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.


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.

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.


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.


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.


No one appeared on behalf of Stewart A. Callow.
Ms. Rucker presented evidence and recommended a $750.00 fine for frontline 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.


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.
DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD18-216  **John Coon Construction – 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 John Coon Construction, but a written response was submitted.

Ms. Rucker presented evidence and recommended a **REPRIMAND** for violation cited.

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

CD18-217  **Inspire Communities – 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 Inspire Communities, but a written response was submitted.

Ms. Rucker presented evidence and recommended a **$250.00 fine** for engaging in Manufactured Housing business activities in West Virginia without a valid license.

Mr. Belasco made a motion to **reduce staff’s recommendation to a REPRIMAND** and approve. Mr. Casto seconded. Motion carried.

Mr. Woodrum advised the Board that CD19-218 was rescinded prior to the meeting.

LICENSE APPLICATIONS

Manufacturers

Southern Energy Homes, Inc. DBA TRU Homes – Riverbirch (Final Approval)
P.O. Box 4098
Maryville, TN 37802  
Physical Address: 400 River Birch Drive
Hacklesburg, AL 35564

CMH Manufacturing West, Inc. DBA Clayton – Middlebury (Re-application – Final Approval)
P.O. Box 4098
Maryville, TN 37802  
Physical Address: 437 N. Main Street
Middlebury, IN 46540

CMH Manufacturing, Inc. DBA Clayton – Wakarusa 2
P.O. Box 4098
Maryville, TN 37802  
Physical Address: 66700 SR 19
Wakarusa, IN 46573

Mr. Belasco made a motion to approve all manufacturer applications. Mr. Shaw seconded. Motion carried.

Contractors

Arnold Spencer, Jr. DBA Brimstone Mobile Home Services (Final Approval)
24560 Brimstone Road
Coolville, OH 45723
Mr. Belasco made a motion to approve all contractor applications. Mr. Shaw seconded. Motion carried.

LICENSE RENEWALS – JULY 1, 2019 TO JUNE 30, 2020

Mr. Gunnell made a motion to approve the renewals for Fiscal Year 2020. Mr. Bonasso seconded. Motion carried.

STAFF REPORT

- Staff advised the Board that the Recovery Fund case for Cassandra Skidmore has been completed and closed.
- Mr. Woodrum introduced new Field Inspectors, Christopher Evans and John Burgess to the Board.
- Staff advised the Board of the filing of rule changes discussed at previous meetings.

NEXT MEETING

November 13, 2019

ADJOURNMENT

Mr. Shaw made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 11:21a.m.

Approved:

Mitchell E. Woodrum, Chair