

MINUTES

THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

May 23, 2024

The West Virginia Board of Manufactured Housing Construction and Safety met May 23, 2024, 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
Johnnie Brown
Richard Casto
George Gunnell
Steven Solomon via telephone

BOARD MEMBERS ABSENT

Thomas Belasco
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
Christopher Legg, 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. Brown made a motion to approve the agenda. Mr. Gunnell seconded. Motion carried.

APPROVAL OF MINUTES

Approval of the January 11, 2024, board meeting minutes.

Mr. Gunnell made a motion to approve the minutes. Mr. Casto seconded. Motion carried. Mr. Brown abstained.

PUBLIC COMMENT

Judy Ritchie of Clayton Homes in Elkins appeared for public comment. Public comment was reopened after violation disciplinary hearings for Mr. Gunnell to advise the Board of the steps Clayton is putting in place to avoid future issues with corrections.

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.

24-DISC-005 – CMH Homes, Inc. DBA Clayton Homes #637 – WV01009. Violated §42-CSR-19-10A.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-CSR-19-12.1 – Failure to transport a manufactured home in compliance with a state or federal standard; and §42-CSR-19-14.1.19 – Utilization of an unlicensed contractor.

Judy Ritchie appeared on behalf of Clayton Homes #637.

Mr. White presented evidence and recommended a **\$250.00 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 WV00831 until such time all corrections are completed; a Reprimand for failing to transport a manufactured home in compliance with a state or federal standard; and a \$500.00 fine for utilizing an unlicensed contractor.**

Mr. Casto made a motion to accept staff recommendations. Mr. Brown made a motion to amend Mr. Casto's motion and reduce the staff recommendation of \$500.00 for utilizing an unlicensed contractor to \$250.00 and accept remaining staff recommendations. Mr. Solomon seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

24-DISC-006 – CMH Homes, Inc. DBA Clayton Homes #639 – WV01006. Violated §42-CSR-19-10A.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-CSR-19-12.1 – Failure to transport a manufactured home in compliance 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.

Judy Ritchie and Nathanielle Butler appeared on behalf of Clayton Homes #639, and a written response was submitted.

Mr. White presented evidence and recommended a **\$250.00 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 WV00831 until such time all corrections are completed; a \$250.00 fine for failing to transport a manufactured home in compliance with a state or federal standard; \$50.00 fine for failing to conduct a site review and evaluations and establish and maintain records; and a \$500.00 fine for utilizing an unlicensed contractor.**

Mr. Brown made a motion to reduce the staff's recommendation of \$500.00 for utilizing an unlicensed contractor to \$250.00 and accept remaining recommendations. Mr. Casto seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

24-DISC-007 – CMH Manufacturing, Inc. DBA Clayton-Maynardville – WV00115. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

Judy Ritchie appeared on behalf of Clayton-Maynardville and a written response was submitted.

Mr. White presented evidence and recommended a **\$500.00 fine for failing to fulfill warranty obligations 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 WV00115 until such time all corrections are completed.**

Mr. Casto made a motion to reduce the staff's recommendation to \$250.00. Mr. Brown seconded. Motion carried with the Chair voting.

24-DISC-008 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01162. Violated §42-CSR-19-10A.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-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard; and §42-CSR-19-14.1.4 – Failure to establish and maintain records.

Judy Ritchie and Tom Young appeared on behalf of Clayton Homes #1025 and a written response was submitted.

Mr. White presented evidence and recommended a **\$250.00 fine** for failing to install a manufactured home in compliance with a state or federal; a **Reprimand** for failing to transport a manufactured home in accordance with a state or federal standard; and a **\$50.00 fine** for failing to establish and maintain records.

Mr. Brown made a motion to accept the staff's recommendations. Mr. Solomon seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

24-DISC-009 – CMH Manufacturing, Inc. DBA TRU-White Pine – WV00370. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

Judy Ritchie appeared on behalf of TRU-White Pine.

Mr. White presented evidence and recommended a **\$500.00 fine** for failing to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of final order. Failure to correct within the time specified will result in the suspension of License WV00370 until such time all corrections are completed.

Mr. Brown made a motion to accept the staff's recommendation. Mr. Casto seconded. Motion carried with the Chair voting.

24-DISC-010 – CMH Manufacturing, Inc. DBA Clayton-Bean Station – WV00118. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

Judy Ritchie appeared on behalf of Clayton-Bean Station and a written response was submitted.

Mr. White presented evidence and recommended a **\$750.00 fine** for failing to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of the final order. Failure to correct within the time specified will result in the suspension of License WV00118 until such time all corrections are completed.

Mr. Casto made a motion to accept the staff's recommendation. Mr. Brown seconded. Motion carried with the Chair voting.

24-DISC-011 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV1162. Violated §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard.

Judy Ritchie and Tom Young appeared on behalf of Clayton Homes #1025 and a written response was submitted

Mr. White presented evidence and recommended a **\$500.00 fine** for failing to transport a manufactured home in accordance with a state or federal standard and an order to complete corrections within fifteen (15) days from receipt of the final order. Failure to correct within the time specified will result in the suspension of License WV01162 until such time all corrections are completed.

Mr. Casto made a motion to reduce the staff's recommendation of **\$500.00 fine** to **\$250.00** and remove correction language. Mr. Brown seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

24-DISC-012 – CMH Manufacturing, Inc. DBA TRU-White Pine – WV00370. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

No one appeared on behalf of TRU-White Pine, but a written response was submitted.

Mr. White presented evidence and recommended a **\$500.00** fine for failing to fulfill warranty obligations.

Mr. Brown made a motion to reduce the staff's recommendation from **\$500.00** to **\$250.00**. Mr. Solomon seconded. Motion carried with the Chair voting.

24-DISC-013 – CMH Homes, Inc. DBA Clayton Homes #1024 – WV01161. Violated §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard.

Judy Ritchie and Joshua Harvey appeared on behalf of Clayton Homes #1024, and a written response was submitted.

Mr. White presented evidence and recommended a **\$750.00** fine for failing to transport a manufactured home in accordance with state or federal standard and an order to complete corrections within fifteen (15) days from receipt of final order. Failure to correct within the time specified will result in the suspension of License WV1161 until such time all corrections are completed.

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

24-DISC-014 – Pinewood Mobile Home Sales, Inc. DBA Pinewood Home Sales – WV00009. Violated §42-CSR-10A.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-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.

Shawn Groves appeared on behalf of Pinewood Home Sales.

Mr. White presented evidence and recommended **Reprimands** for failing to install a manufactured home in compliance with a state or federal standard, failing to transport a manufactured home in compliance with state or federal standard, failing to conduct site review and evaluations and establish and maintain records; and utilizing an unlicensed contractor.

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

24-DISC-015 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01025. Violated §42-CSR-10A.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-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations; and §42-CSR-19-12.1 – Failure to transport a manufactured home in accordance with a state or federal standard.

Judy Ritchie and Tom Young appeared on behalf of Clayton Homes #1025, and a written response was submitted.

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; a **Reprimand** for failure to fulfill warranty obligations; and **\$250.00** fine for failing to transport a manufactured home in compliance with a state or federal standard.

Mr. Brown made a motion to reduce the staff's recommendation of **\$500.00** to **\$250.00** for installation and accept remaining staff recommendations. Mr. Casto seconded. Motion carried with the Chair voting. Mr. Gunnell recused himself.

24-DISC-016 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01162. Violated §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.

Judy Ritchie and Tom Young appeared on behalf of Clayton Homes #1025 and a written response was submitted.

Mr. White presented evidence and recommended a **\$250.00** fine for failing to transport 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. Failure to correct within the time specified will result in the suspension of License WV01162 until such time all corrections are completed, **\$50.00** fine for failing to conduct site review and evaluations and establish and maintain records and **\$250.00** fine for utilizing an unlicensed contractor.

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

24-DISC-017 – Cavalier Home Builders, LLC DBA Clayton-Nashville – WV01179. Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

No one appeared on behalf of Clayton-Nashville.

Mr. White presented evidence and recommended a **\$500.00** fine for failing to fulfill warranty obligations and an order to complete corrections within fifteen (15) days from receipt of the final order. Failure to correct within the time specified will result in the suspension of License WV01179 until such time all corrections are completed.

Mr. Brown made a motion to accept the staff's recommendation. Mr. Casto seconded. Motion carried with the Chair voting.

24-DISC-018 – CMH Homes, Inc. DBA Clayton Homes #1030 – WV01167. 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.

Judy Ritchie and Randy Tibbetts appeared on behalf of Clayton Homes #1030 and a written response was submitted.

Mr. White presented evidence and recommended a **\$50.00** fine for failing to conduct site review and evaluations and establish and maintain records and a **\$250.00** fine for utilizing an unlicensed contractor.

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

PUBLIC COMMENT REOPENED

Mr. Gunnell addressed the Board regarding Clayton's issues with mail not being forwarded to the plants and retail centers from the corporate office in a timely manner. They are working on having the issues corrected.

DISCIPLINARY HEARINGS – QUARTERLY REPORTS

1. Disciplinary Hearings – Quarterly Reports – 4th Quarter 2023

*** Correspondence from company attached

24-DISC-QTR005	New Concept Homes, LLC	WV01174	FTC	\$50
24-DISC-QTR006	RMR-Homes WV Mobile Home Sales, LLC	WV01305	FTC	\$50

Mr. Brown made a motion to approve the 4th 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. Casto seconded. Motion carried.

DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS

CD23-257 – Carl Frye’s Housing, 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 Carl Frye’s Housing, Inc. but a written response was submitted.

Mr. White presented evidence and recommended a **\$500.00 fine** for the violation cited.

Mr. Brown made a motion to accept the staff’s recommendation. Mr. Casto seconded. Motion carried with the Chair voting..

CD23-258 – Jimmy Boyd – 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 Jimmy Boyd.

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

Mr. Casto made a motion to accept the staff’s recommendation. Mr. Brown seconded. Motion carried with the Chair voting.

CD24-259 – TH Bam 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 TH Bam Construction, LLC.

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

Mr. Brown made a motion to accept the staff’s recommendation. Mr. Casto seconded. Motion carried with the Chair voting.

CD24-260 – C S Masonry, LLC – Unlicensed. Violated §21-9-12a – Engaging in manufactured housing business activities in the State of West Virginia without a valid license.

Cam Stewart appeared on behalf of C S Masonry, LLC.

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

Mr. Casto made a motion to accept the staff’s recommendation. Mr. Brown seconded. Motion carried with the Chair voting.

CD24-261 – Malcolm Contracting, 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 Malcolm Contracting, LLC.

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

Mr. Gunnell made a motion to accept the staff’s recommendation. Mr. Casto seconded. Motion carried with the Chair voting.

CD24-262 – Arthur Masonry – 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 Arthur Masonry.

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

Mr. Gunnell made a motion to accept the staff's recommendation. Mr. Brown seconded. Motion carried with the Chair voting.

LICENSE APPLICATIONS

Dealer

Broad Lane, Inc. (Final Approval)
15336 Clear Spring Road
Williamsport, MD 21795

Physical Address: 147 Broadview Court
Falling Waters, WV 25419

Haven Homes, LLC (Final Approval)
P.O. Box 103
Mineral Wells, WV 26150

Physical Address: 16 Mineral Park Lane
Mineral Wells, WV 26150

Vineyards Management Group, LLC DBA Mona MHP
P.O. Box 803436
Dallas, TX 75380-3436

Physical Address: 295 Kovach Street
Granville, WV 26534

AGRE Royce Future Homes, LLC DBA Royce Blue Spruce, LLC
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 2208 W. Kirby Road
Milton, WV 25541

AGRE Royce Future Homes, LLC DBA Royce Hummingbird Hills, LLC
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 102 Horseshoe Drive
Beckley, WV 25801

AGRE Royce Future Homes, LLC DBA Royce White Pines
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 112 Cessna Street
Beckley, WV 25801-9208

AGRE Royce Homes, LLC DBA Royce Hummingbird Hills, LLC
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 102 Horseshoe Drive
Beckley, WV 25801

Granite Homes, LLC DBA Bluegrass Village
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 1000 Creek View
Morgantown, WV 26508

Granite Homes, LLC DBA Independence Hill
4742 N. 24th Street, Suite 325
Phoenix, AZ 85016

Physical Address: 1705 Van Voorhis Road
Morgantown, WV 26508

L & C Homes, LLC
P.O. Box 733
Luray, VA 22835

Physical Address: 161 Breeze Hill Street
Princeton, WV 24739

Sunshine Valley Mobile Home Court, Inc.
233 Cleveland Avenue
Fairmont, WV 26554

Mr. Brown made a motion to approve the dealer applications. Mr. Gunnell seconded. Motion carried with Mr. Solomon voting against.

Contractor

Hellbender Contracting, LLC (Final Approval)
1089 Bakers Ridge Road
Morgantown, WV 26508

Worry Free Electric, LLC (Final Approval)
62 Boggess Street
Buckhannon, WV 26201

William Little DBA William Little Construction (Final Approval)
9655 Claysville Road
Chandlersville, OH 43727

JAG Coal Services, LLC (Final Approval)
P.O. Box 368
Hamlin, WV 25523

Physical Address: 7711 Lynn Avenue
Hamlin, WV 25523

William Jackson DBA AJ's Electric (Final Approval)
35 Timothy Lane
Milton, WV 25541

Arthur Masonry (Final Approval)
1383 County Road 30
Kitts Hill, OH 45645

Physical Address: 1383 CR 30
Kitts Hill, OH 44645

IB Contracting, LLC (Final Approval)
44 Love Avenue
Fayetteville, WV 25840

Mr. Brown made a motion to approve the contractor applications. Mr. Gunnell seconded. Motion carried with the Chair voting.

DEALER LICENSES FOR MANUFACTURED HOUSING COMMUNITIES

Discussed during approval of dealer applications – The majority of board members believe they cannot deny a community a dealer license if they have completed all requirements for licensure.

FROSTLINE CONSIDERATIONS – DISCUSSION

Tabled until next meeting

RECOVERY FUND APPROVAL

Linda Duty (04686)
310 Grandview Gardens
Kenova, WV 25530

C&G Contracting, LLC
3350 Lick Fork Road
Spencer, WV 25276

No action taken. Clayton will be making corrections

STAFF REPORT

- Recovery Fund balance as of May 13, 2024 – \$1,811.746.93

NEXT MEETING

Thursday, September 19, 2024, at 10:00 a.m.

ADJOURNMENT

Mr. Brown made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 12:48 p.m.

Approved:



Mitchell E. Woodrum, Chair