

DRAFT MINUTES

**VIRGINIA MANUFACTURED HOUSING BOARD
MEETING**

**VHC Conference Center
4224 Cox Road
Henrico Room 2
Glen Allen, VA 23060
September 9, 2010**

10:00 a.m.

Board Members Present : James W. Roncaglione, Chairman
Walter K. Hughes, Sr., Vice Chairman
Michael C. Nickell
Eric Anderson
Ben Flores
Gina M. Burgin
Earl T. (Tom) Satterwhite
Jim Carver
Lorenzo E. Dyer, Secretary to the Board

Board Members Absent : William H. Moody

Public Representation : Ron Dunlap
Tyler Craddock

Staff
Clinton Wallace
Larry Brock
Debra Winston-Bowles
Valrae Negley
Jim Davison
Emory Rodgers

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

The Virginia Manufactured Housing Board meeting was held in Richmond, Virginia, Thursday, September 9, 2010. Chairman Nickell 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. Election of Officers.

Election of Officers. A motion was made by Jim Carver to nominate James W. Roncaglione as Chairman of the Virginia Manufactured Housing Board. The motion was seconded by Walter K. Hughes, Sr. Lorenzo Dyer called the question and the motion carried by unanimous vote.

Earl T. (Tom) Satterwhite made a motion to nominate Walter K. Hughes, Sr. as Vice Chairman of the Virginia Manufactured Housing Board. The motion was seconded by Eric Anderson. Chairman Roncaglione called the question and the motion carried by unanimous vote.

Eric Anderson made a motion to nominate Lorenzo E. Dyer as Secretary of the Virginia Manufactured Housing Board. The motion was seconded by Michael C. Nickell. Chairman Roncaglione called the question and the motion carried by unanimous vote.

C. Approval of the Minutes.

A motion was made by Eric Anderson and seconded by Ben Flores to accept the minutes from the Board's meeting of July 15, 2010. The Minutes were accepted as written by a unanimous vote.

D. Public Comment.

Tyler Craddock replaced Ron Dunlap as the new Executive Director of the Virginia Manufactured/Modular Housing Association.

Ron Dunlap will be retiring December 31, 2010. Ron Dunlap offered appreciation to the Board for all services provided to the Virginia Manufactured/Modular Housing Association in serving the public citizens.

E. Committee Reports.

1. Education Program Committee.

Eric Anderson resigned as Chairman of the Education Program Committee. A new committee chairman will be appointed at a later date.

The Board covered the matter of interest concerning revenue to support the PSA's for the Education Program which will be discussed at a later date.

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

1. COSSA Meeting September 14-16, 2010.

HUD will be presenting a meeting to include all SAAs to discuss the upcoming changes concerning quality assurance, depletion of revenues, and the budgeting of funds in operating businesses throughout the States. Additional information will be presented to the Board at a later date.

2. Meeting with Division of Motor Vehicle (DMV).

Division of Motor Vehicle (DMV) conducted a meeting of interest to discontinue titling of manufactured housing in the State of Virginia. Additional information will be presented to the Board at a later date.

3. Delegate James M. LeMunyon, a new member in Virginia House of Delegates, County of Fairfax, requested a copy of records, or minutes for the last twelve calendar months including any recommendations made by the general assembly in regard to the Virginia Manufactured Housing Board.

Discussion: The Board requested staff to address the letter received from Delegate James M. LeMunyon.

Eric Anderson made a motion to reopen the Agenda and add under Item Number 5. New Business - Virginia Manufactured Housing Board v. Michael S. Champion application for salesperson's license. Gina M. Burgin seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

G. Old Business.

1. Consent Order for Buckingham Homes, Dillwyn, VA – Linda Seay - Case No.: 2009-10.

Walter K. Hughes, Sr. made a motion to accept the Consent Order in reference to Linda Seay, Buckingham Homes, Dillwyn, VA – Case Number 2009-10 and close the case. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Discussion: The Board recommended staff mail a letter and a copy of the Consent Order to Linda Seay, Buckingham Homes, Dillwyn, VA informing the case is closed.

H. New Business

1. Amendment to proposed Regulations.

Proposed

“Manufactured home dealer” or “dealer” means any person engaged in the business of buying, selling or dealing in manufactured homes or offering or displaying manufactured homes for sale in Virginia. Any person who buys, sells, or deals in more than one new manufactured home in any 12-month period shall be presumed to be a manufactured home dealer. The terms “selling” and “sale” include lease-purchase transactions. The term “manufactured home dealer” does not include banks and finance companies that acquire manufactured homes as an incident to their regular business.

Existing

“Manufactured home dealer” or “dealer” means any person engaged in the business of buying, selling or dealing in manufactured homes or offering or displaying manufactured homes for sale in Virginia. Any person who buys, sells, or deals in three or more manufactured homes in any 12-month period shall be presumed to be a manufactured home dealer. The terms “selling” and “sale” include lease-purchase transactions. The term “manufactured home dealer” does not include banks and finance companies that acquire manufactured homes as an incident to their regular business.

Walter K. Hughes, Sr. made a motion to change the proposed language from more than one new manufactured home to three or more manufactured homes. Gina M. Burgin seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

2. Virginia Manufactured Housing Board v Virginia Mobile Homes, Inc.
- Case 2010-08 Disciplinary.

On May 6, 2010, a Notice of Informal Fact-Finding Conference was mailed to David L. Campbell and Russell G. Fournier of Virginia Mobile Homes. Based upon the evidence of the IFF, the following is recommended regarding the Counts as follows:

13VAC 6-20-170. Prohibited conduct; grounds for denying, suspending or revoking licenses

Count 1: 13VAC 6-20-170 (22). Failing to comply with regulations of State and Federal agencies regarding the financing, titling, taxation or transporting of manufactured homes.

Count 2: 13VAC 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.

Count 3: 13VAC 6-20-170 (11). Employing an unlicensed salesperson.

Count 4: 13VAC 6-20-170 (21). Failing to comply with any provisions of this chapter.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 1 is found in violation of 13VAC 6-20-170 (22). Michael C. Nickell seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 2 is found in violation of 13VAC 6-20-170 (7). Gina M. Burgin seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 3 is found in violation of 13VAC 6-20-170 (11). Jim Carver seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 4 is found in violation of 13VAC 6-20-170 (21). Michael C. Nickell seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 1 be assessed \$500. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 2 be assessed \$250. Michael C. Nickell seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., on Count 3 be assessed \$250. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Virginia Mobile Home, Inc., Count 4 be assessed \$250. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

3. Virginia Manufactured Housing Board v Virginia Mobile Homes, Inc.
- Case 2010-11 Transaction Recovery Fund.

Eric Anderson made a motion based upon the evidence presented to except staff's recommendations for Virginia Mobile Home, Inc. to reimburse the amount of \$2,842.00 to Ellen O. Pierce and Richard M. Pierce. Walter K. Hughes, Sr. seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

4. Virginia Manufactured Housing Board v Virginia Mobile Homes, Inc.
- Russell C. Fournier/Disciplinary.

On June 24, 2010, a Notice of Informal Fact-Finding Conference was mailed to Russell G. Fournier of Virginia Mobile Homes. Based upon the evidence and the IFF, the following is recommended regarding the Counts as follows:

Count 1: 13VAC 6-2-170 (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.

Count 2: 13VAC 6-2-170 (22) Failing to comply with the regulations of state or federal agencies regarding the financing, titling, taxation or transportation of a manufactured home.

Count 3: 13VAC 6-2-170 (21) Failing to comply with any provision of this chapter.

Eric Anderson made a motion that Mr. Russell C. Fournier of Virginia Mobile Home, Inc., on Count 1 is found in violation of 13VAC 6-20-170 (21) / 13VAC 6-20-150. Michael C. Nickell seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

Eric Anderson made a motion that Mr. Russell C. Fournier of Virginia Mobile Home, Inc., on Count 2 is found in violation of 13VAC 6-2-170 (21) / 13VAC 6-20-150 and the salesperson license for Mr. Russell C. Fournier be terminated, effective immediately. The Board accepted staff's recommendation and advocated the monetary assessment of \$250 be assessed against Russell C. Fournier. Earl T. Satterwhite seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

5. Michael S. Champion – Application for a Salesperson License.

Letter dated August 17, 2010 was received from Michael S. Champion regarding a felony on his record. Documents were received from the Commonwealth of Virginia, Executive Department in reference to the felony against Mr. Champion which occurred on September 25, 1974.

After much discussion, Walter K. Hughes, Sr. made a motion to grant a salesperson license to Michael S. Champion. Michael C. Nickell seconded the motion. Chairman Roncaglione called the question and the motion carried by a unanimous vote.

I. Future Meeting Date and Location.

The next meeting date and location is scheduled for Thursday, December 2, 2010 at 10:00 a.m., at the Department of Housing and Community Development, Main Street Centre, 600 East Main Street, Suite 300, 1st Floor Conference Room, Richmond, Virginia 23219.

J. Adjournment.

A motion was made by Eric Anderson to adjourn the Virginia Manufactured Housing Board Meeting. Jim Carver seconded the motion. The motion carried by a unanimous vote.