

DRAFT MINUTES

VIRGINIA MANUFACTURED HOUSING BOARD MEETING

September 11, 2008
RICHMOND, VIRGINIA

Board Members Present : Michael C. Nickell, Chairman
Ava Lewis, Vice Chairman
James W. Roncaglione
Walter K. Hughes, Sr.
William H. Moody
William B. Toombs
Eric Anderson
Ben Flores
Gina M. Burgin

Board Members Absent : None

Public Representation : Ron Dunlap, Virginia Manufactured/Modular Association
Thomas W. Nesbitt, Assistant Attorney General
Steve Calhoun, Policy Analyst
Emory Rodgers, Deputy Directory

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

The Virginia Manufactured Housing Board meeting was held in Richmond, Virginia, Thursday, September 11, 2008. Chairman Nickell called the meeting to order at 10:00 a.m. Lorenzo E. Dyer, Secretary to the Board performed the Roll Call and a Quorum was present.

B. Approval of the Minutes.

A motion was made by James W. Roncaglione and seconded by Ava Lewis to accept the Minutes from the Board's meeting of July 30, 2008. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

None.

D. Committee Reports. Educational Program Committee

In regard to the Educational Program, a Power Point Presentation will be presented at the next scheduled Board meeting on November 20, 2008.

E. Report of the Secretary.

Currently licensed are 3 brokers, 241 dealers, 40 manufacturers and 730 salespersons.

The HUD's Manufactured Home Installation Program: The HUD's Manufactured Home Installation Program will go into effect on October 20, 2008. Further discussion will be made at the next Board meeting.

F. Old Business.

13 VAC 6-20-440. Appeals of the board's decision.

Discussion from the July 30, 2008 meeting concerning the Appeals process was addressed to delete Section 13 VAC 6-20-440 from the Proposed Regulations. Eric Anderson made the motion to the Board to approve to have Section 13 VAC 6-20-440 included back into the Regulations. The motion was seconded by William H. Moody. Chairman Nickell called the question and the motion carried by a unanimous vote.

1. Review of the Manufactured Housing Transaction Recovery Fund Proposed Regulations.

A decision was made to have staff proceed to process the draft of the Proposed Regulations to the Department of Planning and Budgeting, the Attorney's General Office, the Secretary's Office and the Governor's Office in order to publish the Proposed Regulations in the Virginia Registrar in the year of 2009. James W. Roncaglione made the motion to approve to proceed with the processing of the draft Proposed Regulations. The motion was seconded by Walter K. Hughes, Chairman Nickell called the question and the motion carried by a unanimous vote.

2. Public Participation Guidelines (Approval).

Further discussion and additional information was provided concerning the Public Participation Guidelines from the General Assembly. Walter K. Hughes made the motion to approve to accept the Public Participation Guidelines. Eric Anderson seconded the motion. Chairman Nickell called the question and the motion carried by a unanimous vote.

3. Board request for question added to Dealer License Application.

Additional information is requested concerning the Dealer License Application. Walter K. Hughes made a motion to table the decision until additional information is obtained. The motion was seconded by Ava Lewis. Chairman Nickell called the question and the motion carried by a unanimous vote.

4. Informal Fact-finding Conference Case - Jackie Pate v Housing Solutions.

The dealer failed to pay taxes and titling fees to the Division of Motor Vehicle (DMV) as required by the Regulations. Base upon findings and recommendations, a conclusion was made to reimburse the total for taxes, titling fees and the cost of obtaining a Duplicate Certificate of Origin in the amount of \$989.81 to Jackie Pate. A motion was made by Ava Lewis stating the Board finds the dealer responsible for the damages as outlined which total \$989.81. There was discussion that upon review of the information involved in this case, other actions may be taken concerning the regulant (s) in this case to the discretion of the Board. The dealer will be given notice to pay the amount within 30 days or appeal the decision of the Board or the amount will be paid from the Transaction Recovery Fund in full to Jackie Pate. The motion was seconded by Walter K. Hughes. Chairman Nickell called the question and the motion carried by a unanimous vote.

5. Informal Fact-finding Conference Case – Vickie Barker v Housing Solutions.

The dealer failed to pay taxes and titling fees to the Division of Motor Vehicle (DMV) as required by the Regulations. Base upon findings and recommendations, a conclusion was made to reimburse the totals for taxes and titling fees in the amount of \$758.10 to Vickie Barker. A motion was made by Eric Anderson stating the Board finds the dealer responsible for the damages. There was discussion that upon review of the information involved in this case, other actions may be taken concerning the regulant (s) in this case to the discretion of the Board. The dealer need to be given notice to pay the amount within 30 days or appeal the decision of the Board or the amount will be paid from the Transaction Recovery Fund in full to Vickie Barker. The motion was seconded by Walter K. Hughes. Chairman Nickell called the question and the motion carried by a unanimous vote.

A motion was made by William B. Toombs to conduct an Executive Close Meeting for consultation with Legal Council to include the Virginia Manufactured Housing Board, Emory Rodgers, Clinton Wallace, Lorenzo Dyer, Secretary to the Board. The motion was seconded by Ava Lewis. Chairman Nickell called the question and the motion carried by a unanimous vote. The Board was called back into regular session by roll call of the members.

G. New Business.

1. Change Agenda Format.

Ava Lewis made the motion to the Board to accept the new Agenda which includes Old Business and Future Meeting Date and Location; and, Unfinished Business will no longer be included on the Agenda. William Moody seconded the motion. Chairman Nickell called the question and the motion carried by a unanimous vote.

2. Dealer related licensing questions.

Staff issue. (will be discussed at a later date)

3. Letter to Dealers/Manufacturers regarding Warranties.

A letter should be sent to dealers directing dealers to provide warranty provisions to be presented to customers at the time of the sale of a new manufactured home.

H. Future Meeting Date and Location.

The next meeting date and location of the Virginia Manufactured Housing Board is scheduled for Thursday, November 20, 2008 at 10:00 a.m. 501 N. Second Street, Richmond, Virginia, 23219.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 2:35 p.m. on a motion made by Ava Lewis and seconded by William B. Toombs. The motion carried by a unanimous vote.