

MINUTES

VIRGINIA MANUFACTURED HOUSING BOARD MEETING

Department of Housing & Community Development

Main Street Centre

600 East Main Street

12th Floor – Conference Room South

Richmond, Virginia

May 17, 2012

10:00 a.m.

Board Members Present : James W. Roncaglione, Chairman
Walter K. Hughes, Sr., Vice Chairman
Eric C. Anderson
Jim Carver
Ben Flores
Earl T. (Tom) Satterwhite

Board Members Absent : Michael C. Nickell
William H. Moody
Gina M. Burgin

Public Representation	<u>Public</u>	<u>Staff</u>
	Linda B. Guill	Lorenzo E. Dyer, Secretary
	Ernestine Alexander	Steven Jack, OAG
	Evelyn Robertson	Emory Rodgers
	Melissa Snead	Cindy Davis
	Tyler Craddock	Debra Winston-Bowles
		Jim Davidson

A. Call to Order/Roll/Determination of a Quorum.

The Virginia Manufactured Housing Board meeting was held in Richmond, Virginia, Thursday, May 17, 2012. Chairman Roncaglione called the meeting to order at 10:00 a.m. Lorenzo Dyer, Secretary to the Board, performed the roll call and a quorum was present.

B. Approval of the Minutes.

A motion was made by Eric C. Anderson and seconded by Jim Carver to accept the Minutes from the Board's meeting of February 16, 2012. The minutes were accepted as written by a unanimous vote.

Eric C. Anderson moved to move Agenda Item F-1 New Business – Salesperson's License Application for Richard Noell Puckett to Agenda Item C. Tom Satterwhite seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

C. Public Comment.

None.

D. Committee Reports.

1. The PSA's were submitted to the Board for review and approval.

A report was presented to the Board concerning the development and revisions of the PSA's for review and approval. Ben Flores made a motion to accept the development and production of the PSA's for new manufactured homes. Tom Satterwhite seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

E. Old Business.

1. Ernestine Alexander v American Dream Homes, Inc. (A Three-Party Agreement)

During the Formal Hearing, a Eric Anderson moved that an agreement be prepared between the Board and the two parties. The motion was seconded by Jim Carver. The discussion followed that Ms. Alexander would be reimbursed the amount of the down payment, minus the \$5,929.00 that will be retained by American Dream Homes as actual damages. American Dream Homes will have seventy-five days to remove the home from Ms. Alexander's property. The Agreement states that American Dream Homes will have access to the property to be able to complete the removal of the home from Ms. Alexander's property. The amount to be reimbursed to Ms. Alexander from American Dream Homes is \$\$32,497.25; to be reimbursed to Ms. Alexander within the period of seventy-five (75) days as stipulated. The parties have two weeks to sign the agreement and once that period is over, the home should be removed from the property within the seventy-five days as stipulated by the agreement.

Steven Jack, OAG stated that if the signed contract is not receive back within the designated two week period, the Board will reconvene the Hearing for further deliberations at the next board meeting. The signature of the parties on the Agreement stipulates that each party waives their right to appeal the decision of the Board. The agreement further stipulates that the parties waive their right to appeal. If one of the parties fails to comply with the contract, the board will take action against the licensee. If Ms. Alexander fails to allow access to the property that could be considered a Contractual Breach of the Agreement; and the Board would reconvene and could come to a different decision regarding the case. The motion carried by unanimous vote.

Staff was directed to prepare the Settlement Agreement during the **Formal Hearing as stipulated in accordance to the Board's instruction.**

F. New Business.

1. Salesperson License Application – Richard Noell Puckett – Halifax Homes.

During the meeting additional information was received from Richard Noell Puckett which included letters of recommendation from different sources to be taken into consideration regarding his application for a salesperson license.

After Board's discussion, Walter K. Hughes, Sr. moved to grant Richard Noell Puckett a license. The motion was seconded by Ben Flores. Chairman Roncaglione called the question and the motion was carried by four (4) yes votes and two (2) opposed votes.

G. Report of the Secretary/Associated Director/Deputy Director Reports.

1. 2009 Virginia Manufactured Housing Licensing and Transaction Recovery Fund status.

The Governor approved the proposed changes to the 2009 Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations. The Regulations will be published June 4, 2012 and become effective on July 1, 2012. The proposed changes, which include a couple of exceptions were presented to the Board for review and approval for pages 11, 20 and 22 as follows:

Page 11, 13VAC 6-20-190A. Conference; hearing; service of notice.

Walter K. Hughes, Sr. moved to accept the changes to 13VAC 6-20-190 A. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

Page 20, 13VAC 6-20-400(1)(2)(3)(4). Limitation on damages retained by dealer; disclosure to buyer; and 13VAC 6-20-420. Recovery fund established; assessments.

Ben Flores moved to accept the changes to 13VAC 6-20-400(1)(2)(3)(4) and 13VAC 6-20-420. Tom Satterwhite seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

On Page 22, 13VAC 6-20-450. Payment of damages; limitations; conditions.

Jim Carver made a motion to accept the changes listed under 13VAC 6-20-450. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

H. Future Meeting Date and Location.

The next meeting date and location is scheduled for Thursday, July 19, 2012 at 10:00 a.m. at the VHC Conference Center, 4224 Cox Road, Henrico Room 2, Glen Allen, Virginia 23060.

I. Adjournment.

Ben Flores moved to adjourn the meeting. Jim Carver seconded the motion.

The Virginia Manufactured Housing Board Meeting adjourned at 1:25 p.m.