

VIRGINIA MANUFACTURED HOUSING BOARD MEETING

August 1, 2013

VAMMHA Annual Conference,  
3001 Atlantic Ave.,  
Virginia Beach, VA 23451

**Members Present**

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

**Members Absent**

Jim Carver

**Staff Present**

Emory Rodgers  
Cindy Davis  
Lorenzo Dyer  
Eric Leatherby  
Joshua Laws, 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. Joshua Laws, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

**Approval of Minutes**

Mr. Dudley moved to approve the minutes of the May 16, 2013 meeting as presented in the Board members' agenda package. The motion was seconded by Mr. Satterwhite was carried by unanimous vote.

**Agenda Requests**

The Chairman requested that item F-1 be moved up on the agenda due to the fact that guests were present to participate in the case. A motion to move item F-1 up on the agenda was made by Mr. Roncaglione and seconded by Mr. Cleaton. The motion carried by unanimous vote.

**Old Business**

**F-1: IFF Conference Case #T-2012-8 – Aida Bermudez, Juan and Aida Salva v. Golden Rule Homes, Inc.**

Count 1 – A motion was made by Mr. Flores that the regulant would return \$3,000.00 and the remainder of \$3,350.00 would be retained by the regulant as actual damages. The motion died for a lack of a second. A motion was made by Mr. Cleaton that the entire amount of \$6,350.00 be retained by the regulant as actual damages. The motion died for a lack of a second.

After additional discussion the original motion by Mr. Flores was reintroduced to the floor that the original \$3,000.00 be repaid and the remainder of the \$3,350.00 be retained as actual damages by the regulant. The motion was seconded and carried by 4 in favor and 3 opposed with 1 abstention.

**F-1: IFF Conference Case #D-2012-8 – Aida Bermudez, Juan and Aida Salva v. Golden Rule Homes, Inc.**

Count 1 – A motion was made by Mr. Dudley that the regulant be penalized a total of \$3,350.00. The motion died for a lack of a second.

In further discussion the Board noted the regulant violated section *13 VAC 6-20-400* failing to “...provide the purchaser a written disclosure at the time of the sale alerting the buyer to the actual damages that may be accessed of the buyer by the dealer, as listed in subsection A of this section, for failure to take delivery of the manufactured home as purchased.”

A motion was made by Mr. Cleaton that the regulant be assessed a monetary penalty of \$1000.00 as a result of violation of the regulations *13 VAC 6-20-400* and violation of the regulations *13 VAC 6-20-170 (A) (7)*. The motion was seconded by Mr. Satterwhite and was carried by a vote of 7 in favor and 1 opposed.

Count 1 – A motion was made by Mr. Satterwhite and seconded by Mr. Flores that no action will be taken against the regulant regarding the 2<sup>nd</sup> Count. The motion carried by unanimous vote.

**Public Comments**

There were no public comments made.

**Committee Reports – Education Committee**

Mr. Dyer stated that an email report was sent in by the Media Relations Office of DHCD to be reported to the Board. Interim to receiving the report, the Chairman expressed concern the installation of manufactured homes being accountable to DPOR (State Board of Contractors) and not to the VAMHB. The Manufactured Housing Regulations will be reviewed and evaluated to identify the regulatory authority concerning installation requirements to be applied.

Ms. Cindy Davis reported that the Media Relations Office has developed a letter that will be going out to radio stations (138) making a request of the stations, if, when and during what time period they will be announced. Discussion followed of when the Board wanted the announcements to go out. Also mentioned that the PSA's would be prepared as videos to be on the web site, the blog, u-tube and some video streams. The Board members stated the best time for release of the PSA's would be in autumn (September and October) and in spring (February and March). The run date would correspond to the release of the consumer brochures. Release would create a wide saturation of information for consumers by way of the brochures, the videos, websites, and the building departments. It was expressed that a “QR” code would be part of the presentation to enhance the technology and the advantages. It was requested that the Board would review the brochures and provide input to staff regarding any information they would like added or deleted

### **Report of the Secretary**

There was no report submitted by the Secretary.

Mr., Emory Rodgers reported information concerning the regulatory activity involving the Board affairs and the affairs of HUD. He reported that HUD has expanded its activities over the years; that training for installers has been instituted and is now available on-line for manufactured home installers.

### **New Business**

#### **Case of Margaret and Richard Bien v. Creative Homes dba Enterprises, Inc.**

The case was presented to the Board for review. After some discussion the amount to be awarded to the consumer according to the regulations was identified as \$35,000.00.

*Count 1- 13 VAC 6-20-170 (A)(5). Failing to comply with the warranty service obligations and claims procedures required by this chapter.* A motion was made by Ms. Tomlin to pay the consumer \$35,000.00 from the Transaction Recovery Fund and seconded by Mr. Flores. The motion carried by a unanimous vote.

### **Additional New Business**

The Chairman added comments concerning the MHLTRF Report. He requested that the report cover a more extensive period of time. The Chairman also stated that he would like to see VAMHB members conducting IFF Conferences. It is proposed that Board members would be polled to determine if they would be available to hear the IFF Conference cases. Staff will come up with a process to inform the Board of the need to conduct an IFF Conference and to determine the necessary participation on the part of the Board as well as which member would be available to participate. There was also discussion concerning the Board being orientated concerning the regulations and its participation in IFF Conferences.

### **Future Meeting and Location**

The next meeting will be scheduled for October 17, 2013 at the Virginia Housing Center, 4224 Cox Road, Glen Allen, VA.

### **Adjournment**

There being no further business the meeting was adjourned.

**MANUFACTURED HOUSING BOARD MEETING MINUTES**

**APPROVAL SHEET**

**Minutes from Board Meeting August 1, 2013**

Walter Lee Lyben, Chairman or Co-Chairman  
**APPROVED**

Aug 1 2013  
**DATE**