

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

March 31, 2021

The West Virginia Board of Manufactured Housing Construction and Safety met March 31, 2021 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
Richard Casto
George Gunnell
Gary Shaw
Steven Solomon

BOARD MEMBERS ABSENT

Johnnie Brown

OTHERS PRESENT

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 10:01 a.m.

APPROVAL OF AGENDA

Mr. Casto made a motion to approve the agenda. Mr. Gunnell seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the August 11, 2020 board meeting minutes.

Mr. Gunnell made a motion to approve the minutes. Mr. Solomon 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.

21-DISC-001 – Cana MH, LLC – WV01272. 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.

Consumer Amanda Neu appeared on behalf of Amanda and Ronald Neu. No one appeared on behalf of Cana MH, LLC but a written response was submitted.

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. Solomon made a motion to **amend staff recommendation to allowing the company thirty (30) days to make corrections or license will be suspended and company will be issued a fine in the amount of \$500.00.** Mr. Shaw seconded. Motion carried.

21-DISC-002 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01162. Violated §42-19-14.1(s) – The use of contract installation or repair services by a manufacturer, dealer or contractor/installer that is not properly licensed by this state.

Tom Young, General Manager, appeared on behalf of Clayton Homes #1025.

Mr. White presented evidence and recommended a **\$250.00 fine for utilizing an unlicensed contractor.**

Mr. Shaw made a motion to **amend staff recommendation to a Reprimand.** Mr. Solomon seconded. Motion carried. Mr. Gunnell recused himself.

21-DISC-003 – Southern Energy Homes, Inc. DBA Giles – WV01030. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty obligations.

Mike Comparato appeared via telephone on behalf of Giles.

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

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 3rd Quarter 2020

*** Correspondence from company attached

21-DISC-QTR001	Fleetwood Homes, Inc.	WV01142	\$50.00
21-DISC-QTR002	New Concept Homes, LLC	WV01174	\$50.00

21-DISC-QTR003	Cana MH, LLC	WV01272	\$50.00
21-DISC-QTR004	Certified Repairs, LLC	WV00707	\$50.00
21-DISC-QTR005	J.C. Homes	WV00723	\$50.00
21-DISC-QTR006	Highland Mobile Home Services, Inc.	WV00927	\$50.00
21-DISC-QTR007	Jordan Heating and Cooling	WV01054	\$50.00
21-DISC-QTR008	T&M Cooling & Heating, LLC	WV01084	\$50.00
21-DISC-QTR009	A and B General Contracting	WV01129	\$50.00
21-DISC-QTR010	Custom Transporting & Excavation	WV01138	\$50.00
21-DISC-QTR012	Moon's Mobile Home Movers	WV01186	\$50.00
21-DISC-QTR013	C & G Contracting, LLC	WV01279	\$50.00
21-DISC-QTR014	Leonard Trivitt	WV01295	\$50.00
21-DISC-QTR015	Next Level Heating & Cooling, LLC	WV01298	\$50.00
21-DISC-QTR016	Champion Home Builders	WV01198	\$25.00
21-DISC-QTR017	Stewart A. Callow	WV00081	\$25.00
21-DISC-QTR018	Summit Air Conditioning and Heating	WV00946	\$25.00
21-DISC-QTR019	J&M Heating & Air Conditioning, Inc.	WV01079	\$25.00
21-DISC-QTR020	Rocky Mount Mobile Home Movers, Inc.	WV01204	\$25.00
21-DISC-QTR021	Cedar Hill Construction	WV01224	\$25.00
21-DISC-QTR022	Larry Lambert Excavating, Inc.	WV01228	\$25.00
21-DISC-QTR023	DRB Contracting, LLC	WV01264	\$25.00
21-DISC-QTR024	Stowers and Company	WV01268	\$25.00
21-DISC-QTR025	Danieley's Mobile Home Movers, LLC	WV01300	\$25.00

Mr. Solomon made a motion to approve 3rd Quarter 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.

2. Disciplinary Hearings – Quarterly Reports – 4th Quarter 2020

21-DISC-QTR026	Hartzler's Quality Housing, Inc.	WV01173	\$25.00
21-DISC-QTR027	MHCA Homes, LLC	WV01297	\$50.00
21-DISC-QTR028	K O Convenience Center	WV00082	\$50.00
21-DISC-QTR029	Highland Mobile Home Services, Inc.	WV00927	\$50.00
21-DISC-QTR030	Summit Air Conditioning and Heating	WV00946	\$50.00
21-DISC-QTR031	RZ Companies, Inc.	WV01014	\$50.00
21-DISC-QTR032	Watterson's Mobile Home Movers	WV01036	\$50.00
21-DISC-QTR033	Jordan Heating and Cooling	WV01054	\$50.00
21-DISC-QTR034	L & L Mobile Home Transport, LLC	WV01055	\$50.00
21-DISC-QTR035	T&M Cooling & Heating, LLC	WV01084	\$50.00
21-DISC-QTR036	K & T Construction, LLC	WV01089	\$50.00
21-DISC-QTR037	A and B General Contracting	WV01129	\$50.00
21-DISC-QTR038	Young Enterprise	WV01143	\$25.00
21-DISC-QTR039	Hall's Excavating	WV01152	\$50.00
21-DISC-QTR042	C & G Construction, LLC	WV01279	\$50.00
21-DISC-QTR043	Leonard Trivitt	WV01295	\$50.00
21-DISC-QTR044	Eastern Homes, Inc.	WV00403	\$25.00
21-DISC-QTR045	United Contracting, Inc.	WV00169	\$25.00
21-DISC-QTR046	Jeff Stewart Heating & Cooling, LLC	WV00888	\$25.00
21-DISC-QTR047	Southern Ohio Construction, LLC	WV01196	\$25.00
21-DISC-QTR048	Stowers and Company	WV01268	\$25.00
21-DISC-QTR049	Precise Masonry, LLC	WV01301	\$25.00

Mr. Belasco made a motion to approve 4th Quarter 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

CD21-224 Darrell Ware DBA Ware’s 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 Ware’s Construction, but a written response was submitted

Mr. White presented evidence and recommended a **REPRIMAND** for violation cited.

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

LICENSE APPLICATIONS

Dealer

SR&J Enterprises, LLC DBA Double T Homes (Final Approval)
2064 Valley Road
Berkeley Springs, WV 25411

Carl Frye’s Housing, Inc. (Re-Application)
P.O. Box 2467
Winchester, VA 22604

Physical Address: 3277 Valley Pike
Winchester, VA 22602

RMR-Homes WV Mobile Home Sales, LLC (Final Approval)
1236 Route 46
Parsippany, NJ 07054

Physical Address: 219 Hartman Run RD #12
Morgantown, WV 26505

Contractor

Darrell Ware (Final Approval)
DBA Ware’s Contracting
92 Slab Camp Road
French Creek, WV 26218

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

STAFF REPORT

- Recovery Fund - **\$1,657,610.45** as of March 24, 2021.
- Updated the Board of all completed Trinity Homes Recovery Fund cases.
- Advised Board of legislative changes to the Contractor Licensing Board.

NEXT MEETING

June 24, 2021 at 10:00 a.m., location to be determined.

ADJOURNMENT

Mr. Solomon made a motion to adjourn. Mr. Belasco seconded. Motion carried. Meeting adjourned at 11:23 a.m.

Approved:



Mitchell E. Woodrum, Chair