

Draft

**Virginia Manufactured Housing Board
Minutes
January 17, 2008**

Board Members Present : James W. Roncaglione
Ava Lewis
Eric C. Anderson
William B. Toombs
John M. Swecker, Jr.

Board Members Absent : William H. Moody, Chairman
Michael C. Nickell, Vice Chairman
Walter K. Hughes, Sr.
Samantha Hedgspeth

Public Representation : Dinia Pizzino c/o Bertha E. Peppenger
Ron Burlington, Fleetwood Homes of VA, Inc.
Joseph and Mary Brown
Charlie Hemphill, Norris Homes
Bob Lucas, Clayton Homes
Ron Dunlap, VAMMHA

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

The Virginia Manufactured Housing Board meeting was held in Richmond, Virginia, Thursday, January 17, 2008. James Roncaglione called the meeting to order at 10:05 a.m. Curtis L. McIver, Secretary to the Board performed the Roll Call and a Quorum was present.

B. Approval of the Minutes.

A motion was made by Eric Anderson and seconded by Ave Lewis to accept the Minutes from the Board's meeting of December 6, 2007. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

Ron Dunlap gave an update on House Bill 44 on the Renewal of Licenses which will be presented to the House Committee next Tuesday, January 29, 2008. On behalf of the VAMMHA, Ron Dunlap extended an invitation to the Board to attend the Virginia Manufactured and Modular Housing Association Annual Convention being held at the Homestead on July 29th through July 31st. An update concerning the Board's attendance will be reported to the Board at the next meeting.

D. Committee Reports.

None.

E. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

Currently, there are 5 brokers, 238 dealers, 42 manufacturers and 738 salespersons licensed in the program.

The cash balance in the Licensing Account is \$15,724.37. The cash balance in the Transaction Recovery Fund Account is \$988,289.09.

A payment from the Transaction Recovery Fund was made to Kenneth and Brenda Hillman in the amount of \$4,993.44 and to Larry and Phylisa Sergent in the amount of \$19,439.04. A total of \$367,674.84 overall has been paid out of the Transaction Recovery Fund since the program was originated in August, 1996.

2. HUD's Dispute Resolution Program.

HUD is giving the states an opportunity to submit their State's Dispute Resolution Programs for approval and if accepted, the program in the state will be managed by the state. If not, HUD will manage the program under HUD's guidelines and procedures in that state. After discussion with HUD's staff, Dispute Resolution Program does not have to be handled as a separate program as long as it's being managed to meet HUD's requirements within the states. The application was submitted to HUD and awaiting an answer.

3. The Office of Attorney General Regulatory Review Task Force.

Listed under the Recommendations on page 25, all forms, applications, electronic filing of reports and paperwork will be available electronically. Our department is working with the IT staff to have the applications available on line and payments made electronically in the near future.

The Task Force was recommending a change of wording to the Regulations. A decision will be made later this year to reflect changes to the wording or the language of the Regulations.

Under the Administrative Procedures Act, Code of Virginia Section 2.2-4003.Venue, the wording needs to be changed to reflect if a court case challenges the Board's rulings, the court case venue is where the Administrative Agency maintains its principle office or as the parties otherwise agree.

If House Bill 44 is passed, amendments need to be made to the Regulations later this year to reflect those changes and the recommendations will be implemented and incorporated with the Regulatory Change Process.

The Office of the Secretary of the Commonwealth will accept faxed copies of the Financial Disclosure Forms for the deadline of January 15, 2008 but the originals must be submitted.

F. Unfinished Business.

1. Bertha E. Peppenger (Dinia Pizzino) v. Fleetwood Homes of Virginia and Crews Home Sales.

The Board received comments from Ms. Pizzino and Mr. Burlington of Fleetwood regarding the air tests by McKee Resources and the completion of the terms of Final Order 2007-8. Based on the discussion and documents submitted, the Board considers Final Order 2007-8 completed.

Ms. Pizzino had submitted a request for refunds from Fleetwood for the price of the home, real estate taxes, electrical bills, insurance and other expenses. After reviewing and discussing the submitted documents, a motion was made by Eric Anderson and seconded by William Toombs to conduct an Informal Fact-finding Conference to pay \$63,777.00 from the Transaction Recovery Fund for Ms. Bertha E. Peppenger c/o Dinia Pizzino claim against Fleetwood Homes of Virginia, Inc. After extensive discussion, James Roncaglione called the question and the motion failed by a unanimous vote.

2. Joseph and Mary Brown v. Clayton MH dba LUV Homes (Ashland).

Lorenzo Dyer presented his findings and recommendations from the Informal Fact-finding Conference held on January 3, 2008. Additional comments and information were provided by Mr. and Mrs. Brown, Mr. Lucas and Mr. Hemphill. Because Board members felt additional documents were needed in this case, a motion was made by Eric Anderson and seconded by Ava Lewis to have the Browns and/or Bob Lucas, Clayton Homes provide additional information such as a copy of the contract that may be provided from the Finance Company, work orders and cancelled check(s) to be reviewed by the Board at the next scheduled meeting on March 20, 2008. Mr. Lucas and Mr. Hemphill were informed that having entered their testimony they would not have to attend the next meeting(s). James Roncaglione called the question and the motion carried by unanimous vote.

3. License application – Christine Hilton, Crews Mobile Homes.

After reviewing the documents provided and interviewing Ms. Hilton, Eric Anderson made the motion to grant a Manufactured Home Salesperson's License to Christine Hilton. The motion was seconded by John M. Swecker. The motion carried by unanimous vote.

4. Completed Agenda Items.

- a. Larry and Phyllis Sergent v. Indies Signature Homes, Hackleburg, AL.

Payment made from Recovery Fund.

G. New Business.

None.

H. Next Meeting Date and Location.

The next meeting date and location of the Virginia Manufactured Housing Board is scheduled for March 20, 2008 at 10:00 a.m. in Richmond, Virginia.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 1:50 p.m. on a motion made by Eric Anderson and seconded by Ava Lewis. The motion carried by a unanimous vote.