



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
March 23, 2012

Michael H. Bray, Chair

Anthony G. Burks, Member

Sheila M. Vallés-Pankratz, Member

Donnie W. Wisenbaker, Member

**Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting**

March 23, 2012

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Michael H. Bray, Chair	_____	_____
Anthony G. Burks, Member	_____	_____
Sheila M. Vallés-Pankratz, Member	_____	_____
Donnie W. Wisenbaker, Member	_____	_____
Number Present	_____	
Number Absent		_____

_____, Presiding Officer

**MANUFACTURED HOUSING BOARD MEETING
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
1701 N. Congress Ave., William B. Travis Building, Room 1-100**

Austin, Texas 78701

March 23, 2012 10:30 a.m.

AGENDA

CALL TO ORDER, ROLL CALL

Chair

CERTIFICATION OF QUORUM

Chair

The Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs (TDHCA) will meet to consider and possibly act upon:

ACTION ITEMS

- Item 1. Consideration and action to approve the minutes of the board meeting on February 10, 2012. Chair
- Item 2. Presentation, discussion and action concerning the consideration of SOAH Proposal for Decision: In the Matter of the Complaint of TDHCA/MHD vs. Maria Avalo, Docket Number: 332-12-2909.MHD. Amy Morehouse

The Board may go into executive session for consultation with attorney on the above order pursuant to Sec. 551.071, Texas Government Code.

REPORT ITEMS

1. Executive Director's Report to include issues relating to operations, budget and performance of the Manufactured Housing Division. Joe Garcia

PUBLIC COMMENT

Chair

EXECUTIVE SESSION

Chair

Note: The Board may go into executive session (close its meeting to the public) on any agenda item if appropriate and authorized by the Open Meetings Act, Texas Government Code, Chapter 551.

- (a) If necessary, the Board will go into executive session to discuss Personnel Matters pursuant to Sec. 551.074, Texas Government Code.
- (b) If necessary, the Board will go into executive session for Consultation with Attorney pursuant to Sec. 551.071, Texas Government Code.

RECONVENE

Chair

Reconvene in public session and take action on any matters coming out of Executive Session.

ADJOURN

Chair

To access this agenda or request information, please visit our website at www.tdhca.state.tx.us or contact Sharon Choate, TDHCA/MHD, 1106 Clayton Lane, Suite 270W, Austin, Texas 78723, 512-475-2206, sharon.choate@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or translators for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

**MINUTES OF THE REGULAR MEETING OF THE
MANUFACTURED HOUSING BOARD**

On Friday, February 10, 2012, at 11:05 a.m., there was a regular meeting of the Manufactured Housing Board (the "Board") at 1500 N. Congress, Capitol Extension Committee Room E2.028. Michael Bray presided. Anthony Burks, and Donnie Wisenbaker constituting a quorum, attended. Sheila Vallés-Pankratz was absent. The following Manufactured Housing Division (the "MHD") staff were present: Joe Garcia, Amy Morehouse, Eric Franklin, and Sharon Choate. Veena Mohan, Office of Attorney General, was present.

Michael Bray called the roll and confirmed the presence of a quorum.

Michael Bray asked for a motion to approve the minutes from the board meeting on November 4, 2011. Upon motion of Anthony Burks, duly seconded by Donnie Wisenbaker, the minutes of the previous meeting were unanimously approved.

Amy Morehouse presented for discussion and action the State Office of Administrative Hearings Proposal for Decision and the Division's final order in the Matter of the Complaint of TDHCA/MHD vs. La Tasha Turner, Complaint Number MHD2011000338-LRV, Docket Number: 332-11-7287.MHD. The Board discussed the matter with Veena Mohan, Office of Attorney General. Upon motion of Anthony Burks, duly seconded by Donnie Wisenbaker, the motion passed with Michael Bray opposing.

Eric Franklin presented for discussion and action the approval of Texas Manufactured Housing Association to continue as a continuing education provider. Upon motion of Anthony Burks, duly seconded by Donnie Wisenbaker, the motion was unanimously approved.

Eric Franklin presented for discussion and action the approval of Texas Manufactured Housing School to continue as a continuing education provider. Upon motion of Donnie Wisenbaker, duly seconded by Anthony Burks, the motion was unanimously approved.

Joe Garcia presented and discussed for approval adoption of proposed amendments to 10 Texas Administrative Code, Chapter 80 for publication in the Texas Register as adopted. Upon motion of Anthony Burks, duly seconded by Donnie Wisenbaker, the motion was unanimously approved.

The Board did not go into an Executive Session.

Joe Garcia delivered the Executive Director's Report.

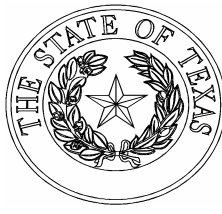
The next board meeting was tentatively set for Friday, March 23, 2012.

There being no further business to come before the board, the meeting was adjourned at 12:15 p.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MANUFACTURED HOUSING DIVISION

Rick Perry
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

Board Members
Presiding Officer, Michael H. Bray
Anthony G. Burks
Donnie W. Wisenbaker
Sheila M. Valles-Pankratz

Agenda Action Item No. 2

TO: Governing Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs

FROM: Amy Morehouse, General Counsel

THROUGH: Joe A. Garcia, Executive Director

SUBJECT: Summary of Proposal for Decision regarding revocation of Statement of Ownership and Location, Certificate No. MH00402582

Respondent: Maria Avalos
Statement of Ownership and Location: MH00402582
Docket Number: 332-12-2909.MHD

Background

On January 5, 2011, the Texas Department of Housing and Community Affairs, Manufactured Housing Division (Department) issued a Statement of Ownership and Location (SOL) showing Value Family Homes – Hickory Creek, LP (Value Family Homes) as the owner of a Summit Creek manufactured home identified with Label Nos. HWC0288737/38 and Serial Nos. CSS002158TXA/B (Certificate No. MH00378531).

On or about May 11, 2011, Maria Avalos (Respondent) submitted to the Department an application for a SOL for the above described manufactured home. Respondent attached an Option to Purchase Manufactured Home to her application for a SOL in lieu of a signature of Value Family Homes as the seller. On July 15, 2011, a SOL was issued in Respondent's name without proof of the required consent and signature from Value Family Homes, and without proof that Respondent had exercised her option to purchase the manufactured home (Certificate No. MH00402582).

On August 5, 2011, the Department sent a Notice of Revocation of Statement of Ownership and Location, Certificate No. MH00402582, to Maria Avalos and all interested parties pursuant to TEX. OCC. CODE. ANN. § 1201.210. This was based on the lack of consent from the owner of record, or Value Family Homes, acknowledging a sale of the manufactured home. On August 29, 2011, the Department received a letter from Maria Avalos disputing the revocation of Certificate No. MH00402582 and requesting a hearing.

Pursuant to TEX. OCC. CODE ANN. § 1201.207(c) in order to issue a subsequent statement of ownership and location for the home all parties reflected in the Department's records must give their written consent or release their lien in writing or by operation of law. Based on Value Family Homes' lack of consent to the issuance of a subsequent Statement of Ownership and Location listing a new owner, Certificate No. MH00402582 should be revoked.

Applicable Law

The application for a SOL submitted by Respondent on May 11, 2011, failed to show that all parties reflected in the Department's records as having an interest in the manufactured home gave their written consent or released their interest, either in writing or by operation of law, to document a transfer of ownership pursuant to TEX. OCC. CODE ANN. § 1201.207(c).

TEX. OCC. CODE ANN. § 1201.209(1) and (2) states that the Department may refuse to issue a statement of ownership and location and may revoke a statement of ownership and location if the application for issuance of the statement of ownership and location contains a false or fraudulent statement, the applicant failed to provide information required by the director, or the applicant is not entitled to issuance of the statement of ownership and location; and the director has reason to believe that the manufactured home is stolen or unlawfully converted, or the issuance of a statement of ownership and location would defraud the owner or a lienholder of the manufactured home.

Hearing before the State Office of Administrative Hearings

After proper notice, an administrative hearing was held on January 4, 2012. On February 2, 2012, an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH) issued the attached Proposal for Decision (PFD) as a result of that hearing. The Department staff is in agreement with the Findings of Fact and Conclusions of law in this PFD.

Proposal for Decision

The Proposal for Decision dated February 2, 2012, recommends that the Department revoke the Statement of Ownership and Location issued to the Respondent.

Recommendation

It is recommended that the Board approve the following administrative action with respect to the Respondent, as supported by the record and the PFD. Statement of Ownership and Location, Certificate No. MH00402582, should be revoked.