

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

June 21, 2023

The West Virginia Board of Manufactured Housing Construction and Safety met June 21, 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
Steven Solomon

BOARD MEMBERS ABSENT

Johnnie Brown
Gary Shaw

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. Solomon seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the March 23, 2023, board meeting minutes.

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

PUBLIC COMMENT

Valerie Bernard 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.

23-DISC-007 – Terry R. Brumfield DBA HGR Trucking – WV01248. Violated §42-CSR-19-10A.3 – Failing to install a manufactured home in compliance with frostline consideration.

No one appeared on behalf of HGR Trucking.

Mr. White presented evidence and recommended a **\$250.00 fine for failing to install a manufactured home in compliance with frostline consideration.**

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

23-DISC-008 – CMH Homes, Inc. DBA Clayton Homes #1030 – WV01167. 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-19-14.1.4 – Failure to establish and maintain records.

Randy Tibbits appeared on behalf of Clayton Homes #1030.

Mr. White presented evidence and recommended a **\$100.00 fine for failing to install a manufactured home in compliance with a state or federal standard and a Reprimand 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. Mr. Gunnell recused himself.

23-DISC-009 – Middletown Home Sales, Inc. – WV00399. 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; §42-CSR-19-10A.3 – Failure to install a manufactured home in compliance with frostline consideration; and §42-CSR-19-12.1 – Failure to transport a manufactured home in compliance with a state or federal standard.

Kris Hershberger and Andy Snyder appeared on behalf of Middletown Home Sales, Inc.

Mr. White presented evidence and recommended **Reprimands for failing to install a manufactured home in compliance with a state or federal standard, failing to install a manufactured home in compliance with frostline consideration and failing to transport a manufactured home in compliance with a state or federal standard.**

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

23-DISC-010 – 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 compliance with a state or federal standard.

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

Mr. White presented evidence and recommended a **\$1,000 fine** 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.** Failure to correct within the specified time-period will result in the suspension of License WV01279 until such time all corrections are completed..

Mr. Solomon made a motion to amend the staff recommendation to a \$1,000 fine **and suspension of license.** Mr. Belasco seconded. Motion carried.

23-DISC-011 – 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 compliance with a state or federal standard.

No one appeared on behalf of C & G Contracting.

Mr. White presented evidence and recommended a **\$1,000 fine** 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.** Failure to correct within the specified time-period will result in the suspension of License WV01279 until such time all corrections are completed.

Mr. Belasco made a motion to amend the staff recommendation to a \$1,000 fine **and suspension of license**. Mr. Casto seconded. Motion carried.

23-DISC-012 – 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; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

No one appeared on behalf of Clayton Homes #1028.

Mr. White presented evidence and recommended a **\$100 fine** for failing to install a manufactured home in compliance with a state or federal standard and **\$500 fine** for utilizing two (2) unlicensed contractors.

Mr. Belasco made a motion amend the staff recommendation to \$100 fine for installation and **\$250 fine** for utilizing two (2) unlicensed contractors. Mr. Solomon seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

23-DISC-013 – Champion Home Builders, Inc. – WV01278. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty.

John Jacon appeared on behalf of Champion Home Builders, Inc.

Mr. White presented evidence and recommended a **\$250 fine for failure to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of final order**. Failure to correct within the specified time-period will result in the suspension of License WV01278 until such time all corrections are completed.

Mr. Belasco made a motion to amend the staff recommendation of the fine to \$100. Mr. Solomon seconded. Motion carried.

23-DISC-014 – 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 compliance with a state or federal standard.

No one appeared on behalf of C & G Contracting.

Mr. White presented evidence and recommended a **\$1,000 fine** 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**. Failure to correct within the specified time-period will result in the suspension of License WV01279 until such time all corrections are completed.

Mr. Casto made a motion to amend the staff recommendation to a \$1,000 fine **and suspension of license**. Mr. Belasco seconded. Motion carried.

23-DISC-015 – Champion Home Builders, Inc. – WV01278. Violated §42-19-14.1 – Shipment of a manufactured home to a dealer and/or distributor not properly licensed by this state.

John Jacon appeared on behalf of Champion Home Builders, Inc.

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

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

23-DISC-016 – CMH Manufacturing, Inc. DBA Clayton-Rockwell – WV00952. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty.

No one appeared on behalf of Clayton-Rockwell.

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. Belasco seconded. Motion carried.

23-DISC-017 – S & M Used Automobile & Mobile Home Sales, Inc. DBA S & M Mobile Home Sales – WV00831. 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-19-14.1.4 – 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 fine** for failing to install a manufactured home in compliance with a state or federal standard and a **\$400 fine** for failing to establish and maintain records.

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

23-DISC-018 – Cana MH, LLC DBA Cana Homes – WV01272 (I) – 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 **\$300 fine** for failing to establish and maintain records.

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

23-DISC-019 – Commodore Homes, LLC DBA Colony Factory Crafted Homes – WV01313. Violated §42-19-14.1 – Shipment of a manufactured home to a dealer and/or distributor not properly licensed by this state.

No one appeared on behalf of Colony Factory Crafted Homes, but a written response was submitted.

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

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 4th Quarter 2022

*** Correspondence from company attached

23-DISC-QTR026	New Concepts Homes, LLC	WV01174	FTC	\$50
23-DISC-QTR027	Tazewell Housing, Inc.	WV01209	FTC	\$50
23-DISC-QTR028	Preferred Properties Manufactured Housing	WV01267	FTC	\$50
23-DISC-QTR029	Cana MH, LLC DBA Cana Homes	WV01272(I)	FTC	\$50
23-DISC-QTR030	Double T Homes	WV01304	FTC	\$50
23-DISC-QTR031	Hampton Contracting, Inc.	WV00786	FTC	\$50
23-DISC-QTR032	Frankie Osborne DBA Buck & Sons	WV00887	FTC	\$50
23-DISC-QTR033	Wray Bros	WV01237	FTC	\$50
23-DISC-QTR034	Wood Heating & Air Conditioning, LLC	WV01266	FTC	\$50
23-DISC-QTR036	Ignite Contractors, LLC	WV01299	FTC	\$50
23-DISC-QTR037	Lawson Electrical Contracting	WV01322	FTC	\$50
23-DISC-QTR038	Custom Transporting & Excavation	WV01138	FTC	\$100
23-DISC-QTR039	C & G Contracting, LLC	WV01279	FTC	\$100
23-DISC-QTR040	Highland Mobile Home Services, Inc.	WV00927	FTC	\$250
23-DISC-QTR041	Jordan Heating and Cooling	WV01054	FTC	\$250
23-DISC-QTR042	Pat's Manor Homes, Inc.	WV00530	LATE	\$25

23-DISC-QTR043	Hartzler's Quality Housing, Inc.	WV01173	LATE \$25
23-DISC-QTR044	Winter's Construction	WV01213	LATE \$25

Mr. Gunnell made a motion to approve the 4th 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. Belasco seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD23-247 CP Construction, 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 CP Construction, LLC.

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

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

CD23-248 Hilling Excavating, Inc. – 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 Hilling Excavating, Inc. but a copy of the Contractor Licensing Board C&D written response was included.

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.

CD23-249 Home Pro Custom Builders, 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 Home Pro Custom Builders, LLC.

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.

CD23-250 Black's Home Sales, Inc. 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 Black's Home Sales but a written response was submitted.

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

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

LICENSE APPLICATIONS

Dealer

Black's Home Sales, Inc. (Final Approval)
745 Old Route 22
Duncansville, PA 16635

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

STAFF REPORT

- Staff updated the Board on the results of the Recovery Fund case for consumer Jeanne Long. All repairs have been made and the contractor has been paid in full.
- Recovery Fund balance - \$1,715,133.16 as of June 12, 2023

NEXT MEETING

Wednesday, September 28, 2023, at 10:00 a.m. in the office of the DOL.

ADJOURNMENT

Mr. Solomon made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 12:33 p.m.

Approved:

A handwritten signature in black ink that reads "Mitchell E. Woodrum". The signature is written in a cursive style with a large initial "M".

Mitchell E. Woodrum, Chair