

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

October 18, 2018

The West Virginia Board of Manufactured Housing Construction and Safety met October 18, 2018 at 1900 Kanawha Boulevard East, State Capitol Complex - Building 3 Room 124 - Charleston, West Virginia.

BOARD MEMBERS PRESENT

Commissioner Mitchell E. Woodrum, Chair
Thomas Belasco
Samuel Bonasso
Johnnie Brown
George Gunnell

BOARD MEMBERS ABSENT

Gary Shaw

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 10:02 a.m.

APPROVAL OF MINUTES

Approval of the September 13, 2018 Teleconference minutes.

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

PUBLIC COMMENT

No one appeared for public comment.

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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-001 – Trinity Homes, LLC - License Number WV01206. 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; and §42-CSR-19-10A.3 – Frost line consideration.

Frank Iauinta appeared on behalf of Trinity Homes, LLC.

Mr. Woodrum presented evidence and recommended a **\$750.00 fine** for frost line consideration.

Mr. Brown made a motion to accept staff's recommendation. Mr. Gunnell seconded. Motion carried with the Chair voting in the affirmative. Mr. Bonasso recused himself.

18-DISC-002 – Trinity Homes, LLC – License Number WV01206. 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; and §42-CSR-19-10A.3 – Frost line consideration.

Frank Iauinta appeared on behalf of Trinity Homes, LLC.

Mr. Woodrum presented evidence and recommended a **\$750.00 fine** for frost line consideration.

Mr. Brown made a motion to accept staff's recommendation. Mr. Belasco seconded. Motion carried with the Chair voting in the affirmative. Mr. Bonasso recused himself.

18-DISC-003 – CMH Homes, Inc. DBA Clayton Homes #307 – Licensing Number WV01111. 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; and §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 Clayton Home #307 but a written response was submitted.

Mr. Woodrum presented evidence and recommended a **Reprimand** for failing to install a manufactured home in accordance with state or federal standards and **\$250.00 fine** for utilizing an unlicensed contractor.

Mr. Brown made a motion to accept staff's recommendation. Mr. Bonasso seconded. Motion carried with the Chair voting in the affirmative. Mr. Gunnell recused himself.

18-DISC-004 – Fleetwood Homes, Inc. – License Number WV01141. Violated §42-CSR-19-14.1(q) – Shipping a manufactured home to a dealer not licensed with this state.

Steve Collins and Attorney John Teare appeared on behalf of Fleetwood Homes.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** for shipping two single-wide homes into West Virginia to an unlicensed dealer.

Mr. Bonasso made a motion to reduce staff's recommendation to a **Reprimand**. Mr. Brown seconded. Motion carried.

18-DISC-005 – CMH Manufacturing, Inc. DBA TRU Homes f/k/a TRUtn 1 – License Number WV00370. Violated §42-CSR-19-14.1(q) – Shipping a manufactured home to a dealer not licensed with this state.

Jacob Heatherly appeared on behalf of TRU Homes.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** for shipping two single-wide homes into West Virginia to an unlicensed dealer.

Mr. Brown made a motion to accept staff's recommendation. Mr. Bonasso seconded. Motion carried with the Chair voting in the affirmative. Mr. Gunnell recused himself.

18-DISC-006 – Trinity Homes, LLC – License Number WV01043. 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; and §42-CSR-19-10A.3 – Frost line consideration.

Frank Iaquina appeared on behalf of Trinity Homes.

Mr. Woodrum presented evidence and recommended a **\$750.00 fine** for frost line consideration.

Mr. Belasco made a motion to accept staff's recommendation. Mr. Brown seconded. Motion carried with the Chair voting in the affirmative. Mr. Bonasso recused himself.

18-DISC-007 – Southern Ohio Construction, LLC – License Number WV01196. 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 – 3280.715.4(ii) – Failure to install circulating air system in compliance with a state or federal standard.

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

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** and an order to complete corrections within fifteen (15) days from receipt of final order for failing to install a circulating air system in compliance with a state or federal standard.

Mr. Brown made a motion to accept table the issue until a future meeting. Mr. Bonasso seconded. Motion carried.

18-DISC-008 – S & M Used Automobile and Mobile Home Sales, Inc. DBA S & M Mobile Home Sales – License Number WV00831. 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; and §42-CSR-19-14.1(d) – Failure to establish and maintain records.

No one appeared on behalf of S & M Mobile Home Sales.

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. Bonasso made a motion to accept staff's recommendation. Mr. Belasco seconded. Motion carried.

18-DISC-009 – Manufactured Housing Enterprises, Inc. – License Number WV00189. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty obligations.

No one appeared on behalf of Manufactured Housing Enterprises but a written response was submitted.

Mr. Woodrum presented evidence and recommended a **\$500.00 fine** and an order to complete corrections within fifteen (15) days from receipt of final order for failing to fulfill any written or implied warranty.

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

18-DISC-010 – CMH Homes, Inc. DBA Oakwood Homes #737 – License Number WV00965. Violated §42-CSR-19-14.1(s) – The use of contract installation or repair services by a manufacturer, dealer or contractor/installer that is not properly licensed by this state.

Greg Townsend appeared on behalf of Oakwood Homes #737.

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

Mr. Brown made a motion to reduce staff's recommendation to a **Reprimand** if Oakwood Homes can provide a copy of the Exemption Contract by the end of the day. Mr. Belasco seconded. Motion carried with the Chair voting in the affirmative. Mr. Gunnell recused himself.

18-DISC-011 – Mark Howes DBA Howes Mobile Home Movers – License Number WV00945 (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 Howes Mobile Home Movers.

Mr. Woodrum presented evidence and recommended a **Reprimand** for failing to install a manufactured home in compliance with a state or federal standard and submittal of two items to the Recovery Fund.

Mr. Belasco made a motion to accept staff's recommendation and to approve repairs through the Recovery Fund. Mr. Bonasso seconded. Motion carried.

18-DISC-012 – CMH Homes, Inc. DBA Clayton Homes #1021 – License Number WV01158. Violated §42-CSR-19-14.1(s) – the use of 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 CMH Homes, Inc. DBA Clayton Homes #1021 but a written response was submitted.

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

Mr. Brown made a motion to accept staff's recommendation. Mr. Bonasso seconded. Motion carried with the Chair voting in the affirmative. Mr. Gunnell recused himself.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 2nd Quarter 2018

***** Correspondence from company attached**

18-DISC-QTR053 Company Name WV0????

Ms. Rucker advised the board that 18-DISC-QTR053, 18-DISC-QTR063, 18-DISC-064 and 18-DISC-QTR065 came into compliance prior to the meeting. Stewart A. Callow, 18-DISC-QTR064, submitted a written response asking the Board to waive his fine. Mr. Bonasso made a motion to reject Mr. Callow's request and accept remaining staff's recommendation of sanctions for licensees: \$50.00 for failure to file the quarterly report and \$25.00 for filing the report late. Mr. Brown seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD18-211 Leonard Trivitt - 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 Leonard Trivitt.

Mr. Woodrum presented evidence and recommended a **\$200.00 fine** for violation cited.

Mr. Brown made a motion to accept staff recommendation. Mr. Gunnell seconded. Motion carried.

CD18-212 Jerry Copeland – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activity in the State of West Virginia without a valid license. No one appeared on behalf of Jerry Copeland.

Mr. Woodrum presented evidence and recommended a **\$200.00 fine** for violation cited.

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

CD18-213 Robert Lemon DBA Robco Specialties – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activity in the State of West Virginia without a valid license. No one appeared on behalf of Robco Specialties.

Mr. Woodrum presented evidence and recommended a **\$200.00 fine** for violation cited.

Mr. Brown made a motion to reduce staff's recommendation to a **Reprimand** upon receipt of a copy of the Exemption Contract from the dealer. Mr. Bonasso seconded. Motion carried.

CD18-214 The Guest Room – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activity in the State of West Virginia without a valid license. No one appeared on behalf of The Guest Room.

Mr. Woodrum presented evidence and recommended a **\$200.00 fine** for violation cited.

Mr. Belasco made a motion to accept staff's recommendation. Mr. Brown seconded. Motion carried.

LICENSE APPLICATIONS

Dealer

New Concept Homes, LLC (Re-application)
11 Manchester Drive
Charles Town, WV 25414

Any additional applications perceived prior to October 18, 2018

Mr. Bonasso made a motion to approve the application. Mr. Belasco seconded. Motion carried.

RECOVERY FUND SUBMITTALS

David McLain (04414)
90 Hoover Road
Flatwoods, WV 26621

Mark Howes
DBA Howes Mobile Home Movers – WV00945 (I)
573 Camp Mahonegan Road
Belington, WV 26250

Recovery Fund submittal request was approved during the disciplinary hearing for Mark Howes DBA Howes Mobile Home Movers, 18-DISC-011.

Mr. Woodrum requested the Board continue Agenda Items 8, 9 and 10 until the next meeting so the entire Board can be present for the discussions. Mr. Brown made a motion to continue Agenda Items 8, 9 and 10. Mr. Bonasso seconded. Motion carried.

STAFF REPORT

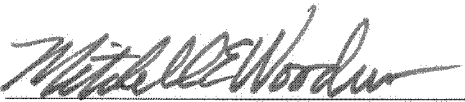
Recovery Fund - **\$1,600,127.59** as of July 31, 2018.

NEXT MEETING

November 28th or 29th – date to be determined

ADJOURNMENT

Mr. Brown made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 11:44 a.m.

Approved: 

Mitchell E. Woodrum, Chair