

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

September 28, 2023

The West Virginia Board of Manufactured Housing Construction and Safety met September 28, 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
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
Davin Davis, Field Inspector
Sandra Mossberg

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 approve the agenda. Mr. Gunnell seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the June 21, 2023, board meeting minutes.

Mr. Belasco made a motion to approve the minutes. Mr. Solomon seconded. Motion carried. Mr. Brown abstained.

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.

23-DISC-020 – Champion Home Builders, Inc. – WV01278. Violated §42-CSR-19-14.1.21 – Failing to fulfill any written or implied warranty.

Chris Stubblefield appeared on behalf of Champion Home Builders.

Mr. White presented evidence and recommended a **\$250.00 fine for failing to fulfill warranty obligations.**

Mr. Gunnell made a motion to reduce the staff recommendation to a Letter of Reprimand. Mr. Brown seconded. Motion carried.

23-DISC-021 – Cana MH, LLC DBA Cana Homes – WV01272/WV01331. 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.

No one appeared on behalf of Cana Homes.

Mr. White presented evidence and recommended a **\$500.00 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 from receipt of final order. Failure to correct within the time specified will result in the suspension of License WV01331 until such time all corrections are completed.**

Mr. Shaw made a motion to increase the staff recommendation of a **\$500.00 fine to a \$1,000.00 fine and require company to appear before the Board at the next scheduled meeting or license will be revoked.** Mr. Brown seconded. Motion carried.

23-DISC-022 – CMH Homes, Inc. DBA Oakwood Homes #721 – WV00962. 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-19-14.1.4 – Failure to establish and maintain records.

Travis Townsend appeared on behalf of Oakwood Homes #721.

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 **an order to correct within fifteen (15) days from receipt of final order.** Failure to correct within the time specified will result in the suspension of License WV01331 until such time all corrections are completed; and a **\$200.00 fine** for failing to establish and maintain records.

Mr. Brown made a motion to change the staff's recommendation of a **\$200.00 fine for failing to establish and maintain records to a Reprimand** and to accept the remaining staff recommendation. Mr. Shaw seconded. Motion carried. Mr. Gunnell recused himself.

23-DISC-023 – CMH Homes, Inc. DBA Oakwood Homes #721 – WV00962. 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-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

Travis Townsend appeared on behalf of Oakwood Homes #721.

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 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; a **Reprimand** for failing to transport a manufactured home in accordance with a state or federal standard; and a **\$250.00 fine** for utilizing and unlicensed contractor.

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

23-DISC-024 – CMH Homes, Inc. DBA Clayton Homes #1024 – WV01161. Violated §42-CSR-19-14.1.4 - Failure to conduct site review and evaluations and establish and maintain records.

No one appeared on behalf of Clayton Homes #1024.

Mr. White presented evidence and recommended a **\$500.00 fine** for failing to conduct a site review and establish and maintain records.

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

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 1st Quarter 2023

*** Correspondence from company attached

23-DISC-QTR045	Cavco Homes of North Carolina	***	WV01328	FTC	\$50
23-DISC-QTR046	Express Homes, Inc. DBA Express Modular		WV01124	FTC	\$50
23-DISC-QTR047	New Concept Homes, LLC		WV01174	FTC	\$50
23-DISC-QTR048	Cana MH, LLC DBA Cana Homes		WV01331	FTC	\$50
23-DISC-QTR049	Kittle Excavation, Inc.		WV00943	FTC	\$50
23-DISC-QTR050	Cedar Hill Construction		WV01224	FTC	\$50
23-DISC-QTR051	Ignite Contractors, LLC		WV01299(I)	FTC	\$50
23-DISC-QTR052	Lawson Electrical Contracting		WV01322(I)	FTC	\$50
23-DISC-QTR053	Hayes Mobile Home Solutions		WV01329	FTC	\$50
23-DISC-QTR054	Appalachian Mobile Home Transport		WV01332	FTC	\$50
23-DISC-QTR055	Custom Transporting & Excavation		WV01138	FTC	\$100
23-DISC-QTR056	C & G Contracting, LLC		WV01279(S)	FTC	\$100
23-DISC-QTR057	Pat’s Manor Homes, Inc.		WV01279	LATE	\$25
23-DISC-QTR058	Hartzler’s Quality Housing, Inc.		WV01173	LATE	\$25
23-DISC-QTR059	Paragon Manufactured Home Sales		WV01222	LATE	\$25
23-DISC-QTR060	Hampton’s Heating and Cooling		WV00786	LATE	\$25
23-DISC-QTR061	Buck & Sons		WV00887	LATE	\$25
23-DISC-QTR062	Jordan Heating and Cooling		WV01054	LATE	\$25

23-DISC-QTR063	Jimmy's Home Improvements, LLC	WV01221(I)	LATE	\$25
23-DISC-QTR064	Wray Bros	WV01237	LATE	\$25
23-DISC-QTR065	HGR Trucking	WV01248	LATE	\$25
23-DISC-QTR066	Giraffe Contracting, LLC	WV01282	LATE	\$25
23-DISC-QTR067	JCMH Enterprises, Inc.	WV01308	LATE	\$25

Mr. Brown made a motion to approve the 1st Quarter 2023 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 – Quarterly Reports – 2nd Quarter 2023

23-DISC-QTR068	Cavco Homes of North Carolina	***	WV01328	FTC	\$50
23-DISC-QTR069	Pat's Manor Homes, Inc.		WV00530(I)	FTC	\$50
23-DISC-QTR070	New Concept Homes, LLC		WV01174	FTC	\$50
23-DISC-QTR071	Preferred Properties Manufactured Housing		WV01267	FTC	\$50
23-DISC-QTR072	Persons Services Corp***		WV01293	FTC	\$50
23-DISC-QTR073	Cana MH, LLC DBA Cana Homes		WV01331	FTC	\$50
23-DISC-QTR074	Fleetwood Homes, Inc.		WV01142	LATE	\$25
23-DISC-QTR075	Champion Home Builders, Inc.		WV01291	LATE	\$25

Mr. Brown made a motion to approve the 2nd Quarter 2023 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. Solomon seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD23-251 Donald E. May DBA May Brothers – 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 Brothers.

Mr. White presented evidence and recommended a **\$200.00 fine** for the violation cited.

Mr. Brown made a motion to change the staff's recommendation to a **\$1,000.00 fine**. Mr. Shaw seconded. Motion carried.

CD23-252 Carey Fitzwater – 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 Cary Fitzwater but a written response was submitted.

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

Mr. Brown made a motion to change staff recommendation to a **\$1000.00 fine**. Mr. Casto seconded. Motion carried.

CD23-253 Matt's Mobile Home Service – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activities in the State of West Virginia without a valid license.

Frankie Osborne DBA Buck & Sons (Re-application – Final Approval)
P.O. Box 514 Physical Address: 1683 Craddock Fork Road
Lake, WV 25121 Lake, WV 25121

Belcher Transport, LLC (Final Approval)
P.O. Box 2559 Physical Address: 470 Burning Fork Road
Pikeville, KY 41502 Pikeville, KY 41501

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

LICENSE RENEWALS – JULY 1, 2023 TO JUNE 30, 2024

Staff updated the Board of the final number of renewals processed for FY 2024.

STAFF REPORT

- Staff updated the Board of the status of C & G Contracting, LLC corrections
 - David Ramsey – Home in compliance, case closed
 - Alicia Flinn – Home in compliance, case closed
 - James Mowery – One item remaining to be repaired
- Recovery Fund balance as of September 19, 2023 – \$1,746,211.70

NEXT MEETING

Thursday, January 11, 2024, at 10:00 a.m. in the office of the DOL.

ADJOURNMENT

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

Approved:



Mitchell E. Woodrum, Chair