

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BLDG. 69-2
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF: :

ARMAND DESNOYERS, d/b/a : **DBR No. 14MH004**

McCAMBRIDGE MOBILE HOME PARK: :

RESPONDENT. :

DECISION

Hearing Officer: Ellen R. Balasco, Esq.

Hearing Held: November 6, 2014

Appearances:

For the Department of Business Regulation: Jenna R. Algee, Esq.

For Respondents: No appearance by Respondent or counsel.

I. INTRODUCTION

This matter was assigned to the undersigned Hearing Officer on July 2, 2013, pursuant to an Order to Show Cause Why License Should Not be Denied, Notice of Hearing and Appointment of Hearing Officer (“Order”) regarding Armand Desnoyers d/b/a McCambridge Mobile Home Park (“Respondent”) requiring Respondent to appear and answer why the Director of the Department of Business Regulation (“Department”) should not issue an order imposing administrative sanctions in accordance with R.I. Gen. Laws § 31-44-10.

The filing of Department's Order was based upon the failure of the Respondent to satisfy the statutory requirements for renewal of a license to operate a mobile and manufactured home park.

The matter was assigned for a hearing on November 6, 2014. The Respondent failed to appear at the show cause hearing held at the Department on that date, after having been duly served with notice of the hearing in accordance with the provisions of R.I. Gen. Laws § 42-35-9. Counsel for the Department appeared, offered testimony from one witness and 3 documentary exhibits.

II. JURISDICTION

The Department has jurisdiction over this matter pursuant R.I. Gen. Laws § 7-11-1 *et seq.*, R. I. Gen. Laws § 42-14-1, *et seq.*, and R.I. Gen. Laws § 42-35-1, *et seq.*

III. FINDINGS OF FACT

After hearing the arguments of counsel, the testimony of the Department's witness and due consideration of the evidence presented at a show cause hearing, the undersigned Hearing Officer makes the following findings of fact:

1. The named Respondent operates a mobile and manufactured home park known as McCambridge Estates, located at 40-48 Lowell Ave, Pawtucket.
2. The Respondent was issued a license to operate a mobile home park (MHP.0000042), which expired on December 31, 2012. In order to renew that license for the 2013 calendar year, the Respondent should have filed a renewal application with the Department on or before November 30, 2012.
3. On or about January 4, 2013, the Department received a renewal application from the Respondent – over one month past the renewal deadline. The renewal application was incomplete, in that the Respondent failed to provide a Letter of Good Standing from the Division of Taxation, a lease agreement, and park regulations.

4. The Respondent did not send in a renewal application for licensing year 2014, which was due November 30, 2013.
5. The Department notified the Respondent in writing on January 7, 2013 what items were missing from the renewal application. That notice specified that it would be the only notice which would be sent to the Respondent regarding his renewal.
6. The Respondent has failed to provide the items specified in the Department's notice of insufficiency, and therefore has failed to meet the requirements for renewal of his license.
7. The Order to Show Cause Why License Should Not Be Denied, Cease and Desist and/or Other Administrative Penalties Should Not Issue, Notice of Hearing and Appointment of Hearing Officer ("Order") was sent by first class mail to the Respondent at 1160 Mt. Pleasant Rd., Harrisville RI 02830, the address listed as the business mailing address on the 2013 license application on October 1, 2014.
8. The Order sent by first class mail was not returned to the Department, and is presumed to have been delivered by the U.S. Postal Service to the Respondent.
9. The Respondent failed to appear at the hearing on November 6, 2014, and failed to defend the allegations contained in the Order to Show Cause in any manner.
10. The Department has complied with the requirements of R.I. Gen. Laws § 42-35-9 and Central Management Regulation 2 regarding notice in contested cases, and the Respondent was afforded an opportunity for a hearing after reasonable notice.
11. Based on the documentary evidence and testimony presented by counsel for the Department at hearing, and based on Respondent's failure to appear at the hearing after receiving notice, it has been established that the Respondent has committed violations of the following:
 - a) R.I. Gen. Laws § 31-44-1.7(c), by failing to provide a Letter of Good Standing from the Division of Taxation, lease, and regulations, thereby failing to meet the requirements for licensure.
 - b) R.I. Gen. Laws § 31-44-1.7(a), by failing to timely renew his application, continuing to operate a mobile home park without a license since December 31, 2012; and

IV. CONCLUSIONS OF LAW

1. The Department had just cause to not renew the mobile home park operator license of the Respondent, in accordance with the provisions of R.I. Gen. Laws §§ 31-44-1.7.


2. A default judgment against Respondent is appropriate given his failure to appear and/or defend this action, in accordance with Section 21 of *Central Management Regulation 2 – Rules of Procedure for Administrative Hearings*.

V. RECOMMENDATION

Based on the above analysis, the Hearing Officer recommends that the Director of the Department Order that:

1. The Respondent is defaulted for his failure to appear and/or defend this administrative enforcement action;
2. The Respondent shall submit any and all documents and fees to perfect the renewal of his mobile home operator license to the Department within thirty (30) days of the execution of this Order and Decision;
3. The Respondent shall pay an administrative penalty to the Office of the General Treasurer in the amount of SEVEN HUNDRED FIFTY DOLLARS (\$750.00).

DATED: 11 Dec, 2014



Ellen R. Balasco, Esq.
Hearing Officer

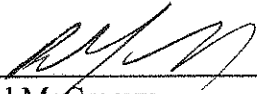
I have read the Hearing Officer's Recommendation in this matter, and I hereby take the following action with regard to the Recommendation:

ADOPT

REJECT

MODIFY

Dated: 11 December 2014



Paul McGreevy
Director

THIS ORDER OF DISMISSAL CONSTITUTES A FINAL DECISION OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO R.I. GEN. LAWS § 42-35-1 ET SEQ. AS SUCH, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN AND FOR THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW IN SAID COURT.

CERTIFICATION

I hereby certify that on the 12th day of December, 2014, a true copy of this Decision and Order was sent by first class mail, postage prepaid to: Armand Desnoyers at 1160 Mt. Pleasant Road, Harrisville, RI 02830 and also at 29 Randolph Avenue, South Attleboro, MA 02703, and by electronic mail to the following parties at the Department of Business Regulation: Jenna R. Algee, Esq., Maria D'Alessandro, Deputy Director, and Evelyn Ferrara, Licensing Aide.

