

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

February 19, 2020

The West Virginia Board of Manufactured Housing Construction and Safety met February 19, 2020 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 – via telephone
Samuel Bonasso – via telephone
Johnnie Brown
Richard Casto
George Gunnell
Gary Shaw – via telephone

BOARD MEMBERS ABSENT

None

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
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. Casto seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the November 13, 2019 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 violation 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-020 – CMH Homes, Inc. DBA Clayton Homes #1028 – WV01165. Violated §42-CSR-19-10.A.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 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 reduce the fine to a Reprimand. No one seconded. Motion died.

Mr. Casto made a motion to **reduce the fine to \$250.00**. Mr. Belasco seconded. Motion carried 5-1 with Mr. Brown opposed. Mr. Gunnell recused himself.

20-DISC-001 – C & G Contracting, LLC – WV01279. Violated §42-CSR019-10A.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 C & G Contracting, LLC

Ms. Rucker presented evidence and recommended a **\$400.00 fine** for §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 **\$750.00 fine** for §42-CSR-19-10.A3 – Frostline considerations.

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

20-DISC-002 – Frankie Osborne DBA Buck & Sons – WV00887. 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 Buck & Sons.

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 accept staff recommendations. Mr. Gunnell seconded. Motion carried.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 3rd Quarter 2019

*** Correspondence from company attached

20-DISC-QTR001	Preferred Properties Manufactured Housing	WV01267	\$50.00
20-DISC-QTR002	Penn Lane Mobile Home Sales	WV01275	\$50.00
20-DISC-QTR003	Stewart A. Callow	WV00081	\$50.00
20-DISC-QTR004	Certified Repairs, LLC	WV00707	\$50.00
20-DISC-QTR005	Highland Mobile Home Services, Inc.	WV00927	\$50.00
20-DISC-QTR006	El Cheapo's Mobile Home Moving	WV00955	\$50.00
20-DISC-QTR007	RZ Companies, Inc.***	WV01014	\$50.00
20-DISC-QTR008	Watterson's Mobile Home Movers	WV01036	\$50.00
20-DISC-QTR009	Jordan Heating and Cooling	WV01054	\$50.00
20-DISC-QTR010	A and B General Contracting	WV01129	\$50.00
20-DISC-QTR011	Custom Transporting & Excavation	WV01138	\$50.00
20-DISC-QTR012	Moon's Mobile Home Movers	WV01186	\$50.00
20-DISC-QTR013	Cedar Hill Construction	WV01224	\$50.00
20-DISC-QTR014	Timberline Construction Group, LLC	WV01262	\$50.00
20-DISC-QTR015	Stowers and Company***	WV01268	\$50.00
20-DISC-QTR016	David White Services, Inc.	WV00909	\$25.00
20-DISC-QTR017	Jimmy's Home Improvements, LLC	WV01221	\$25.00

Staff informed the Board that 20-DISC-QTR002, 003, 013, 014, 016 and 017 came into full compliance prior to the meeting.

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. Gunnell seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD19-221 Haddix Construction, Inc. – 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 Haddix Construction, LLC

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

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

LICENSE APPLICATIONS

Contractor

CH2M Hill Constructors, Inc. (Re-application – Final Approval)
9189 S. Jamaica Street
Englewood, CO 80112

Mr. Brown made a motion to approve the re-application for CH2M Hill Constructors. Mr. Casto seconded. Motion carried.

Dealer

Mothership Homesales, LLC DBA Moreland Estates
5600 S. Quebec Street, Suite 220A Physical Address: 157 Roy Drive
Greenwood Village, CO 80111 Ridgeley, WV 26753

Mr. Brown made a motion to approve the application for Mothership Home Sales. Mr. Gunnell seconded. Motion carried.

Manufacturers

Champion Home Builders, Inc.
755 West Big Beaver Road, Suite 1000 Physical Address: 200 Venture Lane
Troy, MI 48084 Benton, KY 42025

Champion Home Builders, Inc.
755 West Big Beaver Road, Suite 1000 2073 Evergreen Street
Troy, MI 48084 Dresden, TN 38225

Mr. Gunnell made a motion to approve the applications for both Champion Home Builders locations. Mr. Belasco seconded. Motion carried.

RECOVERY FUND

Tommy Liberati II Trinity Homes, LLC
155 Willow Crest Lane 644 Andell Road
Mt. Clare, WV 26408 Bridgeport, WV 26330

Mr. Gunnell made a motion to approve the repairs to the Liberati home. Mr. Casto seconded. Motion carried.

Ronald and Kay Huff Trinity Homes, LLC
628 W. Main Street, Apt. A 644 Andell Road
Clarksburg, WV 26301 Bridgeport, WV 26330

Mr. Gunnell made a motion to approve installation of home and completing the contract for the consumer, not to exceed \$25,000.00 once bankruptcy court has released home. Mr. Belasco seconded. Motion carried.

Rose Marie Belle Trinity Homes, LLC
43 Savannah Rose Lane 644 Andell Road
Lost Creek, WV 26385 Bridgeport, WV 26330

Mr. Gunnell made a motion to approve the purchase and installation of the central air unit after staff has verified that there is no unit that has been paid for on the Belle home. Mr. Belasco seconded. Motion carried.

Matthew Swiger/Jessica Sandy
627 Tenmile Road
Wallace, WV 26448

Trinity Homes, LLC
644 Andell Road
Bridgeport, WV 26330

Mr. Gunnell made a motion to approve the transportation damage repairs and the purchase and installation of the central air unit after staff has verified that there is no unit that has been paid for on the Swiger/Sandy home. Mr. Brown seconded. Motion carried.

Linda and Sampson Lough
4797 Jesse Run Road
Jane Lew, WV 26378

Trinity Homes, LLC
644 Andell Road
Bridgeport, WV 26330

Mr. Gunnell made a motion for staff to reach out to the manufacturer to see what assistance they can give in repairing transportation damage and for the remaining items to be repaired through the Recovery Fund. Mr. Brown seconded. Motion carried.

Mr. Brown made a motion to approve all future Trinity Homes Recovery Fund cases and update the Board. Mr. Casto seconded. Motion carried.

RULE REVISIONS

The Board scheduled a meeting for April 7, 2020 to work on revisions to the Legislative Rule and Procedural Rule.

STAFF REPORT

- Advised Board of Ohio/WV Manufactured Home Installation Reciprocity Agreement approved by the Contractor Licensing Board.
- Recovery Fund - **\$1,690,463.04** as of January 31, 2020.

NEXT MEETING

April 7, 2020 at 10:00 a.m.

ADJOURNMENT

Mr. Brown made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 11:45 a.m.

Approved:



Mitchell E. Woodrum, Chair