

Virginia Manufactured Housing Board Minutes  
March 16, 2006

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

Board Members Absent: Samantha Hedgspeth  
James W. Roncaglione

Public Representative : None

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

Chairman Toombs called the Virginia Manufactured Housing Board Meeting to order at 10:00 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 Walter K. Hughes, Sr. and second by John Swecker, Jr. to accept the Minutes from the January 19, 2006 meeting. The Minutes were accepted as written by a unanimous vote.

C. Public Hearing on Amendments to the Regulations.

The Virginia Manufactured Housing Board convened a public hearing on the proposed amendments to the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations. Chairman Toombs and following Board members were in attendance. Those present were Board Member William H. Moody, Vice Chairman, Board Member Eric Anderson, Board Member Walter K. Hughes, Sr., Board Member Ava Lewis, Board Member Michael C. Nickell and Board Member John M. Swecker, Jr.

Chairman Toombs -- In accordance with the requirements of the Administrative Procedures Act of Virginia, the proposed amendments to the regulations were adopted by the Board during its meeting on May 19, 2005 and, after all necessary reviews and approvals, were published in the Virginia Register on January 23, 2006. That notice established a public comment period from January 23, 2006 through March 21, 2006 in the Virginia Regulatory Town Hall. Notice was published in the Commonwealth Calendar that the Board would hold a public hearing on the proposed amendments during today's Board Meeting. The proposed amendments are considered "fast-track" amendments since they address a legislative change to the definition of a "new

manufactured home” and correct several references to a standard that no longer exists. Do any Board members wish to make any comments at this time?

Response from Board members - No, Sir!

If not, the public hearing is now open for comments on the proposed amendments to the regulations as published in the Virginia Register on January 23, 2006.

Does anyone present wish to comment on the proposed amendments?

There were no representatives of the public present and no public comments received.

The public hearing by the Virginia Manufactured Housing Board regarding the proposed amendments to the Virginia Manufactured Housing Licensing and Transaction Recovery Fund is now closed. As per the notice published in the Virginia Register on January 23, 2006, the public comment period will remain open through March 21, 2006.

According to the APA and the Virginia Registrar, if no significant adverse comments or objections are received during the public comment period, the proposed amendments may become effective fifteen (15) days after the close of the public comment period.

Chairman Toombs – Has the Department or staff received any comments regarding the proposed amendments?

Response: No, we have not received any comments regarding the proposed amendments.

Chairman Toombs – As noted in my opening statement, these amendments were adopted by this Board during our meeting of May 19, 2005. Since all proper notices and forms have already been published in the Virginia Regulatory Town Hall and the Commonwealth Calendar, no further notices need to be published after the comment period unless significant objections are raised. If no significant objections are raised, the amendments will become effective on April 5, 2006, 15 days after the close of the public comment period. Staff will then take care of printing and distribution of the amended regulations.

D. Public Comment.

None.

E. Committee Reports.

None.

F. Report of the Secretary.

1. Licenses and Recovery Fund Reports.

The cash balance in the Licensing Account is \$7,745.33. The cash balance in the Transaction Recovery Fund account is \$909,958.71.

Currently license are 6 active brokers, 256 active dealers, 44 active manufacturers and 741 salespersons.

## 2. Amendments to Regulations.

It was noted by the Secretary that the amended regulations will have a new numbering system.

## 3. Communications.

The Virginia Manufactured Housing Board is once again at full membership with the appointment of John M. Swecker, Jr.

House Bill 1006, raised the issued of requiring DMV to report to the local government whenever the title to any “modular home, mobile home, or any other vehicle titled as a trailer is surrendered because it has been placed on a foundation and has ceased to be a vehicle required to be titled.”

The other matter of concern is issuing titles on modular homes. This could be a concern for retailers and finance companies. DMV only issued titles for manufactured homes and manufactured homes are not modular homes under the law.

## G. Unfinished Business.

### 1. Eddie Linville vs. Jerry Stoneman, Southern Showcase Housing.

Mr. Stoneman has 33 (three days for certified mail delivery) days to file a notice of appeal. If a notice of appeal is not filed, the Final Order will become effective. If Mr. Stoneman does not pay according the Final Order, payment will be processed from the Transaction Recovery Fund.

### 2. John and Connie Stollar vs. HBOS, Inc. (Oakwood Homes).

Due to extenuating circumstances, Mrs. Stollar has said she does not have the time or the energy to pursue this matter further. Mr. and Mrs. Stollar are ill. Even so, this will remain in courts marked ‘active’ for two years. After two years, the case will be removed because of inactivity. Staff will notify Mrs. and Mrs. Stollar that their complaint has been closed by the Virginia Manufactured Housing Board.

### 3. Pending Items – In Circuit Court.

- a. License application from John C. Witcher, Jr. – A Gem Homes. – No action taken.
- b. John and Geraldine Brain vs. Manufactured Housing Board – No action taken.

After a brief discussion, Board Members requested that these items be removed from any future agenda unless some further action is taken.

H. New Business.

1. Vivian Wynne vs. Chesapeake Mobile Home Sales & Liberty Homes, Inc.

After much discussion, a motion was made by Walter K. Hughes, Sr. and seconded by William H. Moody to send this complaint to the Board of Contractors for resolution. Staff is to notify the complainant of the Board's decision based on the Regulations. This motion carried by a unanimous vote.

I. Next Meeting date and location.

The next meeting date and location of the Virginia Manufactured Housing Board has been tentatively set for Thursday, May 18, 2006, at the Department of Housing and Community Development, The Jackson Center, 501 N. 2<sup>nd</sup> Street, First Floor Board Richmond, Virginia, 23219; Telephone Number (8084) 371-7160.

J. Adjournment.

The Virginia Manufactured Housing Board Meeting adjourned at 2:00 p.m. by a motion made by Eric C. Anderson and second by John Swecker, Jr. The motion carried by a unanimous vote.