

## MINUTES

### THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

September 19, 2024

The West Virginia Board of Manufactured Housing Construction and Safety met September 19, 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 via telephone  
Gary Shaw  
Steven Solomon via telephone

#### **BOARD MEMBERS ABSENT**

Thomas Belasco

#### **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. Brown made a motion to approve the revised agenda. Mr. Casto seconded. Motion carried.

#### **APPROVAL OF MINUTES**

Approval of the May 23, 2024, board meeting minutes.

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

#### **PUBLIC COMMENT**

No one appeared for public comment.

#### **DISCIPLINARY HEARINGS**

The hearings are for licensees who 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-019 – Champion Home Builders, Inc. – WV01154.** Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

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

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 to a Reprimand. Mr. Casto seconded. Motion carried.

**24-DISC-020 – CMH Manufacturing West, Inc. DBA Clayton-Wakarusa 1 – WV01203.** Violated §42-CSR-19-14.1.17 – The shipment of a manufactured home to a dealer and/or distributor not properly licensed with this state.

No one appeared on behalf of Clayton-Wakarusa 1 but a written response was submitted.

Mr. White presented evidence and recommended a \$1,500.00 fine (\$500.00 per floor) for shipping a manufactured home to a dealer and/or distributor not properly licensed by this state.

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

**24-DISC-021 – CMH Manufacturing West, Inc. DBA Clayton-Wakarusa 2 – WV01288.** Violated §42-CSR-19-14.1.17 – The shipment of a manufactured home to a dealer and/or distributor not properly licensed with this state.

No one appeared on behalf of Clayton-Wakarusa 2 but a written response was submitted.

Mr. White presented evidence and recommended a \$1,500.00 fine (\$500.00 per floor) for shipping a manufactured home to a dealer and/or distributor not properly licensed by this state.

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

**24-DISC-022 – CMH Manufacturing, Inc. DBA Clayton-Rutledge – WV00117.** Violated §42-CSR-19-14.1.21 – Failure to fulfill any written or implied warranty obligations.

No one appeared on behalf of Clayton-Rutledge but a written response was submitted.

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

Mr. Shaw made a motion to accept the staff's recommendations. Mr. Solomon seconded. Motion carried.

**24-DISC-023 – Cana MH, LLC DBA Cana Homes – WV01331. CMH Manufacturing, Inc. DBA TRU-White Pine – WV00370.** 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-19-14.1.4 – Failure to establish and maintain records.

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 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 WV01331; Reprimand for failing to transport a manufactured home in compliance with a state or federal standard; and \$400.00 fine for failing to establish and maintain records.

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

**24-DISC-024 – Cana MH, LLC DBA Cana Homes – WV01331. CMH Manufacturing, Inc. DBA TRU-White Pine – WV00370.** 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-19-14.1.4 – Failure to establish and maintain records; and §42-CSR-19-14.1.19 – Failure to utilize a contractor licensed by this state.

No one appeared on behalf of Cana Homes.

Mr. White presented evidence and recommended a \$750.00 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 time specified will result in the suspension of License WV01331; \$500.00 fine for failing to establish and maintain records; and \$250.00 for utilizing an unlicensed contractor.

Mr. Brown made a motion to accept the staff's recommendation. Mr. Shaw seconded. Motion carried.

## 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 – 1<sup>st</sup> Quarter 2024

\*\*\* Correspondence from company attached

24-DISC-QTR007	WV Home Sales, Inc.	WV01029	FTC	\$100
24-DISC-QTR008	Hartzler's Quality Housing, Inc.	WV01173	FTC	\$50
24-DISC-QTR009	New Concept Homes, LLC	WV01174(I)	FTC	\$50
24-DISC-QTR010	Preferred Properties Manufactured Housing	WV01267	FTC	\$50
24-DISC-QTR012	Haven Homes, LLC	WV01354	FTC	\$50

Mr. Solomon made a motion to approve the 1<sup>st</sup> Quarter 2024 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.

### 2. Disciplinary Hearings – Quarterly Reports – 2<sup>nd</sup> Quarter 2024

\*\*\* Correspondence from company attached

24-DISC-QTR013	Fleetwood Homes, Inc.	WV01142	FTC	\$50
24-DISC-QTR014	Commodore Homes of Pennsylvania	WV01314	FTC	\$50
24-DISC-QTR015	New Concept Homes, LLC	WV01174(I)	FTC	\$50
24-DISC-QTR016	Haven Homes, LLC	WV01354	FTC	\$50

Mr. Brown made a motion to approve the 2<sup>nd</sup> Quarter 2024 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

**CD24-263 – Crystal View Homes III, 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 Crystal View Homes III, LLC but a written response was submitted.

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

Mr. Brown made a motion to increase the fine to \$1,000.00. Mr. Casto seconded. Motion carried.

**CD24-264 – Total Comfort Heating and Cooling, 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 Total Comfort Heating and Cooling, 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. Solomon seconded. Motion carried.

## LICENSE APPLICATIONS

**Dealer**

Haven Homes, LLC (Re-application / Final Approval)

P.O. Box 103

Mineral Wells, WV 26150

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

AHS II, LLC

DBA Blue Spruce Pointe Home Sales (Final Approval)

467 Erlanger Road

Erlanger, KY 41018

Physical Address: 2208 Kirby Road #110  
Milton, WV 25541

AHS II, LLC

DBA Bluegrass Village Pointe Home Sales (Final Approval)P

467 Erlanger Road

Erlanger, KY 41018

Physical Address: 135 Bluegrass Village  
Morgantown, WV 26501

AHS II, LLC

DBA Hummingbird Hills Pointe Home Sales (Final Approval)

467 Erlanger Road

Erlanger, KY 41018

Physical Address: 102 Horseshoe Drive  
Beckley, WV 25801

AHS II, LLC

DBA Independence Hill Pointe Home Sales (Final Approval)

467 Erlanger Road

Erlanger, KY 41018

Physical Address: 1705 Van Voorhis Road  
Morgantown, WV 26505

AHS II, LLC

DBA White Pine Pointe Home Sales (Final Approval)

467 Erlanger Road

Erlanger, KY 41018

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

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

**Contractor**

Leonard Trivitt (Re-Application / Final Approval)

255 Cedar Branch Road

Saltville, VA 24370

L & S Construction, LLC (Final Approval)

P.O. Box 277

Ravenswood, WV 26164

Physical Address: 716 Washington Street, Unit 277  
Ravenswood, WV 26164

Central Mobile Contracting, LLC (Final Approval)

11 Stony Run Harp Street, Apt. 103

Buckhannon, WV 26201

Jeremy Metheny DBA Metheny Contracting (Final Approval)

295 Hedrick Hollow Road

Elkins, WV 26241

Frankie Osborne DBA Buck & Sons (Re-Application / Final Approval)

P.O. Box 514

Lake, WV 25121

Physical Address: 1683 Craddock Fork Road  
Lake, WV 25121

Certified Repairs, LLC (Re-Application / Final Approval)

P.O. Box 75

Kearneysville, WV 25430

Physical Address: 332 Bunkhouse Road  
Kearneysville, WV 25430

Bradford Hutton DBA BCT Construction (Final Approval)

12 Baxter Street

Elkins, WV 26241

John Thomas DBA Thomas Concrete (Final Approval)  
1991 Dry Ridge Road  
Grayson, KY 41143

Total Comfort Heating and Cooling, LLC (Final Approval)  
2302 Hamill Avenue  
Clarksburg, WV 26304

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

**Manufacturer**

Franklin Homes, LLC  
10655 Highway 43  
Russellville, AL 35653

Mr. Gunnell made a motion to accept the manufacturer application. Mr. Brown seconded. Motion carried.

**LICENSE RENEWALS – JULY 1, 2024 TO JUNE 30, 2025**

Mr. Brown made a motion to approval the license renewals for FY 2025. Mr. Gunnell seconded. Motion carried.

**STAFF REPORT**

- Recovery Fund balance as of September 10, 2024 – \$1,836,871.31

**NEXT MEETING**

Thursday, December 19, 2024 at 10:00 a.m. via teleconference

**ADJOURNMENT**

Mr. Brown made a motion to adjourn. Mr. Solomon seconded. Motion carried. Meeting adjourned at 11:04 a.m.

Approved:



Mitchell E. Woodrum, Chair