

DRAFT MINUTES

**VIRGINIA MANUFACTURED HOUSING BOARD
MEETING**

**VHC Conference Center
4224 Cox Road
Henrico Room #2
Glen Allen, VA 23060
February 16, 2012**

10:00 A.M.

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

Board Members Absent : Michael C. Nickell
William H. Moody
Gina M. Burgin

Public Representation	:	Tyler Craddock	<u>Staff</u>
		Linda B. Guill	Steven Jack, OAG
		Charles Tisdale	Emory Rodgers
		Matthew C. Foster	Larry Brock
			Debra Winston-Bowles
			Eric Leatherby
			Valrae Negley

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

The Virginia Manufactured Housing Board meeting was held in Richmond, Virginia, Thursday, February 16, 2012. Chairman Roncaglione 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. Approval of the Minutes.

Ben Flores made a motion to add Agenda Item G-2 Salesperson Renewal License of Matthew Charles Foster to the agenda. Walter K. Hughes, Sr. seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

A motion was made by Jim Carver and seconded by Ben Flores to accept the Minutes from the Board's meeting of November 17, 2011. The Minutes were accepted as written by a unanimous vote.

C. Public Comment.

None.

D. Committee Reports.

1. Report of Telephone Conference Call of the Education Program Committee concerning interim activities related to development, production and marketing of PSA's as requested by the Virginia Manufactured Housing Board.

A report was presented to the Board concerning the developments and revisions of the PSA's for new manufactured homes. Staff and the Media Relations Director are working with VDOT representatives to develop the PSA's at no or minimal cost. A progress report from the Education Program Committee will be provided at the next Board meeting.

2. Report of the Secretary/Associate Director/Director Reports.

At the last meeting, a proposed amendment of changes to the By-Laws in regard to the minutes was submitted to the Attorney General's Office for review.

After much discussion, Walter K. Hughes, Sr. made a motion that no change be made to the By-Laws. Earl T. (Tom) Satterwhite seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

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

Secretary Report: A report was presented to the board that Russell G. Fournier, Virginia Mobile Homes, Inc. was incarcerated on an unrelated matter.

Deputy Directory Report: Terms of some of the Board members expires March 31, 2012 and some resignations will take place. All paperwork and appointments must be submitted to the Office of the Secretary in a timely manner in order to be assigned as a member of the Virginia Manufactured Housing Board.

For the vacant position for the State Building Code Administrator in the Division of Building & Fire Regulations, it was reported that recruitment was underway and the person filing the position will likely be on board by the next schedule Board meeting.

Improvements of the minutes, meetings, and by-laws will be reviewed by staff for future meetings.

F. Old Business.

Eric Anderson made a motion to move Agenda Item G. to be head Agenda Item F. Ben Flores seconded the motion.

Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

1. Lisa Raqusa v. Virginia Mobile Homes, Inc. – Case Number 2011-19(T).

The Regulant failed to respond to the Board’s Final Order Number 2011-19(T). The case was brought before the Board to have the payment of the sales tax ordered to be paid to the complainant from the Virginia Manufactured Housing Transaction Recovery Fund in the amount of \$1,225.

Eric Anderson made a motion to order the payment to Lisa Ragusa in the amount of \$1,225 be paid from the Manufactured Housing Transaction Recovery Fund. Walter K. Hughes, Sr. seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

2. The Appeal was filed to Circuit Court by Creative Homes, dba Enterprises–Case Number 2011-10(D) Richard and Margaret Bien.

The Summons of Appeal was received in the office on January 20, 2012, and procedures are being followed to respond to the petition that has been appealed to the Circuit Court, City of Richmond.

G. New Business.

1. Ernestine Alexander v. American Dream Homes, LLC – Case Number 2011-25 (D).

Charles Tisdale arrived at the Board meeting to speak on behalf of Ernestine Alexander. After much discussion, it was stated by the OAG’s office that if a person is not present at the Informal Fact-Finding Conference, that person does not have the right to appear before the Board on behalf of a claimant and otherwise must be an attorney to do so.

Eric Anderson made a motion to propone Agenda Item G-1 until the next meeting so that Ms. Alexander and Mr. Tisdale would have the opportunity to provide the proper paperwork and to provide a proper power of attorney. Jim Carver seconded the motion. After some discussion on the motion Eric Anderson withdrew the motion and Jim Carver withdrew the second to the motion.

Eric Anderson made a motion to postpone the vote in order for Mr. Tisdale to have Ms. Alexander fax or email information and move on the Agenda Item G-2. Eric Anderson withdrew the motion

Linda B. Guill: Presented a statement.

Walter K. Hughes, Sr. made a motion to dismiss the case and the Regulant not be found in violation and Ben Flores seconded the motion. After some discussion Walter K. Hughes, Sr. withdrew the motion and Ben Flores withdrew the second motion.

Eric Anderson made a motion to remand the case back to an Informal Fact-Finding Conference for additional information to state actual damages occurred, dates, how much work was done, receipts and a copy of the new contract with the new customer. Ben Flores seconded the motion. After some discussion and Linda B. Guill agreeing to the case being brought back before the full Board for a Formal Hearing Eric Anderson withdrew his motion and Ben Flores withdrew the second motion.

Earl T. (Tom) Satterwhite made a motion to have Case No. 2011-25(D) be recommended back as a Formal Hearing in front of the full Board and Eric Anderson seconded the motion. During the discussion of the motion Board members made it clear that during the time prior to the Formal Hearing, the regulants and the claimant are able to use the time to resolve the issue among themselves. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

2. Salesperson Renewal License of Matthew Charles Foster.

After some discussion, Eric Anderson made a motion to grant to renew the license of Matthew Charles Foster. Ben Flores seconded the motion. Chairman Roncaglione called the question and the motion was carried by a unanimous vote.

3. Continuation of Item E- Associate Director Report

- Regulatory Cycle for 2012.

The current Regulations for the Manufactured Housing Transaction Recovery Fund have not been approved for the last cycle.

The 2012 Cycle will be presented to the Board in the July or September for the proposal of the regulations of the Notice of Intended Regulatory Actions (NOIRA).

The Manufactured Housing Licensing Transaction Recovery Regulations will be reviewed by staff and the Board to add new languages concerning the rights of refusal, delivery, and training on contractual term regarding developing a guidance document for dealers and manufacturers to engage in.

H. Future Meeting Date and Location.

That meeting date and location is scheduled for Thursday, May 17, 2012 at 10:00 a.m., Department of Housing and Community Development, Main Street Center, 600 East Main Street, 12th Floor, South Conference Room, Richmond, Virginia 23219.

I. Adjournment.

Eric Anderson made a motion to adjourn the meeting and Ben Flores seconded the motion.

The Virginia Manufactured Housing Board Meeting adjourned at 12:20.