

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

July 31, 2019

The West Virginia Board of Manufactured Housing Construction and Safety met July 31, 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
Samuel Bonasso
Richard Casto
George Gunnell
Gary Shaw

BOARD MEMBERS ABSENT

Johnnie Brown

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
Joseph Mason, Field Inspector
Christopher Evans, Field Inspector
John Burgess, Field Inspector

MEETING CALLED TO ORDER

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

APPROVAL OF REVISED AGENDA

Mr. Shaw made a motion to approve the revised agenda. Mr. Belasco seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the April 10, 2019 Board meeting minutes.

Mr. Belasco made a motion to approve the minutes. Mr. Gunnell seconded. Motion carried.
Mr. Bonasso recused himself.

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.

19-DISC-005 – In A Flash Plumbing Heating & AC, LLC – WV01271. 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 In A Flash Plumbing Heating & AC, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$200.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Shaw made a motion to approve staff recommendation. Mr. Casto seconded. Motion carried.

19-DISC-006 – Trinity Homes, LLC – WV01206. 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; 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 Trinity Homes, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$250.00 fine** for utilizing an unlicensed contractor and a **\$200.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

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

19-DISC-007 – Cana MH, LLC – WV01272. Violated §42-CSR-19-14.1(r) – The acceptance of a manufactured home by a dealer and/or distributor from a manufacturer not properly licensed by this state.

No one appeared on behalf of Cana MH, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$750.00 fine** for utilizing an unlicensed manufacturer.

Mr. Bonasso made a motion to reduce recommendation to a **REPRIMAND** and approve. Mr. Shaw seconded. Motion carried.

19-DISC-008 – Cana MH, LLC – WV01272. MH Manufacturing, Inc. DBA TRU Homes – White Pine - License Number WV00370. Violated §42-CSR-19-14.1(r) – The acceptance of a

manufactured home by a dealer and/or distributor from a manufacturer not properly licensed by this state.

No one appeared on behalf of Cana MH, LLC but a written response was submitted late.

Ms. Rucker presented evidence and recommended a **\$750.00 fine** for utilizing an unlicensed manufacturer.

Mr. Bonasso made a motion to reduce recommendation to a **REPRIMAND** and approve. Mr. Casto seconded. Motion carried.

19-DISC-009 – CMH Manufacturing, Inc. DBA Clayton – Rutledge – WV00117. Violated §42-CSR-19-14.1(u) – Failing to fulfill any written or implied warranty obligations.

No one appeared on behalf of Schultz – Rockwell.

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

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

19-DISC-010 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01162. 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 CMH Homes, Inc. DBA Clayton Homes #1025.

Ms. Rucker presented evidence and recommended a **\$500.00 fine** 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. Bonasso seconded. Motion carried. Mr. Gunnell recused himself.

19-DISC-011 – CMH Manufacturing, Inc. DBA TRU Homes – White Pine – WV00370. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warrant obligations.

No one appeared on behalf of CMH Manufacturing, Inc. DBA TRU Homes – White Pine but a written response was submitted.

Ms. Rucker 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. Mr. Gunnell recused himself.

19-DISC-012 – Stewart A. Callow – WV00081. Violated §42-CSR-19-10.A3 – Frostline considerations; 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 Stewart A. Callow.

Ms. Rucker presented evidence and recommended a **\$750.00 fine** for frostline considerations and a REPRIMAND for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Woodrum made a motion to **reduce staff's \$750.00 recommendation to a REPRIMAND** and approve. Mr. Bonasso seconded. Motion carried.

19-DISC-013 – CMH Manufacturing, Inc. DBA Clayton – Rutledge – WV00117. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warrant obligations.

No one appeared on behalf of CMH Manufacturing, Inc. DBA Clayton – Rutledge.

Ms. Rucker presented evidence and recommended a **\$500.00 fine for failing to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of final order. Failure to correct within the time specified will result in the suspension of License WV00117 until such time all corrections are completed.**

Mr. Belasco made a motion to accept staff's recommendation. Mr. Casto seconded. Motion carried. Mr. Gunnell recused himself.

Mr. Woodrum advised the Board that the original violation issued to Rankin Homes, LLC was rescinded and a Letter of Correction issued. **19-DISC-14** was removed from the agenda prior to the meeting.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 1st Quarter 2019

*** Correspondence from company attached

19-DISC-QTR043	Carl Frye's Housing, Inc.	WV01010
19-DISC-QTR045	DBA Preferred Properties Manufactured Housing	WV01267
19-DISC-QTR048	Watterson's Mobile Home Movers	WV01036
19-DISC-QTR049	DBA Jordan Heating and Cooling	WV01054
19-DISC-QTR051	DBA A and B General Contracting	WV01129
19-DISC-QTR054	Rozelle Enterprises, LLC DBA Tradeworx	WV01226
19-DISC-QTR055	Thompson Construction Group, Inc.	WV01265
19-DISC-QTR057	C & G Contracting, LLC	WV01279
19-DISC-QTR058	Hammonds Electric, LLC***	WV01281
19-DISC-QTR060	S & T Electric, LLC	WV01211

Mr. Belasco made a motion to approve staff recommendations for licensees: \$50.00 for failure to file the quarterly report and \$25.00 for filing the report late. Mr. Casto seconded. Motion carried.

