

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

<p>IN THE MATTER OF:</p> <p>ARMAND DESNOYERS, D/B/A, McCAMBRIDGE MOBILE HOME PARK, RESPONDENT.</p>	<p>DBR No. 17MH001</p>
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SECOND 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, which had expired on December 31, 2015, was renewed for calendar year 2019 through an Interim Consent Order issued on September 3, 2019.
4. As of December 17, 2019, Respondent submitted a substantially complete renewal application for the 2020 calendar year, which included all required documentation except for proof of payment of municipal taxes.
5. Respondent represents that he is in the process of selling the Park and intends to complete the sale by December 31, 2019, which will include payment of all outstanding municipal taxes.

6. 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.’”

7. 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.

8. 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.

9. 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.”

10. Based upon the above representations, the Department agrees to renew the License for calendar year 2020.

11. By February 1, 2020, Respondent agrees to provide the Department with evidence that:

- a. All outstanding municipal taxes have been paid and the Park property has been redeemed from the tax sale; and
- b. The Park has been sold and the buyer applied to the Department to transfer the License, as required by the Department.

12. Respondent shall comply with all statutory requirements pursuant to R.I. Gen. Laws Chapter 31-44, under which Respondent holds this License.

13. 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 Second Interim Consent Order.

14. If Respondent fails to pay all outstanding municipal taxes and redeem the Park property by the February 2020 ^{date} ~~status conference~~ _{CRW} referenced above, the Department in its discretion may agree to propose an extension of this Second Interim Consent Order.

15. Enforcement. If Respondent fails to comply with any term or condition of this Second 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.

16. Waiver of Hearing and Appeal. By agreeing to enter into this Second 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 Second Interim Consent Order.

17. Compliance; Laws. Compliance with the terms of this Second Interim Consent Order does not relieve Respondent 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: 12/20/19

Donald DeFedele
Acting Associate Director
Commercial Licensing

For Respondent:



Signature

Date: 12/20/19

Armand Desnoyers
Respondent



Signature

Date: 12/20/19

Mark P. Welch, Esq.
Counsel for Respondent

RECOMMENDED BY:



Signature

Date: 12/27/19

Catherine R. Warren, Esq.
Hearing Officer

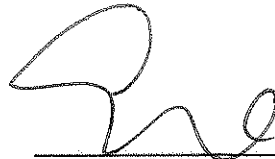
ORDER

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

Approve

Reject

Dated: 1/2/2020



Elizabeth M. Tanner, 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 2nd day of January 2020 ~~December 2019~~, that a copy of this Second 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. Donald DeFede, DBR Acting Associate Director
4. John Mancone, DBR Chief Public Protection Inspector
5. LeeAnn Desilets, Licensing Aide
6. Amy Stewart, DBR Deputy Chief of Legal Services

