

BEFORE THE STATE OF NEVADA,
DEPARTMENT OF BUSINESS AND INDUSTRY,
MANUFACTURED HOUSING DIVISION

JIM DEPROSSE, Administrator,
MANUFACTURED HOUSING DIVISION,
DEPT OF BUSINESS AND INDUSTRY,
STATE OF NEVADA,

Case No. CC102004-1

Petitioner,

ORDER

vs.

TETRAULTS MOBILE HOME SERVICE and
ANDREW TETRAULT, Owner,
License No. B-1266,

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

This matter came on for hearing before the appointed Hearing Officer, Andrew J. MacKay, at 9 a.m. on January 19, 2011. STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY, MANUFACTURED HOUSING DIVISION ("Division" was represented by Deputy Attorney General Sarah A. Bradley. At the time of the hearing, Respondent TETRAULTS MOBILE HOME SERVICE and ANDREW TETRAULT, Owner, License No. B-1266, was not present.

The matter having been submitted to the Hearing Officer, the Hearing Officer now enters the following findings of facts, conclusions of law, and decision:

FINDINGS OF FACT

1. The Complaint and Notice of Hearing in this matter was sent by both certified and regular mail to Respondent's last known address, as provided by Respondent to the Division and as kept by the Division as part of its licensee files.

2. The regular mailing of the Complaint and Notice of Hearing sent to Respondent was not returned by the U.S. Postal Service.

3. The U.S. Postal Service for the certified mailing of the Complaint and Notice of Hearing shows that, although this mailing has not yet been delivered, notice was left for Respondent on December 18, 2010.

1 4. Based on the above facts, proper legal notice of the hearing was provided to
2 Respondent pursuant to NRS 622A.300 and NRS 622A.350. Accordingly, the hearing
3 proceeded in Respondent's absence.

4 5. Respondent was, at the relevant times mentioned in this Complaint, licensed as
5 a general serviceperson by the Division under license number B-1266 and is, therefore,
6 subject to the jurisdiction of the Division and the provisions of NRS Chapter 489 and
7 NAC Chapter 489.

8 6. On or about April 9, 2010, the Division received a written complaint against
9 Respondent regarding work completed on a home located at 170 Koontz Lane, Space 115,
10 Carson City, NV 89701 ("the home").

11 7. On April 20, 2010, the Division sent Respondent a letter notifying Respondent of
12 the complaint, sending Respondent a copy of the complaint, and asking that Respondent send
13 a written response to the Division regarding the complaint.

14 8. The Division's April 20, 2010 letter was sent to the address the Division had on
15 file for Respondent in its licensing database,¹ as provided by Respondent, and was sent via
16 both regular mail and certified mail. The certified letter was returned marked "unclaimed," and
17 the regular mail letter was not returned to the Division and is deemed delivered to
18 Respondent.

19 9. On May 6, 2010, the Division sent Respondent a second letter regarding the
20 complaint and Respondent's failure to respond to the Division's April 20, 2010 letter.

21 10. The Division's May 6, 2010 letter was sent to the address the Division had on file
22 for Respondent in its licensing database, as provided by Respondent, and was sent via both
23 regular mail and certified mail. The certified letter was returned marked "unclaimed," and the
24 regular mail letter was not returned to the Division and is deemed delivered to Respondent.

25 11. On May 20, 2010, the Division sent Respondent a third letter regarding the
26 complaint and Respondent's failure to respond to the Division's April 20, 2010 letter.

27 _____
28 ¹ This address is 4470 Bigelow Drive, Carson City, NV 89701.

DECISION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED, by decision of the Hearing Officer as follows:

1. Respondent is assessed a One Thousand Dollar (\$1,000) fine for each of the above violations of law, specifically one violation of NRS 489.421(3) and one violation of NAC 489.205, for a total assessed fine of Two Thousand Dollars (\$2,000).

2. Respondent is assessed the Division's costs in investigating this matter and taking this matter to hearing. These costs include both the costs of the Court Reporter and the costs assessed to the Division by the Office of the Attorney General for use of a Deputy Attorney General's time, in addition to the Division's other investigation and hearing costs. An exact tally of the Division's costs incurred in this matter shall be provided to the Hearing Officer within fifteen (15) days from the date of this Order, in order to allow the Hearing Officer to supplement his Order entered in this matter with the cost amount assessed against Respondent.

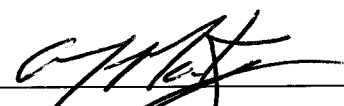
3. Respondent's license, License No. B-1266, is suspended for a period not to exceed sixty (60) days. This suspension is effective as of 10:23 a.m. January 19, 2011.

4. During this sixty (60) day period, if Respondent responds to the Division's communications regarding the consumer complaint filed in the instant matter and pays the above-assessed fines and costs, Respondent's license, License No. B-1266, may be reinstated at the discretion of the Division. If by the expiration of this sixty (60) day period, Respondent does not respond to the Division's communications regarding the consumer complaint filed in the instant matter and pay the above-assessed fines and costs, Respondent's license, License No. B-1266 shall be revoked, and, pursuant to NRS 622A.410, Respondent may not re-apply to the Division for licensure prior to the expiration of one (1) year.

///
///
///
///

1 With the exception of the suspension ordered above in paragraph #3, this Order shall
2 become effective on the date of receipt, or, if no certified mail return receipt is received by the
3 Division, fifteen days after the date on which the Order is postmarked.

4 DATED this 20th day of January, 2011.

5
6 By: 
7 Andrew J. Mackay, Hearing Officer


8
9
10
11
12 Attorney General's Office
13 100 N. Carson Street
14 Carson City, Nevada 89701-4717
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on this 25th day of January, 2011, I served a true and correct copy of the foregoing **ORDER**, via regular and certified U.S. Mail to the following:

TETRAULTS MOBILE HOME SERVICE and
ANDREW TETRAULT, Owner
4470 Bigelow Drive
Carson City, NV 89701

Certif. No.: 7007 0220 0001 9033 1049


An Employee of the State of Nevada,
Office of the Attorney General

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28