

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

November 13, 2019

The West Virginia Board of Manufactured Housing Construction and Safety met November 13, 2019 at 1900 Kanawha Boulevard East, State Capitol Complex - Building 3 Room 124 - Charleston, West Virginia at 10:00 a.m.

BOARD MEMBERS PRESENT

Commissioner Mitchell E. Woodrum, Chair
Thomas Belasco
Samuel Bonasso – via telephone
Johnnie Brown
Richard Casto
George Gunnell

BOARD MEMBERS ABSENT

Gary Shaw

OTHERS PRESENT

Michael Sams, Deputy Commissioner
Elizabeth Farber, Assistant Attorney General
Kathy Rucker, Director, Licensing
Brian White, Labor Program Specialist, Licensing
Kimberly Legg, Board Secretary
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 AGENDA

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

APPROVAL OF MINUTES

Approval of the September 18, 2019 teleconference 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.

19-DISC-015 – Stewart A. Callow – WV00081. 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-19-10.A3 – Frostline considerations.

No one appeared on behalf of Stewart A. Callow but a written response was submitted.

Ms. Rucker presented evidence and recommended a **REPRIMAND** for failing to install a manufactured home in compliance with a state or federal standard and **\$250.00** fine for frostline considerations.

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

19-DISC-016 – Jeffrey Casto DBA C & C Creative Concrete – WV01100. 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 C & C Creative Concrete.

Ms. Rucker presented evidence and recommended a **REPRIMAND** for §42-CSR-19-14.1(t) - Misappropriation of funds.

Mr. Bonasso made a motion to accept staff's recommendation. There was no second and the motion died. Mr. Brown made a motion to **amend the violation from §42-CSR-19-14.1(t) – Misappropriation of funds to §42-CSR-19-10A.2(a)(i) and §42-CSR-19-14.1(l) – Failure to install a manufactured home in compliance with a state or federal standard and issued a \$250.00 fine.** Mr. Gunnell seconded. Motion carried. Mr. Casto recused himself.

19-DISC-017 – S & M Used Automobile & Mobile Home Sales, Inc. DBA S & M Mobile Home Sales – 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.

Ms. Rucker presented evidence and recommended a **\$250.00 fine** for failing to install a manufactured home in compliance with a state or federal standard; and **\$750.00 fine** for failing to establish and maintain records.

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

19-DISC-018 – French City Homes, Inc. – WV00158. 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(s) – The use of contract installation or repair services by a manufacturer, dealer or contractor/installer that is not properly licensed.

JD Staats appeared on behalf of French City Homes, Inc.

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

Mr. Brown made a motion to **reduce utilizing an unlicensed contractor to a REPRIMAND and approve the remaining staff recommendation.** Mr. Casto seconded. Motion carried.

19-DISC-019 – CMH Manufacturing, Inc. DBA Clayton – Appalachia – WV00328. Violated §42-CSR-19-14.1(u) – Failing to fulfill any written or implied warranty obligations.

No one appeared on behalf of Clayton - Appalachia.

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

Mr. Brown made a motion to **reduce staff's recommendation to \$250.00.** Mr. Casto seconded. Motion carried. Mr. Gunnell recused himself.

19-DISC-020 – CMH Homes, Inc. DBA Clayton Homes #1028 – WV01165. 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 #1028.

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. Brown made a motion to **continue case to the next board meeting.** Mr. Casto seconded. Motion carried. Mr. Gunnell recused himself.

19-DISC-021 – Tazewell Housing, Inc. – WV01209. 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-19-10.A3 – Frostline considerations.

No one appeared on behalf of Tazewell Housing, Inc.

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 and an order to complete corrections within fifteen (15) days from receipt of order or license will be suspended; \$250.00 fine for frostline considerations.

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

19-DISC-022 – Pinewood Mobile Home Sales, Inc. – WV00009. §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; and §42-CSR-19-14.1(t) – Misappropriation of funds.

Shelby Fleshman appeared on behalf of Pinewood Mobile Home Sales, Inc.

Ms. Rucker presented evidence and recommended a **\$250.00 fine** for utilizing an unlicensed contractor and **\$500.00 fine** for misappropriation of funds of a consumer.

Mr. Casto made a motion to reduce both violations to Reprimands. There was no second and the motion died. Mr. Gunnell made a motion to reduce misappropriation of funds to a Reprimand. There was no second and the motion died. Mr. Brown made a motion to accept staff recommendation for utilizing an unlicensed contractor and to dismiss the violation of misappropriation of funds. Mr. Gunnell seconded. Motion carried.

19-DISC-023 – Trinity Homes, LLC – 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.

No one appeared on behalf of Trinity Homes, LLC.

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 and an order to complete corrections within fifteen (15) days from receipt of order or license will be suspended.

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

19-DISC-024 – CMH Manufacturing, Inc. DBA Clayton – Maynardville – WV00115. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Clayton -Maynardville.

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 order or license will be suspended.

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

19-DISC-025 – Southern Energy Homes, Inc. DBA Giles – WV01030. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Giles, but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$500 fine for failure to fulfill warranty obligations.**

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 2nd Quarter 2019

*** Correspondence from company attached

19-DISC-QTR043	Pinewood Mobile Home Sales, Inc.	\$50.00
19-DISC-QTR064	Carl Frye’s Housing, Inc.	\$50.00
19-DISC-QTR065	Express Homes, Inc. DBA Willow Home Brokers	\$50.00
19-DISC-QTR066	Tazewell Housing, Inc.	\$50.00
19-DISC-QTR067	Ervin L. Cole	\$50.00
19-DISC-QTR068	Highland Mobile Home Services, Inc.	\$50.00
19-DISC-QTR069	D & A Tri State Construction, LLC	\$50.00
19-DISC-QTR070	Watterson’s Mobile Home Movers	\$50.00
19-DISC-QTR071	Adam Jordan DBA Jordan Heating and Cooling	\$50.00
19-DISC-QTR073	A and B General Contracting	\$50.00
19-DISC-QTR074	Custom Transporting & Excavation	\$50.00
19-DISC-QTR076	Rozelle Enterprises, LLC DBA Tradeworx	\$50.00
19-DISC-QTR077	Orange Brothers Masonry	\$50.00
19-DISC-QTR078	Stone Electrical Contracting	\$50.00
19-DISC-QTR080	Hampton Contracting, Inc.	\$25.00
19-DISC-QTR083	GEES Mobile Home Sets	\$25.00

Mr. Brown made a motion to reduce the fine for 19-DISC-QTR043 to \$25.00, waive the fine for 19-DISC-QTR067 and approve the remaining 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

CD19-219 Rollins Electrical Contracting – 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 Rollins Electrical Contracting.

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

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

CD19-220 Hostler Enterprises, LLC DBA Hostler Enterprises – 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 Hostler Enterprises.

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

Mr. Casto made a motion to **increase the penalty to a \$250.00** fine. Mr. Brown seconded. Motion carried.

