### MINUTES

# THE WEST VIRGINIA BOARD OF MANUFACTURED HOUSING CONSTRUCTION AND SAFETY

### July 31, 2019

The West Virginia Board of Manufactured Housing Construction and Safety met July 31, 2019 at 1900 Kanawha Boulevard East, State Capitol Complex - Building 3 Room 124 - Charleston, West Virginia at 10:00am.

### **BOARD MEMBERS PRESENT**

Commissioner Mitchell E. Woodrum, Chair Thomas Belasco Samuel Bonasso Richard Casto George Gunnell Gary Shaw

## **BOARD MEMBERS ABSENT**

Johnnie Brown

### **OTHERS PRESENT**

Michael Sams, Deputy Commissioner Elizabeth Farber, Assistant Attorney General Kimberly Legg, Board Secretary Kathy Rucker, Director, Licensing Brian White, Labor Program Specialist, Licensing Joseph Mason, Field Inspector Christopher Evans, Field Inspector John Burgess, Field Inspector

## MEETING CALLED TO ORDER

A quorum being present, Mr. Woodrum called the meeting to order at 10:00 a.m.

## APPROVAL OF REVISED AGENDA

Mr. Shaw made a motion to approve the revised agenda. Mr. Belasco seconded. Motion carried.

#### **APPROVAL OF MINUTES**

Approval of the April 10, 2019 Board meeting minutes.

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

## **PUBLIC COMMENT**

No one appeared for public comment.

## **DISCIPLINARY HEARINGS**

The hearings are for licensees that failed to protest violations 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.

**19-DISC-005 – In A Flash Plumbing Heating & AC, LLC – WV01271**. Violated §42-CSR-19-10A.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 In A Flash Plumbing Heating & AC, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$200.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

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

**19-DISC-006** – **Trinity Homes, LLC** – **WV01206**. Violated \$42-CSR-19-14.1(s) – The use of contract installation or repair services by a manufacturer, dealer, or contractor/installer that is not properly licensed by this state; and \$42-CSR-19-10A.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 Trinity Homes, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$250.00 fine** for utilizing an unlicensed contractor and a **\$200.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Belasco made a motion to accept staff's recommendation. Mr. Shaw seconded. Motion carried. Mr. Bonasso recused himself.

**19-DISC-007 – Cana MH, LLC – WV01272.** Violated §42-CSR-19-14.1(r) – The acceptance of a manufactured home by a dealer and/or distributor from a manufacturer not properly licensed by this state.

No one appeared on behalf of Cana MH, LLC but a written response was submitted.

Ms. Rucker presented evidence and recommended a \$750.00 fine for utilizing an unlicensed manufacturer.

Mr. Bonasso made a motion to reduce recommendation to a **REPRIMAND** and approve. Mr. Shaw seconded. Motion carried.

**19-DISC-008 – Cana MH, LLC – WV01272. MH Manufacturing, Inc. DBA TRU Homes – White Pine - License Number WV00370.** Violated §42-CSR-19-14.1(r) – The acceptance of a manufactured home by a dealer and/or distributor from a manufacturer not properly licensed by this state.

No one appeared on behalf of Cana MH, LLC but a written response was submitted late.

Ms. Rucker presented evidence and recommended a \$750.00 fine for utilizing an unlicensed manufacturer.

Mr. Bonasso made a motion to reduce recommendation to a **REPRIMAND** and approve. Mr. Casto seconded. Motion carried.

**19-DISC-009 – CMH Manufacturing, Inc. DBA Clayton – Rutledge – WV00117.** Violated §42-CSR-19-14.1(u) – Failing to fulfill any written or implied warranty obligations.

No one appeared on behalf of Schultz – Rockwell.

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

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

**19-DISC-010 – CMH Homes, Inc. DBA Clayton Homes #1025 – WV01162**. Violated §42-CSR-19-10A.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 CMH Homes, Inc. DBA Clayton Homes #1025.

Ms. Rucker presented evidence and recommended a **\$500.00 fine** for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Shaw made a motion to accept staff's recommendation. Mr. Bonasso seconded. Motion carried. Mr. Gunnell recused himself.

**19-DISC-011 – CMH Manufacturing, Inc. DBA TRU Homes – White Pine – WV00370**. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warrant obligations.

No one appeared on behalf of CMH Manufacturing, Inc. DBA TRU Homes – White Pine but a written response was submitted.

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

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

**19-DISC-012** – **Stewart A. Callow** – **WV00081**. Violated §42-CSR-19-10.A3 – Frostline considerations; and §42-CSR-19-10A.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 Stewart A. Callow.

Ms. Rucker presented evidence and recommended a **\$750.00 fine** for frostline considerations and a REPRIMAND for failing to install a manufactured home in compliance with a state or federal standard.

Mr. Woodrum made a motion to reduce staff's \$750.00 recommendation to a REPRIMAND and approve. Mr. Bonasso seconded. Motion carried.

**19-DISC-013 – CMH Manufacturing, Inc. DBA Clayton – Rutledge – WV00117**. Violated §42-CSR-19-14.1(u) – Failure to fulfill any written or implied warrant obligations.

No one appeared on behalf of CMH Manufacturing, Inc. DBA Clayton – Rutledge.

Ms. Rucker 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 WV00117 until such time all corrections are completed.

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

Mr. Woodrum advised the Board that the original violation issued to Rankin Homes, LLC was rescinded and a Letter of Correction issued. **19-DISC-14** was removed from the agenda prior to the meeting.

# **DISCIPLINARY HEARINGS – QUARTERLY REPORTS**

## 1. Disciplinary Hearings – Quarterly Reports – 1st Quarter 2019

**\*\*\*** Correspondence from company attached

19-DISC-QTR043	Carl Frye's Housing, Inc.	WV01010
19-DISC-QTR045	DBA Preferred Properties Manufactured Housing	WV01267
19-DISC-QTR048	Watterson's Mobile Home Movers	WV01036
19-DISC-QTR049	DBA Jordan Heating and Cooling	WV01054
19-DISC-QTR051	DBA A and B General Contracting	WV01129
19-DISC-QTR054	Rozelle Enterprises, LLC DBA Tradeworx	WV01226
19-DISC-QTR055	Thompson Construction Group, Inc.	WV01265
19-DISC-QTR057	C & G Contracting, LLC	WV01279
19-DISC-QTR058	Hammonds Electric, LLC***	WV01281
19-DISC-QTR060	S & T Electric, LLC	WV01211

Mr. Belasco made a motion to approve staff recommendations for licensees: \$50.00 for failure to file the quarterly report and \$25.00 for filing the report late. Mr. Casto seconded. Motion carried.

## **DISCIPLINARY HEARINGS – CEASE AND DESIST ORDERS**

**CD18-216** John Coon 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 John Coon Construction, but a written response was submitted.

Ms. Rucker presented evidence and recommended a **REPRIMAND** for violation cited.

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

**CD18-217** Inspire Communities – 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 Inspire Communities, but a written response was submitted.

Ms. Rucker presented evidence and recommended a **\$250.00 fine** for engaging in Manufactured Housing business activities in West Virginia without a valid license.

Mr. Belasco made a motion to **reduce staff's recommendation to a REPRIMAND** and approve. Mr. Casto seconded. Motion carried.

Mr. Woodrum advised the Board that CD19-218 was rescinded prior to the meeting.

### LICENSE APPLICATIONS

#### **Manufacturers**

Southern Energy Homes, Inc. DBA TRU Homes – Riverbirch (Final Approval)P.O. Box 4098Physical Address: 400 River Birch DriveMaryville, TN 37802Hacklesburg, AL 35564

CMH Manufacturing West, Inc. DBA Clayton – Middlebury (Re-application – Final Approval)P.O. Box 4098Physical Address: 437 N. Main StreetMaryville, TN 37802Middlebury, IN 46540

CMH Manufacturing, Inc. DBA Clayton – Wakarusa 2P.O. Box 4098Physical Address: 66700 SR 19Maryville, TN 37802Wakarusa, IN 46573

Mr. Belasco made a motion to approve all manufacturer applications. Mr. Shaw seconded. Motion carried.

#### **Contractors**

Arnold Spencer, Jr. DBA Brimstone Mobile Home Services (Final Approval) 24560 Brimstone Road Coolville, OH 45723 Thelma Fitzwater DBA T & H Mobile Home Movers (Final Approval) 936 Old Grandview Road Beaver, WV 25813

James M. Hill DBA Hill's Excavating & Septic Services (Final Approval)P.O. Box 860Physical Address: 76 Mud River RoadMadison, WV 25130Madison, WV 25130

Frankie Osborne DBA Buck & Sons (Re-application – Final Approval)P.O. Box 514Physical Address: 149 Craddock Fork RoadLake, WV 25121Lake, WV 25121

Mr. Belasco made a motion to approve all contractor applications. Mr. Shaw seconded. Motion carried.

# LICENSE RENEWALS - JULY 1, 2019 TO JUNE 30, 2020

Mr. Gunnell made a motion to approve the renewals for Fiscal Year 2020. Mr. Bonasso seconded. Motion carried.

### **STAFF REPORT**

- Recovery Fund \$1,662,114.37 as of June 30, 2019.
- Staff advised the Board that the Recovery Fund case for Cassondra Skidmore has been completed and closed.
- Mr. Woodrum introduced new Field Inspectors, Christopher Evans and John Burgess to the Board.
- Staff advised the Board of the filing of rule changes discussed at previous meetings.

#### NEXT MEETING

November 13, 2019

#### ADJOURNMENT

Mr. Shaw made a motion to adjourn. Mr. Gunnell seconded. Motion carried. Meeting adjourned at 11:21a.m.

Approved:

Witchelle Woodum\_

Mitchell E. Woodrum, Chair