As of the status conference on July 29, 2019, the only outstanding item for License renewal was proof that municipal property taxes for the City of Pawtucket have been paid.

11. This is the second enforcement action for failure to renew this License involving this Respondent.

Relevant Law

12. R.I. Gen. Laws § 31-44-1(9) provides: "‘Mobile- and manufactured-home park’ or ‘park’ means ‘a plot of ground upon which four (4) or more mobile and manufactured homes, occupied for residential purposes are located.’"

13. R.I. Gen. Laws § 31-44-1.7(a) provides: "[a] person shall not operate a mobile and manufactured home park without a license." Said license must be renewed annually.

14. R.I. Gen. Laws § 31-44-1.7(c) provides:

An annual license shall be granted and renewed by the department based upon the filing of:

- (1) Leases and regulations that are applicable to the park;
- (2) Certification by the municipality in which the park is located that it is in compliance with all applicable land use regulations of the municipality;
- (3) Certification from the appropriate state agencies or municipal departments that the park has an adequate and operational sewage disposal system and water supply and that all applicable state and local taxes have been paid;
- (4) Payment of an annual fee of fifteen dollars (\$15.00) per occupied site in the park; and
- (5) The applicant files a fee schedule with the department.

15. R.I. Gen. Laws § 31-44-10 provides that “[a]ny 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.”

Conditions

16. In order to resolve this matter without an administrative hearing, the Department agrees to renew the License for the remainder of the 2019 licensing year with the following conditions:

- a. Respondent shall provide written status updates to the Department on October 1, 2019, and November 1, 2019, regarding any payments made towards the outstanding municipal taxes and redemption of the Park property from the tax sale.
- b. Respondent shall attend a status conference at the Department to be scheduled in the month of December 2019, at which time he must provide proof of payments made towards outstanding municipal taxes and redemption of the Park property from the tax sale.
- c. Respondent shall submit a complete renewal application for the 2020 License no later than November 30, 2019.
- d. Respondent shall comply with all statutory requirements pursuant to R.I. Gen. Laws Chapter 31-44, under which Respondent holds this License.
- e. The Department will not seek a monetary penalty at this time but reserves the right to impose a penalty under R.I. Gen. Laws § 31-44-10 for failure to comply with any term of the Interim Consent Order or for failure to renew the License for 2020 by the December 31, 2019 deadline.

17. If Respondent fails to pay all outstanding municipal taxes and redeem the Park property by the December 2019 status conference referenced in paragraph 16(b), the Department in its

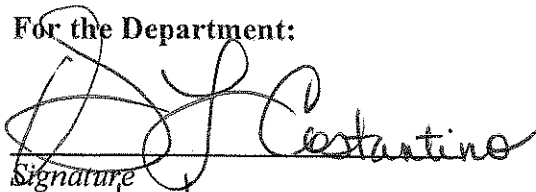
discretion may agree to propose an extension of this Order, provided that Respondent has submitted an otherwise complete License renewal application for calendar year 2020.

18. Waiver of Hearing and Appeal. By agreeing to enter into this Interim Consent Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35, as to the contents of this Interim Consent Order.

19. Enforcement. If Respondent fails to comply with any term or condition of this Interim Consent Order within any applicable time period set forth herein, Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.

20. Compliance; Laws. Compliance with the terms of this Interim Consent Order does not relieve Respondents of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

For the Department:

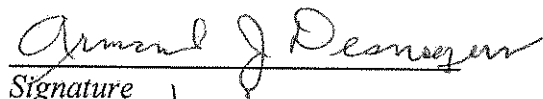


Signature

Date: 8/28/19

Donna L. Costantino, MBA
Associate Director

For Respondent:



Signature

Date: 8/27/19

Armand Desnoyers
Respondent

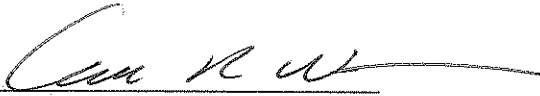


Signature

Date: 8/27/19

Mark P. Welch, Esq.
Counsel for Respondent

RECOMMENDED BY:



Signature

Date: 8/30/19

Catherine R. Warren, Esq.

Hearing Officer

ORDER

I have read the Interim Consent Order in the above captioned matter and I hereby take the following action:

Approve

Reject

Dated: 9/3/19



Elizabeth M. Panner, Esq.
Director

NOTICE PURSUANT TO R.I. GEN. LAWS § 42-35-12

THIS ORDER CONSTITUTES A FINAL ACTION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. FINAL AGENCY ACTIONS ARE GENERALLY APPEALABLE TO THE SUPERIOR COURT WITHIN THIRTY (30) DAYS OF THE DATE OF THE ACTION BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, THE RESPONDENT IS HEREBY NOTIFIED THAT BY WAIVING ITS RIGHT TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, ANY SUCH RIGHT OF APPEAL HAS BEEN WAIVED.


CERTIFICATION

I hereby certify on this 4th day of ~~August~~^{September}, 2019, that a copy of this Interim Consent Order was sent by first class mail, postage prepaid, to:

Mark P. Welch, Esq.
141 Power Road
Pawtucket, RI 02860

AND BY E-MAIL TO:

1. Respondent's Counsel, Mark P. Welch, Esq., mark@bwlawri.com
2. Catherine Warren, Esq., Hearing Officer
3. Donna Costantino, DBR Associate Director
4. John Mancone, DBR Chief Public Protection Inspector
5. LeeAnn Desilets, Licensing Aide
6. Amy Stewart, DBR Senior Legal Counsel



A handwritten signature in cursive script, appearing to read "Amy Stewart", is written over a horizontal line.