



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVE ARWOOD
DIRECTOR

MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
February 20, 2013
10:00 a.m.

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — December 19, 2012 (Pages 3-30)
4. Manufactured Housing Program Fund Financial Report (Page 31)
5. Imposition of Penalties
6. Variances
 - a. Wildwood Mobile Estates (Roscommon County) (Pages 32-38)
7. Committee Reports
8. Unfinished Business

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Brenda Caron at (517) 241-9317 at least 10 work days before the event. LARA is an equal opportunity employer/program.

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9. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Page 39)
10. Public Comment [If issues are raised during public comment which require a response, the Commission's Executive Director will respond and Commissioners who wish to comment will make their comments after the Executive Director's response. The Commission will not allow public comment about the substance of open or closed complaints (unless, if regarding a closed complaint, the right to appeal is waived) but will allow public comment about procedural issues related to complaints. Public comment will be limited to 10 minutes for an individual representing an organization and 6 minutes for an individual not representing an organization; the Commission chairperson may grant the individual an additional 10 minutes.]
11. Chief's Report
12. Next Meeting — **Thursday, April 11, 2013**
13. Adjournment



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVE ARWOOD
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES
December 19, 2012
10:00 a.m.

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Ms. Brenda Abbey
Mr. Phillip Copeland
Ms. Carole Elliott

Mr. Peter Hennard
Mr. Mark Raukar, Vice-Chairperson
Mr. Jerome Ruggirello
Mr. Creighton Weber

MEMBERS ABSENT

Resident of Licensed Community - Vacant

DEPARTMENT PERSONNEL ATTENDING

Mr. Irvin Poke, Director, Bureau of Construction Codes (BCC)
Mr. Keith Lambert, Deputy Director, BCC
Mr. Larry Lehman, Chief, Building Division, BCC
Ms. Brenda Caron, Secretary, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Todd Cordill, Chief, Plan Review Division, BCC
Mr. Dave Viges, Director, Office of Management Services (OMS), BCC
Ms. LeeAnn Allaire, Departmental Analyst, OMS, BCC

OTHERS IN ATTENDANCE

Ms. Ida Barrons – Fremont Grove Estates
Mr. Michael Bertakis – Bertakis Development, Inc.
Mr. Andrew Blank – Franklin Group
Mr. Martin Boisture – Spartan Properties LLC
Mr. Tim DeWitt – MMHA
Mr. Darren Ing – MMHA

Mr. & Mrs. Tom Janes – First Choice M.H.S. Inc.
Ms. Carolyn S. Miller – Arbor Meadows HOA
Mr. Soleiman Seghatoleslami – Fremont Grove Estates
Ms. Debbie Smith-Ostrander – DEQ
Mr. Donald Westfal – Donald C. Westfal Associates
Mr. Stephen Winter – Shelby Forest

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at approximately 10:04 a.m. by Chairperson Blank. A quorum was determined to be present at that time.

2. **APPROVAL OF THE AGENDA**

A **MOTION** was made by Commissioner Ruggirello and seconded by Commissioner Raukar to approve the Agenda, excluding Huron Manufactured Homes LLC on the Amended Pending License Approvals Page B. **MOTION CARRIED.**

****Addendum 1

3. **APPROVAL OF MINUTES**

A **MOTION** was made by Commissioner Elliott and seconded by Commissioner Abbey to approve the minutes of the October 17, 2012, meeting. **MOTION CARRIED.**

****Addendum 2

4. **MANUFACTURED HOUSING PROGRAM FUND FINANCIAL REPORT**

Ms. Allaire presented the Final FY 2012 Manufactured Housing Program Fund Financial Report and answered any questions. She noted that this was a license renewal year, so revenues are typically up. However, the license revenues were down about \$40,000 from what they were in 2009. But the revenue from Title fees was up, so that helped offset the loss in revenue from non-renewal of licenses.

5. **IMPOSITION OF PENALTIES**

There was no imposition of penalties.

6. **VARIANCES**

a. **Response from DEQ — Permit to Construct Extensions**

Mr. Lehman personally thanked Ms. Smith-Ostrander from the Department of Environmental Quality (DEQ) for attending today, and for always being very helpful to Bureau staff whenever they have had to contact the DEQ regarding community water, sewer, health, etc., issues.

Mr. Lehman reviewed DEQ's response (dated 11/19/12 and included on pages 17-18 of today's meeting packet) to several notices of variance requests they had received recently from various manufactured housing communities regarding permit to construct extensions.

Basically, if a community is on municipal drinking water and sewer, the DEQ has no objection to their variance request.

Since the DEQ no longer issues permits for wastewater construction projects at manufactured housing communities, any expired DEQ permit issued for wastewater construction cannot be renewed and is not needed.

However, some communities have community water supplies with their own on-site drinking water systems. DEQ permits for this program are only valid for two years, with potential for two extensions, valid for two years each. If a community has exceeded the six-year window for DEQ permits, they will be required to submit an application for construction to the DEQ prior to any work commencing.

The DEQ requests that if the Commission issues these variances to extend the permit to construct, that a condition be added that any required DEQ permit be obtained prior to construction. Failure for a community to obtain proper permits would be a violation of DEQ rules and regulations.

b. Fremont Grove Estates (Tuscola County)

Mr. Seghatoleslami and Ms. Barrons were present to represent the community.

Mr. Lehman reviewed the request.

A **MOTION** was made by Commissioner Weber and seconded by Commissioner Elliott to approve Fremont Grove Estates' request for a variance to Rule 905(5), pursuant to Section 18(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby granting an extension to Permit to Construct No. 99377 for an additional 5 years until June 20, 2016, subject to the condition that any required DEQ permit be obtained prior to construction. **MOTION CARRIED.**

****Addendum 3

c. Hidden River South (Lenawee County)

Mr. Bertakis was present to represent the community.

Mr. Lehman reviewed the request.

A **MOTION** was made by Commissioner Elliott and seconded by Commissioner Hennard to approve Hidden River South's request for a variance to Rule 905(5), pursuant to Section 18(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby granting an extension to Permit to Construct No. 96018/103943 for an additional 5 years until December 17, 2017, subject to the condition that any required DEQ permit be obtained prior to construction. **MOTION CARRIED.**

****Addendum 4

d. Pine Lake Investors LLC (Lapeer County)

Mr. Westfal was present to represent the community.

Mr. Lehman reviewed the request.

A **MOTION** was made by Commissioner Weber and seconded by Commissioner Abbey to approve Pine Lake Investors' request for a variance to Rule 905(5), pursuant to Section 18(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby granting an extension to Permit to Construct No. 103921 for an additional 5 years until April 18, 2016, subject to the condition that any required DEQ permit be obtained prior to construction. **MOTION CARRIED.**

****Addendum 5

e. Raisin Ridge (Monroe County)

(Chairperson Blank recused himself from the meeting due to a conflict of interest. Vice-Chairperson Raukar presided during the next item on the agenda.)

Mr. Andrew Blank was present to represent the community.

Mr. Lehman reviewed the request.

A **MOTION** was made by Commissioner Elliott and seconded by Commissioner Weber to approve Raisin Ridge's request for a variance to Rule 905(5), pursuant to Section 18(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby granting an extension to Permit to Construct No. 103509 for an additional 5 years until February 17, 2018, subject to the condition that any required DEQ permit be obtained prior to construction. **MOTION CARRIED.**

****Addendum 6

(Commissioner Blank reassumed the chair.)

f. The Lakes LLC (St. Clair County)

Mr. Westfal was present to represent the community.

Mr. Lehman reviewed the request.

A **MOTION** was made by Commissioner Raukar and seconded by Commissioner Abbey to approve The Lakes' request for a variance to Rule 905(5), pursuant to Section 18(5) of 1987 PA 96, as amended, MCL 125.2318(5), thereby granting an extension to Permit to Construct No. 103920 for an additional 5 years until February 4, 2015, subject to the condition that any required DEQ permit be obtained prior to construction.

MOTION CARRIED.

***Addendum 7

7. COMMITTEE REPORTS

There were no committee reports made.

8. UNFINISHED BUSINESS

Mr. Lambert wanted to follow-up with the Commission regarding a discussion that took place at the October 17, 2012 meeting with regard to the complaint process and the length of time it is taking for complaints to be resolved, etc. Since that meeting, he has had one of our Bureau analysts look at the whole complaint process, and there have been meetings regarding some of those findings. We are looking at possibly going ahead and resolving some issues internally that would help with that process. With that said, we have also looked at the annual inspections too. So there are possible changes that may be made to that inspection process as well. Of course, when changes are made the Commission will be advised of those changes, whether it is forms or letters, etc., so you can be involved in making recommendations before going forward.

Mr. Lambert welcomes any suggestions or comments the Commissioners may have while Bureau staff is going through this process.

9. NEW BUSINESS

a. Report on Annual Inspections of Manufactured Home Communities

Mr. Lehman reported that all of the 2012 annual inspections are now done, and hopefully the 2013 reports will be printed and distributed to inspectors yet this month.

b. License Approval

A **MOTION** was made by Commissioner Ruggirello and seconded by Commissioner Abbey to approve all pending licenses at this time. **MOTION CARRIED.**
****Addendum 8

10. PUBLIC COMMENT

Mr. DeWitt, Michigan Manufactured Housing Association, asked if there is any legal way that he can get a list of those licensees (communities, retailers, installer/servicers) that closed during the last license renewal cycle. Mr. Lehman indicated that he should put his request in writing to the Bureau. Mr. Poke indicated that any information the Bureau has is public information, so if we are compiling a list of people who have let their license lapse or we have taken licensing action, that is public information and the Bureau has to provide it. All we need is a specific request of what you want, and we can legally provide it under the Freedom of Information Act. The only thing the Bureau is not obligated to provide is any communications with legal counsel; those are exempt because of attorney/client privilege.

11. CHIEF'S REPORT

Mr. Lehman reported that the LARA Department Director, Steven Hilfinger, has left the Department and is now with the Michigan Economic Development Corporation. Steve Arwood is now the LARA Acting Director.

He reported that two of the Building Division staff members are on leave until the end of December.

Mr. Lehman reminded the Commissioners that if their term is expiring in 2013 and they wish to continue to serve on the Commission, to please notify the Governor's Appointments office in writing. Brenda will provide all of you with the contact information via email before the next meeting.

Mr. Poke indicated that he did state at a previous Commission meeting that the current administration is trying to stand firm on 8-year terms for commission/board members. However, they are having trouble, in some instances, finding qualified people to fill some of the positions.

Mr. Lehman announced that a new piece of legislation was recently introduced regarding a 6-year cycle on the Building and Energy Code reviews for the Department. Both Mr. Lehman and Mr. Cordill have been working on the Building and Rehabilitation Code rules for the next adoption of the 2012 Michigan codes. The

Bureau is also putting a committee together to begin the review and analysis of the 2012 International Residential Code.

Lastly, Mr. Lehman introduced Assistant Attorney General John Wright to the Commission, and thanked him for all of his hard work this past year.

12. **NEXT MEETING**

The next scheduled meeting of the Manufactured Housing Commission is Wednesday, February 20, 2013.

13. **ADJOURNMENT**

At 10:55 a.m., a **MOTION** was made by Commissioner Ruggirello and seconded by Commissioner Abbey to adjourn the meeting. **MOTION CARRIED.**

DRAFT



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVE ARWOOD
ACTING DIRECTOR

MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan
AGENDA
December 19, 2012
10:00 a.m.

APPROVED

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes — October 17, 2012 (Pages 3-16)
4. Manufactured Housing Program Fund Financial Report (Provided @ Meeting)
5. Imposition of Penalties
6. Variances
 - a. Response from DEQ — Permit to Construct Extensions (Pages 17-18)
 - b. Fremont Grove Estates (Tuscola County) (Pages 19-28)
 - c. Hidden River South (Lenawee County) (Pages 29-39)
 - d. Pine Lake Investors LLC (Lapeer County) (Pages 40-49)
 - e. Raisin Ridge (Monroe County) (Pages 50-64)
 - f. The Lakes LLC (St. Clair County) (Pages 65-74)

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7. Committee Reports
8. Unfinished Business
9. New Business
 - a. Report on Annual Inspections of Manufactured Home Communities
 - b. License Approval (Page 75)
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11. Chief's Report
12. Next Meeting — February 20, 2013
13. Adjournment



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle, Conference Room #3
Okemos, Michigan

MINUTES
October 17, 2012
10:00 a.m.

APPROVED

MEMBERS PRESENT

Mr. Ronald Blank, Chairperson
Mr. Phillip Copeland
Ms. Carole Elliott
Mr. Peter Hennard

Mr. Mark Raukar
Mr. Jerome Ruggirello
Mr. Creighton Weber

MEMBERS ABSENT

Ms. Brenda Abbey — Excused

DEPARTMENT PERSONNEL ATTENDING

Mr. Irvin Poke, Director, Bureau of Construction Codes (BCC)
Mr. Keith Lambert, Deputy Director, BCC
Mr. Larry Lehman, Chief, Building Division, BCC
Mr. Charles Curtis, Asst. Chief, Building Division, BCC
Ms. Brenda Caron, Secretary, Building Division, BCC
Ms. Tracie Pack, Departmental Analyst, Building Division, BCC
Mr. Todd Cordill, Chief, Plan Review Division, BCC
Mr. Dave Viges, Director, Office of Management Services (OMS), BCC
Ms. LeeAnn Allaire, Departmental Analyst, OMS, BCC

OTHERS IN ATTENDANCE

Mr. Tim DeWitt – MMHA
Ms. Carolyn S. Miller – Arbor Meadows Homeowners Assn.

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A-2
12

Signatures

Drafted by: Brenda S. Caron
Brenda S. Caron, Secretary
Building Division

Date: October 24, 2012

Approved by the Manufactured Housing Commission on:

December 19, 2012



Ronald A. Blank, Chairperson
Manufactured Housing Commission

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

FREMONT GROVE ESTATES (Tuscola County)
MHC License No. (not yet licensed) / Plan Review Project No. 99377

c/o Mr. Soleiman Seghatoleslami
178 W. Snover Road
Mayville, Michigan 48744

(Applicant)

Issued and entered
this 19th day of December, 2012
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On August 1, 2012, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this partially completed 62-site community in Tuscola County (the "Request"). The permit to construct for this development was first issued on June 20, 2001. On June 26, 2006, a permit extension was granted until June 20, 2011.

On December 19, 2012, a hearing was held on this Request before the Manufactured Housing Commission (the "Commission"). The Commission heard testimony from Soleiman Seghatoleslami and Ida Barrons regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

ORDER GRANTING VARIANCE
FREMONT GROVE ESTATES

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this partially completed 62-site community in Tuscola County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

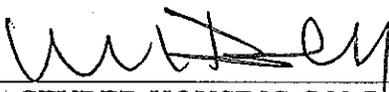
CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5) additional years, thereby extending Permit to Construct No. 99377 until June 20, 2016, subject to the condition that any required DEQ permit be obtained prior to construction.

By:



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: December 19, 2012

ORDER GRANTING VARIANCE
FREMONT GROVE ESTATES

A Copy of this Variance was sent by First Class Mail to:

Fremont Grove Estates
c/o Mr. Soleiman Seghatoleslami
178 W. Snover Road
Mayville, Michigan 48744

A Copy of this Variance was sent by Interdepartmental Mail to:

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

MADISON BDC, LLC D/B/A HIDDEN RIVER SOUTH (Lenawee County)
MHC License No. 1201194 / Plan Review Project No. 96018/103943

c/o Mr. Michael Bertakis, V.P. of Construction
Bertakis Development Inc.
30695 Little Mack Avenue, Suite 100
Roseville, Michigan 48066

(Applicant)

Issued and entered
this 19th day of December, 2012
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On August 21, 2012, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this partially completed 344-site development in Lenawee County (the "Request"). The permit to construct for this development was first issued on December 17, 1997. On July 22, 2005, a permit extension was granted until December 17, 2007. On February 28, 2011, the Manufactured Housing Commission (the "Commission") retroactively approved extension of the expired permit for an additional 5 years, with an expiration date of December 17, 2012.

ORDER GRANTING VARIANCE
MADISON BDC, LLC D/B/A HIDDEN RIVER SOUTH

On December 19, 2012, a hearing was held on this Request before the Commission. The Commission heard testimony from Michael Bertakis regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this partially completed 344-site development in Lenawee County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5)

ORDER GRANTING VARIANCE
MADISON BDC, LLC D/B/A HIDDEN RIVER SOUTH

additional years, thereby extending Permit to Construct No. 96018/103943 until December 17, 2017, subject to the condition that any required DEQ permit be obtained prior to construction.

By:



MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: December 19, 2012

A Copy of this Variance was sent by First Class Mail to:

Madison BDC, LLC d/b/a Hidden River South
c/o Mr. Michael Bertakis, V.P. of Construction
Bertakis Development Inc.
30695 Little Mack Avenue, Suite 100
Roseville, Michigan 48066

A Copy of this Variance was sent by Interdepartmental Mail to:

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

PINE LAKE INVESTORS LLC (Lapeer County)
MHC License No. 1201203 / Plan Review Project No. 103921

c/o Mr. Gaetano T. Rizzo
44899 Centre Court, Suite 101
Clinton Township, Michigan 48038

(Applicant)

Issued and entered
this 19th day of December, 2012
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On September 11, 2012, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this 400-site expansion to an existing 137-site community in Lapeer County (the "Request"). The permit to construct for this development was first issued on April 18, 2001. On August 16, 2006, the Manufactured Housing Commission (the "Commission") approved extension of the expired permit for an additional 5 years, with an expiration date of December 31, 2011.

On December 19, 2012, a hearing was held on this Request before the Commission. The Commission heard testimony from Donald Westfal, on behalf of the Applicant, regarding the

ORDER GRANTING VARIANCE
PINE LAKE INVESTORS LLC

Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this 400-site expansion in Lapeer County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5)

ORDER GRANTING VARIANCE
PINE LAKE INVESTORS LLC

additional years, thereby extending Permit to Construct No. 103921 until April 18, 2016, subject to the condition that any required DEQ permit be obtained prior to construction.

By: 
MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: December 19, 2012

A Copy of this Variance was sent by First Class Mail to:

Pine Lake Investors LLC
c/o Mr. Gaetano T. Rizzo
44899 Centre Court, Suite 101
Clinton Township, Michigan 48038

A Copy of this Variance was sent by Interdepartmental Mail to:

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

RAISINVILLE ASSOCIATES I, LLC D/B/A RAISIN RIDGE (Monroe County)
MHC License No. 1201201 / Plan Review Project No. 103509

c/o Mr. Ronald A. Blank
Raisinville Associates I, LLC d/b/a Raisin Ridge
8701 Belleville Road
Belleville, Michigan 48111

(Applicant)

Issued and entered
this 19th day of December, 2012
by Mark M. Raukar, Vice-Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On June 25, 2012, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this partially completed 404-site development in Monroe County (the "Request"). The permit to construct for this development was first issued on February 17, 1998. On September 18, 2002, a permit extension was granted until September 18, 2007. On August 15, 2007, the Manufactured Housing Commission (the "Commission") approved extension of the permit for an additional 5 years, with an expiration date of September 18, 2012.

ORDER GRANTING VARIANCE
RAISINVILLE ASSOCIATES I, LLC D/B/A RAISIN RIDGE

On December 19, 2012, a hearing was held on this Request before the Commission. The Commission heard testimony from Andrew Blank regarding the Applicant's justification for this Request, as well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this partially completed 404-site development in Monroe County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5)

ORDER GRANTING VARIANCE
RAISINVILLE ASSOCIATES I, LLC D/B/A RAISIN RIDGE

additional years, thereby extending Permit to Construct No. 103509 until February 17, 2018,
subject to the condition that any required DEQ permit be obtained prior to construction.

By: Mark M Raukar
MANUFACTURED HOUSING COMMISSION
Mark M. Raukar, Vice-Chairperson

Date: 12-19, 2012

A Copy of this Variance was sent by First Class Mail to:

Raisinville Associates I, LLC d/b/a Raisin Ridge
c/o Mr. Ronald A. Blank
8701 Belleville Road
Belleville, Michigan 48111

A Copy of this Variance was sent by Interdepartmental Mail to:

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MANUFACTURED HOUSING COMMISSION
2501 Woodlake Circle
Okemos, Michigan 48864

In the Matter of:

THE LAKES LLC (St. Clair County)
MHC License No. 1201191 / Plan Review Project No. 103920

c/o Mr. Michael R. Burgess
P.O. Box 207
Marysville, Michigan 48040

(Applicant)

Issued and entered
this 19th day of December, 2012
by Ronald A. Blank, Chairperson

ORDER GRANTING VARIANCE

PROCEDURAL HISTORY

On September 11, 2012, the above named Applicant requested a variance from the 10-year time limit on construction permits imposed by Rule 905(5) of the Manufactured Housing Rules (the "Code"), MAC R 125.1905(5), for this partially completed 181-site expansion to an existing 128-site community in St. Clair County (the "Request"). The permit to construct for this development was first issued on February 4, 2000. On February 27, 2006, a permit extension was granted until February 27, 2011.

On December 19, 2012, a hearing was held on this Request before the Manufactured Housing Commission (the "Commission"). The Commission heard testimony from Donald Westfal, on behalf of the Applicant, regarding the Applicant's justification for this Request, as

ORDER GRANTING VARIANCE
THE LAKES LLC

well as testimony from the Bureau of Construction Codes regarding its technical review of the Request.

FINDINGS OF FACT

Based on the evidence presented at the hearing, the Commission finds that the literal application of the time limit on the construction permit imposed by Rule 905(5) of the Code, MAC R 125.1905(5), for this 181-site expansion in St. Clair County would result in an exceptional practical difficulty to the Applicant, but is neither so general nor recurrent in nature as to make an amendment of the Code with respect to the condition reasonably practical or desirable.

CONCLUSION OF LAW

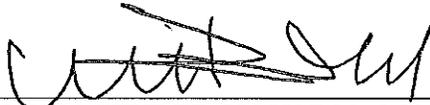
An exceptional practical difficulty in the literal application of a substantive requirement of the Code constitutes grounds under Section 18 of the Mobile Home Commission Act, MCL 125.2318, for the Commission to grant a specific variance to a requirement of the Code.

DECISION

NOW THEREFORE, IT IS ORDERED that the Request for a specific variance from the 10-year time limit of Rule 905(5) of the Code is hereby GRANTED in the amount of five (5)

ORDER GRANTING VARIANCE
THE LAKES LLC

additional years, thereby extending Permit to Construct No. 103920 until February 4, 2015,
subject to the condition that any required DEQ permit be obtained prior to construction.

By: 
MANUFACTURED HOUSING COMMISSION
Ronald A. Blank, Chairperson

Date: December 19, 2012

A Copy of this Variance was sent by First Class Mail to:

The Lakes LLC
c/o Michael R. Burgess
P.O. Box 207
Marysville, Michigan 48040

A Copy of this Variance was sent by Interdepartmental Mail to:

Todd Cordill, Chief
Plan Review Division
Bureau of Construction Codes
P.O. Box 30254
Lansing, Michigan 48909

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

PENDING LICENSE APPROVALS
DECEMBER 19, 2012 – MANUFACTURED HOUSING COMMISSION MEETING

INSTALLER/SERVICER	RETAILER
Maple Island Estates Inc. 7321 White Road Muskegon, MI 49442 Greg T. Asquith, Operator	
Joseph Allen Yost Joes Mfg. Housing Repairs 58869 Pine Trail Three Rivers, MI 49093	Vista Communities Inc. 4997 S. 4 th Street Kalamazoo, MI 49009 Douglas J. Gannett, Operator
Aardvark Mfg Home Service & Supply Inc 16442 S. U.S. 27 Lansing, MI 48906 Kenneth D. Watterson, Operator	Presidential Sales LLC 6300 W. Adams Belleville, MI 48111 Avraham Elchonen, Operator
Joe Kuehl Kuehl Homesettors 5243 Copley Square Grand Blanc, MI 48439	Value Homes LLC 74 Hamilton Swartz Creek, MI 48473 Ralph E. Scofield, Operator
Troy A. Slocum 1281 Pontaluna Road, #136 Muskegon, MI 49456	Value Homes LLC 11446 Harbor Cove Drive Fenton, MI 48430 Ralph E. Scofield, Operator
G. Douglas Antuma 16994 Quincy Street Holland, MI 49424	Value Homes LLC 831 N. Pontiac Trail, #91 Walled Lake, MI 48390 Ralph E. Scofield, Operator
Tri State Service Center Inc. 26909 Church Street Edwardsburg, MI 49112 Kenneth A. Story, Operator	Value Homes LLC 11567 Heron Bay Drive Fenton, MI 48430 Ralph E. Scofield, Operator
Jeremy N. Watson Homesavers 680 Quatro Lane Leonard, MI 48367	Spartan Properties LLC 6458 S. Dixie Highway Erie, MI 48133 Martin Boisture, Operator
Charon LLC d/b/a Riverview Mobile Home Park 2555 Henry Ruff Southfield, MI 48075 Charles W. Ryburn, Operator	MHG Group LLC d/b/a Mobile Home Giant 41000 W. Seven Mile Road, Suite 110 Northville, MI 48167 Steven D. Karbal, Operator
Medallion Homes Limited Partnership d/b/a Medallion Homes 41000 W. Seven Mile Road, Suite 110 Northville, MI 48167 Steven D. Karbal, Operator	

**ADDITIONAL PENDING LICENSE APPROVALS
DECEMBER 19, 2012 – MANUFACTURED HOUSING COMMISSION MEETING**

INSTALLER/SERVICER	RETAILER
We Can Construction LLC 4184 Decker Road Decker, MI 48426 Paul C. Auten, Operator	Dave Daren Portage Terrace Mobile Home Park 11247 Portage Road Portage, MI 49002
L & M Mobile Home Repair Inc. 9844 Byron Center Avenue Byron Center, MI 49315 Russell Romeyn, Operator	Paul Lamorandier MHPS 1301 Northampton Road Kalamazoo, MI 49006
Richard VanGilder Alan's Mobile Home Park Sales 3575 Nicholson Road Fowlerville, MI 48836	Creative Funding Service, Inc. 152 W. Crooked Lake Drive Kalamazoo, MI 49009 Marc D. Faulkner, Operator
Kevin W. Cranick Cedar Creek Contracting 1802 Hoag Road Petoskey, MI 49770	River Crossing Limited Partnership d/b/a Flushing Homes 7416 Gillette Road Northville, MI 48167 Steven D. Karbal, Operator
James Thompson Thompson Pro-Set 623 126 th Avenue Shelbyville, MI 49344	ARC Dealership Michigan LLC d/b/a Birchwood Farms MHC 8057 Birchwood Drive Birch Run, MI 48415 Karen Kinslinger, Operator
Washovia Temporary Housing Inc. 2981 Treat Adrian, MI 49221 Randy B. Roberts, Operator	
River Crossing Limited Partnership d/b/a Flushing Homes 7416 Gillette Road Northville, MI 48167 Steven D. Karbal, Operator	
Hometown Services of MI LLC 9256 Post Branch Newport, MI 48166 David W. Hertzsch, Operator	

Manufactured Housing Program Fund Revenue/Expenditure Report

FY 2013 - 1st Quarter

Program Revenue		Program Expenditures	
Licenses	\$ 227,212	Salaries	\$ 180,024
Permits	\$ -	Longevity & Insurance	\$ 83,258
Titles	\$ 483,375	Retirement & Fica	\$ 123,276
Other:		CSS&M & Equipment	\$ 841
Publication & Copy Revenue	\$ 100	Travel	\$ 1,855
Land Sales-App. for Registration	\$ -	Sub-Total Direct Expenditures	\$ 389,254
HUD Reimb. of Insp. Costs	\$ -	Indirect Dept. Expenditures:	
Mfrd. Housing Commission Fines	\$ 2,736	Info Technology Services	\$ -
Common Cash Interest	\$ -	Rent	\$ 8,095
RED-DCS 1%	\$ -	Property Management	\$ 5,273
RED-Dept of State	\$ -	Executive Director Programs	\$ -
RED-AG	\$ -	Administrative Services	\$ 20,700
TOTAL REVENUE	<u>\$ 713,423</u>	TOTAL EXPENDITURES	<u>\$ 423,322</u>
1st Quarter Difference =		<u>\$ 290,101</u>	
FY/12 CARRY FORWARD FUND BALANCE		<u>\$ 2,443,233</u>	
FY/13 FUND BALANCE (Through 1st Quarter)		<u>\$ 2,733,334</u>	



STATE OF MICHIGAN
 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
 BUREAU OF CONSTRUCTION CODES
 IRVIN J. POKE
 DIRECTOR

RICK SNYDER
 GOVERNOR

STEVE ARWOOD
 ACTING DIRECTOR

MEMORANDUM

Date: January 16, 2013

To: Manufactured Housing Commission

From: Larry Lehman, Building Division *Larry Lehman*

Subj: REQUEST FOR VARIANCE in the matter of:
 Mr. John Lineberry d/b/a Wildwood Mobile Estates (Roscommon County)
 License No. – Not yet licensed / Plan Review Project No. 103277

- Ref: (a) MAC R125.1905(5) – A plans approval and permit to construct shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plans approval and permit to construct was issued.
- (b) MAC R125.1948(2) – An applicant may file a request with the department for a specific variance if the specific requirement would cause an exceptional practical difficulty.

Purpose. To consider the enclosed submission from Mr. John Lineberry d/b/a Wildwood Mobile Estates, on behalf of himself, requesting a specific variance from the above referenced rule which, in turn, would authorize the Bureau to renew Permit To Construct No. 103277, beyond the currently-approved 21-year limit, and to establish a new permit expiration date of June 13, 2017, in order to allow the developer another 5 years (for a total of 26 years) to complete this partially completed development.

(*Note: The Commission’s previous policy has been to limit permit extensions to 5-year increments.)

Background. The original permit to construct for this community was issued on May 1, 1991, to Mr. John Lineberry d/b/a Wildwood Mobile Estates, and approved a 105-site community in Roscommon County’s Denton Township. About June 13, 1997, the Bureau issued a permit extension (amended to 100 sites) until June 13, 2002. On February 13, 2008, the Commission approved another extension of the permit until June 13, 2012. This would be the second 5-year extension requested of the Commission by this applicant.

So far, no construction appears to have been completed, although significant resources have been expended in planning and engineering, as well as in obtaining local land use approvals. Because of the 10-year time limit on permit extensions imposed by Reference (a), the Bureau may not further extend the developer’s permit to construct unless the Commission grants a specific variance pursuant to its authority under MCL 125.2318 and Reference (b) MAC R125.1948. As noted above, the Commission has already approved one 5-year extension for this permit.

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MEMORANDUM – REQUEST FOR VARIANCE

Mr. John Lineberry d/b/a Wildwood Mobile Estates

January 16, 2013

Justification. The enclosed letter from Mr. John Lineberry, dated September 13, 2012, contains the statements required by R125.1948(3) for Commission consideration. The letter states, in relevant part:

“This letter is a request for an extension of Rule 905(5) for Wildwood Mobile Home Park located in Prudenville, Michigan. Due to the downturn in the housing economy continuing plans for completing the park has halted. Also due to the economy, the partner that had originally started on the project with me lost interest. With both these strikes against the project, I have been unable to proceed as planned. Therefore, I am requesting a variance to allow additional time to either find a partner to help complete the project, or consider what further options can be taken with the property.

The economy is definitely something we cannot predict. And endeavoring to remain in a healthy financial position is a struggle. However, if a variance for an extension on Rule 905(5) is not granted, the considerable amount of expense and time invested thus far will be an extreme disappointment as well as a hardship.”

The applicant has also filed a notice of the variance request with the municipal clerk’s office and the Michigan Department of Environmental Quality as required by R125.1948(3).

Recommendation. The Bureau’s **Plan Review Division** has reviewed the original plans and this Request and **has no objection to its approval**. If the Commission is persuaded that the existing permit to construct should be renewed and approved for another extension, then it will be understood that the remainder of this partially completed community may continue to be built to its currently engineered standards and that it will not be subject to any higher or newer standards until the expiration of a renewed permit. The Commission has the option of amending requests and attaching conditions to its approvals. Based on review of the variance request and supporting documentation, the Building Division recommends extending the permit to construct to May 1, 2016.

LL/bsc

Encl: (1) Mr. John Lineberry’s letter of September 13, 2012 (w/attachments)

cc: Building Division
Todd Cordill, BCC, Plan Review Division



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

June 26, 2012

Mr. John Lineberry
6144 N Point Drive
Saint Helen, MI 48656

RE: Project Number: 103277 - Roscommon	Construction Type: Renewal
Arch. Project Number: N/A	No. of Sites: 100
Wildwood Mobile Estates	Site Sequence: 1-100
S M-18	
Prudenville, MI	

Dear Mr. Lineberry:

This project has been reviewed for compliance with the State of Michigan Manufactured Housing General Rules.

2008 Manufactured Housing General Rules - Usha Menon

Rule 905(5)-The plan approval and permit to construct and shall be valid for 5 years after the date of the issuance and may, upon application, review of the previously approved construction plans for compliance with these rules, and approval of the application, be renewed by the department if the last renewal does not expire more than 10 years after the initial plan approval and permit to construct was issued.

Our records indicate that the initial approval was on May 01, 1991 and expired on May 01, 1996 for 105 sites. A renewal was issued on June 13, 1997 and expired on June 13, 2002 with plan change for 100 sites. In addition the Manufactured Housing Commission approved a variance on February 13, 2008 and extended the permit until June 13, 2012.

In order to process your application you shall submit construction documents prepared in accordance with 2008 Manufactured Housing Rules and required fees for a new permit to construct and plan approval.

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Mr. John Lineberry
Page 2
June 26, 2012

Upon receipt of a written satisfactory response to each code plan review comment, the approval will be forwarded.

If you have any questions regarding your plan review, please contact our office at (517) 241-9328.

Sincerely,



Usha Menon, Plan Reviewer

UM/kc

cc: BCC- Building Division

John Lineberry
6144 Northpoint Dr
St Helen, MI 48656

September 13, 2012

Manufactured Housing Commission
PO Box 30255
Lansing, MI 48909

Re: Variance Request on Rule 905(5) – the 10 year time limit on construction permits

Dear Sirs,

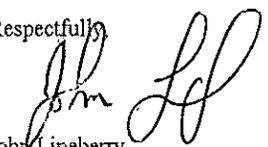
This letter is a request for an extension on Rule 905(5) for Wildwood Mobile Home Park located in Prudenville, Michigan. Due to the downturn in the housing economy continuing plans for completing the park has halted. Also due to the economy, the partner that had originally started on the project with me lost interest. With both these strikes against the project I have been unable to proceed as planned. Therefore, I am requesting a variance to allow additional time to either find a partner to help complete the project, or consider what further options can be taken with the property.

The economy is definitely something we cannot predict. And endeavoring to remain in a healthy financial position is a struggle. However, if a variance for an extension on Rule 905(5) is not granted, the considerable amount of expense and time invested thus far will be an extreme disappointment as well as a hardship.

A letter concerning this request has also been sent to the Denton Township Office. They are aware of my desire to complete Wildwood Mobile Home Park. And they realize that doing so will be an asset to the community.

Thank you for your consideration on this matter, and I await your decision.

Respectfully,


John Lineberry

John Lineberry
6144 Northpoint Dr
St Helen, MI 48656

September 13, 2012

Denton Township Hall
2565 S Gladwin Rd
Prudenville, MI 48651
366-5913

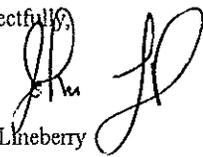
Re: 5 Year Extension on Wildwood Mobile Home Park

To Whom It May Concern:

A request for an extension on the construction permit for Wildwood Mobile Home Park has been submitted to the Manufactured Housing Committee located in Lansing, MI. A meeting will be held in Lansing on October 17th of this year to determine the outcome of that request.

Manufactured Housing Commission
PO Box 30255
Lansing, MI 48909
517-241-9328

Respectfully,


John Lineberry

John Lineberry Mobile Home Moving LLC

6144 Northpoint Dr St Helen, MI 48656
(989) 389-4387

Debbie Smith Ostrander
Environmental Quality Analyst
Resource Management Division
DEQ Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009

copy

RE: Rules 905, 948

Ms Ostrander,

I, John Lineberry, am requesting a variance with the Manufactured Housing Commission, located in Lansing, Michigan, for another five year extension to construct Wildwood Mobile Home Park in Prudenville, Michigan.

There has not been any plan changes from the previous extension. The construction permit number is 62084.

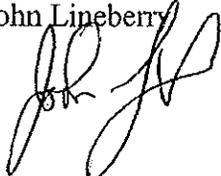
A copy of this letter is also sent to:

Michigan Manufactured Housing Commission
Bureau of Construction Codes
PO Box 30254
Lansing, MI 48909

I can be reached by phone or fax at 989-389-4387, if you have any questions concerning this request.

Sincerely,

John Lineberry



PENDING LICENSE APPROVALS
FEBRUARY 20, 2013 – MANUFACTURED HOUSING COMMISSION MEETING

INSTALLER/SERVICER	RETAILER
Brandt F. Blair BF & B Home Repair 18909 Ridge Road Northville Township, MI 48168	Right Investments Inc. 30303 Ohmer Warren, MI 48092 Jacob M. Pasternac, Operator
QFD LLC d/b/a Home First Sales 401 S. Old Woodward Avenue, Suite 311 Birmingham, MI 48009 Richard Winkelman, Operator	
James R. Cole 4747 W. River Drive Comstock, MI 49321	