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**Texas Department of Housing and Community Affairs**  
**Manufactured Housing Board Meeting**  
**February 9, 2018**

Michael H. Bray, Chair

Ronnie Richards, Member

Kiran Shah, Member

Sheila M. Vallés-Pankratz, Member

Donnie W. Wisenbaker, Member

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

**February 9, 2018**

**ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Michael H. Bray, Chair	_____	_____
Ronnie Richards, Member	_____	_____
Kiran Shah, Member	_____	_____
Sheila M. Vallés-Pankratz, Member	_____	_____
Donnie W. Wisenbaker, Member	_____	_____
Number Present	_____	
Number Absent		_____

\_\_\_\_\_, Presiding Officer

**MANUFACTURED HOUSING BOARD MEETING  
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
1500 N. Congress, Capitol Extension Committee Room E2.028  
Austin, Texas 78701**

**February 9, 2018 11:00 a.m.**

**AGENDA**

**CALL TO ORDER, ROLL CALL**

Chair

**CERTIFICATION OF QUORUM**

Chair

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

**ACTION ITEMS**

Item 1. Consideration and action to approve the minutes of the board meeting on November 17, 2017. Chair

Item 2. Presentation, discussion and action concerning the consideration of SOAH Proposal for Decision: In the Matter of the Complaint of TDHCA vs. Melissa Ochoa, Docket Number: 332-17-5543.MHD. Amy Morehouse

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

**REPORT ITEMS**

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

**PUBLIC COMMENT**

Chair

**EXECUTIVE SESSION**

Chair

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

(a) If necessary, the Board will go into executive session to discuss Personnel Matters pursuant to Sec. 551.074, Texas Government Code.

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

**RECONVENE**

Chair

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

**ADJOURN**

Chair

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

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

*Agenda Action Item No. 1*

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

On Friday, November 17, 2017, at 11:00 a.m., there was a regular meeting of the Manufactured Housing Board (the “Board”) at 1500 N. Congress, Capitol Extension Committee Room E2.028, Austin, Texas. Kiran Shah presided. Sheila Vallés-Pankratz, Ronnie Richards, and Donnie Wisenbaker constituting a quorum, attended. Michael Bray was absent. The following Manufactured Housing Division (the “MHD”) staff were present: Joe Garcia, James Hicks, Amy Morehouse and Sharon Choate.

Kiran Shah called the roll and confirmed the presence of a quorum.

Kiran Shah asked for a motion to approve the minutes from the board meeting on September 22, 2017. Upon motion of Ronnie Richards, duly seconded by Sheila Vallés-Pankratz, the motion was unanimously approved.

Jim Hicks presented and discussed for approval the continuation of Texas Manufactured Housing School (TXMHS) as a continuing education provider. Upon motion of Sheila Vallés-Pankratz, duly seconded by Donnie Wisenbaker, the renewal was unanimously approved.

Jim Hicks presented and discussed for approval the continuation of Texas Manufactured Housing Association (TMHA) as a continuing education provider. Upon motion of Sheila Vallés-Pankratz, duly seconded by Donnie Wisenbaker, the renewal was unanimously approved.

Joe Garcia presented and discussed for approval the proposed amendments to 10 Texas Administrative Code, Chapter 80 for publication as adopted in the Texas Register. Upon motion of Ronnie Richards, duly seconded by Sheila Vallés-Pankratz, the proposed rules were unanimously approved.

Joe Garcia delivered the Executive Director's Report.

The Board did not go into an Executive Session.

The next board meeting was tentatively set for Friday, February 9, 2018, to begin at 11:00 a.m.

There being no further business to come before the board, the meeting was adjourned at 11:33 a.m.

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Sharon Choate, Secretary

Approved:

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Kiran Shah, Acting Presiding Chair



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
MANUFACTURED HOUSING DIVISION**

**Greg Abbott**  
GOVERNOR

**Joe A. Garcia**  
EXECUTIVE DIRECTOR

***Agenda Action Item No. 2***

**Board Members**  
*Presiding Officer*, Michael H. Bray  
Ronnie Richards  
Kiran Shah  
Sheila M. Vallés-Pankratz  
Donnie W. Wisenbaker

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

**FROM:** Amy Morehouse, General Counsel

**THROUGH:** Joe A. Garcia, Executive Director

**SUBJECT:** Summary of Proposal for Decision regarding Melissa Ochoa's Renewal Application for a Salesperson's License

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**Respondent:** Melissa Ochoa  
**License type:** Renewal Application for a Salesperson's License  
**Docket Number:** 332-17-5543.MHD  
**Complaint Number:** MHD2017000641-LRV

**Background**

On or about July 23, 2015, the Manufactured Housing Division issued a salesperson's license to Melissa Ochoa. (License No. MHSLSP00043315) Melissa Ochoa's sponsoring retailer is Manufactured Housing Consultants. On or about June 27, 2017, the Manufactured Housing Division received a Salesperson's Application for License Renewal from Melissa Ochoa for the renewal of License No. MHSLSP00043315.

On or about April 28, 2016, Melissa Ochoa pled guilty to a Second Degree Felony of Theft of \$100,000 to \$200,000 in District Court, 274<sup>th</sup> Judicial District in Hays County, Texas (Cause No. CR-15-0461).

On or about June 21, 2016, an Order of Deferred Adjudication was issued against Melissa Ochoa, placing her on Community Supervision for a period of 10 years and requiring the amount of \$117,002.66 to be paid in restitution for the above felony. Melissa Ochoa was also required to perform 200 hours of Community Service Restitution.

At the hearing Melissa Ochoa presented three letters of recommendation and testified as to her rehabilitation based on her current status as a licensed sales person in the manufactured housing industry.

### **Applicable Law:**

The Department may deny, revoke or suspend the license of a person who has acquired a criminal record during the five year period preceding the application date that, in the opinion of the director, makes the applicant unfit for licensing.

### **Hearing before the State Office of Administrative Hearings**

After proper notice, an administrative hearing was held on October 12, 2017. An Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH) issued the attached Proposal for Decision (PFD) as a result of that hearing. The Department filed Exceptions to the Proposal for Decision on November 9, 2017. The Respondent filed Melissa Ochoa's Response to Department Exceptions for Decision. The Administrative Law Judge issued a response to these briefs on December 18, 2017. The Response removed Finding of Fact 19 and amended Conclusion of Law 8. The Department staff is in agreement with the Findings of Fact in this PFD with the correction of removing Finding of Fact 19.

### **Proposal for Decision**

The Proposal for Decision dated October 26, 2017, recommends that the Department grant Melissa Ochoa's Application for renewal of her sales person's license, but the renewed license should be placed on probated suspension so that she is restricted to working only for her current retailer, MH Consultants, Inc. and is prohibited from receiving customer payments or processing financial transactions.

### **Recommendation**

The Department recommends denial of the sales person's license renewal application based on the Findings of Fact; however, the Administrative Law Judge recommended a probated suspension to allow the licensee to continue to work under certain limitations. The Board has the legal authority to determine the appropriate penalty based on the Findings of Fact found by the Administrative Law Judge.

Therefore, the Department puts two orders before the Board with each of the penalty options. The Board may vote to approve which penalty they deem appropriate based on the established facts found in the Proposal for Decision.