

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

September 28, 2022

The West Virginia Board of Manufactured Housing Construction and Safety met September 28, 2022, 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

Brooke M. Farber, Deputy Commissioner
Brian White, Labor Programs Manager
Kimberly Legg, Board Secretary
Scott Elswick, Field Inspector
Christopher Evans, Field Inspector
Davin Davis, 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 amend the agenda to correct the title from "Teleconference" to "Board Meeting" and approve. Mr. Belasco seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the June 30, 2022, board meeting minutes.

Mr. Brown 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-011 – S & M Used Automobile & Mobile Home Sales, Inc. DBA S & M Mobile Home Sales – WV00831. Violated §42-CSR-19-10.A.2.1(a) and §42-CSR-19-14.1.15 – Failure to install a manufactured home in compliance with a state or federal standard; §42-19-11.1 – Alterations and repairs; §42-CSR-19-14.1.19 – Utilization of a unlicensed contractor; and §42-CSR-19-14.1.4 – Failure to establish and maintain records.

No one appeared on behalf of S & M Mobile Home Sales, but a written response was submitted.

Mr. White presented evidence and recommended a **\$400.00 fine for failing to install a manufactured home in compliance with a state or federal standard and an order to correct within fifteen (15) days or license will be suspended; \$250.00 fine for utilizing an unlicensed contractor; and \$200.00 fine for failing to conduct a site review and establish and maintain records.**

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

22-DISC-012 – CMH Manufacturing, Inc. DBA Clayton-Rutledge – WV00117. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Clayton-Rutledge.

Mr. White presented evidence and recommended a **\$250.00 fine for failing to fulfill any written or implied warranty.**

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

22-DISC-013 – CMH Homes, Inc. DBA Clayton Homes #1023 – WV01160. 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-19-14.1.19 – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1023, but a written response was submitted.

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 \$750.00 fine for utilizing three (3) unlicensed contractors.**

Mr. Casto made a motion to accept staff recommendations. No one seconded. Motion died. **Mr. Brown made a motion to accept staff recommendation of \$200.00 for failing to install a manufactured home in compliance with a state or federal standard but amend staff recommendation of \$750.00 for utilizing three unlicensed contractors to a Reprimand.** Mr. Solomon seconded. Motion carried. Mr. Gunnell recused himself.

22-DISC-014 – Cana MH, LLC DBA Cana Homes – WV01272. Violated §42-CSR-19-14.1.4 – Failure to establish and maintain records.

No one appeared on behalf of Cana Homes.

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

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

22-DISC-015 – S & M Used Automobile & Mobile Home Sales, Inc. DBA S & M Mobile Home Sales – WV00831 – Violated §42-CSR-19-14.1.15 – Failure to install a manufactured home in compliance with a state or federal standard; §42-CSR-19-12.1 – Failure to transport a manufactured home in compliance with a state or federal standard; and §42-CSR-19-14.1.4 – Failure to establish and maintain records.

No one appeared on behalf of S & M Mobile Home Sales, but a written response was submitted.

Mr. White presented evidence and recommended a **\$400.00 fine for failing to install a manufactured home in compliance with a state or federal standard and an order to correct within fifteen (15) days or license will be suspended; \$200.00 fine for failing to transport a manufactured home in compliance with a state or federal standard; and \$200.00 fine for failing to conduct a site review and establish and maintain records.**

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

22-DISC-016 – Wray Bros – WV01237. Violated §42-CSR-19-14.1.15 – Failure to install a manufactured home in compliance with a state or federal standard.

No one appeared on behalf of Wray Bros, 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 a state or federal standard.**

Mr. Brown made a motion to amend staff recommendation to \$250.00. Mr. Solomon seconded. Motion carried.

22-DISC-017 – Cana MH, LLC DBA Cana Homes – WV01272. Violated §42-CSR-19-14.1.4 – Failure to establish and maintain records.

No one appeared on behalf of Cana Homes.

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

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 2nd Quarter 2022

*** Correspondence from company attached

22-DISC-QTR074	Fairmont Homes, LLC	WV01238	FTC	\$50
22-DISC-QTR075	New Concept Homes, LLC	WV01174	FTC	\$50
22-DISC-QTR076	Cana MH, LLC DBA Cana Homes	WV01272	FTC	\$50
22-DISC-QTR077	Larry Dye's Heating & Cooling, Inc.	WV00760(I)	FTC	\$50
22-DISC-QTR078	Hampton Contracting, Inc.	WV00786	FTC	\$50
22-DISC-QTR079	A-1 Heating and Cooling of Parkersburg	WV00865	FTC	\$50
22-DISC-QTR080	Premier Decorating & Painting	WV01095	FTC	\$50
22-DISC-QTR081	Southern Ohio Construction, LLC	WV01196(I)	FTC	\$50
22-DISC-QTR082	That One Heating and Cooling	WV01229	FTC	\$50
22-DISC-QTR083	Wray Bros	WV01237	LATE	\$25
22-DISC-QTR084	Top Notch Construction, LLC	WV01260	FTC	\$50
22-DISC-QTR085	Stowers and Company	WV01268(I)	FTC	\$50
22-DISC-QTR086	In A Flash Plumbing Heating & AC, LLC	WV01271	FTC	\$50
22-DISC-QTR087	C & G Contracting, LLC	WV01279	FTC	\$50
22-DISC-QTR088	Ignite Contractors, LLC	WV01299	FTC	\$50
22-DISC-QTR089	Accurate Construction	WV01303(I)	FTC	\$50
22-DISC-QTR090	Mountain State Foundations, LLC	WV01310(I)	FTC	\$50
22-DISC-QTR091	Roberts Excavating & Trucking	WV01316	FTC	\$50
22-DISC-QTR092	L & L Mobile Home Transport, LLC	WV01055(I)	FTC	\$100
22-DISC-QTR093	Custom Transporting & Excavation	WV01138	FTC	\$100
22-DISC-QTR094	Moon's Mobile Home Movers	WV01186(I)	FTC	\$100
22-DISC-QTR095	Leonard Trivitt	WV01295(I)	FTC	\$100
22-DISC-QTR096	Highland Mobile Home Services, Inc.	WV00927	FTC	\$250
22-DISC-QTR097	Clayton-Appalachia	WV00328	LATE	\$25
22-DISC-QTR098	Gary's Homes, Inc.	WV00728	LATE	\$25
22-DISC-QTR099	Paragon Manufactured Home Sales	WV01222	LATE	\$25
22-DISC-QTR100	United Contracting, Inc.	WV00169	LATE	\$25
22-DISC-QTR101	Larry Mitchell Mobile Home Moving	WV01263	LATE	\$25
22-DISC-QTR102	Brimstone Mobile Home Services	WV01284	LATE	\$25

Mr. Solomon made a motion to approve the 2nd Quarter 2022 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. Gunnell seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD22-237 JAG Coal Services, 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 JAG Coal Services, LLC.

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

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

CD22-238 Timothy Lawson DBA Lawson 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 Lawson Electrical Contracting.

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

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

CD22-239 Cana MH, 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 Cana MH, LLC.

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

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

LICENSE APPLICATIONS

Contractor

Davis Heating, Cooling and Electrical, LLC (Final Approval)
2880 Sycamore³ Lick Road
Jane Lew, WV 26378

Randolph HVAC, Inc. (Final Approval)
24 Browning Avenue
Red House, WV 25168

Scott Gibson Heating & Cooling, LLC (Final Approval)
16010 State Route 550
Fleming, OH 45729

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

Dealer

Cana MH, LLC DBA Cana Homes (Re-application – Final Approval)
1361 Grafton Road
Morgantown, WV 26508

Mr. Solomon made a motion to approve the dealer application. Mr. Brown seconded. Motion carried.

