

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

March 23, 2023

The West Virginia Board of Manufactured Housing Construction and Safety met March 23, 2023, 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

Brooke M. Farber, Deputy Commissioner
Brian White, Labor Programs Manager
Kimberly Legg, Board Secretary
Scott Elswick, Field Inspector
Davin Davis, Field Inspector

MEETING CALLED TO ORDER

A quorum being present, Mr. Woodrum called the meeting to order at 10:00 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 15, 2022, board meeting minutes.

Mr. Belasco made a motion to approve the minutes. Mr. Casto 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-018 – CMH Homes, Inc. DBA Clayton Homes #1030 – WV01167. Violated §42-CSR-19-10A.2.1(a) and §42-CSR-14.1.15 – Failure to install a manufactured home in accordance with a state or federal standard.

No one appeared on behalf of Clayton Homes #1030.

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

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

23-DISC-001 – Manufactured Housing Enterprises, Inc. – Violated §42-CSR-19-14.1(q) – Shipment of a manufactured home by a manufacturer to a dealer and/or distributor in this state that is not properly licensed by this state.

No one appeared on behalf of Manufactured Housing Enterprises, but a written response was submitted.

Mr. White presented evidence and recommended a **\$250** fine for shipping a home to an unlicensed dealer.

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

23-DISC-002 – CMH Homes, Inc. DBA Clayton Homes #1025 – Violated §42-CSR-19-10A.2.1(a) and §42-CSR-19.1.15 – Failure to install a manufactured home in accordance with a state or federal standard; §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard; §42-CSR-19-14.1.4 – Failure to establish and maintain records; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1025.

Mr. White presented evidence and recommended a **\$250** fine for failing to install a manufactured home in accordance 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; **Reprimand** for transportation; **Reprimand** for records; and a **\$250** fine for utilizing an unlicensed contractor.

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

23-DISC-003 – Tazewell Housing, Inc. – Violated §42-CSR-19-10A.2.1(a) and §42-CSR-19-14.1.15 – Failure to install a manufactured home in accordance with a state or federal standard; §42-CSR-19-10A.3 – Failure to install a manufactured home in accordance with frostline considerations; and §42-CSR-19-14.1(d) – Failure to establish and maintain records.

No one appeared on behalf of Tazewell Housing, Inc. but a written response was submitted.

Mr. White presented evidence and recommended a **\$250** fine for failing to install a manufactured home in accordance 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; **\$500** fine for frostline considerations; and a **Reprimand** for failing to establish and maintain records.

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

23-DISC-004 – CMH Homes, Inc. DBA Clayton Homes #1029 – Violated §42-CSR-19-10A.2.1(a) and §42-CSR-19-14.1.15 – Failure to install a manufactured home in accordance with a state or federal standard; §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard; §42-CSR-19-14.1.4 – Failure to establish and maintain records; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1029.

Mr. White presented evidence and recommended a **Reprimand** for failing to install a manufactured home in accordance with a state or federal standard; **\$250** fine for transportation; **Reprimand** for failing to establish and maintain records; and **\$250** fine for utilizing an unlicensed contractor.

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

23-DISC-005 – CMH Manufacturing, Inc. DBA Clayton-Rutledge – Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

No one appeared on behalf of Clayton-Rutledge.

Mr. White presented evidence and recommended a **\$250** fine for failing to fulfill warranty obligations.

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

23-DISC-006 – CMH Homes, Inc. DBA Clayton Homes #1024 – Violated §42-CSR-19-14.1.4 – Failure to establish and maintain records; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1024.

Mr. White presented evidence and recommended a **Reprimand** for failing to establish and maintain records; and **\$250** fine for utilizing an unlicensed contractor.

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 3rd Quarter 2022

*** Correspondence from company attached

23-DISC-QTR001	Champion Home Builders, Inc.	WV01154	FTC	\$50
23-DISC-QTR003	Commodore Homes of Pennsylvania	WV01314	FTC	\$50
23-DISC-QTR004	Pat's Manor Homes, Inc.	WV00530	FTC	\$50
23-DISC-QTR005	New Concept Homes, LLC	WV01174	FTC	\$50
23-DISC-QTR006	Stewart A. Callow	WV00081	FTC	\$50
23-DISC-QTR007	T.W. Construction	WV01098	FTC	\$50
23-DISC-QTR009	Jimmy's Home Improvements, LLC	WV01221	FTC	\$50
23-DISC-QTR010	Orange Brothers Masonry	WV01233	FTC	\$50
23-DISC-QTR011	Wray Bros	WV01237	FTC	\$50
23-DISC-QTR012	HGR Trucking	WV01248	FTC	\$50
23-DISC-QTR014	Custom Transporting & Excavation	WV01138	FTC	\$100
23-DISC-QTR015	C & G Contracting, LLC	WV01279	FTC	\$100
23-DISC-QTR016	Highland Mobile Home Services, Inc.	WV00927	FTC	\$250
23-DISC-QTR017	Jordan Heating and Cooling	WV01054	FTC	\$250
23-DISC-QTR019	A-1 Heating and Cooling of Parkersburg	WV00865	LATE	\$25
23-DISC-QTR020	Gary's Excavating, Inc.	WV00935	LATE	\$25

23-DISC-QTR021	Cedar Hill Construction	WV01224	LATE	\$25
23-DISC-QTR022	Top Notch Construction, LLC	WV01260	LATE	\$25
23-DISC-QTR023	Wood Heating & Air Conditioning, LLC	WV01266	LATE	\$25
23-DISC-QTR024	Point Heating and Air, LLC	WV01311	LATE	\$25

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

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD22-240 Laurel Mountain Homes – 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 Laurel Mountain Homes but a written response was submitted.

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

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

CD22-241 Agre Royce Future Homes, LLC DBA Royce White Pines – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activities in the State of West Virginia without a valid license.

Steven Turner, Timothy Reida and Attorney Kevin Stryker appeared on behalf of Agre Royce Future Homes, and a written response was also submitted prior to the meeting.

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

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

CD23-242 Cana MH, LLC DBA Cana Homes – 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 Homes.

Mr. White presented evidence and recommended a **\$200 fine** for the violation cited.

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

CD23-243 May Transporting – 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 May Transporting.

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

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

CD23-244 Hayes Mobile Home Solutions – 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 Hayes Mobile Home Solutions, but a written response was submitted.

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

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

CD23-245 Quinton Smith DBA New River 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 New River Construction.

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

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

CD23-242 Cana MH, LLC DBA Cana Homes – 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 Homes.

Mr. White presented evidence and recommended a **\$500 fine** for the violation cited.

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

LICENSE APPLICATIONS

Manufacturer

Cavco Industries, Inc. DBA Cavco Homes of North Carolina (Final Approval)

3636 N. Central Avenue, Suite 1200
Phoenix AZ 85012

Physical Address: 106 Innovative Way
Hamlet, NC 28345

Fleetwood Homes, Inc. (Re-application – Final Approval)

3636 N. Central Avenue, Suite 1200
Phoenix, AZ 85012

Physical Address: 739 Hwy 52 Bypass West
Lafayette, TN 37083

Champion Home Builders, Inc. (Re-application – Final Approval)

755 W. Big Beaver Road, Suite 1000
Troy, MI 48084

Physical Address: 2073 Evergreen Street
Dresden, TN 38225

Mr. Belasco made a motion to approve the manufacturer applications. Mr. Gunnell seconded. Motion carried.

Dealer

Cana MH, LLC DBA Cana Homes

1712 Mileground Road
Morgantown, WV 26505

Mr. Gunnell made a motion to approve the dealer application. Mr. Belasco seconded. Motion carried.

Contractor

S and B Enterprises, LLC (Final Approval)

7478 N. Fork Road
Pine Grove, WV 26419

Mountaineer Air Duct Cleaning & Sanitizing, LLC (Final Approval)

233 Roses Run Road
Clarksburg, WV 26301

Hayes Mobile Home Solutions (Final Approval)
275 Slate Road
Spencer, WV 25276

Speedway Appliance, LLC (Final Approval)
1304 Buckhannon Pike
Nutter Fort, WV 26301

Terry Brumfield DBA Appalachian Mobile Home Transport (Final Approval)
1687 Roach Road
Salt Rock, WV 25559

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

RECOVERY FUND APPROVAL

Jeanne Long
24485 Midland Trail
Victor, WV 25938

Stacy Young DBA Young's Mobile Home Transport – WV00510(I)
3513 True Road
Hinton, WV 25951

Mr. Casto made a motion to approve the Recovery Fund project for Jeanne Long. Mr. Belasco seconded. Motion carried.

STAFF REPORT

- Ms. Farber advised the Board that the Legislative and Procedural Rule Revisions were passed by the Legislature.
- Recovery Fund - **\$1,694,937.54** as of March 14, 2023.
- Advised Board of charges filed by the Attorney General's Office against Gary May, Veronica May and Tyler May.
- Advised Board that program was approved by HUD for another year.

NEXT MEETING

June 21, 2023, at 10:00 a.m.

ADJOURNMENT

Mr. Shaw made a motion to adjourn. Mr. Belasco seconded. Motion carried. Meeting adjourned at 11:36 a.m.

Approved:



Mitchell E. Woodrum, Chair