

**Virginia Manufactured Housing Board
Minutes
May 17, 2007**

Board Members Present : Michael C. Nickell, Vice Chairman
Eric C. Anderson
Walter K. Hughes, Sr.
Ava Lewis
James W. Roncaglione
John M. Swecker, Jr.
William B. Toombs

Board Members Absent : William H. Moody, Chairman
Samantha Hedgspeth

Public Representation : John L. White, WMJ Mobile Homes,
South Hill, VA
Nelson P. Jackson, Jackson M. H. Service
Chase City, VA
Marcia H. Clark

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

Vice Chairman Nickell called the Virginia Manufactured Housing Board meeting to order at 10:00 a.m. Curtis L. McIver, Secretary to the Board, called the Roll and a Quorum was present.

B. Approval of the Minutes.

A motion was made by John Swecker and seconded by Walter Hughes to accept the Minutes from the Board's meeting of March 15, 2007. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

On behalf of Ron Dunlap, VAMMHA, Walter Hughes extended an invitation to the Board to attend the Annual Virginia Manufactured and Modular Housing Association Convention in Virginia Beach on July 24 – July 26, 2007. A motion to meet in July with VAMMHA was made by Walter Hughes. The motion was seconded by James Roncaglione. Vice Chairman Nickell called the question and the motion carried by unanimous vote. An update will be reported by Curtis McIver to the Board prior to the next meeting.

D. Committee Reports.

None.

E. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$34,786.12. The cash balance in the Transaction Recovery Fund Account is \$986,274.52.

Currently licensed are 4 brokers, 237 dealers, 40 manufacturers and 754 salespersons in the program.

2. Industrialized Buildings and Manufactured Homes Presentations.

In December 2006 and April 2007 there were five (5) presentations on manufactured housing and industrialized buildings given in the following locations: Fredericksburg, Hampton, Danville, Wytheville, and Staunton. A total of 130 people attended the presentations. Almost all of the attendees were local code enforcement personnel. Only a few people from the manufactured housing or the modular building industries attended any of the sessions. Evaluations of programs by the attendees were very favorable. A copy of the Power Point slides used in the program was included in the agenda package.

3. Web Site Video for the Virginia Manufactured/Modular and Housing Association.

The VAMMHA office requested that we do a short video for their website. The DHCD Public Relations Officer has completed the preliminary video for the VAMMHA and DHCD Web sites. Review of the video took place during the meeting. The Board had no changes to be made. The video will be given to Ron Dunlap to be posted on their web site as a link to the Manufactured Housing Board and also will be posted on our web site here at DHCD. Mr. Anderson also asked that the video be made available to local jurisdictions for use as Public Service Announcements or local TV access.

4. HUD Dispute Resolution Final Rule. (Handouts provided for each Board Member)

HUD was required to develop a Dispute Resolution Program under the Federal Legislation that was enacted in 2000. HUD published the final rules on the Dispute Resolution Program to go into effect February 8, 2008. The Dispute Resolution Program will be for the manufacturers, dealers, and installers to resolve disputes. HUD will set up a system to allow states to operate the Dispute Resolution Program within their state.

A form is provided for the state to complete to be reviewed by HUD. If HUD approves Virginia's program, we will be able to operate the Dispute Resolution Program in Virginia. If HUD does not approve the program or if we do not want to do it according to HUD rules, HUD will be required to

handle the program in Virginia in accordance with their program. The department will evaluate the Dispute Resolution Program and a decision will be made by the Board before the end of the year.

F. Unfinished Business.

1. Judith & Kelly Armstrong v. Liberty Homes, Inc. and Crews Home Sales.

Additional handouts were given to the Board by Lorenzo Dyer from the Armstrongs regarding moisture in the home. After discussion of the case, a motion was made by James Roncaglione directing staff to draft a Final Order and send a warning letter to Crews Home Sales emphasizing the importance of following the manufacturer's installation instructions or Crews Home Sales may be sanctioned in future cases. No actions were taken against the Manufacturer and no payments made to the Armstrongs. The motion was seconded by Walter Hughes. Vice Chairman Nickell called the question and the motion carried by unanimous vote.

**2. Marcia H. Clark v. Liberty Homes, Inc. and Crews Home Sales.
(Hearing)**

Marcia H. Clark appeared before the Board indicating that a title to her home was never received. Prestige Homes, the dealer that sold the home collected the sales tax and title fees but never paid DMV. The dealer has gone out of business. After much discussion, a motion was made by James Roncaglione to reimburse Marcia H. Clark from the Manufactured Housing Transaction Recovery Fund in the amount of \$1,528.20. The motion was seconded by Eric C. Anderson. Vice Chairman Nickell called the question and the motion carried by unanimous vote. Staff will draft a Final Order for the Chairman's signature to carry out the payment.

3. Jackson M. H. Service v. WMJ Mobile Homes, LLC. (Hearing)

Nelson P. Jackson and John L. White appeared to testify during the Hearing held by the Board. After hearing testimony from each and asking questions of both parties, a motion was made by Walter Hughes to order Mr. White to pay to Mr. Jackson \$6,000 plus 6% interest as ordered by the Mecklenburg Court. The motion was seconded by Eric Anderson and carried by unanimous vote. Staff was directed to draft a Final Order for the Chairman's signature. If verification is received from the Court that the judgment has been satisfied, the case will be closed.

**4. D. Verschaeve v. WJC Enterprises Corporation dba Connor Homes.
(Serial Numbers 5-534576 and 5-535603)**

Curtis McIver, Secretary, stated that Connor Home Sales is out of business. It was verified with North Carolina and the Registered Agent in Virginia that Conner Homes Sales closed. In accordance with instructions from the Attorney General, we notified the parties and the registered agent at their last known addresses to give Connor Homes Sales the opportunity to participate in the Fact-finding Conference to make sure we were covered under the Administrative Process Act. No one from Conner Homes appeared to provide any information. The facts of the case remained as provided from the Fact-finding Conference by Lorenzo Dyer.

After much discussion, a motion was made by James Roncaglione to pay \$4,600.00 to the claimant from the Manufactured Housing Transaction Recovery Fund to complete unfinished work left by the dealer. The motion was seconded by Walter Hughes. Vice Chairman Nickell called the question and the motion carried by unanimous vote. Staff was directed to draft a Final Order for the Chairman's signature to carry out the payments.

5. Thomas and Norma Stoots, Wytheville, VA v. WJC Enterprises Corp., dba Connor Homes.

This warranty claim is against the same company as the previous claim. The company no longer exists. A motion was made by Eric Anderson to pay \$2,400 to Thomas and Norma Stoots from the Manufactured Housing Transaction Recovery Fund to complete unfinished work left by the dealer. The motion was seconded by John Swecker. Vice Chairman Nickell called the question. The motion carried by unanimous vote. Staff was directed to draft a Final Order for the Chairman's signature to carry out the payment.

G. New Business.

1. None.

H. Next Meeting Date and Location:

The next meeting date and location of the Virginia Manufactured Housing Board is scheduled for July 25 or 26, 2007 in Virginia Beach, Virginia. Additional information concerning the July board meeting will be distributed to the Board at a later date.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 12:00 noon by a motion made by Eric Anderson and seconded by William Toombs. The motion carried by a unanimous vote.