

Draft

Virginia Manufactured Housing Board Meeting
Minutes
The Jackson Center
September 19, 2002

Board Members Present: James W. Roncaglione, Chairman
Walter K. Hughes, Sr., Vice Chairman
Ava Lewis
William H. Moody
Michael C. Nickell
Ida O. McPherson
William B. Toombs

Board Members Absent: Roger L. Mitchell
E. Thomas Satterwhite

Public Representatives: Ron Dunlap, VAMMHA
Michael & Debbie Burke
Lawrence Moise, Attorney, Legal Aid/Geraldine White
Lisa Rowley, Assistant Attorney General

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

The Virginia Manufactured Housing Board Meeting was called to order by Chairman Roncaglione at 10:00 A.M.

Secretary Curtis L. McIver called the Roll and a Quorum was present.

B. Approval of the Minutes.

A motion was made by Ida O. McPherson and second by William H. Moody to accept the minutes as presented. Chairman Roncaglione called the question and Aye's carried the vote.

C. Public Comment.

Public Comments were received from Michael and Debbie Burke, claimants, expressing their dissatisfaction with the amount awarded from the Recovery Fund to settle their claim. The Burkes requested the Board to reconsider the amount awarded.

Attorney Moise of the VA Legal Aide represents Ms. Geraldine White. He requested the Board to continue Ms. White's case until the next Board meeting.

According to staff, the outstanding issues appear to be dealer related. The only item that is related to the manufacturer is the home was ordered with a gas range and the unit was delivered with an electric range. The manufacturer has agreed to reimbursement the owner the cost for re-installing the correct range. Additional documentation has been requested for cost beyond the \$395 amount that Ms. White may have incurred, so that the manufacturer may also take it into consideration when reimbursing. The manufacturer (Fleetwood) has agreed to have one of their contractors submit an estimate of the repairs that are outstanding -- siding and underlayment.

New siding is to be installed after the old is removed. The manufacturer has agreed to review the condition of the underlayment and if damaged to the point of replacement, replacement will be done. Siding will be removed from one end of the home, new siding re-installed and correct all of the problems on the other end of the unit. A proposal is to be submitted to the Board by the manufacturer at its next meeting.

Anthony Carter's Claim against Gold Medal.

The Board reviewed the claim submitted against the Recovery Fund by Anthony Carter and determined the amount of \$850 to be awarded. Mr. Carter is not satisfied and ask that the Board reconsider the amount for an increase. Also Mr. Carter requested a work up sheet explaining how the Board came to the conclusion of \$850.

D. Committee Reports.

None.

E. Report the Secretary.

1. Plaque presented to John Purcell.

Awarded to Mr. Purcell at his retirement party.

2. Licenses and Recovery Fund Reports.

Cash balance as of September 13, 2002, in the Licensing Account is \$39,348.17. Cash balance as of September 13, 2002, in the Recovery Fund Account is \$891,888.18.

Currently licensed are 12 brokers, 248 dealers, 57 manufacturers and 848 salespersons.

3. 2002 Housing Conference.

A copy of the press release was passed out concerning the 2002 Housing Conference.

F. Unfinished Business.

1. Greg and Linda Wray vs. Henry Moncure Motors, Inc.

Revised Final Order Number 2001-13 was mailed to all parties on September 3, 2002. The Wrays have 33 days to file an appeal. No contact has been received from the Wrays or Henry Moncure Motors, Inc.

2. American Homestar bankruptcy claims and payments.

The majority of the payments have been processed because the amount involved will not exceed the \$75,000 cap for the manufacturer. Staff did receive notice of appeal from John & Geraldine Brain on Final Order 2002-11, Heartland Homes.

In the Sylvia Powell-Terry case, the Board asked that the Terry's submit a price list. This was in the form of a motion made by Ida O. McPherson and second by William H. Moody. Aye's carried the vote.

3. Joseph and Catherine Livesay vs. Chesapeake MH Sales (closed dealership).

A motion was made by Walter K. Hughes, Sr. and second by William H. Moody to authorize repair of the home up to \$4,500, if pulled apart. Board also instructed staff to contact Chesapeake Homes telling them to make the repairs to the home (reset the home) within 30 days. If this is not done within 30 days, the Board will authorize Crew's Brothers to make the repairs up to \$4,500. If this work is done and Chesapeake does not repay the Recovery Fund, Chesapeake will "not" be allowed to do business in the Commonwealth of Virginia.

Aye's carried the vote.

4. Mary Jo O'Quinn vs. Sav-A-Lot Homes (Dealer, Chandelier Homes (Mfgr.).

No action taken by the Board. Staff is waiting the return of the W-9 form.

5. Kerry and Dreama Gammon vs. Bluefield Housing (closed dealer).

A motion was made by Eva Lewis and second by Walter K. Hughes, Sr. to require a second estimate before a decision is made on the claim amount. The second estimate is to be available by the next Board's meeting. Aye's carried the vote.

6. Cases involving 1st Choice Homes.

All except one case (Hopwood) amounts have been determined. No payments have been made out of the Transaction Recovery Fund. Several issues are in need of resolution to determine the injured party in the Hopwood claim. Another party is involved, Timothy Dixon, who has a contract with GreenPoint Financial Company on the Hopwood's trade-in unit and is making payments with intent of ownership. Much discussion was done by the Board and it was decided to send a letter to Hopwood indicating the one remaining item in need of repair and that the manufacturer has agreed to perform the repair. The Board requested the manufacturer to complete the repair within the next 30 days. The motion by Walter K. Hughes, Sr. is staff contact Fleetwood Homes. As part of the motion, Ida O. McPherson is to find out the actual cost of bankruptcy charges and submit it to the Board for consideration of payment to the Hopwoods. This was second by William H. Moody. Aye's carried the vote.

Continued discussion was done and the Chairman of the Board instructed staff to obtain the payment records of Hopwood and Dixon, all monies. If we don't have them within 30 days, we, the Board will be forced to compel production. The Hopwoods were forced into bankruptcy because of this transaction by the dealer. Tabled until the Board's next meeting.

Foreman, Carole – The Board previously awarded a \$500 amount; however the owner requested that staff perform a site investigation and provide the information to the Board. A site investigation was done by staff. Items 8, 9, 12, and 27 needs to be considered for award. The Board increased the \$500 award to \$1,137.50 against the dealer to include additional items.

7. Pending Items – Cases in Circuit Court.

- a. Brenda Washington vs. Colonial Homes – No action taken.
- b. Ronald Morehart vs. Blairs Housing and Liberty Homes. – No action taken.
- c. Christine White vs. Colonial Homes – No action.
- d. License application from John C. Witcher, Jr. – A Gem Homes – inactive.

8. Hassell & Debra Underwood vs. Double D. Homes (Closed dealer).

Tabled until the Board's next meeting. Staff is to contact Redman Homes (manufacturer).

9. Claims against other closed dealers – Larry's Homes.

Howell, Patrick - \$525.00 damages determined.

Dax, Mary Sue – \$600.00 damages charged against the dealer.

Legan, Carl & Taylor, Dorothea – Board requests two (2) estimates.

Burton, William B. – Board requests two (2) estimates.

Martin, Brenda – Board requests two (2) estimates.

Sturms, Shannon R. – Board requests two (2) estimates.

Yonts, Brian and Tracey – Closed. The manufacturer is working to resolve issues with the home.

Johnson, Leroy and Jennifer – Board requests two (2) estimates. Staff is to contact Redman to see what has already been done.

Fields, Cornelius & Mary – Staff is to send a letter to the Fields that Redman has made repairs to Items 2, 10, 11 & 12. The remaining repairs, the Board requests two (2) estimates.

Moseley, Franklin & Rosalind – Board requests two (2) estimates.

White, Geraldine & Puryear, Raymond – Continued.

Glass, Veronia & Robertson, Robert – A motion was made by Walter K. Hughes, Sr., second by William H. Moody to close this file. Motion was approved.

Gehman, Inez B. – Staff is to check, if the judgment has been satisfied. If not \$5,289.50 is to be awarded from the Transaction Recovery Fund, plus attorney's fees. This was in the form of a motion made by Walter K. Hughes, Sr. and second by Ida O. McPherson. Aye's carried the vote.

Gibson, Bernard C. – Board requests two (2) estimates.

Rose, Ruby A. – Board requests two (2) estimates.

Pipiton, Richard – Board requests two (2) estimates.

10. S & D Investments.

Stevens, David & Janice – Tabled, pending actions by Staff.

11. Sav-A-Lot Homes/Redman Homes, Inc.

Hill, Gary & Melissa – Staff is to send a letter to the manufacturer to make the repairs. Case closed.

12. Completed Items.

- a. Doris E. Layne vs. LUV Homes, Ashland.
- b. Carmen & Julie Diaz vs. Kelly's Homes, Inc.
- c. Monique O'Connor & Rudy Schmid vs. Leader Homes.
- d. Michael S. Dale vs. Bluefield Housing Center.

G. New Business.

No new cases added.

H. Next meeting date and location.

The next meeting date is Thursday, November 21, 2002 at the Department of Housing and Community Development, The Jackson Center, 501 N. 2nd Street, **2nd Floor Conference Room**, Richmond, Virginia.

I. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 3:15 p.m.