

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

November 19, 2020

The West Virginia Board of Manufactured Housing Construction and Safety met November 19, 2020 via teleconference at 1900 Kanawha Boulevard East, State Capitol Complex - Building 3 Room 200 - Charleston, West Virginia at 10:00 a.m.

BOARD MEMBERS PRESENT

Commissioner Mitchell E. Woodrum, Chair
Thomas Belasco
Johnnie Brown
Richard Casto
George Gunnell
Gary Shaw
Steven Solomon

BOARD MEMBERS ABSENT

None

OTHERS PRESENT

Michael Sams, Deputy Commissioner
Brian White, Labor Program Manager
Kimberly Legg, Board Secretary
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. Gunnell made a motion to approve the agenda. Mr. Belasco seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the August 11, 2020 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.

20-DISC-003 – Trinity Homes, LLC – WV01206 (I). 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 Trinity Homes.

Mr. White presented evidence and recommended a **Reprimand** for failing to install a manufactured home in accordance with a state or federal standard.

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

20-DISC-004 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$500.00 fine** for the misappropriation of funds.

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

20-DISC-005 – Stewart A. Callow – WV00081. Violated §42-CSR-19-10A.3 – Frostline considerations.

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

Mr. White presented evidence and recommended a **\$500.00 fine** for violating frostline considerations.

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

20-DISC-006 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §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 Trinity Homes.

Mr. White presented evidence and recommended a **\$500.00 fine** for misappropriation of funds and a **Reprimand** for failing to install a manufactured home in accordance with state or federal standard.

Mr. Solomon made a motion to increase the fine to **\$1,000.00** and approve staff recommendation of a Reprimand. Mr. Casto seconded. Motion carried.

20-DISC-007 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; §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; and §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with state or federal standard.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for the misappropriation of funds, **Reprimand** for failing to install a manufactured home in compliance with a state or federal standard, and a **Reprimand** for failing to transport a manufactured home in accordance with state or federal standard.

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

20-DISC-008 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §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 Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and a **Reprimand** for failing to install a manufactured home in accordance with state or federal standard.

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

20-DISC-009 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; 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.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and a **\$250.00 fine** for utilizing an unlicensed contractor.

Mr. Solomon made a motion to accept staff recommendations. Mr. Gunnell seconded. Motion carried.

20-DISC-010 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and **\$1,000.00 fine** for engaging in any deception or false representation or deceitful practices.

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

20-DISC-011 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and **\$1,000.00 fine** for engaging in any deception or false representation or deceitful practices.

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

20-DISC-012 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices; and §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with state or federal standard.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds, a **\$1,000.00 fine** for engaging in any deception or false representation or deceitful practices and **\$1,000.00 fine** for failing to transport a manufactured home in accordance with state or federal standard.

Mr. Solomon made a motion to accept staff recommendations. Mr. Gunnell seconded. Motion carried.

20-DISC-013 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and a **\$1,000.00 fine** for engaging in any deception or false or fraudulent representations or deceitful practices.

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

20-DISC-014 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; and §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for misappropriation of funds and a **\$1,000.00 fine** for engaging in any deception or false or fraudulent representations or deceitful practices.

Mr. Solomon made a motion to accept staff recommendations. Mr. Gunnell seconded. Motion carried.

20-DISC-015 – Terry R. Brumfield DBA HGR Trucking – WV01248. Violated §42-CSR-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in accordance with state or federal standard; and §42-CSR-19-10A.3 – Frostline considerations.

Terry R. Brumfield appeared on behalf of HGR Trucking.

Mr. White presented evidence and recommended a **\$750.00 fine** for violation of frostline considerations.

Mr. Brown made a motion to **reduce the fine to \$375.00**. Mr. Solomon seconded. Motion carried.

20-DISC-016 – Stone Enterprises, Inc. DBA Stone Electrical Contracting – WV01273 (I). Violated §42-CSR-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in accordance with state or federal standard.

No one appeared on behalf of Stone Enterprises, Inc.

Mr. White presented evidence and recommended a **\$500.00 fine for failing to install a manufactured home in accordance with state or federal standard with an order to correct within fifteen (15) days from receipt of order or license will be suspended**

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

20-DISC-017 – CMH Homes, Inc. DBA Clayton Homes #1029. Violated §42-CSR-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in accordance with state or federal standard; and §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with state or federal standard.

John Melton, GM, appeared on behalf of Clayton Homes #1029.

Mr. White presented evidence and recommended a **\$500.00 fine for failing to install a manufactured home in accordance with state or federal standard with an order to correct within fifteen (15) days from receipt of order or license will be suspended** and a **Reprimand** for failing to transport a manufactured home in accordance with state or federal standard.

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

20-DISC-018 – C & G Contracting, LLC – WV01279. Violated §42-CSR-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in accordance with state or federal standard.

No one appeared on behalf of C & G Contracting, LLC.

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

20-DISC-019 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-10A.2(a)(i) and §42-CSR-19-14.1(o) – Failure to install a manufactured home in accordance with state or federal standard.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$500.00 fine** for failing to install a manufactured home in accordance with state or federal standard.

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

20-DISC-020 – Trinity Homes, LLC – WV01206 (I). Violated §42-CSR-19-14.1(t) – The misappropriation of funds of a consumer or prospective consumer of a new or used manufactured home; §42-CSR-19-14.1(p) – Engaging in any deception or false or fraudulent representations or deceitful practices; and §42-CSR-19-12.1 – Failing to transport a manufactured home in accordance with state or federal standard.

No one appeared on behalf of Trinity Homes.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for the misappropriation of funds, **\$1,000.00 fine** for engaging in any deception or false or fraudulent representations or deceitful practices and a **\$1,000.00 fine** for failing to transport a manufactured home in accordance with state or federal standard.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 2nd Quarter 2020

*** Correspondence from company attached

20-DISC-QTR054	Champion Home Builders, Inc.	WV01154	\$50.00
20-DISC-QTR055	Adventure Homes, LLC	WV01257	\$50.00
20-DISC-QTR057	Sunshine Homes, Inc.	WV01283(I)	\$50.00
20-DISC-QTR058	Champion Home Builders, Inc.	WV01291	\$50.00
20-DISC-QTR059	Wampler’s Homes, Inc.	WV00039	\$50.00
20-DISC-QTR060	Carl Frye’s Housing, Inc.	WV01010(I)	\$50.00
20-DISC-QTR061	Twin Oaks Home Sales, LLC	WV01118	\$50.00
20-DISC-QTR062	New Concept Homes, LLC	WV01174	\$50.00
20-DISC-QTR063	United Contracting, Inc.	WV00169	\$50.00
20-DISC-QTR064	Certified Repairs, LLC	WV00707	\$50.00
20-DISC-QTR065	J.C. Homes	WV00723	\$50.00
20-DISC-QTR066	Timothy Epperhart	WV00773(I)	\$50.00
20-DISC-QTR067	Hampton Contracting, Inc.	WV00786	\$50.00
20-DISC-QTY068	Highland Mobile Home Services, Inc.	WV00927	\$50.00
20-DISC-QTR069	Quality Carpet Installation	WV00985	\$50.00
20-DISC-QTR070	RZ Companies, Inc.	WV01014	\$50.00
20-DISC-QTR071	Jordan Heating and Cooling	WV01054	\$50.00
20-DISC-QTR072	S and S Contracting, LLC	WV01063	\$50.00
20-DISC-QTR073	T&M Cooling & Heating, LLC	WV01084	\$50.00
20-DISC-QTR074	Fairway Masonry	WV01087	\$50.00
20-DISC-QTR075	The Keith Bledsoe Company	WV01094(I)	\$50.00
20-DISC-QTR076	A and B General Contracting	WV01129	\$50.00
20-DISC-QTR077	Custom Transporting & Excavation	WV01138	\$50.00
20-DISC-QTR078	Cedar Hill Construction	WV01224	\$50.00
20-DISC-QTR079	K.Z. Electric, LLC	WV01227	\$50.00
20-DISC-QTR080	GEES Mobile Home Sets	WV01234	\$50.00
20-DISC-QTR081	C & G Contracting, LLC	WV01279	\$50.00
20-DISC-QTR082	Frontier Homes	WV00019	\$25.00
20-DISC-QTR083	Larry Dye’s Heating & Cooling, Inc.	WV00760	\$25.00

20-DISC-QTR084	Buck & Sons	WV00887	\$25.00
20-DISC-QTR085	Summit Air Conditioning and Heating	WV00946	\$25.00
20-DISC-QTR086	Wade's Body & Frame Shop, Inc.	WV01107	\$25.00
20-DISC-QTR087	Southern Ohio Construction, LLC	WV01196	\$25.00
20-DISC-QTR088	Wray Bros	WV01237	\$25.00
20-DISC-QTR089	Giraffe Contracting, LLC	WV01282	\$25.00
20-DISC-QTR090	Haddix Construction, LLC	WV01292	\$25.00
20-DISC-QTR091	ChargingAtU, LLC	WV01294	\$25.00

Staff informed the Board that 20-DISC-QTR085 came into full compliance prior to the meeting.

Mr. Solomon 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. Brown seconded. Motion carried.

LICENSE APPLICATIONS

Contractor

Next Level Heating & Cooling, LLC (Final Approval)
 206 N. Ohio Avenue
 Clarksburg, WV 26301

Ignite Contractors, LLC (Final Approval)
 P.O. Box 4064
 Chapmanville, WV 25508
 Physical Address: 123 Linda Dingess Drive
 Chapmanville, WV 25508

Danieley's Mobile Home Movers, LLC (Final Approval)
 P.O. Box 1963
 Princeton, WV 24740
 Physical Address: 500 Thorn Street
 Princeton, WV 24740

Precise Masonry, LLC (Final Approval)
 1000 Glory Lane
 Gallipolis Ferry, WV 25515

K & C Contracting and Services, LLC (Final Approval)
 80 Jubilee Lane
 Fairmont, WV 26554

George Cottrill DBA Accurate Construction
 8027 Coal Mine Lane
 Clarksburg, WV 26301

Mr. Solomon made a motion to approve the applications. Mr. Casto seconded. Motion carried.

STAFF REPORT

- Recovery Fund - **\$1,681,095.30** as of November 10, 2020.

NEXT MEETING

March 31, 2021 at 10:00 a.m.

ADJOURNMENT

Mr. Solomon made a motion to adjourn. Mr. Brown seconded. Motion carried. Meeting adjourned at 11:31 a.m.

Approved:



Mitchell E. Woodrum, Chair