

Virginia Manufactured Housing Board  
Minutes  
October 20, 2005

Board Members Present: William B. Toombs, Chairman  
Eric C. Anderson  
Samantha Hedgspeth  
Ava Lewis  
Michael C. Nickell  
James W. Roncaglione

Board Members Absent : William H. Moody, Vice Chairman  
Danny Moon  
E. Thomas Satterwhite – Resigned

Public Representatives : William Diamond, Assistant Attorney General  
Ron Dunlap, President, VAMMHA  
George C. Shoffstall, IV, Sales Applicant

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

Chairman Toombs called the Virginia Manufactured Housing Board Meeting to order at 10:10 a.m. Curtis L. McIver, Secretary to the Board did the Roll Call and a Quorum was present.

B. Approval of the Minutes.

A motion was made by James W. Roncaglione and seconded Eric C. Anderson to accept the Minutes from the June 16, 2005 and August 3, 2005 Board meetings. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

Ron Dunlap informed the Board of E. Thomas Satterwhite's resignation. He also informed the Board that he had meet with Board Member Danny Moon concerning the position that Mr. Moon holds on the Board. According to Mr. Dunlap, Mr. Moon's desire was to remain an active member on the Board; however, due to his job responsibilities, he will not be able to fulfill his obligations to the Board and will submit a letter of resignation.

D. Committee Reports.

None.

E. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$4,418.67. The cash balance in the Transaction Recovery Fund Account is \$883,098.33.

Currently licensed are 8 active brokers, 259 active dealers, 48 active manufacturers and 784 active salespersons.

## 2. Amendments to the Regulations.

Staff with the Department of Planning and Budget has approved the amendments to the Regulations and sent them to the Office of the Secretary of Commerce and Trade with a recommendation for approval.

## 3. Status of manufacturer representatives on Board.

Ron Dunlap has submitted names for consideration in replacing Mr. Satterwhite on the Board.

## 4. Communications.

The article of communication printed in the newsletter to all members of the VAMMHA addresses some aspects of the Fair Housing Law in Virginia and provides contact information for the Fair Housing Office and services available from that office.

The second article of communication is a thank you letter to the VAMMHA on behalf of the Virginia Manufactured Housing Board inviting its participation in their annual convention in Virginia Beach in August.

The third article of communication addresses the telephonic meeting procedures and the open access requirements that must be followed for such a meeting.

## F. Unfinished Business.

1. Elizabeth Conn vs. Colonial Homes – The Virginia Manufactured Housing Board issued Final Order #2005-1. CDM has appealed the Board's Final Order to the Halifax Court.
2. Eddie Linville vs. Jerry Stoneman, Southern Showcase Housing – The Hearing Officer for this case requested a 30-day extension to prepare his comments.

After some discussion by Board Members, a motion was made by James W. Roncaglione and second by Ava Lewis to grant the Hearing Officer a 30-day extension for preparation of his comments. This motion carried by a unanimous vote.

## 3. Pending Items – In Circuit Court.

- a. Catherine Portman vs. Colonial Homes – Case is pending. No action taken by the Board. The Board and Counsel for Colonial Homes want to resolve the Christine White case first.
- b. Christine White vs. Colonial Homes – the Court heard this in August. The Board won the case; however, CDM has appealed the Court's decision.

CDM offered a settlement to the Board on this case. Attorney Diamond suggested to the Board a partial acceptance. It was suggested that a 3-year suspension of civil penalties provided CDM have no violations of the Regulations. Further conditions would state if complaints were filed, the 3-year suspension would remain in effect until all penalties/complaints are resolved in favor of CDM. If complainants or the Virginia Manufactured Housing Board are found in favor of, penalties will be required to be paid by CDM.

The Board agreed to enter into a settlement with CDM with the stipulation that upon the execution of the settlement, the checks are to accompany the executed agreement. It was further stated that the checks for payments for the Conn and Portman cases are to be forwarded to William Diamond at the Attorney General's Office.

This was a motion made by James W. Roncaglione and second by Michael Nickell. The motion also authorized the Board Chairman to sign the settlement agreement for the Board. This motion carried by a unanimous vote.

- c. License Application from John C. Witcher, Jr. – A Gem Homes – Pending.
- d. John and Geraldine Brain vs. Manufactured Housing Board – Pending.

#### 4. Completed Agenda Items

- a. Ronald Morehart vs. Blairs Housing and Liberty Homes. – This case was dismissed by the Courts.

#### G. New Business.

1. John and Connie Stollar vs. HBOS, Inc. (Oakwood Homes) – A motion was made by Eric C. Anderson and second by Michael Nickel to offer Mr. Stollar the opportunity to appear before the Board at its next meeting. This item was tabled and will be continued at the Board's next meeting.
2. License application by George C. Shoffstall, IV – Preferred Brokers. – Approved.
3. License application by Jeanne Lee Costello – Quality Mobile Home Sales, Inc. – Approved.
4. Stephanie Ford vs. Bennies' Homes.

After extensive discussion, this case was denied because the warranted product was accepted in April 2003, the warranty expired April 2004. The reported loss was not done during the first year. The loss occurred in June 2004 and reported in August 2004. It was further stated that the dealer is not found in violation. This was in the form of a motion by James W. Roncaglione and second by Michael C. Nickell. This motion carried by a unanimous vote.

#### H. Next Meeting Date and Location.

The next meeting date of the Virginia Manufactured Housing Board is scheduled for Thursday, January 19, 2006. The meeting is scheduled to be held at the Department of Housing and Community Development, The Jackson Center, 501 North Second Street, 1<sup>st</sup> Floor Board Room, Richmond, VA 23219; Telephone Number (804) 371-7160.

#### I. Adjournment.

The Virginia Manufactured Housing Board meeting adjourned at 1:30 p.m., by a motion made by James W. Roncaglione and second by Ava Lewis. The motion carried by a unanimous vote.