

VIRGINIA MANUFACTURED HOUSING BOARD MEETING
March 21, 2013
Virginia Housing Center, 4224 Cox Rd., Glen Allen, VA 23060

Members Present

Mr. Walter K. Hughes, Sr., Chairman
Mr. Ben Flores, Vice-chairman
Mr. Jim Carver
Mr. Allen W. Dudley
Mr. James W. Roncaglione
Mr. Earl T. Satterwhite
Ms. Cindy F. Tomlin

Members Absent

None

Staff Present

Emory Rodgers
Lorenzo Dyer
Larry Brock
Valrae Negley
Janice Firestone
Steven Jack, OAG

Call to Order

The meeting of the Virginia Manufactured Housing Board was called to order by the Chairman at approximately 10:00 a.m.

Roll Call

The attendance was established by Lorenzo Dyer, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Introduction of New Order of Business

The Chairman announced a new order of business to the agenda. A plaque was presented to Mr. James W. Roncaglione in appreciation for his past service as Chairman for the Manufactured Housing Board.

Approval of Minutes

Mr. Roncaglione moved to approve the minutes of the September 20, 2012 meeting as presented in the Board members' agenda package. The motion was seconded by Ms. Tomlin and passed unanimously.

Public Comment

Mr. Tyler Craddock of the Virginia Manufactured and Modular Housing Association (VAMMHA) addressed the Board on behalf of the industry. Mr. Craddock invited members of the Board to attend the VAMMHA Annual Convention as the guests of VAMMHA. The convention will be held in Virginia Beach, VA from July 31, 2013 through August 2, 2013.

Committee Reports – Education Committee

Mr. Dyer read a statement from Amanda Pearson, DHCD Public Relations Director, regarding the planned Public Service Announcements (PSA's) and staff's proposed plan for distribution to the media.

Mr. Dyer explained the pamphlet presented in the Board members' agenda package and explained that pamphlets done in the past were well received and that it has been some time since a new one has been developed. The VAMMHA agreed to partner with the VAMHB and DHCD in development and to share cost to the overall expense.

Mr. Flores made a motion to approve staff's request to continue development of the pamphlet. The motion was seconded by Mr. Carver and passed unanimously.

Report of the Secretary

Mr. Dyer informed the Board that resignation letters had been received from Mr. William Moody and Mr. Michael Nickell. These letters were forwarded to the office of the Governor and have been accepted by the Governor, who will be appointing two new members to the Board.

Mr. Dyer informed the Board that DHCD is seeking input from Board members on the consideration of moving to an e-package in the future for Board agenda packets. Ms. Cindy Davis, who was unable to be present, is looking into the feasibility of possible equipment purchases for the use of Board members in viewing the packets. The Board will be updated as new information is collected. It was noted that this is being explored as an option for those members who would prefer an electronic format; paper agenda packets will be made available to those members who choose to continue receiving packets in the current format.

Old Business

Appeal: Circuit Court in the City of Richmond – D.B.A. Enterprises, Inc., d/b/a Creative Homes v. Margaret and Richard Bien

Mr. Dyer informed the Board that the previous Board decision in the case was upheld by the Richmond Circuit Court. Ms. Patty Anderson, attorney for the appellees, addressed the Board and asked that the maximum amount from the recovery fund be awarded to Margaret and Richard Bein from the Manufactured Housing Licensing and Transaction Recovery Fund. Mr. Dyer stated that an Informal Fact Finding would be required and the appellees would need to request this in writing. It was stated by Asst. Attorney Steve Jack, the parties may waive their right to an IFF Conference and the case be heard before the VAMHB.

New Business

IFF Conference Case #D-2012-05 – Harry W. Seymore v. CMH Manufacturing, Inc.

Prior to the hearing of this case, Mr. Flores and Ms. Tomlin recused themselves. The hearing convened and Mr. Dyer informed the Board that a consent agreement had been drafted and agreed upon by the parties, which details how CMH Manufacturing, Inc. will correct the issues. Mr. Chris Kelly, General Manager of CMF Manufacturing indicated that all issues will be corrected within 30 days. Mr. Steven Jack recommended amending the consent agreement to add a timeframe of 30 days for completion of the corrections and that if the terms are not met within 30 days, the matter will be brought back before the Board. Mr. Roncaglione made a motion to accept the consent order as amended. The motion was seconded by Mr. Dudley and passed unanimously.

IFF Conference Case #D-2012-07 – Blankenship & Damron v. Moody Homes

The hearing convened and Valrae Negley, DHCD, addressed the Board with regards to the IFF that was held. After discussion on count 1, Mr. Flores made a motion to find Moody Homes, Inc. in violation of 13 VAC 6-20-170 (7 – Knowingly failing or refusing to account for or pay over money or other valuables belonging to others which have come into the regulant’s possession due to the sale of a manufactured home) and assessed a penalty of \$2,500.00. The motion was seconded by Mr. Satterwhite and passed unanimously.

After discussion of count 2, Mr. Flores made a motion to find Moody Homes, Inc. not in violation of 13 VAC 6-20-170 (21 – Failing to comply with any provisions of this chapter). The motion was seconded by Mr. Carver and passed unanimously.

IFF Conference Case #T-2012-07 – Blankenship & Damron v. Moody Homes

The Board rejected staff recommendation and reduced the amount to be paid from the fund \$1,600.00; as an amount paid to a salesperson. After discussion, Mr. Flores made a motion to direct Moody Homes, Inc. to reimburse the amount of \$25,000.00 to Renea Blankenship. The motion was seconded by Mr. Roncaglione and passed unanimously.

Future Meeting and Location

The next meeting will be scheduled for May 16, 2013. The meeting will be held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, VA.

Adjournment

There being no further business, the meeting was adjourned by motion of Ms. Tomlin.