

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES

Complaint No. MFH2400016

Complainant,

v

STEVEN DUKATT, OPERATOR
CAROL INVESTMENT CORPORATION
D/B/A SHADY REST MHP
License No. 1200981

Respondent,

FINAL ORDER

WHEREAS, this matter having come before the Manufactured Housing Commission, and

WHEREAS, Steven Dukatt, Operator, Carol Investment Corporation, D/B/A Shady Rest MHP, License No. 1200981, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on February 24, 2025, and approved by Andrew Brisbo, Director of the Bureau of Construction Codes, on February 26, 2025, on behalf of the Department of Licensing & Regulatory Affairs.

NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED that the Manufactured Housing Commission found said Stipulation acceptable and does hereby incorporate same by reference thereto in this Final Order.

This Final Order is effective immediately upon its mailing.

Given under my hand in Lansing, Michigan, this 5th day of March, 2025.

MICHIGAN MANUFACTURED HOUSING COMMISSION

BY: 

Chairperson (or Designee)

Dated: 3/5/25

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES

Complaint No. MFH2400013
Docket No. 24-020949

Complainant,

v

ANDREW LANOIE, OPERATOR
MI 4004 DOUGLAS AVE KALAMAZOO LLC
DBA: OAKBROOK ESTATES II
License No. 1201604

Respondent

FINAL ORDER

On January 30, 2024, a Formal Complaint was issued, charging Respondent with violating the Mobile Home Commission Act, 1987 PA 96.

An administrative hearing was held in this matter before an Administrative Law Judge who issued a Proposal for Decision, setting forth the Finding of Facts and Conclusions of Law.

The Manufactured Housing Commission ("Commission"), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on March 5, 2025, and received the Finding of Facts and Conclusions of Law in the Proposal for Decision of Lauren G. VanSteel, Administrative Law Judge, dated December 20, 2024.

IT IS ORDERED that for violating MCL 125.2316(1)(d) and Manufactured Housing General Rule R 125.1718, Respondent shall pay a FINE in the amount of TWENTY-FIVE THOUSAND dollars and 00/100 (\$25,000.00) within ninety (90) days of the effective date of this Order and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint number **MFH2400013**.

IT IS FURTHER ORDERED that Respondent shall correct or repair all violations cited during the 2023 annual inspection and shall provide clear and satisfactory photographic evidence

to the Department demonstrating substantial compliance with the requirement of the Act or Rules. Each photograph shall be clearly labeled, specifying the violation it addresses. Photographs shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30254, Lansing, MI 48909, or submitted via email to LARA-BCC-Compliance@michigan.gov within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED that Respondent is placed on PROBATION for a minimum of one (1) day not to exceed ninety (90) days, commencing on the effective date of this Order. At the conclusion of the minimum 1-day period of probation, Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory evidence of Respondent's successful compliance with the terms and conditions set forth in this Order.

IT IS FURTHER ORDERED that if, after ninety (90) days of the effective date of this Order, the fine remains unpaid or satisfactory evidence demonstrating corrections or repairs has not been provided to the Department, the fine shall increase to FIFTY THOUSAND dollars and 00/100 (\$50,000.00).

IT IS FURTHER ORDERED that failure to comply with the terms set forth in this Order shall result in the suspension of license number 1201604, and the Bureau of Construction Codes shall pursue receivership of the mobile home park.

IT IS FURTHER ORDERED that an Operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation may not serve as the Operator to another mobile home park.

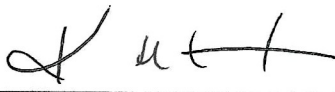
THEREFORE, it is the final decision of the Commission to accept the Proposal of the Administrative Law Judge and impose the above penalties in accordance with 1987 PA 96. You have the right to request a judicial review of this decision in accordance with the Administrative Procedures Act, 1969 PA 306.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan, or any individual from using any lawful method to collect the payment imposed by this Final Order.

This Order shall be effective on the date of mailing to the Respondent.

MICHIGAN MANUFACTURED HOUSING COMMISSION

BY: 

Chairperson (or Designee)

Date: 3/27/25

Mailing Date: 3/28/2025

STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

IN THE MATTER OF:

Docket No.: 24-020949

**BUREAU OF CONSTRUCTION CODES,
Petitioner**

Case No.: COMPL-MFH2400013

V

**Agency: Bureau of Construction
Codes**

**MI 4004 DOUGLAS AVE KALAMAZOO,
LLC d/b/a OAKBROOK ESTATES II,
Respondent**

**Case Type: BCC
Mobile/Manufactured
Housing**

Filing Type: Formal Complaint

_____ /

CERTIFICATION OF RECORD

I, Debbie Sterba, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Thursday, January 23, 2025.

<u>Date</u>	<u>Document</u>
1. 12/20/24	Proposal for Decision
2. 09/19/24	Petitioner's Exhibits 1 – 4, Offered and Admitted
3. 09/05/24	Petitioner's Witness List, Exhibit List and Proof of Service
4. 08/21/24	Returned Mail - Notice of Hearing
5. 08/12/24	Notice of Telephone Hearing with Proof of Service
6. 08/06/24	Request for Hearing

Debbie Sterba

Debbie Sterba

Michigan Office of Administrative
Hearings and Rules



**STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

IN THE MATTER OF:

Docket No.: 24-020949

**BUREAU OF CONSTRUCTION CODES,
Petitioner**

Case No.: COMPL-MFH2400013

v

**Agency: Bureau of
Construction Codes**

**MI 4004 DOUGLAS AVE KALAMAZOO,
LLC d/b/a OAKBROOK ESTATES II,
Respondent**

**Case Type: BCC
Mobile/Manufactured
Housing**

Filing Type: Formal Complaint

_____/

**Issued and entered
this 20th day of December 2024
by: Lauren G. VanSteel
Administrative Law Judge**

PROPOSAL FOR DECISION

Procedural History

This is a proceeding held pursuant to authority granted in the Michigan Mobile Home Commission Act, MCL 125.2301 *et seq.* (Act), the Administrative Procedures Act (APA) MCL 24.101 *et seq.* (APA).

On January 30, 2024, Petitioner filed a Formal Complaint (Complaint), alleging violations by the Respondent of the Act and/or Administrative Rules (Rules) promulgated thereunder. On August 6, 2024, Petitioner filed a Request for Hearing with the Michigan Office of Administrative Hearings and Rules (MOAHR).

On August 12, 2024, MOAHR issued a Notice of Telephone Hearing scheduling this matter to convene at 9:00 a.m. on September 18, 2024.

The September 18, 2024, hearing commenced as scheduled. Petitioner was represented by Eric St. Onge and Krystal Pratt, Assistant Attorneys General. The Respondent failed to appear.

The Notice of Hearing was mailed to Respondent's last known addresses of record: Andrew Lanoie, Operator, 3317 S Higley Rd., #114/613, Gilbert, AZ 85297 and MI 4004 Douglas Ave Kalamazoo, LLC d/b/a Oakbrook Estates II, 4002 Douglas Ave, Kalamazoo, MI 49007. The mailing addressed to 4002 Douglas Ave was returned as undeliverable.

The Notice of Hearing sent to the 3317 S Higley Rd address was not returned. Neither the Petitioner nor MOAHR has received any updated mailing address or other correspondence from Respondent.

The hearing proceeded in the Respondent's absence under Sections 72 and 78 of the Michigan Administrative Procedures Act (APA), being MCL 24.272 and MCL 24.278 respectively. Section 72 of the APA provides that, "if a party fails to appear in a contested case after proper service of notice, the agency...may proceed with the hearing and make its decision in the absence of the party." Section 78(2) of the APA also provides that, "except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default or other method agreed upon by the parties."

Additionally, MOAHR Administrative Rule 134(1), being Mich Admin Code, R 792.10134, provides that, "If a party fails to participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceeding without participation of the absent party. If a party fails to participate in a proceeding, the administrative law judge may issue a default order or other dispositive order."

After determining that the Respondent was properly served notice of the hearing at Respondent's last known addresses, the undersigned permitted the Petitioner to proceed in the Respondent's absence. Because of the default, the factual and legal allegations contained in the Formal Complaint dated January 30, 2024, are deemed as true and proven. No witnesses were presented.

Exhibits

Petitioner's Exhibits

Petitioner presented the following exhibits which were admitted into evidence:

- | | |
|------------------|--|
| <u>Exhibit 1</u> | Notice of 2023 Park Assessment |
| <u>Exhibit 2</u> | Photographs of violations |
| <u>Exhibit 3</u> | June 30, 2023 Notice of 2023 Annual Inspection |
| <u>Exhibit 4</u> | September 27, 2023 Second Notice of Park Annual Inspection |

The record was closed at the conclusion of the hearing.

Issue

The issue presented is whether Respondent has violated the Act and/or Rules, as alleged in the January 30, 2024 Formal Complaint?

Applicable Law

Mobile Home Commission Act

MCL 125.2305 states in pertinent part:

(1) After consultation with and considering comments from representatives of the manufactured housing industry and other interested parties, the department shall promulgate the mobile home code subject to section 4. The code shall consist of rules governing all of the following:

(a) The licensure, density, layout, permits for construction, construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities, and safety measures sufficient to protect health, safety, and welfare of mobile home park residents, except water supply, sewage collection and treatment, and drainage facilities which are regulated by the department of environmental quality.

MCL 125.2306(1) states in pertinent part:

Sec. 6.

(1) After consultation with and considering comments from representatives of the manufactured housing industry and other interested parties, the department of environmental quality shall promulgate rules for mobile home parks and seasonal mobile home parks setting forth minimum standards regulating:

* * *

- (c) Drainage.
- (d) Garbage and rubbish storage and disposal.
- (e) Insect and rodent control.
- (f) General operation, maintenance, and safety.
- (g) Certification of compliance under section 17.

MCL 125.2317(1) states:

(1) The department or its authorized representative shall conduct a physical inspection of mobile home parks and seasonal mobile home parks in accordance with standards established by the department. The

department shall prepare a report documenting the findings of the inspection and submit a copy of the report to each local government in which the mobile home park or seasonal mobile home park is located.

MCL 125.2316(1)(d) states in pertinent part:

Sec. 16.

(1) A person shall not operate a mobile home park or seasonal mobile home park without a license. The term of a license is 3 years. The department shall issue a license only if all of the following requirements are met:

* * *

(d) The mobile home park or seasonal mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.

MCL 125.2336 states:

Sec. 36.

(1) The department, a prosecuting attorney, or a law enforcement officer of a municipality may:

(a) Make public or private investigations within or without this state he or she considers necessary to determine if a person violated or is about to violate this act or a rule promulgated or order issued under this act. The department may inspect any premises licensed under this act for violation of this act, the code, or rules promulgated pursuant to this act.

(b) Require a licensee to file a written statement in response to a complaint of an alleged violation of this act or the rules promulgated under this act received by a local government and forwarded to the licensee. The statement shall state the facts and circumstances concerning the matter raised in the complaint. If the licensee does not make the required statement within 15 days after the licensee receives the letter requiring the written statement, the department, upon its own action or upon petition by the prosecuting attorney or law enforcement officer of the municipality issuing the letter, may issue an order directing a response by the licensee.

(2) A prosecuting attorney or a law enforcement officer of a municipality shall present any evidence of an alleged violation of this act or rule promulgated under this act to the department. The department may refer

the evidence as is available concerning violations of this act to the attorney general or the proper prosecuting attorney who, with or without a reference, may institute appropriate criminal proceedings under this act.

(3) Before, or simultaneous with, the commencement of a criminal proceeding or a proceeding in which injunctive relief is sought by the local government, that local government shall serve copies of all pleadings in the matter upon the department.

(4) The department shall render assistance to a local government or state agency. The department may use all investigative powers conferred upon it to assist a local government.

MCL 125.2343 states:

Sec. 43.

(1) If, after notice and a hearing as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a person is determined to have violated this act, the commission may impose 1 or more of the following penalties:

- (a) Censure.
- (b) Probation.
- (c) License limitation.
- (d) License suspension. The commission may request the appointment of a receiver when taking action under this subdivision.
- (e) License revocation. The commission may request the appointment of a receiver when taking action under this subdivision.
- (f) License denial.
- (g) A civil fine of not more than \$50,000.00.
- (h) Restitution.

(2) A fine collected under this section shall be deposited with the state treasurer and credited to the mobile home code fund created in section 9.

(3) If the department determines that the owner or operator of a mobile home park or seasonal mobile home park has violated this act or rules promulgated under this act by failing to maintain or repair any infrastructure or facilities of the mobile home park or seasonal mobile home park, the department shall give notice of the determination by personal service or first-class mail to the local governments where the mobile home park is located, the owner, the operator, and, if financial assurance in the form of a bond has been posted under rules promulgated under section 16(2), the

surety executing the bond. If the owner, operator, or surety does not perform or commence the specified maintenance or repair within 60 days after service of the notice, the department or its authorized representative may enter the mobile home park or seasonal mobile home park and perform the specified maintenance or repair. At the request of the owner, operator, or surety, the department may grant an extension of up to an additional 90 days. The owner, operator, and any surety are jointly and severally liable for all expenses incurred by the department or its authorized representative in performing the specified maintenance or repair. The department shall certify the claim to the owner, operator, and any surety, listing in the claim the items of expense in performing the maintenance or repair, and shall draw on any financial assurance for the payment of the claim. The department shall notify the local government where the mobile home park is located when the specified maintenance or repair has been completed.

(4) This section does not prohibit actions from being taken under other sections of this act.

(5) The pursuit in court of the lawful rights of a licensee does not constitute a violation of this act, regardless of the outcome of the court action.

Manufactured Housing General (Administrative) Rules

Mich Admin Code, R 125.1718 provides, in relevant part:

Rule 718. The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules. (Emphasis supplied).

Findings of Fact

Based upon the record in this matter, including the pleadings taken as proven because of the default and the admitted exhibits, the following findings of fact are established by a preponderance of the evidence:

1. The Manufactured Housing Commission, an administrative agency established by the Act, is empowered to discipline licensees under the Act, MCL 125.2343.
2. Andrew Lanoie (Respondent), whose mailing address is 3317 S. Higley Road #114/613, Gilbert, AZ 85297, was, at all times relevant to the Formal Complaint, an individual doing business as MI 4004 Douglas Ave Kalamazoo, LLC d/b/a

Oakbrook Estates II, engaged in the business of operating a mobile home park licensed with the State of Michigan under License No. 1201604.

3. An investigation regarding Respondent, conforming to the requirements of 1987 PA 96, MCL 125.2336, has been conducted by the Michigan Department of Licensing and Regulatory Affairs. [Pet. Exh. 1].
4. Pursuant to Section 5(1)(a) of the Act, the Department is required to promulgate rules governing construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities and safety measures sufficient to protect health, safety, and welfare of mobile home park residents.
5. Pursuant to ERO 2006-2 and Section 6(1)(c)-(g) of the Act, the Department is required to promulgate rules governing mobile home parks including standards for drainage, garbage and rubbish storage and disposal, insect and rodent control, general operation, maintenance, and safety, and certification of compliance under Section 17 of the Act.
6. Pursuant to MCL 125.2317(1) of the Act, the Department may inspect any premises licensed under the Act for violation of the Act, the code, or rules promulgated pursuant to the Act. [Established by default].
7. Pursuant to MCL 125.2316(1)(d) of the Act, amongst other provisions, the Department shall issue a license only if the mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.
8. Pursuant to Mich Admin Code, R 125.1718 the operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the Act and the rules.
9. Section 43, MCL 125.2343 of the Act authorizes the Commission to impose penalties against persons licensed under the Act, if, after notice and hearing, a person is determined to have violated the Act.
10. On or about May 16, 2023, a Bureau inspector conducted an annual inspection of Respondent's mobile home park and photographs of violations were taken. [Exh. 1 to Formal Complaint; Pet. Exh. 2].

The photographs indicate violations of R 125.1718 of the Rules:

- a.) Broken drainage culvert near lot 21.
- b.) Exposed service wires on the following lots: 21, 22, and 23.

- c.) Electrical panel laying on the ground; lot not properly labeled.
 - d.) Potholes on Hilt Lane. [Pet. Exh. 2].
11. On June 30, 2023, the Department mailed Respondent notice of the annual inspection with a letter requesting correction of the violations, photographic verification of the corrections to be provided to the Department by no later than August 15, 2023. [Exh. 2 to Formal Complaint; Pet. Exh. 3].
 12. On September 27, 2023, the Department mailed Respondent a second notice of the annual inspection, requesting correction of the violations and photographic verification of the corrections to be provided to the Department by no later than October 27, 2023. [Exh. 3 to Formal Complaint; Pet. Exh. 4].
 13. The postal authorities did not return the letter and annual inspection report as undeliverable.
 14. As of January 26, 2024¹, Respondent did not file the requested response with the Department.
 15. Respondent was cited for debris, being a broken drainage culvert near lot 21. [Pet. Exh. 1; Pet. Exh. 2, p 2²].
 16. Respondent was cited for exposed service wires on the following lots: 21, 22, and 23. [Pet. Exh. 1; Pet. Exh. 2, p 3].
 17. Respondent was cited for an electrical panel laying on the ground. [Pet. Exh. 1; Pet. Exh. 2, pp 4-5].
 18. Respondent was cited for potholes on Hilt Lane. [Pet. Exh. 1; Pet. Exh. 2, pp 6-7]

Conclusions of Law

Petitioner bears the burden of proving, by a preponderance of evidence, that Respondent violated the Act as alleged in the Formal Complaint. As the Michigan Supreme Court has stated, “[p]roof by a preponderance of the evidence requires that the fact finder believe that the evidence supporting the existence of the contested fact outweighs the evidence supporting its nonexistence.” *Blue Cross and Blue Shield of Michigan v Milliken*, 422 Mich 1; 367 NW2d 1 (1985). A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply

¹ The Formal Complaint is dated January 30, 2024. It appears the date of “January 26, 2023” set forth in paragraph 14 of the Formal Complaint should be January 26, 2024.

² The hearing exhibits in this case were submitted electronically in portable document format (PDF). All references to exhibit page numbers are to the PDF page number of the electronic exhibit, not the page number written on the exhibit.

that evidence which outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

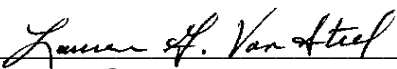
The principles that govern judicial proceedings also apply to administrative hearings. 8 *Callaghan's Michigan Pleading and Practice 2nd ed.*, Section 60.48, p 230. A default having been granted against Respondent, the factual and legal allegations set forth in the Formal Complaint are taken as true and proven. Under Section 72 of the APA, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

By virtue of the default ruling against Respondent, Petitioner has established its burden of proving by a preponderance of the evidence the allegations in the Formal Complaint. Therefore, the undersigned concludes that the Respondent is in violation of Mich Admin Code, R 125.1718, as alleged by the Petitioner under Allegations (Counts) I, II, III, and IV of the Complaint.

Respondent's violations constitute grounds for the assessment of a penalty as defined in Section 43 of the Act, MCL 125.2343, as determined appropriate by the Manufactured Housing Commission.

Proposed Decision

Based on the above-referenced Findings of Fact and Conclusions of Law, the undersigned proposes that the Manufactured Housing Commission issue a Final Order, finding that Respondent has violated Mich Admin Code, R 125.1718, and assess a penalty as determined appropriate by the Commission under the Act.



Lauren G. VanSteel
Administrative Law Judge

Exceptions:

The parties may file Exceptions to this Proposal for Decision within twenty-one (21) days after it is issued and entered. An opposing party may file a Response to Exceptions within fourteen (14) days after initial Exceptions are filed (see computation of filing time at Mich Admin Code, [R 792.10104](#)). For any Exceptions and Responses to Exceptions, a party must:

- 1) State the **case name and docket number** as shown on the first page of this Proposal for Decision;
- 2) File with the Michigan Office of Administrative Hearings and Rules-General Adjudication, by **e-mail (preferred)**: MOAHR-GA@michigan.gov; **fax**: 517-763-0148; **regular mail**: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195; or **overnight carrier delivery (UPS, FedEx, DHL)**: MOAHR-GA, c/o Department of Licensing and Regulatory Affairs, Mail Services, 2407 N. Grand River Avenue, Lansing, Michigan 48906; and
- 3) **Serve a copy on all parties** to the proceeding at the email/regular mail addresses shown on the attached Proof of Service.

Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: MOAHR-GA@michigan.gov; **or by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

Complaint No. COMPL-MFH2400013

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES,
MANUFACTURED HOUSING COMMISSION

Complainant,

v

ANDREW LANOIE, OPERATOR
MI 4004 DOUGLAS AVE KALAMAZOO, LLC
D/B/A OAKBROOK ESTATES II
Mobile Home Park License No. 1201604

Respondent.

/

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant, pursuant to the Mobile Home Commission Act, 1987 PA 96, (hereafter the Act), MCL 125.2301 *et seq* upon information and belief alleges as follows:

FACTS

1. The Manufactured Housing Commission, an administrative agency established by the Act is empowered to discipline licensees under the Act, MCL 125.2343.
2. Andrew Lanoie (Respondent), whose mailing address is 3317 S. Higley Road #114/613, Gilbert, AZ 85297, was, at all times relevant to this action, an individual doing business as MI 4004 Douglas Ave Kalamazoo, LLC d/b/a Oakbrook Estates II, engaged in the business of operating a mobile home park licensed with the State of Michigan under License No. 1201604.

3. An investigation regarding Respondent, conforming to the requirements of 1987 PA 96, MCL 125.2336, has been conducted by the Michigan Department of Licensing and Regulatory Affairs.

4. Pursuant to Section 5(1)(a) of the Act, the Department is required to promulgate rules governing construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities and safety measures sufficient to protect health, safety, and welfare of mobile home park residents.

5. Pursuant to ERO 2006-2 and Section 6(1)(c)-(g) of the Act, the Department is required to promulgate rules governing mobile home parks including standards for drainage, garbage and rubbish storage and disposal, insect and rodent control, general operation, maintenance, and safety, and certification of compliance under Section 17 of the Act.

6. Pursuant to MCL 125.2317(1) of the Act, the Department may inspect any premises licensed under this act for violation of the Act, the code, or rules promulgated pursuant to the Act.

7. Pursuant to MCL 125.2316(1)(d) of the Act, amongst other provisions, the Department shall issue a license only if the mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.

8. Pursuant to 2008 AACCS, R 125.1718 the operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the Act and these rules.

9. Section 43, MCL 125.2343 of the Act authorizes the Commission to impose penalties against persons licensed under the Act, if, after notice and hearing, a person is determined to have violated the Act.

10. On or about May 16, 2023, a Bureau inspector conducted an annual inspection of Respondent's mobile home park, photographic evidence of the violations is attached as Exhibit 1.

Photographs indicate:

Violations of R 125.1718 of the Rules:

- a.) Broken drainage culvert near lot 21.
- b.) Exposed service wires on the following lots: 21, 22, and 23.
- c.) Electrical panel laying on the ground, lot not properly labeled.
- d.) Potholes on Hilt Lane.

11. On June 30, 2023, the Department mailed Respondent notice of the annual inspection with a letter requesting correction of the violations, photographic verification of the corrections to be provided to the Department by no later than August 15, 2023, attached as Exhibit 2.

12. On September 27, 2023, the Department mailed Respondent a second notice of the annual inspection, requesting correction of the violations and photographic verification of the corrections to be provided to the Department by no later than October 27, 2023, attached as Exhibit 3.

13. The postal authorities did not return the letter and annual inspection report as undeliverable.

14. As of January 26, 2023, Respondent did not file the requested response with the Department.

ALLEGATION I

15. Respondent was cited for debris a broken drainage culvert near lot 21. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION II

16. Respondent was cited for exposed service wires on the following lots: 21, 22, and 23. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION III

17. Respondent was cited for an electrical panel laying on the ground. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION IV

18. Respondent was cited for potholes on Hilt Lane. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

Based upon the conduct as aforesaid, Respondent has acted contrary to Section 16(1)(d) of the Act, MCL 125.2316(1)(d), and Manufactured Housing General Rules R 125.1718, constituting grounds for the assessment of a penalty as defined in Section 43 of the Act, MCL 125.2343, for the imposition of penalties and remedies. In accordance

with Section 43, MCL 125.2343 of the Act, sanctions include, but are not limited to, fines, suspension, denial, or revocation of a license issued under the Act.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; the Act, 1987 PA 96, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant the Act for the reasons set forth herein.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

BY: **Kelly M. Bean**
Digitally signed by: Kelly M. Bean
DN: CN = Kelly M. Bean email = beank1@michigan.gov,
C = US, O = Licensing and Regulatory Affairs
OU = BCC- Licensing and Compliance
Date: 2024.01.30 10:57:25 -0500

Kelly Bean, Manager
Bureau of Construction Codes
Licensing Section

Dated: JANUARY 30, 2024

Proof of Compliance Should be Submitted To:

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Enforcement Section
P.O. Box 30254 (documentation)
P.O. Box 30255 (fine payments only)
Lansing, MI 48909
Telephone: 517-241-9309
Fax: 517-241-0130

This is the final page of the Final Order in the matter of Steven Dukatt, Operator, Carol Investment Corporation, D/B/A Shady Rest MHP; License No. 1200981; Complaint No. COMPL-MFH2400016.

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

Complaint No. COMPL-MFH2400016

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES,
MOBILE HOME CODE COMMISSION

Complainant,

v

STEVEN DUKATT, Operator
CAROL INVESTMENT CORPORATION
DBA SHADY REST MHP
Mobile Home Park License No. 1200981

Respondent

_____ /

STIPULATION

Pursuant to a Formal Complaint, hereafter “Complaint,” filed in accordance with the provisions of the Mobile Home Commission Act, 1987 PA 96, hereafter the “Act”, MCL 125.2301 *et seq.* against Steven Dukatt, Operator, Carol Investment Corporation dba Shady Rest MHP, Respondent, hereafter “Respondent,” by the Department of Licensing and Regulatory Affairs, and all parties being desirous of reaching an amicable settlement of said Complaint; therefore

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the violations set forth in paragraph 10 of the Complaint, a violation of 2008 AACR, R 125.1718.

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of One Thousand and 00/100 Dollars (\$1,000.00). Said fine shall be paid by cashier's check or money order, with Complaint No. COMPL-MFH2400016 clearly indicated on the check or money order, made payable to the State of Michigan, within ninety (90) days of the date of mailing of the Final Order in this matter. Said check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30255, Lansing, Michigan 48909. The attached fee transmittal form must accompany the payment.

The Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the timeframe specified in this Stipulation.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall provide photographic evidence of correction/repair for all violations cited during the 2023 annual inspection, specifically that the gas has been locked out at 3650 E. Joyce and sewers have been closed on the following lots: 3616 and 3624 Malcolm, 3373 S. Leona, 3344 S. Tammy, 3634 E. Joyce, and 3607 Elizabeth.

All photographs shall be clearly labeled, describing the violation each photo is addressing. Photographs shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30254, Lansing, Michigan 48909, or submitted via e-mail to LARA-BCC-AIR@michigan.gov, within ninety (90) days of the date of mailing of the Final Order.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent understands it is the Department's intent to pursue formal action if these rules are violated in the future or if this stipulation appears to be violated by Respondent.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one hundred twenty (120) days of the date of mailing of this Final Order, the fine shall increase to Two Thousand and 00/100 Dollars (\$2,000.00). The fine shall increase Five Hundred and 00/100 Dollars (\$500.00) every thirty (30) days, up to the maximum Fifty Thousand and 00/100 Dollars (\$50,000.00) until compliance is met.

Failure to comply with the terms set forth in this Stipulation within one (1) year of the date of mailing of the Final Order shall result in a **SUSPENSION** of all licenses or registrations held under the Mobile Home Commission Act by Respondent.

6. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, within 90 days of the Final Order mailing date, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30254, Lansing, Michigan 48909, and the fine payment shall be submitted to Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30255, Lansing, Michigan 48909.
7. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Bureau of Construction Codes, or designee, must approve this Stipulation. Should the Director, or that person's designee, reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.
8. **RESPONDENT UNDERSTANDS AND INTENDS THAT BY SIGNING THIS STIPULATION**, Respondent is waiving the right, pursuant to the Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 *et seq*, to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal

authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

9. **THE PARTIES HAVE** entered into this Stipulation on the date indicated below. It is further understood that this Stipulation is a public document and is available to members of the public upon request.

10. **THIS STIPULATION SHALL NOT BE CONSTRUED AS LIMITING** the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan, or any individual as to the use of a lawful method of collection of the payment imposed by this Stipulation.

11. **ANY COMMUNICATIONS** regarding this Stipulation should be addressed to the Bureau of Construction Codes, Licensing and Compliance Division, P.O. Box 30254, Lansing, Michigan 48909.

Agreed to:

Krystal A. Pratt

Krystal A. Pratt (P81927)
Eric M. St. Onge (P56630)
Assistant Attorneys General
Attorney for Complainant
Dated: February 24, 2025

On Behalf of Carol Investment Corporation:

Steven Dukatt

ID Eog287JMu6LAGbAVM4BqqLz

Steven Dukatt
Respondent

Dated: 2/24/2025

Matthew B Hewitt (P57721)
ID wqoYNKfEua5jUddpDK1z1L8w

Matthew Hewitt (P57721)
Attorney for Respondent
Dated: 2/24/2025

Bureau of Construction Codes
Approved by:

Andrew Brisbo
Digitally signed by: Andrew Brisbo
DN: CN = Andrew Brisbo email =
brisboa@michigan.gov C = US O = Bureau
of Construction Codes OU = Director
Date: 2025.02.26 19:15:40 -05'00'

Andrew Brisbo, Director
Bureau of Construction Codes

2/26/2025

Date

eSignature Details

Signer ID: Eog287JMui6LAGbAVM4BqqLz
Signed by: Steven Dukatt
Sent to email: awgreen1410@sbcglobal.net
IP Address: 71.194.23.171
Signed at: Feb 24 2025, 1:34 pm EST

Signer ID: wqoYNKfEua5jUDdpDK1z1L8w
Signed by: Matthew Hewitt
Sent to email: matthewitt@garskelaw.com
IP Address: 172.58.124.124
Signed at: Feb 24 2025, 2:48 pm EST

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

Complaint No. COMPL-MFH2400016

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES,
MANUFACTURED HOUSING COMMISSION

Complainant,

v

STEVEN DUKATT, OPERATOR
CAROL INVESTMENT CORPORATION
D/B/A SHADY REST MHP
Mobile Home Park License No. 1200981

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant, pursuant to the Mobile Home Commission Act, 1987 PA 96, (hereafter the Act), MCL 125.2301 *et seq* upon information and belief alleges as follows:

FACTS

1. The Manufactured Housing Commission, an administrative agency established by the Act is empowered to discipline licensees under the Act, MCL 125.2343.
2. Steven Dukatt (Respondent), whose mailing address is 1410 S. Clinton St., Chicago, IL 60607, was, at all times relevant to this action, an individual doing business as Carol Investment Corporation d/b/a Shady Rest MHP, engaged in the business of operating a mobile home park licensed with the State of Michigan under License No. 1200981.
3. An investigation regarding Respondent, conforming to the requirements of 1987 PA 96, MCL 125.2336, has been conducted by the Michigan Department of Licensing and Regulatory Affairs.

4. Pursuant to Section 5(1)(a) of the Act, the Department is required to promulgate rules governing construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities and safety measures sufficient to protect health, safety, and welfare of mobile home park residents.

5. Pursuant to ERO 2006-2 and Section 6(1)(c)-(g) of the Act, the Department is required to promulgate rules governing mobile home parks including standards for drainage, garbage and rubbish storage and disposal, insect and rodent control, general operation, maintenance, and safety, and certification of compliance under Section 17 of the Act.

6. Pursuant to MCL 125.2317(1) of the Act, the Department may inspect any premises licensed under this act for violation of the Act, the code, or rules promulgated pursuant to the Act.

7. Pursuant to MCL 125.2316(1)(d) of the Act, amongst other provisions, the Department shall issue a license only if the mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.

8. Pursuant to 2008 AACR, R 125.1718 the operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the Act and these rules.

9. Section 43, MCL 125.2343 of the Act authorizes the Commission to impose penalties against persons licensed under the Act, if, after notice and hearing, a person is determined to have violated the Act.

10. On or about May 23, 2023, a Bureau inspector conducted an annual inspection of Respondent's mobile home park, photographic evidence of the violations is attached as Exhibit 1.

Photographs indicate:

Violations of R 125.1718 of the Rules:

- a.) Gas is not locked out at 3650 E. Joyce.
- b.) Open sewers on the following lots: 3616 and 3624 Malcolm, 3373 S. Leona, 3344 S. Tammy, 3645 E. Joyce, and 3607 Elizabeth.

11. On June 30, 2023, the Department mailed Respondent notice of the annual inspection with a letter requesting correction of the violations, photographic verification of the corrections to be provided to the Department by no later than August 15, 2023, attached as Exhibit 2.

12. On September 27, 2023, the Department mailed Respondent a second notice of the annual inspection, requesting correction of the violations and photographic verification of the corrections to be provided to the Department by no later than October 27, 2023, attached as Exhibit 3.

13. The postal authorities did not return the letter and annual inspection report as undeliverable.

14. As of February 1, 2023, Respondent did not file the requested response with the Department.

ALLEGATION I

15. Respondent was cited for the gas not being locked out at 3650 E. Joyce. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION II

16. Respondent was cited for open sewers at 3616 and 3624 Malcolm, 3373 S. Leona, 3344 S. Tammy, 3645 E. Joyce, and 3607 Elizabeth. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

Based upon the conduct as aforesaid, Respondent has acted contrary to Section 16(1)(d) of the Act, MCL 125.2316(1)(d), and Manufactured Housing General Rules R 125.1718, constituting grounds for the assessment of a penalty as defined in Section 43 of the Act, MCL 125.2343, for the imposition of penalties and remedies. In accordance with Section 43, MCL 125.2343 of the Act, sanctions include, but are not limited to, fines, suspension, denial, or revocation of a license issued under the Act.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; the Act, 1987 PA 96, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant the Act for the reasons set forth herein.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

BY: **Kelly M. Bean**
Digitally signed by: Kelly M. Bean
DN: CN = Kelly M. Bean email = beank1@michigan.gov
C = US O = Licensing and Regulatory Affairs
OU = BCC- Licensing and Compliance
Date: 2024.02.01 21:55:45 -05'00'

Kelly Bean, Manager
Bureau of Construction Codes
Licensing Section

Dated: February 5, 2024

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES

Complaint No. MFH2300088
Docket No. 24-027038

Complainant,

v

JEFF BENNETT, OPERATOR
RAVINES M.H.P. BENTON HARBOR MI LLC
License No. 1201744

Respondent

FINAL ORDER

On December 27, 2023, a Formal Complaint was issued, charging Respondent with violating the Mobile Home Commission Act, 1987 PA 96.

An administrative hearing was held in this matter before an Administrative Law Judge who issued a Proposal for Decision, setting forth the Finding of Facts and Conclusions of Law.

The Manufactured Housing Commission ("Commission"), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on March 5, 2025, and received the Finding of Facts and Conclusions of Law in the Proposal for Decision of David B. Marmon, Administrative Law Judge, dated November 25, 2024.

IT IS ORDERED that for violating MCL 125.2316(1)(d) and Manufactured Housing General Rule R 125.1718, Respondent shall pay a FINE in the amount of TWENTY-FIVE THOUSAND dollars and 00/100 (\$25,000.00) within ninety (90) days of the effective date of this Order and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint number **MFH2300088**.

IT IS FURTHER ORDERED that Respondent shall correct or repair all violations cited during the 2023 annual inspection and shall provide clear and satisfactory photographic evidence to the Department demonstrating substantial compliance with the requirement of the Act or Rules.

Each photograph shall be clearly labeled, specifying the violation it addresses. Photographs shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30254, Lansing, MI 48909, or submitted via email to LARA-BCC-Compliance@michigan.gov within ninety (90) days of the effective date of this Order.

IT IS FURTHER ORDERED that Respondent is placed on PROBATION for a minimum of one (1) day not to exceed ninety (90) days, commencing on the effective date of this Order. At the conclusion of the minimum 1-day period of probation, Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory evidence of Respondent's successful compliance with the terms and conditions set forth in this Order.

IT IS FURTHER ORDERED that if, after ninety (90) days of the effective date of this Order, the fine remains unpaid or satisfactory evidence demonstrating corrections or repairs has not been provided to the Department, the fine shall increase to FIFTY THOUSAND dollars and 00/100 (\$50,000.00).

IT IS FURTHER ORDERED that failure to comply with the terms set forth in this Order shall result in the suspension of license number 1201744, and the Bureau of Construction Codes shall pursue receivership of the mobile home park.

IT IS FURTHER ORDERED that an Operator of a licensee whose license has been suspended or revoked under the act during the time of suspension or revocation may not serve as the Operator to another mobile home park.

THEREFORE, it is the final decision of the Commission to accept the Proposal of the Administrative Law Judge and impose the above penalties in accordance with 1987 PA 96. You have the right to request a judicial review of this decision in accordance with the Administrative Procedures Act, 1969 PA 306.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan, or any individual from using any lawful method to collect the payment imposed by this Final Order.

This Order shall be effective on the date of mailing to the Respondent.

MICHIGAN MANUFACTURED HOUSING COMMISSION

BY: J. Bennett
Chairperson (or Designee)

Date: 3/27/25

Mailing Date: 3/28/2025

STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

IN THE MATTER OF:

Docket No.: 24-027038

BUREAU OF CONSTRUCTION CODES,
Petitioner

Case No.: COMPL-MFH2300088

V

**Agency: Bureau of Construction
Codes**

**RAVINES M.H.P., BENTON HARBOR MI.,
LLC,**
Respondent

**Case Type: BCC
Mobile/Manufactured
Housing**

Filing Type: Formal Complaint

_____/

CERTIFICATION OF RECORD

I, Debbie Sterba, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Tuesday, January 07, 2025.

<u>Date</u>	<u>Document</u>
1. 12/16/24	Returned Mail - Proposal for Decsion
2. 11/25/24	Proposal for Decision
3. 11/18/24	Petitioner's Admitted Exhibits 1-4
4. 10/10/24	Returned Mail - Notice of Hearing and Corrected Notice of Hearing
5. 10/10/24	Petitioner's Exhibit and Witness Lists - Attachments not made part of Certification of Record
6. 09/25/24	Corrected Notice of Hearing with Proof of Service

7. 09/25/24 Notice of Telephone Hearing with Proof of Service
8. 09/24/24 Request for Hearing

Debbie Sterba



Debbie Sterba
Michigan Office of Administrative
Hearings and Rules

**STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

IN THE MATTER OF:

Docket No.: 24-027038

**BUREAU OF CONSTRUCTION CODES,
Petitioner**

Case No.: COMPL-MFH2300088

v

**Agency: Bureau of
Construction Codes**

**RAVINES M.H.P., BENTON HARBOR MI.,
LLC,
Respondent**

**Case Type: BCC
Mobile/Manufactured
Housing**

Filing Type: Formal Complaint

_____/

**Issued and entered
this 25th day of November 2024
by: David B. Marmon
Administrative Law Judge**

PROPOSAL FOR DECISION

Procedural History and Background

This is a proceeding held pursuant to authority granted in the Michigan Mobile Home Commission Act, MCL 125.2301 *et seq.* (Act), the Administrative Procedures Act (APA) MCL 24.101 *et seq.* (APA).

On December 27, 2023, Petitioner filed a Formal Complaint (Complaint), alleging violations by the Respondent of the Act and/or Administrative Rules (Rules) promulgated thereunder. On September 24, 2024, the Petitioner filed a Request for Hearing with the Michigan Office of Administrative Hearings and Rules (MOAHR). On September 25, 2024, MOAHR issued a Notice of Telephone Hearing scheduling this matter to convene at 9:00 a.m. on November 18, 2024.

The November 18, 2024 hearing commenced as scheduled. Petitioner was represented by Eric St. Onge and Adam Masserang, Assistant Attorney Generals. Norm Klug, Investigator, also appeared as a potential witness for the Petitioner. The Respondent failed to appear.

The Notice of Hearing was mailed to Respondent's last known addresses of record: Jeff Bennett, 75 W Towne Ridge Pkwy Ste 201, Sandy UT 84070 and 2088 E Empire Ave, Benton Harbor, MI 49022. The mailing addressed to Jeff Bennett was returned as undeliverable. The Notice of Hearing sent to the Benton Harbor address was not returned. Neither the Petitioner nor MOAHR has received any updated mailing address or other correspondence from Respondent.

The hearing proceeded in the Respondent's absence under Sections 72 and 78 of the Michigan Administrative Procedures Act (APA), being MCL 24.272 and MCL 24.278 respectively. Section 72 of the APA provides that, "if a party fails to appear in a contested case after proper service of notice, the agency...may proceed with the hearing and make its decision in the absence of the party." Section 78(2) of the APA also provides that, "except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default or other method agreed upon by the parties.

Additionally, MOAHR Administrative Rule 134(1) (R 792.10134) provides that, "If a party fails to participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceeding without participation of the absent party. If a party fails to participate in a proceeding, the administrative law judge may issue a default order or other dispositive order."

After determining that the Respondent was properly served notice of the hearing at Respondent's last known addresses, the Administrative Law Judge permitted the Petitioner to proceed in the Respondent's absence. Because of the default, the factual and legal allegations contained in the Formal Complaint dated December 27, 2023, are deemed true and proven. No witnesses were presented.

Petitioner presented the following exhibits which were admitted into evidence:

Exhibit P-1 Notice of 2023 Park Assessment

Exhibit P-2 (11) Photos of violations

Exhibit P-3 June 22, 2023 Notice of 2023 Annual Inspection

Exhibit P-4 August 21, 2023 Second Notice of Park Annual Inspection

The record was closed at the conclusion of the hearing.

Issue(s)

Has the Respondent violated the Act and/or Rules, as alleged in the December 27, 2023 Complaint?

Applicable Law

Mobile Home Commission Act

MCL 125.2305 states in pertinent part:

(1) After consultation with and considering comments from representatives of the manufactured housing industry and other interested parties, the department shall promulgate the mobile home code subject to section 4. The code shall consist of rules governing all of the following:

(a) The licensure, density, layout, permits for construction, construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities, and safety measures sufficient to protect health, safety, and welfare of mobile home park residents, except water supply, sewage collection and treatment, and drainage facilities which are regulated by the department of environmental quality.

MCL 125.2306(1) states in pertinent part:
Sec. 6.

(1) After consultation with and considering comments from representatives of the manufactured housing industry and other interested parties, the department of environmental quality shall promulgate rules for mobile home parks and seasonal mobile home parks setting forth minimum standards regulating:

* * *

- (c) Drainage.
- (d) Garbage and rubbish storage and disposal.
- (e) Insect and rodent control.
- (f) General operation, maintenance, and safety.
- (g) Certification of compliance under section 17.

MCL 125.2317(1) states:

(1) The department or its authorized representative shall conduct a physical inspection of mobile home parks and seasonal mobile home parks in accordance with standards established by the department. The department shall prepare a report documenting the findings of the inspection and submit a copy of the report to each local government in which the mobile home park or seasonal mobile home park is located.

MCL 125.2316(1)(d) states in pertinent part:

Sec. 16.

(1) A person shall not operate a mobile home park or seasonal mobile home park without a license. The term of a license is 3 years. The department shall issue a license only if all of the following requirements are met:

* * *

(d) The mobile home park or seasonal mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.

MCL 125.2336 states:

Sec. 36.

(1) The department, a prosecuting attorney, or a law enforcement officer of a municipality may:

(a) Make public or private investigations within or without this state he or she considers necessary to determine if a person violated or is about to violate this act or a rule promulgated or order issued under this act. The department may inspect any premises licensed under this act for violation of this act, the code, or rules promulgated pursuant to this act.

(b) Require a licensee to file a written statement in response to a complaint of an alleged violation of this act or the rules promulgated under this act received by a local government and forwarded to the licensee. The statement shall state the facts and circumstances concerning the matter raised in the complaint. If the licensee does not make the required statement within 15 days after the licensee receives the letter requiring the written statement, the department, upon its own action or upon petition by the prosecuting attorney or law enforcement officer of the municipality issuing the letter, may issue an order directing a response by the licensee.

(2) A prosecuting attorney or a law enforcement officer of a municipality shall present any evidence of an alleged violation of this act or rule promulgated under this act to the department. The department may refer the evidence as is available concerning violations of this act to the attorney general or the proper prosecuting attorney who, with or without a reference, may institute appropriate criminal proceedings under this act.

(3) Before, or simultaneous with, the commencement of a criminal proceeding or a proceeding in which injunctive relief is sought by the local government, that local government shall serve copies of all pleadings in the matter upon the department.

(4) The department shall render assistance to a local government or state agency. The department may use all investigative powers conferred upon it to assist a local government.

MCL 125.2343 states:

Sec. 43.

(1) If, after notice and a hearing as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, a person is determined to have violated this act, the commission may impose 1 or more of the following penalties:

- (a) Censure.
- (b) Probation.
- (c) License limitation.
- (d) License suspension. The commission may request the appointment of a receiver when taking action under this subdivision.
- (e) License revocation. The commission may request the appointment of a receiver when taking action under this subdivision.
- (f) License denial.
- (g) A civil fine of not more than \$50,000.00.
- (h) Restitution.

(2) A fine collected under this section shall be deposited with the state treasurer and credited to the mobile home code fund created in section 9.

(3) If the department determines that the owner or operator of a mobile home park or seasonal mobile home park has violated this act or rules promulgated under this act by failing to maintain or repair any infrastructure or facilities of the mobile home park or seasonal mobile home park, the

department shall give notice of the determination by personal service or first-class mail to the local governments where the mobile home park is located, the owner, the operator, and, if financial assurance in the form of a bond has been posted under rules promulgated under section 16(2), the surety executing the bond. If the owner, operator, or surety does not perform or commence the specified maintenance or repair within 60 days after service of the notice, the department or its authorized representative may enter the mobile home park or seasonal mobile home park and perform the specified maintenance or repair. At the request of the owner, operator, or surety, the department may grant an extension of up to an additional 90 days. The owner, operator, and any surety are jointly and severally liable for all expenses incurred by the department or its authorized representative in performing the specified maintenance or repair. The department shall certify the claim to the owner, operator, and any surety, listing in the claim the items of expense in performing the maintenance or repair, and shall draw on any financial assurance for the payment of the claim. The department shall notify the local government where the mobile home park is located when the specified maintenance or repair has been completed.

(4) This section does not prohibit actions from being taken under other sections of this act.

(5) The pursuit in court of the lawful rights of a licensee does not constitute a violation of this act, regardless of the outcome of the court action.

Manufactured Housing General (Administrative) Rules

Mich Admin Code R 125.1718 provides, in relevant part:

Rule 718. The operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the act and these rules.

Findings of Fact

Based upon the record in this matter, including the pleadings taken as accurate because of the default, the following findings of fact are established by a preponderance of the evidence:

1. The Manufactured Housing Commission, an administrative agency established by the Act is empowered to discipline licensees under the Act, MCL 125.2343.

2. Jeff Bennett (Respondent), whose mailing address is 75 W. Towne Ridge Pkwy., Ste. 201, Sandy, UT 84070, was, at all times relevant to this action, an individual doing business as Ravines MHP Benton Harbor MI, LLC d/b/a Ravines MHP, engaged in the business of operating a mobile home park licensed with the State of Michigan under License No. 1201744. [Established by default].
3. An investigation regarding Respondent, conforming to the requirements of 1987 PA 96, MCL 125.2336, has been conducted by the Michigan Department of Licensing and Regulatory Affairs. [Established by default; Exh P-1].
4. Pursuant to Section 5(1)(a) of the Act, the Department is required to promulgate rules governing construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities and safety measures sufficient to protect health, safety, and welfare of mobile home park residents. [Established by default].
5. Pursuant to ERO 2006-2 and Section 6(1)(c)-(g) of the Act, the Department is required to promulgate rules governing mobile home parks including standards for drainage, garbage and rubbish storage and disposal, insect and rodent control, general operation, maintenance, and safety, and certification of compliance under Section 17 of the Act. [Established by default].
6. Pursuant to MCL 125.2317(1) of the Act, the Department may inspect any premises licensed under this act for violation of the Act, the code, or rules promulgated pursuant to the Act. [Established by default].
7. Pursuant to MCL 125.2316(1)(d) of the Act, amongst other provisions, the Department shall issue a license only if the mobile home park was approved as being in substantial compliance after its most recent inspection under section 17. [Established by default].
8. Pursuant to Mich Admin Code, R 125.1718 the operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the Act and these rules. [Established by default]
9. Section 43, MCL 125.2343 of the Act authorizes the Commission to impose penalties against persons licensed under the Act, if, after notice and hearing, a person is determined to have violated the Act. [Established by default].
10. On or about May 8, 2023, a Bureau inspector conducted an annual inspection of Respondent's mobile home park, photographic evidence of the violations were submitted as Exh. P-2.

Photographs indicate:

- a.) Violations of R 125.1718 of the Rules:
 - b.) Lot 178 has an unsecured electrical panel and exposed wiring on the lot.
 - c.) Gas meter not locked off on lot 178.
 - d.) Uncapped sewer on lots 157, 158 and 178.
 - d.) Large potholes on the main road, at the entrance of the park.
 - e.) Potholes in front of the following lots: 3, 14, and 89. [Exh. P-2].
11. On June 22, 2023, the Department mailed Respondent notice of the annual inspection with a letter requesting correction of the violations, photographic verification of the corrections to be provided to the Department by no later than August 1, 2023. [Exh. P-3].
 12. On August 21, 2023, the Department mailed Respondent a second notice of the annual inspection, requesting correction of the violations and photographic verification of the corrections to be provided to the Department by no later than September 17, 2023. [Exh. P-4].
 13. The postal authorities did not return the letter and annual inspection report as undeliverable. [Established by default].
 14. As of December 14, 2023, Respondent did not file the requested response with the Department. [Established by default].
 15. Respondent was cited for an unsecured electrical panel and exposed wiring on lot 178. [Established by default; Exh. P-1; P-2, pp 1-2].
 16. Respondent was cited for the gas meter not being locked off on lot 178. [Established by default; Exh. P-1; P-2, p 4].
 17. Respondent was cited for uncapped sewers on lots 157, 158, and 178. [Established by default; Exh. P-1; Exh P-2, pp 5-7].
 18. Respondent was cited for large potholes on the main road, located at the entrance of the park. [Established by default; Exh. P-1; Exh. P-2, pp 8-13].
 19. Respondent was cited for potholes in front of lot 3, 14, and 89. {Established by default; Exh. P-1; Exh. P-2, pp 8-13}.

Conclusions of Law

Petitioner bears the burden of proving, by a preponderance of evidence, that Respondent violated the Act as alleged in the Formal Complaint. As the Michigan Supreme Court has stated, “[p]roof by a preponderance of the evidence requires that the fact finder believe that the evidence supporting the existence of the contested fact outweighs the evidence supporting its nonexistence.” *Blue Cross and Blue Shield of Michigan v Milliken*, 422 Mich 1; 367 NW2d 1 (1985). A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

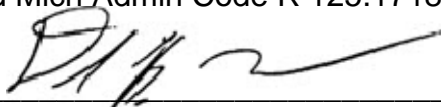
The principles that govern judicial proceedings also apply to administrative hearings. 8 *Callaghan’s Michigan Pleading and Practice 2nd ed.*, Section 60.48, p 230. A default having been granted against Respondent, the factual and legal allegations set forth in the Formal Complaint are taken as true and proven. Under Section 72 of the APA, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

By virtue of the default, Petitioner has established its burden of proving, by a preponderance of the evidence, the allegations in the Formal Complaint. Therefore, the undersigned concludes that the Respondent is in violation of Mich Admin Code R 125.1718, as alleged by the Petitioner under Allegations I, II, III, IV, and V of the Complaint.

Respondent’s violations constitute grounds for the assessment of a penalty as defined in Section 43 of the Act, MCL 125.2343, as determined appropriate by the Manufactured Housing Commission.

PROPOSED DECISION

Based on the above-referenced Findings of Fact and Conclusions of Law, the undersigned proposes that the Manufactured Housing Commission issue a Final Order, that the Respondent be found to have violated Mich Admin Code R 125.1718.



David B. Marmon
Administrative Law Judge

Exceptions:

The parties may file Exceptions to this Proposal for Decision within twenty-one (21) days after it is issued and entered. An opposing party may file a Response to Exceptions within fourteen (14) days after initial Exceptions are filed (see computation of filing time at Mich Admin Code, [R 792.10104](#)). For any Exceptions and Responses to Exceptions, a party must:

- 1) State the **case name and docket number** as shown on the first page of this Proposal for Decision;
- 2) File with the Michigan Office of Administrative Hearings and Rules-General Adjudication, by **e-mail (preferred):** MOAHR-GA@michigan.gov; **fax:** 517-763-0148; **regular mail:** MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195; or **overnight carrier delivery (UPS, FedEx, DHL):** MOAHR-GA, c/o Department of Licensing and Regulatory Affairs, Mail Services, 2407 N. Grand River Avenue, Lansing, Michigan 48906; and
- 3) **Serve a copy on all parties** to the proceeding at the email/regular mail addresses shown on the attached Proof of Service.

Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: MOAHR-GA@michigan.gov; **or by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

Complaint No. COMPL-MFH2300088

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES,
MANUFACTURED HOUSING COMMISSION

Complainant,

v

JEFF BENNETT, OPERATOR
RAVINES MHP BENTON HARBOR MI, LLC D/B/A RAVINES MHP
Mobile Home Park License No. 1201744

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant, pursuant to the Mobile Home Commission Act, 1987 PA 96, (hereafter the Act), MCL 125.2301 *et seq* upon information and belief alleges as follows:

FACTS

1. The Manufactured Housing Commission, an administrative agency established by the Act is empowered to discipline licensees under the Act, MCL 125.2343.
2. Jeff Bennett (Respondent), whose mailing address is 75 W. Towne Ridge Pkwy., Ste. 201, Sandy, UT 84070, was, at all times relevant to this action, an individual doing business as Ravines MHP Benton Harbor MI, LLC d/b/a Ravines MHP, engaged in the business of operating a mobile home park licensed with the State of Michigan under License No. 1201744.

3. An investigation regarding Respondent, conforming to the requirements of 1987 PA 96, MCL 125.2336, has been conducted by the Michigan Department of Licensing and Regulatory Affairs.

4. Pursuant to Section 5(1)(a) of the Act, the Department is required to promulgate rules governing construction of mobile home parks including standards for roads, utilities, open space, or proposed recreational facilities and safety measures sufficient to protect health, safety, and welfare of mobile home park residents.

5. Pursuant to ERO 2006-2 and Section 6(1)(c)-(g) of the Act, the Department is required to promulgate rules governing mobile home parks including standards for drainage, garbage and rubbish storage and disposal, insect and rodent control, general operation, maintenance, and safety, and certification of compliance under Section 17 of the Act.

6. Pursuant to MCL 125.2317(1) of the Act, the Department may inspect any premises licensed under this act for violation of the Act, the code, or rules promulgated pursuant to the Act.

7. Pursuant to MCL 125.2316(1)(d) of the Act, amongst other provisions, the Department shall issue a license only if the mobile home park was approved as being in substantial compliance after its most recent inspection under section 17.

8. Pursuant to 2008 AACCS, R 125.1718 the operator of a mobile home park or seasonal mobile home park shall maintain the mobile home park or seasonal mobile home park, its facilities, and the equipment in a sanitary and safe condition in conformance with the provisions of the Act and these rules.

9. Section 43, MCL 125.2343 of the Act authorizes the Commission to impose penalties against persons licensed under the Act, if, after notice and hearing, a person is determined to have violated the Act.

10. On or about May 8, 2023, a Bureau inspector conducted an annual inspection of Respondent's mobile home park, photographic evidence of the violations is attached as Exhibit 1.

Photographs indicate:

Violations of R 125.1718 of the Rules:

- a.) Lot 178 has an unsecured electrical panel and exposed wiring on the lot.
- b.) Gas meter not locked off on lot 178.
- c.) Uncapped sewer on lots 157, 158 and 178.
- d.) Large potholes on the main road, at the entrance of the park.
- e.) Potholes in front of the following lots: 3, 14, and 89.

11. On June 22, 2023, the Department mailed Respondent notice of the annual inspection with a letter requesting correction of the violations, photographic verification of the corrections to be provided to the Department by no later than August 1, 2023, attached as Exhibit 2.

12. On August 21, 2023, the Department mailed Respondent a second notice of the annual inspection, requesting correction of the violations and photographic verification of the corrections to be provided to the Department by no later than September 17, 2023, attached as Exhibit 3.

13. The postal authorities did not return the letter and annual inspection report as undeliverable.

14. As of December 14, 2023, Respondent did not file the requested response with the Department.

ALLEGATION I

15. Respondent was cited for an unsecured electrical panel and exposed wiring on lot 178. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION II

16. Respondent was cited for the gas meter not being locked off on lot 178. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION III

17. Respondent was cited for uncapped sewers on lots 157, 158, and 178. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION IV

18. Respondent was cited for large potholes on the main road, located at the entrance of the park. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

ALLEGATION V

19. Respondent was cited for potholes in front of lot 3, 14, and 89. Respondent's failure to maintain the mobile home park's operation, maintenance and safety as outlined above constitutes a violation of R 125.1718 of the Rules.

Based upon the conduct as aforesaid, Respondent has acted contrary to Section 16(1)(d) of the Act, MCL 125.2316(1)(d), and Manufactured Housing General Rules R 125.1718, constituting grounds for the assessment of a penalty as defined in Section 43 of the Act, MCL 125.2343, for the imposition of penalties and remedies. In accordance with Section 43, MCL 125.2343 of the Act, sanctions include, but are not limited to, fines, suspension, denial, or revocation of a license issued under the Act.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 1969 PA 306, as amended; the Act, 1987 PA 96, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant the Act for the reasons set forth herein.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

BY: **Kelly M. Bean**
Digitally signed by: Kelly M. Bean
DN: CN = Kelly M. Bean email =
k1@mi.gov C = US O = Licensing and
Regulatory Affairs OU = BCC- Licensing and
Compliance
Date: 2023.12.20 16:02:01 -05'00'

Kelly Bean, Manager
Bureau of Construction Codes
Licensing and Compliance Section

Dated: December 27, 2023
