

## **MINUTES**

### **THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY**

April 10, 2019

The West Virginia Board of Manufactured Housing Construction and Safety met April 10, 2019 at 1900 Kanawha Boulevard East, State Capitol Complex - Building 3 Room 124 - Charleston, West Virginia at 10:00am.

#### **BOARD MEMBERS PRESENT**

Commissioner Mitchell E. Woodrum, Chair  
Thomas Belasco  
Johnnie Brown  
Richard Casto  
George Gunnell  
Gary Shaw

#### **BOARD MEMBERS ABSENT**

Samuel Bonasso

#### **OTHERS PRESENT**

Michael Sams, Deputy Commissioner  
Elizabeth Farber, Assistant Attorney General  
Kimberly Legg, Board Secretary  
Kathy Rucker, Director, Licensing  
Brian White, Labor Program Specialist, Licensing  
Tom Stricklen, Field Inspector  
Joseph Mason, Field Inspector

#### **MEETING CALLED TO ORDER**

A quorum being present, Mr. Woodrum called the meeting to order at 10:00 a.m.

#### **APPROVAL OF MINUTES**

Approval of the November 28, 2018 Board meeting minutes.

Mr. Brown made a motion to approve the minutes. Mr. Gunnell seconded. Motion carried.

#### **PUBLIC COMMENT**

No one appeared for public comment.

## **DISCIPLINARY HEARINGS**

The hearings are for licensees that failed to protest violations issued within ten (10) days from receipt of violation or protested violation and was denied, and the Board will hear evidence pertaining to fines and/or penalties on those violations.

**18-DISC-007 – Southern Ohio Construction, LLC – WV01196 (Continued from October 18, 2018).** Violated §42-CSR-19-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in compliance with a state or federal standard.

No one appeared on behalf of Southern Ohio Construction, but a written response was previously submitted.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Brown made a motion to reduce staff recommendation to \$150.00. Mr. Gunnell seconded. Motion carried.

**19-DISC-001 – S & K Sets - License Number WV00938 (I).** Violated §42-CSR-19-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in compliance with a state or federal standard.

No one appeared on behalf of S & K Sets.

Mr. Woodrum presented evidence and recommended a **REPRIMAND** for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Shaw made a motion to accept staff's recommendation. Mr. Casto seconded. Motion carried.

**19-DISC-002 – CMH Homes, Inc. DBA Clayton Homes #1026 – Licensing Number WV01163.** Violated §42-19-14(s) – utilizing the contract installation or repair services by a manufacturer, dealer or contractor/installer that is not properly licensed by this state.

No one appeared on behalf of Clayton Home #1026.

Mr. Woodrum presented evidence and recommended a **\$250.00 fine** for utilizing an unlicensed contractor.

Mr. Casto made a motion to accept staff's recommendation. Mr. Shaw seconded. Motion carried with the Chair voting in the affirmative. Mr. Brown and Mr. Gunnell recused themselves.

**19-DISC-003 – CMH Manufacturing, Inc. DBA TRU Homes – White Pine - License Number WV00370.** Violated §42-CSR-19-14.1(u) – Failing to fulfill any written or implied warranty obligations.

No one appeared on behalf of TRU Homes – White Pine but a written response was submitted late.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** for failing to fulfill warranty obligations.

Mr. Shaw made a motion to accept staff's recommendation. Mr. Belasco seconded. Motion carried with the Chair voting in the affirmative. Mr. Brown and Mr. Gunnell recused themselves.

**19-DISC-004 – CMH Manufacturing, Inc. DBA Schultz – Rockwell - License Number WV00952.** Violated §42-CSR-19-14.1(u) – Failing to fulfill any written or implied warranty obligations.

No one appeared on behalf of Schultz – Rockwell but a written response was submitted.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** for failing to fulfill warranty obligations.

Mr. Shaw made a motion to accept staff's recommendation. Mr. Casto seconded. Motion carried with the Chair voting in the affirmative. Mr. Brown and Mr. Gunnell recused themselves.

## **DISCIPLINARY HEARINGS – QUARTERLY REPORTS**

### **1. Disciplinary Hearings – Quarterly Reports – 3<sup>rd</sup> Quarter 2018**

\*\*\* Correspondence from company attached

19-DISC-QTR003	Cavalier Homes, Inc. DBA Clayton – Nashville	WV01179
19-DISC-QTR004	CMH Manufacturing, Inc. DBA Clayton – Oxford	WV00141
19-DISC-QTR009	Highland Mobile Home Services, Inc.	WV00927
19-DISC-QTR011	DBA Quality Living Mobile Home Center	WV01013
19-DISC-QTR012	Adam Jordan DBA Jordan Heating and Cooling	WV01054
19-DISC-QTR014	Blaine Wilson, Jr. DBA A and B General Contracting	WV01129
19-DISC-QTR016	Stephen Moon DBA Moon's Mobile Home Movers	WV01186
19-DISC-QTR018	Rozelle Enterprises, LLC DBA Tradeworx	WV01226

Ms. Legg advised the board that 19-DISC-QTR004 paid their fine and have been removed from the list. Mr. Brown made a motion to approve remaining staff recommendations for licensees: \$50.00 for failure to file the quarterly report and \$25.00 for filing the report late. Mr. Belasco seconded. Motion carried.

### **2. Disciplinary Hearings – Quarterly Reports – 4<sup>th</sup> Quarter 2018**

\*\*\* Correspondence from company attached

19-DISC-QTR027	Highland Mobile Home Services, Inc.	WV00927
19-DISC-QTR028	Watterson's Mobile Home Movers	WV01036
19-DISC-QTR029	Adam Jordan DBA Jordan Heating and Cooling	WV01054
19-DISC-QTR030	Blaine Wilson, Jr. DBA A and B General Contracting	WV01129

19-DISC-QTR031	Stephen Moon DBA Moon's Mobile Home Movers	WV01186
19-DISC-QTR032	Joseph Price DBA Cedar Hill Construction	WV01224
19-DISC-QTR034	Rozelle Enterprises, LLC DBA Tradeworx	WV01226
19-DISC-QTR039	DBA Custom Transporting & Excavation	WV01138

Mr. Casto made a motion to accept staff recommendations. Mr. Brown seconded. Motion carried.

## **DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS**

### **CD18-215 James M. Hill DBA Hill's Excavating & Septic Services - Unlicensed.**

Violated §21-9-12a – Engaging in manufactured housing business activities in the State of West Virginia without a valid license. No one appeared on behalf of Hill's Excavating and Septic Services, but a written response was submitted.

Mr. Woodrum presented evidence and recommended a **REPRIMAND** for violation cited.

Mr. Belasco made a motion to accept staff recommendation. Mr. Shaw seconded. Motion carried.

## **LICENSE APPLICATIONS**

### **Manufacturers**

- A. Champion Home Builders, Inc. (Final Approval – Purchased Skyline – WV00043)  
755 West Big Beaver Road, Suite 1000      Physical address: 99 Horseshoe Road  
Troy, MI 48084      Leola, PA 17540
  
- B. Champion Home Builders, Inc. (Final Approval – Purchased Skyline – WV00045)  
755 West Big Beaver Road, Suite 1000      Physical address: 580 Mill Street NW  
Troy, MI 48084      Sugarcreek, OH 44681
  
- C. Sunshine Homes, Inc.  
P.O. Box 507      Physical address: 1400 7<sup>th</sup> ST NW  
Red Bay, AL 35582      Red Bay, AL 35582

Mr. Shaw made a motion to require Champion Home Builders, Inc. to submit the correct, West Virginia biographical affidavits. Mr. Casto seconded. Mr. Brown made a motion to give the company 45 days to submit the corrected affidavits and approve the applications upon receipt. Mr. Shaw seconded. Motions carried.

Mr. Brown made a motion to approve the application for Sunshine Homes, Inc. effective April 10, 2019 contingent on Alan Omer Bostick's biographical affidavit being completed in its entirety within 45 days. Mr. Belasco seconded. Motion carried.

## **Contractors**

- D. C & G Contracting, LLC (Final Approval)  
3350 Lick Fork Road  
Spencer, WV 25276
- E. Robert Lemon DBA Robco Specialties (Final Approval)  
106 Ravenwood Drive  
Charleston, WV 25312
- F. Hammonds Electric, LLC (Final Approval)  
1834 Clay Road  
Spencer, WV 25276
- G. Giraffe Contracting, LLC (Final Approval)  
1860 Dents Run Road  
Mannington, WV 26582

Mr. Brown made a motion to approve Hammonds Electric, LLC pending receipt of Mr. Hammond's biographical affidavit completed in its entirety within 45 days. Mr. Gunnell seconded. Motion carried.

Mr. Brown made a motion to approve the applications for C & G Contracting, LLC and Robert Lemon DBA Robco Specialties. Mr. Shaw seconded. Motion carried.

Mr. Belasco made a motion to approve the application for Giraffe Contracting, LLC. Mr. Shaw seconded. Motion carried.

## **HUD REQUIREMENTS**

Staff presented to the Board the proposed revisions to the legislative rules to satisfy the issues in the SEBA review. Ms. Farber advised the Board of the procedures for filing an updated rule.

## **CONTRACTOR QUARTERLY REPORTS**

Board discussed the possible revisions to the contractor quarterly report requirements, which are included in the proposed rules revisions.

## **STAFF REPORT**


- Recovery Fund - **\$1,642,858.00** as of February 28, 2019.
- Staff updated the Board on the progress of the Recovery Fund case for Cassandra Skidmore.
- Staff advised Board of Field Inspector Thomas Stricklen's resignation.
- Staff advised Board of two new positions being posted for field inspectors.

**NEXT MEETING**

July 31, 2019

**ADJOURNMENT**

Mr. Brown made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 11:35 a.m.

Approved:   
Mitchell E. Woodrum, Chair