

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

March 30, 2022

The West Virginia Board of Manufactured Housing Construction and Safety met March 30, 2022, 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
Richard Casto
George Gunnell
Gary Shaw
Steven Solomon

BOARD MEMBERS ABSENT

Thomas Belasco
Johnnie Brown

OTHERS PRESENT

Brooke M. Farber, Deputy Commissioner
Brian White, Labor Programs Manager
Kimberly Legg, Board Secretary
Christopher Evans, Field Inspector
Scott Elswick, Field Inspector
Davin Davis, 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. Gunnell made a motion to approve the agenda. Mr. Shaw seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the December 8, 2021, board meeting minutes.

Mr. Shaw 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.

22-DISC-001 – CMH Manufacturing, Inc. DBA Clayton-Rockwell – WV00952. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Clayton-Rockwell.

Mr. White presented evidence and recommended a **\$250.00 fine for failing to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of final order or license will be suspended.**

Mr. Solomon made a motion to amend staff recommendation to **\$500.00**. Mr. Shaw seconded. Motion carried, with the Chair voting.

22-DISC-002 – Pinewood Mobile Home Sales, Inc. – WV00009. Violated §42-CSR-19-10A.2(a)(i) and §42-CSR-14.1(o) – Failure to install a manufactured home in compliance with a state or federal standard; and §42-CSR-19-14.1(s) – Utilization of an unlicensed contractor.

Shawn Groves appeared on behalf of Pinewood Mobile Home Sales, Inc.

Mr. White presented evidence and recommended a **\$200.00 fine 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. Shaw made a motion to amend staff recommendation for utilizing an unlicensed contractor to a **Reprimand** and accept recommendation of \$200.00 for installation. Mr. Solomon seconded. Motion carried, with the Chair voting.

22-DISC-003 – CMH Manufacturing, Inc. DBA Clayton-Bean Station – WV00118. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Clayton-Bean Station.

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. Shaw seconded. Motion carried, with the Chair voting.

22-DISC-004 – CMH Homes, Inc. DBA Clayton Homes #1028 – WV01165. Violated §42-CSR-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 Clayton Homes #1028.

Mr. White presented evidence and recommended a **\$500.00 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 final order or license will be suspended.**

Mr. Casto made a motion to accept staff recommendations. Mr. Shaw seconded. Motion carried, with the Chair voting. Mr. Gunnell recused himself.

22-DISC-005 – 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 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 Cana MH, LLC.

Mr. White presented evidence and recommended a **\$200.00 fine for failure 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 final order or license will be suspended; and \$200.00 fine for failing to establish and maintain records.**

Mr. Solomon made a motion to accept staff recommendations. Mr. Casto seconded. Motion carried, with the Chair voting.

22-DISC-006 – CMH Homes, Inc. DBA Clayton Homes #1028 – WV01165. Violated §42-CSR-19-14.1(d) – Failure to establish and maintain records.

No one appeared on behalf of Clayton Homes #1028.

Mr. White presented evidence and recommended a **\$200.00 fine for failing to establish and maintain records.**

Mr. Casto made a motion to accept staff recommendation. Mr. Solomon seconded. Motion carried, with the Chair voting. Mr. Gunnell recused himself.

22-DISC-007 – CMH Homes, Inc. DBA Clayton Homes #1028 – WV01165. Violated §42-CSR-19-14.1(d) – Failure to establish and maintain records; §42-CSR-19-10A.3 -Frostline considerations; §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) – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1028.

Mr. White presented evidence and recommended a **Reprimand for failing to establish and maintain records; \$750 fine for frostline considerations; \$250.00 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 final order or license will be suspended; and \$250.00 fine for utilizing an unlicensed contractor.**

Mr. Solomon made a motion to accept staff recommendation. Mr. Casto seconded. Motion carried, with the Chair voting. Mr. Gunnell recused himself.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 3rd Quarter 2021

*** Correspondence from company attached

22-DISC-QTR001	Gary's Homes, Inc.	WV00728	FTC	\$50
22-DISC-QTR002	Statewide Mobile Home Supply & Service, Inc.	WV00286	FTC	\$50
22-DISC-QTR003	Hampton Contracting, Inc.	WV00786	FTC	\$50
22-DISC-QTR004	L & L Mobile Home Transport, LLC	WV01055	FTC	\$50
22-DISC-QTR005	Daniel Santos DBA Dan's Electric	WV01092	FTC	\$50
22-DISC-QTR006	Wray Bros.	WV01237	FTC	\$50
22-DISC-QTR007	Thompson Construction Group, Inc.	WV01265	FTC	\$50
22-DISC-QTR008	Stowers and Company	WV01268	FTC	\$50
22-DISC-QTR009	C & G Contracting, LLC	WV01279	FTC	\$50
22-DISC-QTR010	Mount State Foundations, LLC	WV01310	FTC	\$50
22-DISC-QTR011	Certified Repairs, LLC	WV00707	FTC	\$100
22-DISC-QTR012	Moon's Mobile Home Movers	WV01186	FTC	\$100
22-DISC-QTR013	Leonard Trivitt	WV01295	FTC	\$100
22-DISC-QTR014	Highland Mobile Home Services, Inc.	WV00927	FTC	\$250
22-DISC-QTR015	Jordan Heating and Cooling	WV01054	FTC	\$250
22-DISC-QTR016	A and B General Contracting	WV01129	FTC	\$250
22-DISC-QTR017	Champion Home Builders, Inc.	WV01156	LATE	\$25
22-DISC-QTR018	Champion Home Builders, Inc.	WV01198	LATE	\$25
22-DISC-QTR019	SR&J Enterprises, LLC DBA Double T Homes	WV01304	LATE	\$25
22-DISC-QTR020	Jeff Stewart Heating & Cooling, LLC	WV00888	LATE	\$25
22-DISC-QTR021	Watterson's Mobile Home Movers	WV01036	LATE	\$25
22-DISC-QTR022	Corrigan Excavating, LLC	WV01255	LATE	\$25
22-DISC-QTR023	Next Level Heating & Cooling, LLC	WV01298	LATE	\$25
22-DISC-QTR024	Ignite Contractors, LLC	WV01299	LATE	\$25

Mr. Solomon made a motion to approve the 3rd Quarter 2021 staff recommendations for licensees: \$50.00 for 0-10 previous violations of failing to submit the report; \$100.00 for 11-30; \$250.00 for 31+ violations; and \$25.00 for filing the report late. Mr. Shaw seconded. Motion carried.

2. Disciplinary Hearings – Quarterly Reports – 4th Quarter 2021

22-DISC-QTR025	Fleetwood Homes, Inc.	WV01142	FTC	\$50
22-DISC-QTR026	Champion Home Builders, Inc.	WV01291	FTC	\$50
22-DISC-QTR027	Preferred Properties Manufactured Housing	WV01267	FTC	\$50
22-DISC-QTR028	Hampton Contracting, Inc.	WV00786	FTC	\$50
22-DISC-QTR029	El Cheapo's Mobile Home Moving	WV00955	FTC	\$50
22-DISC-QTR030	L & L Mobile Home Transport, LLC	WV01055	FTC	\$50
22-DISC-QTR031	Daniel Santos DBA Dan's Electric	WV01092	FTC	\$50
22-DISC-QTR032	Dunlap Mobile Home Services, LLC	WV01185	FTC	\$50
22-DISC-QTR033	Wray Bros.	WV01237	FTC	\$50
22-DISC-QTR034	Thompson Construction Group, Inc.	WV01265	FTC	\$50

22-DISC-QTR035	Stowers and Company	WV01268	FTC	\$50
22-DISC-QTR036	C & G Contracting, LLC	WV01279	FTC	\$50
22-DISC-QTR037	Mountain State Foundations, LLC	WV01310	FTC	\$50
22-DISC-QTR038	Watterson's Mobile Home Movers	WV01036	FTC	\$100
22-DISC-QTR039	Leonard Trivitt	WV01295	FTC	\$100
22-DISC-QTR040	Highland Mobile Home Services, Inc.	WV00927	FTC	\$250
22-DISC-QTR041	Jordan Heating and Cooling	WV01054	FTC	\$250
22-DISC-QTR042	Eagle River Homes, Inc.	WV01031	LATE	\$25
22-DISC-QTR043	Champion Home Builders, Inc.	WV01156	LATE	\$25
22-DISC-QTR044	Champion Home Builders, Inc.	WV01277	LATE	\$25
22-DISC-QTR055	Cana MH, LLC	WV01272	LATE	\$25

Mr. Solomon made a motion to approve the 4th Quarter 2021 staff recommendations for licensees: \$50.00 for 0-10 previous violations of failing to submit the report; \$100.00 for 11-30; \$250.00 for 31+ violations; and \$25.00 for filing the report late. Mr. Shaw seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD21-234 Gary May – 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 Gary May.

Mr. White presented evidence and recommended a **\$1,000.00 fine** for the violation cited.

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

CD22-235 D and M Transporting and Manufactured Homes, LLC – 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 D and M Transporting and Manufactured Homes, LLC.

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

Mr. Solomon made a motion to accept staff recommendation. Mr. Shaw seconded. Motion carried with the Chair voting.

LICENSE APPLICATIONS

Contractor

Jonathan Whitt DBA Whitt's Mobile Home Movers (Final Approval)
400 Stone Branch
Chapmanville, WV 25508

Roberts Excavating & Trucking (Final Approval)
40 Grouse Ridge
Sumerco, WV 25567

Underdog Enterprises, LLC
2241 Chenoweth Creek Road
Elkins, WV 26241

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

STAFF REPORT

- Staff updated the Board on the Recovery Fund project for consumer Philip Nicholson. The project has been completed and a check is being issued to A and B General Contracting.
- Recovery Fund - **\$1,658,984.42** as of March 21, 2022.

NEXT MEETING

Thursday, June 30, 2022, at 10:00 a.m. in the office of the DOL.

ADJOURNMENT

Mr. Solomon made a motion to adjourn. Mr. Shaw seconded. Motion carried. Meeting adjourned at 10:53 a.m.

Approved:



Mitchell E. Woodrum, Chair