



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
July 15, 2016

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**

July 15, 2016

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
July 15, 2016 10:30 a.m.

AGENDA

CALL TO ORDER, ROLL CALL Chair

CERTIFICATION OF QUORUM Chair

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

ACTION ITEMS

Item 1. Consideration and action to approve the minutes of the board meeting on April 1, 2016. Chair

Item 2. Presentation, discussion and action concerning the consideration of SOAH Proposal for Decision: In the Matter of the Complaint of TDHCA vs. Ronald Garcia, Docket Number: 332-16-2015.MHD. Amy
Morehouse

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

REPORT ITEMS

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

PUBLIC COMMENT Chair

EXECUTIVE SESSION Chair

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

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

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

RECONVENE Chair

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

ADJOURN Chair

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

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

Agenda Action Item No. 1

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

On Friday, April 1, 2016, at 10:33 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. Donnie Wisenbaker presided. Ronnie Richards, Kiran Shah and Sheila Vallés-Pankratz, constituting a quorum, attended. Michael Bray was absent. The following Manufactured Housing Division (the “MHD”) staff were present: Joe Garcia, Amy Morehouse and Sharon Choate.

Donnie Wisenbaker called the roll and confirmed the presence of a quorum.

Donnie Wisenbaker asked for a motion to approve the minutes from the board meeting on January 15, 2016. Upon motion of Sheila Vallés-Pankratz, duly seconded by Kiran Shah, the motion was unanimously approved.

Joe Garcia presented and discussed for approval adoption of proposed amendments to 10 Texas Administrative Code, Chapter 80 for publication in the Texas Register adopted. Upon motion of Ronnie Richards, duly seconded by Kiran Shah, the 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, June 3, 2016.

There being no further business to come before the board, the meeting was adjourned at 11:08 a.m.

Sharon Choate, Secretary

Approved:

Sheila Vallés-Pankratz, Acting Presiding Chair



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

Greg Abbott
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

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 denial of Ronald Garcia's Salesperson's License Application

Respondent: Ronald Garcia
Docket Number: 332-16-2015.MHD
Complaint Number: MHD2016000115.LRV

Background

On October 27, 2015, Ronald Garcia (Respondent), submitted an Application for a Salesperson's License (Application) to the Texas Department of Housing and Community Affairs, Manufactured Housing Division (Department).

Question 10 of the Application notifies an applicant that a criminal background check will be performed, and asks if the applicant has acquired a criminal record within the 5 years preceding the application. The Application also informs an applicant that falsely checking "No" may result in a denial of the Application. Respondent checked "No" to Question 10 of the Application.

Respondent had been convicted twice in 2014 in Hidalgo County, Texas, in the 5 years preceding the filing of the Application. The first conviction, on January 27, 2014, was for Failure to Identify/Giving False Information to a police officer, a Class B misdemeanor, and the second conviction on June 11, 2014, was for Theft more than \$50 but less than \$500, also a Class B misdemeanor.

Respondent was also convicted twice in Hidalgo County, Texas on January 13, 2016, for two separate thefts, both Class B misdemeanors, committed on July 25 and August 9, 2014.

On December 10, 2015, the Department denied Respondent's application on the basis that Respondent provided false information on his application, and also that he had been convicted of crimes that rendered him unfit for licensure.

Crimes involving the mishandling of money and dishonesty are crimes of concern which are directly related to the activity of selling manufactured homes because manufactured home salespersons may handle consumer funds and have an opportunity to mishandle those funds.

Violations

It was found and determined by the staff of the Manufactured Housing Division that Respondent has committed the following violations of the Act and the Rules:

1. Ronald Garcia violated TEX. OCC. CODE ANN. § 1201.551(a)(7) by providing false information on an application, report, or other document filed with the Department.
2. Ronald Garcia violated TEX. OCC. CODE ANN. § 1201.551(a)(8) by acquiring 4 criminal records during the five-year period preceding the application date that makes the respondent unfit for licensure.

Hearing before the State Office of Administrative Hearings

After proper notice, an administrative hearing was held on March 3, 2016. An Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH) issued the attached Proposal for Decision (PFD) as a result of that hearing. The Department staff is in agreement with the Findings of Fact and Conclusions of law in this PFD and recommends the attached Final Order for approval.

Proposal for Decision

The Proposal for Decision dated April 14, 2016, recommends that the Department deny Respondent's application for a manufactured housing Salesperson's License.

Recommendation

It is recommended that the Board approve the following Final Order with respect to the Respondent, as supported by the record and the PFD. Respondent's application for a Salesperson's License should be denied.